



Cambridge City Council Licensing Committee

Date: Monday, 20 January 2025

Time: 10.30 am

Venue: Council Chamber, The Guildhall, Market Square, Cambridge, CB2 3QJ [access the building via Peashill entrance]

Contact: democratic.services@cambridge.gov.uk, tel:01223 457000

Member's Licensing & Enforcement verbal update

9.30 to 10.15 AM - Committee Room One

Agenda

- 1 Apologies
- 2 Declarations of Interest
- 3 Minutes (Pages 3 - 8)
- 4 Public Questions
- 5 Changes to Cambridge City Council Hackney
Carriage and Private Hire Policy (Pages 9 - 114)
- 6 Fees and Charges for 2025-2026 (Pages 115 -
132)
- 7 Garages to Carry out Taxi Testing (Pages 133 -
158)
- 8 Review of Gambling Statement of Principles (Pages 159 -
284)

Licensing Committee Members: McPherson (Chair), Bird (Vice-Chair), Bick, Blackburn-Horgan, Clough, Griffin, Moore, Pounds, Wade and Young

Alternates: Bennett, Davey and Flaubert

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Further information on public speaking will be supplied once registration and the written question / statement has been received.

LICENSING COMMITTEE

16 September 2024

10.34 - 11.38 am

Present: Councillors McPherson (Chair), Bird (Vice-Chair), Blackburn-Horgan, Clough, Griffin, Moore, Pounds, Wade, Young and Flaubert

Officers

Environmental Health Manager: Yvonne O'Donnell

Environmental Health and Licensing Support Team Leader: Luke Catchpole

Legal Adviser: Ian Hawkings

Committee Manager: Sarah Steed

Meeting Producer: James Goddard

FOR THE INFORMATION OF THE COUNCIL

24/14/Lic Apologies

Apologies were received from Councillor Bick, Councillor Flaubert attended as alternate.

24/15/Lic Declarations of Interest

No declarations of interest were made.

24/16/Lic Minutes

The minutes of the meeting held on 24 June 2024 were approved as a correct record and signed by the Chair.

24/17/Lic Public Questions

Question 1

Can the Licensing Department outline the steps it is taking to ensure that Cambridge City's public hire fleet, including wheelchair-accessible vehicles, has access to major global digital taxi booking platforms? Additionally, how is the department addressing the trend of younger drivers (aged 30-40) opting to drive for Cambridge City's public hire fleet instead of choosing private hire opportunities under South Cambridgeshire District Council?

Could the committee members consider the perspective of Cambridge City public hire customers, especially those requiring wheelchair-accessible services? Would they prefer to pay a bit extra to ensure timely taxi availability, or are they content with waiting up to an hour for a taxi? Currently, wheelchair-accessible customers face the same challenges but are unable to access timely services due to the overregulated taxi policy. Is this aligned with our commitment to equality?

The Environmental Health Manager said the following in response:

- i. Reference to public hire fleet in her response meant hackney carriage vehicles.
- ii. Hackney Carriage vehicles:
 - a. Could pick up passengers from taxi ranks or can be hailed in the street.
 - b. Could also accept pre-bookings and did not need an operator.
 - c. Could take bookings through an operator provided certain criteria were met.
- iii. It was a matter for taxi proprietors if they wanted to use any global digital platforms for taxi bookings; this was not the responsibility of the Licensing Authority.
- iv. The age of new drivers was not recorded.
- v. The availability of wheelchair accessible vehicles was a national issue, this needed addressing through changes to legislation.
- vi. It was illegal to charge wheelchair users extra (by virtue of the Equalities Act).

Supplementary Question / Statement

- i. Did not believe that wheelchair users were getting equality of service compared to other users because they were having to wait longer periods of time for a wheelchair accessible taxi for their journey.
- ii. Commented that wheelchair accessible vehicles could not access global digital booking platforms.
- iii. Believed the Licensing Committee were like the Board of the Taxi Fleet and their main obligation was to meet public hire customer's needs. Those needs were to be able to access the taxi fleet when they required a taxi.

The Environmental Health Manager said the following in response to the supplementary question:

- i. The City Council's Taxi Policy did not restrict people from using digital platforms to books taxi's, any restrictions would be imposed by their operators.

The member of the public commented further:

- i. Expressed concern that most of the taxis working in Cambridge were licensed by South Cambridgeshire District Council. Asked if Cambridge City and South Cambridgeshire District Council could enter a partnership arrangement regarding licensing arrangements for taxis. Officers had advised there was nothing that they could do about this, and that national legislation was required to sort this issue out.

The Environmental Health Manager said the following in response to the supplementary question:

- i. Believed what was being asked was for taxi vehicles to be issued a joint licence by Cambridge City and South Cambridgeshire District Council. Advised this wasn't possible as the two councils had different Taxi Licensing Policies which consequently had different livery requirements and vehicle standards etc.
- ii. This issue had been discussed at a previous Licensing Committee. It was felt more appropriate to retain vehicle licensing by the City Council's standards.

Councillor Hossain attended the Committee and made the following statement:

- i. Would speak as a councillor and share their personal experience as a taxi driver.
- ii. 7 years ago, undertook a pre-booked job to assist a wheelchair passenger to travel. Noted that it had taken some time for a driver to accept this particular job. He struggled to assist the passenger into the taxi. He asked the passenger's carer to help because he was struggling but the carer refused and said it was the driver's responsibility to assist passengers into the vehicle. A receptionist from the venue helped him to assist the passenger into the vehicle. The passenger was not happy that they'd had to wait so long for a taxi for their journey.
- iii. Commented that the height of the pavement curb had not helped with the positioning of the ramp which should have assisted with transferring the passenger from the pavement into the taxi.
- iv. Noted that drivers could struggle to assist wheelchair users to access their vehicles, and this could put drivers at risk as well as their passengers.
- v. Referred to the shortage of wheelchair accessible vehicles on taxi fleets and the impact this had on wait times for users.
- vi. Noted that some drivers were surrendering their licence with Cambridge City and obtaining licences with South Cambridgeshire District Council where they could earn more money.

- vii. Noted that the Licensing requirements with Cambridge City Council were more onerous than South Cambridgeshire District Council. For example Cambridge City required vehicles to have an MOT twice a year whereas South Cambridgeshire District Council only required one MOT a year.
- viii. Noted that drivers licensed by other councils were driving in Cambridge. Other Councils did not have as strict licensing standards / requirements as Cambridge City Council. This meant that drivers would apply to other local authorities to obtain a licence but then drive in Cambridge.
- ix. Also noted that due to the improvements in technology the Council may get notification of incidents (for example a driver gets 3 points on their driving licence) before drivers had notification.

The Environmental Health Manager said the following in response:

- i. The Council's Taxi Policies (vehicle testing, knowledge test etc) protected the public's safety.
- ii. Noted that the availability of wheelchair accessible vehicles was a national issue.
- iii. Noted that the City Council licensed 117 wheelchair accessible vehicles whereas South Cambridgeshire District Council only had 1 licensed wheelchair accessible vehicle.

In response to questions from the Committee, the Environmental Health Manager said the following:

- i. Confirmed that the Licensing Team communicated with taxi drivers via email, it was likely that a letter from the team had been attached to an email.
- ii. Believed Councillor Hossain had requested that the City Council worked with the County Council to increase the height of curbs which may help with ramp positioning to assist passengers into vehicles. However noted that changes to curb heights may have unintended impacts on people who had other additional needs, so this issue would need careful consideration.
- iii. Taxi drivers had a responsibility to help passengers enter and leave their vehicles. One of the points to be considered in the next agenda item (Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy) was about whether there needed to be specific training for drivers around helping passengers with additional needs / requirements when entering or leaving their vehicles.
- iv. Drivers had to undertake disability training, but this was not a practical based session. Officers proposed as part of the consultation on the next agenda item to ask whether a more practical training session should be available.

- v. Noted health and safety concerns raised in relation to a taxi driver's ability to assist passengers into and out of vehicles.

Councillor Bird noted that there were wheelchair accessible vehicles which loaded passengers from the rear of the vehicle and which had a powered motor which may assist passengers into and out of taxi vehicles.

Councillor Hossain was invited to respond to comments which had been made:

- i. Noted most wheelchair accessible vehicles were side loading and not rear loading.
- ii. Queried if the knowledge test was required given that facilities like Google showed the best driving route to take and had live traffic updates on it.
- iii. People would apply to other local authorities who did not have as stringent licensing requirements.

The Environmental Health Manager said the following:

- i. Believed the 'shortest distance' within the knowledge was what was being referred to, which was being reviewed by officers.

24/18/Lic Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy

The Committee received a report from the Environmental Health Manager regarding proposed amendments to the Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy following a review of the Department for Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance for licensing authorities in England" (November 2023).

The Environmental Health Manager noted that recommendation 2 proposed that officers went out to consultation on the following paragraphs within the Policy namely: 15.13, 17.1, 17.7ii, 33.5. There was a typographical error in Appendix 2 referring to 18.7ii which should have been to 17.7ii.

In response to Members' questions the Environmental Health Manager said the following:

- i. Noted concerns raised regarding assistance dogs. The Equality Act required taxis to transport assistance dogs, but officers would need to investigate how assistance dogs were defined, and National Guidance would be taken in account. The main objective of the Policy was that it was a requirement for drivers to transport assistance dogs.

- ii. Noted comments made around assistance dogs wearing different colours depending on the additional need of their companion. Officers could consider whether a guide could be produced for drivers setting out the different coloured jackets (tabards) assistance dogs wore.
- iii. Noted concerns raised regarding Licensing Sub Committees being held with only 2 councillors. Advised that officers would try to arrange for 3 councillors to sit on a Sub Committee but in some circumstances, it wasn't possible due to councillor availability.
- iv. Although the Policy stated at paragraph 15.4 that all new hackney carriage vehicles (plate numbers 121 to 441) had to be wheelchair accessible, 50% of these vehicles were able to change their vehicle from a wheelchair accessible vehicle to a zero emission (non-wheelchair accessible) vehicle in order to promote the Council's Air Quality Action Plan. The 50% allowance of zero emission (non-wheelchair accessible) vehicles had now been reached therefore any new hackney carriage vehicle had to be a wheelchair accessible vehicle.
- v. It was noted that there were only 321 hackney carriage vehicle licences but due to administration practices when a vehicle licence was surrendered the next sequential number was used to issue a new licence rather than the number which was surrendered being reissued. This was why the vehicle plate numbers was currently at 441 and not 321.
- vi. Paragraph 6.13 within Appendix 2 was one of the conditions officers proposed to consult the trade / public on, should members approve the officer's recommendation. The Statutory Guidance advised that drivers should undertake a condition check of their vehicle before each shift. How this was undertaken and what would be included in the vehicle check was proposed to be consulted upon.

The Committee:

Resolved (unanimously) to:

- i. Approve the minor changes made to the Policy as per the tracked changes in Appendix 1 of the Officer's report.
- ii. Agree for officers to go out to consult on the proposed changes to the Policy as detailed in Appendix 2 of the Officer's report.

The meeting ended at 11.38 am

CHAIR



Changes to Hackney Carriage and Private Hire Licensing Policy

To:

Licensing Committee – 20th January 2025

Report by:

Yvonne O'Donnell, Environmental Health Manager
 Email: Yvonne.ODonnell@cambridge.gov.uk

Wards affected:

All

1.	Recommendations
1.1	<p>It is recommended that members of the Licensing Committee:</p> <ol style="list-style-type: none"> 1. Approve the changes made to the Policy as per the tracked changes in Appendix A, namely : <ul style="list-style-type: none"> • Introduction of the training of drivers in loading wheelchairs and wheelchair users into Wheelchair Accessible Vehicles. • For drivers to daily safety checks of the licensed vehicle. • Private Hire Vehicles should continue to display operator signs. • Applicants shall hold a full driving license for more than 2 years before applying to be a licensed driver. 2. In regards to training of drivers in loading wheelchairs and wheelchair users into Wheelchair Accessible Vehicles, allow officers to decide how the introduction of this training requirement is implemented.
2.	Purpose and reason for the report
2.1	<p>In November 2023, the Department for Transport issued the “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance for licensing authorities in England”. This guidance led to a review of Cambridge City Council’s Hackney Carriage and Private Hire Licensing Policy being presented to the Licensing Committee in September 2024.</p>

2.2	Members gave permission for 4 potential changes to the Policy to be subject to a public consultation. This report brings those 4 potential changes to the Policy back to the Licensing Committee.
2.3	Following feedback from Members when they have sat on the Licensing Sub-Committee, paragraph 33.7 has been added to the Policy and clarifies the position in regards to licence holders that have had their licenses previously suspended, revoked or refused by Cambridge City Council or other Local Authorities.
3.	Alternative options considered
3.1	Consultations have been carried out on the four potential changes and the results have been analysed and options proposed have been considered before making the recommendations in this report.
4.	Background and key issues
4.1	The "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance for licensing authorities in England", which was issued in November 2023 has been reviewed by officers and whilst looking at the changes suggested, it was decided the Hackney Carriage and Private Hire Licensing Policy should be reviewed.
4.2	After reviewing the guidance and the policy, it was felt that there were 4 changes that could be made to the Policy and that these need to be consulted on.
4.3	The first change relates to 15.13 of the Policy and the training of drivers in loading wheelchairs and wheelchair users into Wheelchair Accessible Vehicles.
4.4	The consultation asked whether training around the use of loading and securing a wheelchair and the user safely, should be made mandatory and if so, what form that would take.
4.5	The consultation received 44 responses, the majority of which (29) stated that the mandatory training should be brought in.
4.6	By introducing the mandatory training, the Licensing Authority and members of the public can have confidence that drivers know how to safely load and transport wheelchair users. Drivers will also have the confidence from being trained.
4.7	The consultation responses were less clear on who the training should be for and how the training should be implemented. It is requested that the Licensing Committee allow

	officers to look into this in further detail and decide who should receive the training and who should provide the training.
4.8	All the responses to the consultation and a summary are attached to this report as Appendix B.
4.9	The second change relates to 17.2 of the Policy and daily checks of the licensed vehicle.
4.10	The consultation asked whether daily checks should be made mandatory, how they would be completed and where the records would be held.
4.11	The consultation received 44 responses. 26 of those responses stated that a daily checklist should not be introduced, leaving 18 believing a daily checklist should be introduced.
4.12	Although the majority of respondents do not believe a daily checklist should be introduced, the guidance states that one should be in place. Making sure that licensed vehicles are safe to be driven is paramount and a daily check undertaken by drivers could positively impact this requirement. Other vehicles used to transport members of the public, such as buses are subject to a daily check by the driver.
4.13	Officers believe that introducing a daily check list will help reinforce the high standards of vehicles licenced by Cambridge City Council due to the vehicle test they need to take every 6 months.
4.14	A daily checklist will also improve the confidence of the public that the vehicle they are travelling in is safe and clean.
4.15	Concerns regarding the use of paper can be addressed by the checklist being completed electronically and saved on a device or to a “cloud” based system.
4.16	The checklist proposed in the guidance is attached to this report as Appendix C. An amended checklist that would be used by drivers, is attached to this report as Appendix D.
4.17	All the responses to the consultation and a summary are attached to this report as Appendix E.
4.18	The third change relates to 18.7 ii) of the Policy and whether Private Hire Vehicles should display operator signs.
4.19	The consultation asked whether the requirement to display operator signs should be removed and any potential impacts this could have on public safety.
4.20	The consultation received 45 responses. 42 of these responses stated that the condition to display the Private Hire Operator sign on the doors of Private Hire Vehicles should not

	be removed.
4.21	The guidance states: "Licensing authorities' private hire vehicle signage requirements should be limited to the authority licence plate or disc and a "pre-booked only" door sign."
4.22	The guidance is primarily intended to assist licensing authorities, but it is only guidance and does not intend to give a definitive statement of the law; any decisions made by an authority remain a matter for that authority.
4.23	Although the Local Authority has given consideration to the guidance, with the overwhelming response to the consultation, it is proposed that the condition in the Policy remains and that Private Hire Vehicles shall have to display a door sign showing the Private Hire Operator that they are working for at that time. This decision has been taken in the interests of public safety.
4.24	All the responses to the consultation and a summary are attached to this report as Appendix F.
4.25	The fourth change relates to 33.5 of the Policy and the length of time someone has held their DVLA licence before they can apply to become a taxi driver.
4.26	The consultation asked whether this should be extended from 12 months to 24 months. This change is from an internal review and not mentioned in the guidance.
4.27	The consultation received 44 responses. 22 of the responses stated that the time should be extended to 2 years, whilst 22 responses stated it should remain at 12 months.
4.28	By extending the requirement to have held a driving licence for at least 2 years before becoming a licensed driver, it would see drivers with more experience of driving a vehicle.
4.29	By extending to 2 years, this will also cover the probationary period that all new drivers are subject to, where if 6 points are received in that time, the individual loses their DVLA driving licence.
4.30	The change would not impact any driver already licenced or any applicant that has submitted an application before the change takes effect.
4.31	All the responses to the consultation and a summary are attached to this report as Appendix G.
5.	Consultation, engagement and communication
5.1	A public consultation was carried out from 4 th November 2024 to 1 st December 2024.
6.	Anticipated outcomes, benefits or impact

6.1	The proposed changes will bring the Council's Hackney Carriage and Private Hire Licensing Policy in line with the latest issued guidance, where deemed appropriate and will also will be in the interests of public safety.
7.	Implications
7.1	Relevant risks There are no relevant risks to the changes of the policy
	Financial Implications
7.2	None.
	Legal Implications
7.3	The guidance issued is not legally binding, the guidance is primarily intended to assist licensing authorities, but it is only guidance and does not intend to give a definitive statement of law; any decisions made by an authority remain a matter for that authority.
	Equalities and socio-economic Implications
7.4	Attached as Appendix H is an EqIA for the current policy with four proposed changes.
	Net Zero Carbon, Climate Change and Environmental implications
7.5	None
	Procurement Implications

7.6	None
	Community Safety Implications
7.7	None of the changes would have any negative impact on community safety. The changes to the Policy should boost community safety.
8.	Background documents Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985
8.1	Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy Taxi and Private Hire Vehicle Licensing: Best Practice Guidance for licensing authorities in England
9.	Appendices
9.1	Appendix A – Tracked changes to the Policy Appendix B – responses from consultation on wheelchair training Appendix C – checklist provided by guidance. Appendix D – proposed checklist Appendix E – responses from consultation on daily checklist Appendix F – responses from consultation on operator signs being displayed Appendix G – responses from consultation on extending time held DVLA licence Appendix H - EqIA
	To inspect the background papers or if you have a query on the report please contact Luke Catchpole, Environmental Health and Licensing Support Team Leader, luke.catchpole@cambridge.gov.uk

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Cambridge City Council

Hackney Carriage and Private Hire Licensing Policy

16th September 2024

Version: 18
Date Last Updated: 16th September 2024
By: Luke Catchpole

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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PART 1

INTRODUCTION

1.0 SUMMARY

- 1.1 This document sets out Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy on the licensing of Hackney Carriage and Private Hire Drivers and Vehicles together with all Private Hire Operators. This document also sets out the legislative framework administered by the Licensing Authority in respect of such licences, however this Policy is not a comprehensive statement of the law.
- 1.2 This Hackney Carriage and Private Hire Vehicle Licensing Policy must reflect the clear vision of the Council to lead a united city, 'One Cambridge – Fair For All', in which economic dynamism and prosperity are combined with social justice and equality. It is a vision that the Council will share and develop, working with its citizens and partner organisations.
- 1.3 Hackney Carriage and Private Hire Vehicles play a vital and integral part in an integrated public transport system and the importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Cambridge's local economy is recognized; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy.
- 1.4 This Hackney Carriage and Private Hire Licensing policy is intended to put the Council's licensing requirements into context for all parties in a clear and transparent manner.

2.0 AIMS AND OBJECTIVES

- 2.1 In setting out this policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:
- i) The safety and protection of the public;
 - ii) Vehicle safety, comfort and access;
 - iii) The prevention of crime and disorder;
 - iv) The promotion of environmental sustainability
 - v) Protection of children and adults at risk from harm
- 2.2 The aim of the Policy is primarily to protect the public as well as to ensure that the public have reasonable access to services. The Licensing Authority shall seek to

use its licensing powers to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.

2.3 As a guide, in the promotion of the above objectives, the Licensing Authority will consider the following matters:

Safety and protection of the public:

- Consideration of history of convictions and cautions
- Driver conduct and performance
- Knowledge of Cambridge City
- Health and fitness to fulfil the role of a licensed driver
- Vehicle specifications

Vehicle safety, comfort and access:

- Standards of vehicle comfort and appearance
- Location and use of ranks
- Accessibility of facilities
- Number of vehicles available
- Livery

The prevention of crime and disorder:

- Commitment to work with the Police and other relevant agencies
- Planned and unplanned enforcement program to ensure compliance
- Operating rules, conditions, byelaws and fit and proper processes
- Support with local businesses for the dispersal of customers from licensed premises

The promotion of environmental sustainability:

- To encourage the uptake of zero and ultra-low emission vehicles
- To only permit licenses for vehicles that comply with the particular age requirements set out in this policy
- To work with stakeholders and the trade to support the Air Quality Action Plan

The protection of children and adults at risk from harm:

- Safeguarding requirements as set down in this policy
- Co-operation with other agencies to protect children and adults at risk
- Training to cover awareness of Safeguarding
- A robust reporting mechanism for Safeguarding issues
- Determination of fit and proper persons

2.4 The Policy recognises that the licensing function is only one means of securing the delivery of the above objectives. The Licensing Authority will therefore continue to work in partnership with the trade, its neighbouring authorities, the Police, other enforcement agencies, local businesses and local people towards the promotion of the licensing objectives.

2.5 Each application or enforcement measure shall be considered on its own merits, using the policy as a main guideline. Where, and if, it is necessary for the Licensing Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

2.6 This Policy refers to guidance that is available to applicants, drivers and operators to assist them with processes. This guidance is known as the Hackney Carriage and Private Hire Licensing Handbook.

3.0 POWERS AND DUTIES

3.1 This statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended) which place duties on the Council to carry out its licensing function.

3.2 This document sets out the policy that the Licensing Authority will apply when making decisions about new applications and licences currently in force.

3.3 In undertaking its licensing function, the Licensing Authority will also have regard to other relevant legislation including:

- ii) Transport Act 1985 and other associated Road Traffic Acts

- iii) Road Vehicles (Constructions and Use) Regulations 1986.
- iv) Crime and Disorder Act 1998
- v) Environmental Protection Act 1990
- vi) Equality Act 2010
- vii) Health Act 2006 and Smoke-free Regulations 2006/7
- viii) Legislative and Regulatory Reform Act 2006
- ix) Road Safety Act 2006
- x) Human Rights Act 1998

4.0 BEST PRACTICE GUIDANCE

4.1 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. In formulating this policy, advice contained in the “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance for licensing authorities in England (November 2023)” has been taken into account in order to develop this policy.

There is recognition within the Guidance that licensing requirements which are unduly stringent and demonstrate a too restrictive approach may be detrimental to the public interest and could have adverse safety implications.

4.2 Local circumstances and requirements have been taken into account in this policy and the DfT itself recognizes that individual Councils are “*still responsible for deciding their own policies and making decisions on individual licensing matters applying the relevant law and any other relevant considerations*”.

5.0 STATUS

5.1 In exercising its discretion in carrying out its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above.

5.2 Notwithstanding the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

- 5.3 Nothing in this policy will prevent an applicant or licence holder from requesting that the Licensing Authority considers the individual merits of their case and give reasonable consideration to departing from its policy. Such request may be made to, or before, the Licensing Sub-Committee or Council Officers as deemed appropriate in the circumstances of the case.
- 5.4 This policy will provide the Licensing Authority and Council Officers who are required to administer the licensing function with appropriate guidelines within which to act.
- 5.5 Where applications do not meet the requirements of the policy the Environmental Health Manager has the delegated authority to refuse to grant a licence, refuse to renew a licence or to revoke or suspend an existing licence.
- 5.6 The policy shall be kept under review and revised as appropriate and, in any event, not less than five years from the date of its last adoption.
- 5.7 The policy does not override the legal requirements embodied in any legislation in force at the time of adoption or as may be enacted after the adoption of this policy.

6.0 THE LICENSING REGIME

- 6.1 Some activities are considered to be of such risk to the safety of members of the public that the law requires an approval to be in place, in the form of a licence, to regulate that activity. This is the case with the Hackney Carriage and Private Hire trade who make themselves available for hire to transport members of the public to their chosen destination in return for reward.
- 6.2 The legislation creates three types of licence:
- i) Vehicles (Hackney Carriage & Private Hire)
 - ii) Drivers (Hackney Carriage, Private Hire & Dual Licences)
 - iii) Operators (Private Hire only)
- 6.3 A journey not carried out in accordance with the correct licences is not only illegal; it is likely to invalidate the insurance held by the driver, vehicle proprietor and operator and could have serious consequences should an accident occur.

7.0 IMPLEMENTATION

- 7.1 This policy shall take effect from 16th September 2024 and will override and supersede all existing Council policy and guidance in relation to Hackney Carriage and Private Hire Licensing. The Authority expects all licence holders to comply with its terms immediately, but it is acknowledged that certain provisions may place financial obligations on existing licence holders and accordingly the Authority is prepared to permit a transitional period, during which time necessary changes must be made.
- 7.2 The policy will remain effective for a maximum period of 5 years but the Authority will keep the policy under review and will consult where appropriate on proposed revisions, to reflect changes in case law and legislation. The Licensing Committee may make any amendments to the policy.
- 7.3 References are made in this policy to the “Hackney Carriage & Private Hire Handbook”. This is an operational guide that outlines the processes associated with the administration and enforcement of the Licences and is subject to amendment by the Environmental Health Manager.

8.0 PRINCIPLES, PROCESS, DELEGATION AND DECISIONS

- 8.1 The Licensing Authority aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders, including the provision of advice and guidance. The Licensing Authority will be mindful of the needs of the applicant and licence holder but this will be balanced against the over-riding duty that the Licensing Authority has to protect the safety and welfare of the public.
- 8.2 The Council has delegated its Licensing function to the Council’s Licensing Committee and further delegated authority to the Licensing Sub-Committee and to Officers of the Council who will determine applications and licensing decisions in accordance with this Policy. Whilst officers and the relevant committees/ panel will, in the majority of cases, follow the Policy, there may be specific circumstances that require a departure from the Policy. In such circumstances, the reasons for

departing from the Policy will be made clear.

- 8.3 The Licensing Sub-Committee is made up of a selection of Members from the Licensing Committee. Three Members will sit on hearings to deal with new applications, renewals and reviews of licences that are referred directly by officers. On occasions when three members are not available, hearings can be heard with two members sitting. Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to Hackney Carriage and Private Hire legislation, this Policy and any other relevant legislation, legal case law and other relevant Council policies.
- 8.4 The Licensing Authority has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. Any decision by the licensing authority to refuse to grant or revoke a licence to an individual thought to present a risk of harm to a child or vulnerable adult will be referred to the Disclosure and Barring Service (DBS).
- 8.5 Any decision to refuse to grant, refuse to renew or suspend an application or any decision relating to this Policy will be determined by Officers through the scheme of delegation. The applicant will have a right of appeal to the Magistrates Court.
- 8.6 Some decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub-Committee having regard to Hackney Carriage and Private Hire legislation, this Policy and any other relevant legislation, legal case law and other relevant Council policies. The right of appeal will be to the Magistrate Court.
- 8.7 In certain circumstances where there are breaches of the Enforcement Management System may be determined by the Environmental Health Manager having regard to Hackney Carriage and Private Hire legislation, this Policy and any other relevant legislation, legal case law and other relevant Council policies. The right of appeal will be to the Magistrate Court.
- 8.8 Following the determination of an application by the Licensing Authority, the applicant will receive a copy of the decision in writing. The written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

8.9 Parties aggrieved by a decision of the Licensing Authority have a right of appeal. This must be lodged with the relevant Court in accordance with the relevant statutory provisions.

9.0 FEES

9.1 There is a statutory power for the Licensing Authority to charge fees associated with the Hackney and Private Hire licensing regime. The fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing Hackney Carriage stands and administering the regulation of and enforcement work in relation to the Hackney Carriages and Private Hire trades.

9.2 The appropriate fee should accompany any application or renewal made.

9.3 Licences surrendered prior to their expiry, or licenses that are suspended or revoked shall not be eligible for a refund.

10.0 LICENSING PROFILE

10.1 A Hackney Carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public.

10.2 Private Hire Vehicles must have no more than 8 passenger seats and must be booked in advance by customers through an operator and may not ply for hire in the street.

10.3 Vehicles that are required by an applicant to carry more than 8 passengers for hire and reward fall outside the legislation governing Hackney Carriages and Private Hire vehicles and require a public service vehicle licence. The Licensing Authority has no involvement in the licensing of these vehicles.

PART 2

VEHICLES

11.0 LIMITATION OF VEHICLE NUMBERS

- 11.1 The current legal provision on quantity restrictions for Hackney Carriages is set out in section 16 of the Transport Act 1985. This provides that the grant of a Hackney Carriage Licence may be refused, for the purpose of licensed Hackney Carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet”.
- 11.2 In 2014 the Licensing Authority undertook a demand survey which concluded that there was no significant demand for Hackney Carriages that was unmet. Therefore, it applied a limit of Hackney Carriage Vehicles as of 26th January 2015 for a period of three years.
- 11.3 The latest demand survey was undertaken in 2022, the results of which concluded that there continued to be no significant demand for Hackney Carriages that is unmet. On 30th January 2023, Members resolved to keep a limit on Hackney Carriage Vehicles for a further period of three years. The current limit is set at 321.
- 11.4 Any limit imposed by the Licensing Authority will be subject to the requirements of Part 12 of the Equality Act 2010 and any associated Regulations such that the proportion of the taxi fleet that is accessible to a disabled person complies with any requirement that may be set by Regulations.
- 11.5 There are no powers for licensing authorities to limit the number of Private Hire Vehicles.

12.0 DEFINITIONS, SPECIFICATIONS AND CONDITIONS

- 12.1 The main difference between Hackney Carriages and Private Hire vehicles is that Hackney Carriages can be hailed in a public street or hired from a taxi rank.
- 12.2 Private Hire vehicles must be pre-booked in advance through a licensed Private Hire Operator and are not permitted to wait on a rank or be booked directly from a public street.

- 12.3 Should a Private Hire vehicle driver accept a fare which has not been pre-booked through an Operator, he is committing an offence and, if caught, will be subject to relevant enforcement action by the Licensing Authority.
- 12.4 Anyone being conveyed in a Private Hire vehicle which has not been pre-booked may not be covered by the drivers insurance. Proprietors are required to ensure that they fully understand their individual insurance policy.
- 12.5 Once a vehicle is licensed as a Hackney Carriage or Private Hire vehicle, every driver of that vehicle, whether it be used for business or pleasure, must possess the appropriate City Council driver licence.
- 12.6 Local Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as Hackney Carriage or Private Hire Vehicles.
- 12.7 Cambridge City Council will not grant a Hackney Carriage or Private Hire Vehicle Licence for any vehicle that is already licensed by another authority. Obtaining a vehicle licence from another authority will invalidate any vehicle licence granted by Cambridge City Council.
- 12.8 Government guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Licensing Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice that can be shown to meet basic criteria. In that way, emerging designs for vehicles can be taken into account.
- 12.9 Licensing Authorities are asked to be particularly cautious about specifying only purpose-built Hackney Carriages, with the strict constraint on supply that implies. There are at present only a small number of designs of purpose-built Hackney Carriages. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.
- 12.10 The Licensing Authority will only license a vehicle as a Hackney Carriage or a Private Hire Vehicle if it complies with European Whole Vehicle (M1) type approval, M1 Low Volume Type Approval or UK National Small Series Type Approval and Individual Vehicle Approval (IVA). These approvals related to wheelchair accessible

vehicles/ converted vehicles and not saloon vehicles.

- 12.11 A vehicle will only be licensed as a Private Hire vehicle if it is not of an appearance that is considered likely to lead the public to think it is a licensed Hackney Carriage vehicle.
- 12.12 The Licensing Authority is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. Hackney Carriages and Private Hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous.
- 12.13 This will also apply to Private Hire vehicles unless they are treated as a “special vehicle”.
- 12.14 The ‘Hackney Carriage and Private Hire Handbook’ sets out the specification and minimum standards in respect of Hackney Carriages and minimum standards for Private Hire Vehicles. All vehicles presented to the Licensing Authority for licensing and all vehicles whilst licensed must comply with the Authority’s current Hackney Carriage and Private Hire policy, handbook and vehicle testing standards specification.
- 12.15 The Licensing Authority reserves the right to carry out or require any form of test, examination or assessment as it sees fit to determine the suitability of a vehicle for licensing or to remain a licensed vehicle.

13.0 FARES

- 13.1 Hackney Carriage drivers may only charge their passengers such fare as is set by the Licensing Authority and published by it in its table of fares. The charges levied by Private Hire operators and drivers are not subject to the Authority’s control and form a private contract between the hirer and the operator.
- 13.2 The Licensing Authority is able to review the Hackney Carriage Table of Fares (“the tariff”) annually.

- 13.3 A table of authorised fares shall be provided to each Hackney Carriage Licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 13.4 The Licensing Authority is unable to set fares for Private Hire Vehicles.
- 13.5 All Hackney Carriage and Private Hire Vehicles must carry a device that is capable of accepting payment for a journey from credit/debit cards.

14.0 METERS

- 14.1 The meter will be calendar controlled to the current tariff as set by the Licensing Authority.
- 14.2 The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is compliant. The certificate issued must be available for inspection on the vehicle. Seals must be intact at any time that the vehicle carries a Licence plate except when at an approved installers premises.
- 14.3 Meters are required to meet the Public Carriage Office Specification.

15.0 ACCESSIBILITY AND EQUALITY

- 15.1 Cambridge City Council has a specific Hackney Carriage and Private Hire Disability Access Statement which can be found in the Hackney Carriage and Private Hire Handbook.
- 15.2 All new drivers must attend Accessibility & Equality Training as part of the application process.
- 15.3 The Licensing Authority takes all complaints of discrimination seriously and will have due regard to its duty to eliminate discrimination, along with the provisions of the Equality Act 2010, when considering the fitness of an individual to hold a Hackney Carriage or Private Hire licence (driver, vehicle or operator).
- 15.4 All new Hackney Carriages (plate 122 to 441) must be wheelchair accessible vehicles.

The Authority will apply any specification for such vehicles as may be provided by Regulations under the Equality Act 2010 and these will be detailed in the “Hackney Carriage and Private Hire Handbook”. There is not the same requirement for private hire vehicles to be wheelchair accessible.

- 15.5 All new licensed Hackney Carriages must be either side or rear loading. The Licensing Authority will not licence wheelchair accessible vehicles that load from the driver’s side (off-side).
- 15.6 Hackney Carriage licence plates numbered 1 to 121 retain protected “grandfather rights” to use non-wheelchair accessible vehicles.
- 15.7 The Equality Act 2010 places certain duties on licensed drivers to provide assistance to any disabled passenger, including wheelchair users and assistance dog users. Assistance dogs are defined as, “not a pet, but a working service dog that has been certified by an organization, that is a full member of Assistance Dogs International (ADI) or International Guide Dog Federation (IGDF), as trained or undergoing training to help a disabled person. To evidence this, either the dog must be wearing an identifying harness/jacket or its owner must be carrying certifying documents.
- 15.8 Section 167 of the Equality Act 2010 requires Licensing Authorities to maintain and publish a list of designated wheelchair accessible taxis and private hire vehicles. The duties on drivers in section 165 of the Equality Act 2010 apply to drivers of vehicles included in this list.
- 15.9 Licensed drivers who are unable to carry out the duties imposed upon them under the Equality Act 2010 may apply to the Licensing Authority for an exemption certificate from those duties. The Council must issue an exemption certificate to that licensed driver if they are satisfied that it is appropriate to do so on medical grounds. It is the driver’s responsibility to apply to the Council for such an exemption and to satisfy the Licensing Authority at his or her own cost of the medical grounds. A driver has no defence against these offences even if a medical ground or other physical condition exists, if he has not been issued an exemption certificate.
- 15.10 It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand (“taxi rank”), by the customer

dealing directly with a licensed driver. However, Private Hire vehicles can only be booked through a licensed Private Hire operator. It is therefore considered particularly vital that an individual with accessibility requirements should be able to hire a Hackney Carriage on the spot with the minimum delay or inconvenience and requiring that all new Hackney Carriages are accessible assists in achieving that aim.

- 15.11 It is important that vehicle drivers, proprietors and operators ensure that licensed drivers carry all passengers in safety and comfort.
- 15.12 Duties of drivers under the Equality Act 2010, is further detailed within the Hackney Carriage and Private Hire Handbook.
- 15.13 ~~Drivers should be appropriately trained in the use of relevant belts and other restraint locking mechanisms to ensure the safety of their passengers. It is the drivers responsibility to ensure that they understand fully how to use the equipment. Drivers shall need to receive mandatory training in regards to supporting wheelchair users and have the knowledge to board them safely and travel safely. The training shall also cover how to use any equipment associated with carrying wheelchairs users safely. (The wording of above might see minor changes when officers have investigated how to implement the training).~~

16.0 VEHICLE TESTING

- 16.1 The Licensing Authority must be satisfied that vehicles which are licensed by them are safe to operate within its area.
- 16.2 The DfT guidance recognizes that an annual MOT test for licensed vehicles of whatever age is necessary. No vehicle may be used as a Hackney Carriage or Private Hire vehicle unless it has been given a certificate of compliance in respect of a satisfactory test from the approved testing station and has been appropriately licensed by the Authority.
- 16.3 Vehicle testing is carried out twice yearly, the Hackney Carriage and Private Hire Handbook sets out the specification and standards for vehicle testing and compliance. In addition to this, the Authority will adhere to National Vehicle Standards along with any localised byelaws or conditions as described in the

- 16.4 The Licensing Authority may appoint a currently registered MOT station as an Appointed Testing Station who will conduct vehicle tests on its behalf. The Authority reserves the right to limit the number of approved garages.
- 16.5 Hackney Carriage and Private Hire vehicles are granted licences for a maximum period of one year. Prior to being granted a licence, each vehicle shall be examined and tested at Cambridge City Council's garage, at which compliance with the requirements is assessed and confirmed by the issue of a certificate of compliance.
- 16.6 It is the proprietor's responsibility to ensure that all testing and application procedures are completed in order for the vehicle to become and/ or remain licensed.
- 16.7 Licensed vehicles that fail an authorised examination and test, and are deemed non-compliant by the examiner, will result in the vehicle proprietor being invited to re-test the vehicle. If an existing licensed vehicle fails, it must not work until a compliance test has been passed.
- 16.8 Proprietors of licensed vehicles are required to inform the Authority as soon as possible, and most certainly within 72 hours, of any accident that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried. Proprietors must also present the vehicle to the Licensing Authority, for inspection, if requested.
- 16.9 Full details on the accident reporting process can be found within the Hackney Carriage and Private Hire Handbook.

17.0 VEHICLE INSPECTIONS

- 17.1 Licensed vehicles shall be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions of Licence is essential and will be enforced by periodic and/ or random vehicle inspections by authorised officers of the Council. Further guidance on vehicle inspections can be found in the Hackney Carriage and Private Hire Handbook.

17.17.2 Drivers shall be required to complete a daily checklist before driving the licensed vehicle. The checklist can be recorded electronically and must be available to be viewed upon request of officers. The checklist can be found in the Hackney Carriage and Private Hire Handbook.

18.0 SIGNAGE, LIVERY AND ADVERTISING

18.1 Some members of the public do not distinguish between Hackney Carriage and Private Hire vehicles and do not realize that Private Hire vehicles are not available for immediate hire or are able to be hailed in the street. It is therefore essential that the public are able to easily identify between a Hackney Carriage and a Private Hire vehicle.

Cambridge City Council require Hackney Carriage Vehicles to have a livery.

Further information on the Livery can be found within the Hackney Carriage and Private Hire Vehicle Handbook, including the implementation plan.

18.2 Cambridge City Council licensed vehicles are required to display a City Council issued identity licence plate. This is a key feature in helping to identify vehicles that are correctly licensed by the authority.

Hackney Carriage Vehicles:

- i) Must be silver in colour (as described on the V5 registration document for each vehicle).
- ii) Must have a 'wrap' of two gloss stripes, one placed either side of the vehicle (running horizontally from the headlight to the rear light).
- iii) Must have the stripe 'Avery 813 grass green' in colour and must be fitted along the side of the vehicle and should follow the natural line of the vehicle.
- iv) Must ensure that the stripe has a break on any part of it, on the front passenger and driver doors, to allow for the positioning of the crests.
- v) For Multi-Seater Vehicles, the stripe must be a thickness of 6 inches (150mm).
- vi) For Saloon Vehicles, the stripe must be a thickness of 4 inches (100mm).

vii) Must display the Cambridge City Hackney Carriage pale blue identification plate on the rear of the vehicle.

viii) Must have a 'Taxi' yellow roof sign on the top of the vehicle.

18.4 Roof signs fitted to Hackney Carriage vehicles shall be illuminated at all times when the vehicle is available for hire. The sign bearing the word "TAXI" in black lettering on a yellow background on the front and "Cambridge Licensed Taxi Cab" in black lettering on a red background on the back is at all times to be prominently displayed on the roof of the vehicle except:

i) when the vehicle is on hire for a wedding

ii) when it is necessary to accommodate passengers luggage by use of a roof rack

iii) when the vehicle is being used for social, domestic or pleasure purposes.

18.5 The roof sign can also be removed when the vehicle is undergoing maintenance work or is being cleaned, but must be put back on the vehicle before the vehicle is used again for hire and reward.

18.6 In order to ensure that the crests remain prominent and are not compromised by any other advertising the crests should be a minimum of 9.5 inches in diameter if circular in size and 10 inches width and height if square with no background colour, and attached to both the nearside and offside front doors of the vehicle.

18.7 The Hackney Carriage external licence plate supplied by the Licensing Authority shall be securely fixed to the outside of the vehicle, no temporary fixing is allowed.

Private Hire Vehicles:

i) Cannot be silver in colour (as described on the V5 registration document for each vehicle).

ii) Must display door signs which detail the name and contact information of the Operator fulfilling the booking, along with the notification of 'Private Hire: Pre-booked only'. **(REMAINS THE SAME).**

iii) Must display the Cambridge City Private Hire pale green identification plates

on the front and rear of the vehicle.

iv) Do not have a taxi sign or crests.

18.8 Private Hire vehicles are not be permitted to display roof mounted signs or any signs that include the words “taxi” or “cab” or “for hire”.

18.9 The Private Hire external licence plates supplied by the Licensing Authority shall be securely fixed to the outside of the vehicle, no temporary fixing is allowed.

Advertising:

18.10 Private Hire Vehicles are not permitted to display advertisements.

18.11 Limited external advertising may be permitted on Hackney Carriage Vehicles, but only on the rear of the vehicle.

18.12 Limited internal advertising may be permitted in Hackney Carriage Vehicles.

18.13 Any permission to display advertising will be subject to the prior written approval of the City Council and must be in accordance with the Advertising Standards Agency code of practice. Advertisements concerning the following subjects will not normally be approved:

- i) Political, ethnic, religious, sexual or controversial subjects
- ii) Escort agencies, gambling establishments or massage parlours
- iii) Nude or semi-nude figures
- iv) Tobacco or alcohol
- iv) Anything likely to offend public taste

19.0 EXEMPTIONS

19.1 The DfT have issued guidance regarding the types of activities that may require licensing. In general, the following will not be considered to require licensing:

- i) Child minder vehicles
- ii) Care transport workers
- iii) Volunteers

- iv) Ambulances
- v) Courtesy Cars

Each case will be taken on its own merits and the nature of the operation will be taken into account when considering if a licence is required.

19.2 The open display of the identifying licence plates is intended by the licensing legislation in protecting the public and supporting the trade by identifying it as a regulated business. However, there are occasions when the display of such identification is inappropriate on a Private Hire Vehicle and exemptions may be granted where there is sufficient reason.

19.3 Detailed guidance on the Plate Exemption Procedure for Private Hire Vehicles can be found in the Hackney Carriage and Private Hire Handbook.

20.0 STRETCHED LIMOUSINES AND PRESTIGE VEHICLES

20.1 Stretched limousines are elongated saloon cars, which are generally used for Private Hire work and special occasions.

20.2 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) [to be replaced by the Individual Vehicle Approval (IVA)] test. The SVA or IVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads.

20.3 Any stretched limousines that are offered for private hire do require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week.

20.4 Applications to Licence stretched limousines as Private Hire vehicles will be treated on their merits. However, imported stretched limousine type vehicles can:

- i) be granted an exemption from the requirement under the conditions of

- licence for Private Hire to be right hand drive;
- ii) be authorized as prestige type vehicles; and
- iii) be approved for licensing as Private Hire vehicles subject to the additional conditions detailed in the 'Taxi Guide'

20.5 Proprietors of prestige type vehicles licensed as Private Hire vehicles or Private Hire vehicles used in special circumstances may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates, door stickers and driver badges.

21.0 CONTRACT VEHICLES

21.1 The Road Safety Act 2006 requires vehicles used for a contract with an organization or company, for carrying passengers for hire or reward under a contract, to be licensed as private hire vehicles. As a general guide this shall include executive hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

21.2 All vehicles with less than 8 passenger seats or fewer that carry passengers for hire and reward must be licensed by the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, nightclubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed.

21.3 Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, nightclubs, etc. should have an operator's licence and the vehicles and driver must be appropriately licensed.

21.4 All ambulances registered with the British Ambulance Association will be exempt from private hire licensing.

21.5 Other patient transport services provided by either NHS or Voluntary Services that are registered with the British Ambulance Association will be exempt from private hire licensing.

- 21.6 All other ambulance or patient transport services that are not registered with the British Ambulance Association may be required to conform to private hire licensing requirements. The Licensing Authority strongly recommends that anyone wishing to provide this type of service contact the Council for each case to be considered on its merits.
- 21.7 In relation to Voluntary Sector Transport, the Licensing Authority will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.
- 21.8 When determining whether a vehicle is operating as a Private Hire Vehicle, the Licensing Authority will have reference to the Department for Transport's guidance note "Private Hire Vehicle Licensing" and any relevant case law.
- 21.9 The Licensing Authority will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Authority considers that private hire vehicle licensing is necessary.

22.0 WEDDING VEHICLES

- 22.1 Vehicles used wholly or mainly for the traditional purposes of wedding ceremonies are exempt from the requirement to be licensed.

23.0 FUNERAL VEHICLES

- 23.1 Vehicles owned by funeral directors that are used wholly or mainly for the purposes of funerals are exempt from the requirement to be licensed.

24.0 SAFEGUARDING

- 24.1 Cambridge City Council is committed to safeguarding and promoting the welfare of children, young people and adults at risk. We take our responsibilities seriously and expect all of our licensed drivers, proprietors and operators to share this commitment.

- 24.2 Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, and physical, emotional and sexual abuse.
- 24.3 All new hackney carriage, private hire and dual driver, proprietor and operator applicants must attend and pass the mandatory safeguarding training before submitting an application. Further guidance can be found the Hackney Carriage and Private Hire Handbook.
- 24.4 A mandatory refresher of the training will need to be undertaken by all licence holders, and an examination successfully passed, every three years.

25.0 DRIVER SAFETY

- 25.1 The trade provides a valuable service and security for drivers and passengers is of paramount importance. There are a number of ways to reduce risks such as prepayment of fares, driver screens, CCTV surveillance systems and radio link schemes.
- 25.2 The Hackney Carriage and Private Hire trades are encouraged to build good links with the local police force, including participation in any crime and disorder reduction partnerships.
- 25.3 The Local Authority have made it a requirement that all licensed vehicles are to be installed with a CCTV system that meets the local authorities specifications.
- 25.4 The requirement for CCTV in licensed vehicles will be reviewed every five years.
- 25.5 The implementation of CCTV in licensed vehicles serves multiple purposes which will enable the prevention and detection of crime and promote a safe experience for both licensed drivers and the travelling public.
- 25.6 The key objectives are:
- The protection of licensed drivers.
 - The protection of the travelling public.
 - To ensure that licensed drivers continue to be 'fit and proper' in line with licence conditions.
 - To enable investigations to be fully supported with evidence in a secure and retrievable form.

- 25.7 The CCTV system installed in any vehicle will comply with the Council CCTV Technical Specification and will remain locked and only accessible by an approved officer of the Licensing Authority.
- 25.8 The Licensing Authority reserves the right to amend the CCTV specification from time to time as the need arises, having regard to changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend the current specification.
- 25.9 Further guidance on CCTV, the associated operational procedures and the safety of drivers can be found in the Hackney Carriage and Private Hire Handbook.

26.0 HACKNEY CARRIAGE STANDS

- 26.1 The purpose of Hackney Carriage stands (known as Taxi Ranks) is to provide the public with a set location where they can hire a licensed Hackney Carriage. Stands can be continual or be for part time use (e.g. night time only ranks).
- 26.2 A list of all public taxi ranks in the city are detailed in the Hackney Carriage and Private Hire Handbook.

27.0 VEHICLE APPLICATION PROCEDURES

- 27.1 The application procedures for a Hackney Carriage or Private Hire vehicle licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook.
- 27.2 The Licensing Authority shall consider all applications on their own merits once the appropriate criteria have been met and the application form and supporting documents are complete. Only then, and if the Licensing Authority is satisfied that the vehicle is suitable, will a licence be granted.
- 27.3 The vehicle proprietor is responsible for ensuring that the application process is followed and all necessary steps, documentation and fees are submitted in accordance with the procedure.

28.0 GRANT OF VEHICLE LICENCES

- 28.1 The maximum period for which a vehicle licence will be granted is 1 year. The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstance.
- 28.2 The responsibility for applying to renew a licence, and to ensure that a vehicle is licensed, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be submitted prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 28.3 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Renewals must be completed prior to expiry of license. If license expires, the Local Authority will not be able to be renew the vehicle as the license no longer exists. If proprietor wishes to license vehicle, they will be required to begin new application, to gain new license. During this time your vehicle will be unlicensed and will be unable to be used for licensed purposes. In some cases, once a licence has lapsed, vehicles may not be eligible to be re-licensed.

29.0 ENVIRONMENTAL CONSIDERATIONS

- 29.1 The DfT guidance suggests that authorities may wish to consider how far the vehicle licensing policy can and should support local environmental policies that the Licensing Authority may have. They may also decide to set vehicle emissions standards by promoting cleaner fuels. Local licensing authorities may also wish to note that a review carried out by the National Society for Clean Air and Environmental Protection in 2005 found taxis were more likely than other vehicles to fail emissions tests.
- 29.2 Cambridge City Council considers that every effort should be made to improve the efficiency of vehicles licensed to operate in the city by reducing the emissions of pollutants such as Nitrous Oxides, Particulate Matter and Carbon Dioxide.

29.3 The 2015-25 Air Quality Action Plan includes a strategy to reduce polluting emissions to improve poor air quality in Cambridge City and to develop taxi licensing policies to transform the vehicle fleet into a low emission fleet which will lead to a significant reduction in emissions and a significant improvement in air quality, whilst maintaining sufficient levels of access and capacity for travel in the City.

29.4 The following potential incentives and regulatory policies, which are designed to encourage and reward the uptake of Ultra- low emission and electric vehicles within the taxi fleet, were consulted upon and agreed by Members on 19th March 2018:

Item	Option	Rationale	Timeframe/ Implementation
1	Licence Fee Exemption for Zero emission, Vehicles	Full Licence Fee Exemption is available for Zero Emission Vehicles ONLY. The exemption could potentially be for up to 5 years. This is dependent on funding availability.	With effect from 1 April 2018
2	Licence Fee Discount for Ultra-Low Emission Vehicles (not standard hybrids)	50% Licence Fee discount is available for Ultra-Low emission vehicles. The exemption could potentially be for up to 5 years. This is dependent on funding availability.	With effect from 1 April 2018
3	Extended Age Limit for Zero Emission Vehicles	Zero Emission Vehicles can have an age limit of up to 15 years. This is subject to obtaining a Certificate of Compliance every 6 months.	With effect from 1 April 2018
4	Extended Age Limit for Ultra-Low Vehicles (not standard hybrids)	Ultra-Low emission vehicles can have an age limit of up to 12 years. This is subject to obtaining Certificate of Compliance every 6 months.	With effect from 1 April 2018
5	A set date for all new Licensed Saloon Vehicles to be Zero or Ultra-Low Emission	This allows proprietors/ potential proprietors to focus on planning to move to Zero or Ultra Low emission vehicles by a set date.	With effect from 1 April 2020

6	A set date for all Licensed Saloon Vehicles to be Zero or Ultra-Low Emission (Battery electric vehicles and plug in hybrids only)	This allows proprietors/ potential proprietors to focus on planning to move to Zero or Ultra Low emission vehicles by a set date and allows adequate business planning.	By December 2028
7	To reduce the total % of Wheelchair Accessible Vehicles within the Hackney Carriage Fleet to 50%	<p>The % of Wheelchair Accessible Vehicles (WAV) to be reduced to 50% within the fleet.</p> <p>Proprietors will be offered the chance to 'give up' their Wheelchair Accessible Vehicle on the condition it is replaced with a Zero emission saloon vehicle.</p> <p>This will reduce the number of wheelchair accessible taxis from 213 to 163.</p>	With effect from 1 April 2018
8	A set date for all Wheelchair Accessible Vehicles to be Ultra-Low or Zero Emission as and when the market allows	Further to option 7 (above), currently the market does not provide Ultra-Low or Zero Emission Wheelchair Accessible Vehicles.	By December 2028. Subject to review in 2026
9	To restrict City Centre Access to Ultra-Low and Zero Emission Licensed Vehicles only	<p>This is an important factor in ensuring compliance with the Ultra-Low and Zero Emission criteria.</p> <p>The Greater Cambridge Partnership project considers traffic restrictions on key access routes. This policy is outside the Licensing powers and would only be deliverable with the co-operation of the County Council. However, considering changes that have come into effect regarding access management of the City Centre to Automatic Number Plate Recognition (ANPR) there is the potential that this could be delivered.</p>	By December 2028

29.5 Taxi and Private Hire Handbook, provides further information in regards to Ultra-low and Zero emission vehicles.

29.6 To support the Councils Air Quality Action Plan minimum age limits and Euro Standards will be maintained and new policy incentives to encourage the uptake of

zero and ultra-low emission vehicles will be implemented over a ten year period:

- i) a new vehicle licence will not be granted in respect of a vehicle unless it meets the Euro 5 standard or higher.
- ii) a vehicle licence will not be renewed unless the vehicle is less than 11 years old.
- iii) from 1 April 2020 all new licenced saloon vehicles will need to be zero or ultra-low emission vehicles.
- iv) by 31 December 2028 all licensed saloon vehicles will be zero or ultra-low emission vehicles.
- v) by 31 December 2028 all wheelchair accessible vehicles will be zero or ultra-low emission as and when the market allows (this is subject to review in 2026).
- vi) by 31 December 2028, the City Centre will restrict access to zero and ultra-low emission licensed vehicles only.

29.7 To further support the uptake of Ultra- Low and Zero Emission vehicles, on 30 September 2019, Members agreed no maximum age limit for newly licensed Ultra-Low and Zero Emission vehicles.

29.8 With the previous 9-year age limit for petrol and diesel vehicles, this will mean that by 2017/18 all the internal combustion fleet licensed will be to Euro 5 or 6. The extended age allowance for low emission vehicles reflects their low pollution and supports improvements to air quality in Cambridge.

29.9 The term `new` means any vehicle that is being licensed for the first time with Cambridge City Council (i.e. a complete new license) or where a license is issued on a particular vehicle and then surrendered and subsequently an application to license the same vehicle is made.

29.10 Encouraging better maintenance of vehicles could reduce emissions from licensed vehicles further, it is intended that this aspect be tackled through education and promotion.

29.11 The Authority recognizes that low emission vehicles can have a positive impact on the environment and any application received for other low and ultra-low emission vehicles will be considered on its own merits.

30.0 SMOKING

30.1 The driver of a licensed vehicle must not smoke in the vehicle at any time, including when the vehicle is being used for social, domestic and pleasure purposes.

30.2 The driver of a licensed vehicle shall not permit any other person or fare-paying passengers to smoke in a licensed vehicle.

30.3 This also includes a ban in electronic inhaler type cigarettes and 'vaping'.

PART 3

DRIVERS

31.0 GENERAL

- 31.1 The statutory and practical criteria and qualifications for a Hackney Carriage Driver are similar to those of a Private Hire Driver. The sections below therefore, apply equally to Hackney Carriage, Private Hire and Dual Drivers unless indicated.
- 31.2 Licensed drivers provide a public service. The Licensing Authority will not licence anyone to drive a Hackney Carriage or a Private Hire vehicle unless it is satisfied that they are a fit and proper person.

32.0 FIT AND PROPER

- 32.1 There is no definition of 'fit and proper' in legislation nor a fixed legislative process. It is for Cambridge City Council to determine how it wishes to be satisfied that a driver is fit and proper and to this end, the Authority considers a range of documentary evidence, practical criteria and testing mechanisms provided by an applicant in order to be satisfied of this.

33.0 DRIVER LICENCES

- 33.1 The Licensing Authority grants three types of licence in respect of driving Hackney Carriage and Private Hire vehicles (Hackney Carriage Driver Licence, Private Hire Driver Licence and Dual Driver Licence). Applicants granted their first licence will be limited to a maximum period of 12 months and thereafter there is the option of having a licence issued for a minimum of 12 months or a maximum of 3 years.
- 33.2 The Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstances.
- 33.3 The responsibility for applying to renew a licence, and to ensure that all documentation, checks and associated criteria is up to date, rests solely with the licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be submitted prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.

33.4 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render a driver being unlicensed for a period of time during which they will be unable to work as a licensed driver.

33.5 Applicants shall be over 18 years of age and shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least ~~12 months.~~ 2 years.

33.6 The Authority shall use the services of an appropriate party to access DVLA records in addition to checking the full licenses produced by the applicant.

~~33.6~~33.7 An applicant who has been suspended/refused/revoked by Cambridge City Council or another Local Authority may not be considered “fit and proper” for a period of at least 10 years from the date of the suspension/refusal/revocation. This period may be extended depending on the circumstances. The NR3S register will be consulted for all applications.

34.0 ELIGIBILITY TO LIVE AND WORK IN THE UK

34.1 Cambridge City Council has a responsibility to ensure that it only issues licences to individuals who have a legal entitlement to live and work in the United Kingdom.

34.2 Proof of the right to live and work in the UK must be provided by Driver and Operator applicants in accordance with the Immigration, Asylum and Nationality Act 2006. As part of the new licence application process, individuals will be required to present original documentation for verification and copies will be made and retained on file. The Home Office has produced a list of documents that applicants can provide, further information can be found in the Hackney Carriage and Private Hire Handbook.

34.3 If an individual is not a UK national then they will need to obtain permission to live and work in the UK.

34.4 EU, EEA and Swiss nationals can not longer use their passport or national ID card as proof of right to work in UK. Referenced nationals will be required to provide the

council with a 'Share code' in order for online check be completed.

34.5 Individuals may have a permanent or temporary right to live and work in the UK. Licences will not be issued for a period any longer than the length of an individual's permission to live and work in the UK.

34.6 The Licensing Authority work in conjunction with the Home Office to ensure that Immigration Offences are minimized. The Licensing Authority may exercise discretion to grant or renew a licence, or to suspend or revoke an existing licence if an individual is found to be living or working in the UK without the required authorization.

35.0 DISCLOSURE AND BARRING SERVICE (DBS)

35.1 A Disclosure and Barring Service Certificate (DBS) is seen as an important safety measure by the Licensing Authority to ascertain whether or not a driver applicant is fit and proper to hold a licence.

35.2 Cambridge City Council is an approved DBS registered body and driver applicants can therefore deal with the DBS through the Council and pay the appropriate fee. Cambridge City Council will not accept portability of a DBS.

35.3 An enhanced DBS shall be undertaken upon application and all individuals will, at that point, be required to subscribe to the DBS Update Service within the specified timescale of receiving their DBS Certificate.

35.4 Every 6 months, officers of the Council will undertake an online check of the DBS Update Service in order to check the applicant's current status and, depending on what is revealed from the online status check, the Council may require an additional DBS check to be undertaken.

35.5 All licensed drivers will be required to renew their subscription to the DBS Update Service on an annual basis, before their current subscription ends, should they wish to continue to hold a Cambridge City Council driver's licence.

35.6 Where an individual fails to maintain and/ or renew their subscription before it ends;

they will be required to apply for a new DBS check and register for the Update Service again.

- 35.7 A Council may require an applicant for a licence under the Town and Police Clauses Act 1847, or under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976, to submit any information that they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence. Cambridge City Council therefore requires any Proprietors or Operators that are not licensed drivers with Cambridge City, to undertake a Basic Disclosure upon application and every 12 months after (if subsequent renewal applications are made).
- 35.8 The City Council requires all licensed drivers to subscribe to the DBS Update Service and to maintain the annual subscription. Licensed drivers will need to retain their DBS certificate once they have subscribed as this will need to be provided to the officer undertaking the online check.
- 35.9 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction would be regarded as 'spent' and not normally require disclosure of that conviction. However, in 2002 the Act was amended to exclude Hackney Carriage and Private Hire Drivers from the 1974 Act. The driving of Hackney Carriage and Private Hire vehicles is listed as a 'Notifiable Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
- 35.10 Applicants must disclose all convictions (including driving convictions), police warnings, and reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties including those that would previously have been regarded as spent under the 1974 Act.
- 35.11 Existing licence holders must disclose all new convictions (including driving convictions), police warnings, reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties to the Licensing Authority in writing within 48 hours. Further information on DBS's, relevance of Convictions and Cautions and the Rehabilitation of Offenders Act 1974 can be found in the Hackney Carriage and Private Hire Handbook.

35.12 For the consideration of convictions and police cautions recorded against individuals, the Licensing Authority has adopted the policy as set out in the Hackney Carriage and Private Hire Handbook.

35.13 In assessing whether the applicant is a fit and proper person to hold a licence, the Licensing Authority shall consider each case on its own merit. It will have regard to the following factors in assessing the relevance of cautions and convictions:

- i) Whether convictions are spent or unspent
- ii) The nature of the offence or information
- iii) The age of the offence
- iv) The apparent seriousness, as gauged by the penalty
- v) Any pattern of offending

Upon receipt of a disclosure (or any other pertinent information via the DBS Update Service) from the Disclosure and Barring Service, the information will be risk assessed by an Authorised Officer who will consider whether the information received is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence in line with the policy guidance in the Hackney Carriage and Private Hire Handbook.

36.0 CERTIFICATES OF GOOD CONDUCT

36.1 Applicants who have lived out of the UK for any period of time within the five years prior to their application or renewal must obtain a certificate of good conduct from the relevant embassy or consulate covering that period.

36.2 The certificate of good conduct must be authenticated, translated and sealed by the relevant embassy or consulate.

36.3 Any costs associated with obtaining a certificate of good conduct are the responsibility of the applicant or driver.

37.0 DRIVING LICENCE RECORDS

37.1 The Licensing Authority will carry out a check of DVLA records when considering if an applicant or driver is a fit and proper person to be licensed. This is to ensure that the information submitted by the applicant is in accordance with the information held by the DVLA and so that the the Licensing Authority are aware of any endorsements on the individual's driving licence.

38.0 MEDICAL EXAMINATION

38.1 The DfT recognizes that it is good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for Hackney Carriage and Private Hire drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey;
- they are on the road for longer hours than most car drivers; and
- they may have to assist disabled passengers and handle luggage.

38.2 The Licensing Authority acknowledges the importance of a driver's good physical and mental health in protecting the public and requires that all new and renewal drivers must meet the DVLA Group II Medical Standards.

38.3 Medicals are required for all new applicants and every five years thereafter until the age of 60. Whilst Group II Licences are valid up until 45 and every five years thereafter, CCC have a more frequent checking mechanism for medical fitness.

38.4 Medicals are required for all new applicants (including holders of PSV and/ or HGV licences). After the initial medical, subsequent medicals are then required every five years at each of the following birthdays: 25, 30, 35, 40, 45, 50, 55 and 60.

38.5 Once a driver has reached the age of 60 a medical will be required annually thereafter.

- 38.6 For holders of current PSV and/ or HGV licences, who can produce evidence of a current medical examination, the Council will accept the PSV/ HGV entitlement in lieu of a medical at age 45, 50, 55 and 60.
- 38.7 Licence holders and applicants must consider the medical conditions as listed in the Hackney Carriage and Private Hire Handbook as the Licensing Authority may refuse to grant an application or revoke an existing licence where an applicant has any of the listed conditions.
- 38.8 If, once licensed, the drivers medical circumstances change during the period which the licence is held, the driver must notify the Licensing Authority within 7 days. If there is any doubt as to the medical fitness of an individual, the Authority may require the individual to undergo a further medical examination by their GP or an approved practitioner. Each case will be assessed on its own merits and further guidance can be found in the Hackney Carriage and Private Hire Handbook.

39.0 KNOWLEDGE

- 39.1 Hackney Carriage and Private Hire drivers need a good working knowledge of the area for which they are licensed, because vehicles can be hired immediately, directly with the driver at hackney carriage stands or on the street in the case of Hackney Carriages and by prior booking through a Private Hire Operator in the case of Private Hire Vehicles. Additionally, it is expected that drivers should be able to communicate with their customers and be able to carry out the basic arithmetic associated with the paying of fares.
- 39.2 In order to commence the new driver application process an applicant must first register to take a Cambridge City Council Knowledge Test and Safeguarding Test. Only once the Knowledge Test and Safeguarding Test has been passed may they continue with the application process.
- 39.3 The test can only be attempted three times within 12 months, and then it is recommended that if applicants wish to reapply, they do so after a break of six months. Additional guidance on the Knowledge Test can be found in the Hackney Carriage and Private Hire Handbook.

39.4 The Guidance recommends that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills. The Licensing Authority believe that the Knowledge and Safeguarding test's cover this requirement.

40.0 DRIVING PROFICIENCY

40.1 As licensed drivers are on the road more frequently than most other people, the Licensing Authority has concluded that an additional Driving Assessment (to the DVLA Driving Test) may be the standard of driving competency for the drivers of Hackney Carriage and Private Hire vehicles licensed with this Authority.

41.0 DRIVER APPLICATION PROCEDURES

41.1 An application for a Hackney Carriage, Private Hire or Dual driver's licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook.

42.0 CONDITIONS OF DRIVER LICENCES

42.1 Hackney Carriage Drivers are subject to the Council's Byelaws.

42.2 The Authority considers that the conditions as set out in the Hackney Carriage and Private Hire Handbook are reasonable, necessary and appropriate for all licensed Hackney Carriage and Private Hire drivers.

43.0 CODE OF GOOD CONDUCT

43.1 The Licensing Authority consider that Hackney Carriage and Private Hire trade is the key front line transport service for residents and visitors to Cambridge City and have set down the standards which must be adopted in maintaining a safe, professional and efficient approach to transport members of the public.

43.2 The standards of expected behavior of all licensed drivers are set out in the

Hackney Carriage and Private Hire Handbook and should be read in conjunction with the other statutory and policy requirements set out in this document.

43.3 The code of conduct is in place to enhance the professionalism of, and to promote public confidence in, licensed drivers. Failure to comply with any aspect of the Code of Conduct will not necessarily result in enforcement action. However, breach of the code is an indicator which the Licensing Authority will use to help decide upon subsequent enforcement action.

44.0 CHANGE OF CIRCUMSTANCES

44.1 All Licence holders must inform the Council of any changes in circumstances such as change of address, change of contact number, any criminal offences under investigation whether they have been charged or not, change of medical condition or changes to DVLA licence and convictions as per the specified times lines in the table below. Failure to update the Licensing Authority on changes in circumstances could have an impact on your licence. For ease of reference, please see the list below. Please note that this list is not exhaustive:

Notification	When
Change of Address	Within 7 days
Change of name	Within 7 days
Loss of Drivers Badge	Within 1 working day*
Loss of Vehicle Plate	Within 1 working day*
Loss of paper licence	Within 7 days
Accident damage/ damage to vehicle	Within 72 hours
Change in medical circumstances	Within 48 hours
Any criminal offences under investigation whether you have been charged or not	Within 48 hours
Changes to DVLA licence including accrual of penalty points	Within 7 days**
Any conviction	Within 48 hours

* You must not work as a driver or use the vehicle for work without a licence plate or badge before any replacement(s) are issued.

** In regards penalty points that are endorsed on the DVLA licence, you are required to inform the Local Authority as soon as you become aware of the offence even if you are planning to appeal the offence.

PART 4

OPERATORS

45.0 PRIVATE HIRE OPERATORS REQUIREMENTS AND OBLIGATIONS

- 45.1 Any person who operates a Private Hire service (who is not a Hackney Carriage Proprietor who permits Hackney Carriages to be used for Private Hire) must apply to the Licensing Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public, who will be using operator's premises, and vehicles and drivers, arranged through them.
- 45.2 A Private Hire vehicle may only be dispatched to a customer by a Private Hire Operator who holds an operators' licence. Such licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.
- 45.3 A Private Hire operator shall ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence.
- 45.4 An application for a Private Hire Operator's licence shall be made on the specified application form, be accompanied by the appropriate fee and in accordance with the application procedure set out in the Hackney Carriage and Private Hire Handbook. The Licensing Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.
- 45.5 All three licences:
- i) Private Hire operator's licence
 - ii) Private Hire/Dual driver's licence
 - iii) Private Hire vehicle licence

Must be issued by the same Licensing Authority

- 45.6 Private Hire operators, that are not licensed drivers, are required to produce a Basic Disclosure certificate or (if they have lived out of the UK for anytime in the 5-year period prior to applying for a licence) a certificate of good conduct from the relevant embassy or consulate for overseas applicants. In order to promote the

objective of public safety, before an application for a Private Hire Operators licence will be considered, the Licensing Authority requires all new Private Hire Operators (who are not already licensed drivers with the City Council) to submit a Basic Disclosure certificate (dated within one month) as part of their application. The applicant(s) will also be required to complete the Safeguarding training.

- 45.7 All Private Hire Operator renewals (for individuals who are not already licensed drivers with the City Council) are to undertake and submit a Basic Disclosure certificate (dated within one month) every 12 months.
- 45.8 The application procedure for new and renewal Private Hire Operators licences is set down in the Hackney Carriage and Private Hire Handbook.
- 45.9 The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonable necessary. These are set out in the Hackney Carriage and Private Hire Handbook.

46.0 INSURANCE

- 46.1 Before an application for a Private Hire Operator's licence is granted, the applicant shall produce evidence that they have taken out Public Liability insurance for premises that are open to the public.
- 46.2 The conditions for Private Hire Operators licences, will require that the operator produce an appropriate certificate of motor insurance that covers every Private Hire vehicle on the operators fleet policy.

47.0 PRIVATE HIRE OPERATOR LICENCE DURATION

- 47.1 Cambridge City Council shall grant Private Hire operator licences for a period of one year from the date of grant or for five years from the date of grant (renewal licences only).
- 47.2 The responsibility for applying to renew an Operator licence, and to ensure that all documentation, checks and associated criteria is up to date, rests solely with the

licence holder. Application forms, appropriate fees and supporting documentation, as set out in the Hackney Carriage and Private Hire Handbook shall be produced and any necessary appointments shall be arranged on a date prior to the expiry date of the licence. The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.

- 47.3 The Licensing Authority will only accept complete applications comprising of all the necessary information and documentation. Late or incomplete applications may render an operator being unlicensed for a period of time during which they will be unable to work as a licensed operator.

48.0 RECORD KEEPING

- 48.1 The Local Government (Miscellaneous Provisions) Act 1976 requires Operators to keep records of each booking. Information should include the date and time of the booking, the name of the passenger, how the booking was made, the destination, the name of the driver and the licence number of the vehicle. Records can be kept in a suitable book or on a computer or any other recordable device. If you are using a book the pages must be numbered consecutively.
- 48.2 Operators are required to keep the above information for a minimum of 6 months.
- 48.3 The Operator shall permit an Authorised Officer of the Council access to records required by their licence, at all reasonable times.
- 48.4 The operator must hold records of insurance and licence expiry dates of drivers and vehicles. No journeys can be allocated to uninsured or unlicensed drivers and vehicles.
- 48.5 Operators must register with the Information Commissioners office as a data controller.

49.0 ADDRESS FROM WHICH AN OPERATOR MAY OPERATE

- 49.1 The Licence Authority, when it grants an Operator's licence, will specify the address

from which the operator may operate. This will be the premises where the records referred to (as above) are kept and at which the Licensing Authority may inspect them.

- 49.2 The Operator must notify the Licensing Authority in writing of any change of address during the period of the licence, within seven working days.
- 49.3 The operator is responsible for ensuring that appropriate planning consent exists for the use of the operational address to be used for that purpose. The grant of a Private Hire Operator's licence will not imply that planning consent has been given. Proof of planning permission may be required before a licence is granted.
- 49.4 The Licensing Authority will not grant an operator's licence for an operator with an operating base that is outside the district area. However, it is possible to obtain an Operator's Licence for premises within 10 miles of the City Boundary. This is to ensure that proper regulation and enforcement measures can be taken and is in no way intended to be a restraint on trade.

50.0 SUB CONTRACTING

- 50.1 Section 55a of the Local Government (Miscellaneous Provisions) Act 1976, inserted by the Deregulation Act 2015, permits Operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed private hire operator holding a private hire licence granted by another local authority.
- 50.2 Regardless of which operator fulfils a booking, the operator can only dispatch a vehicle licensed by the same Council that licenses the operator and driven by a driver licensed by that same Council.
- 50.3 Operators that accept a booking remain legally responsible for that booking even if they sub-contract the booking to another Operator and should record the booking as usual and note the fact that it was sub-contracted.

51.0 CROSS BORDER HIRING

51.1 In relation to Private Hire vehicles, the Local Government (Miscellaneous Provisions) Act 1976 permits members of the public to contact and book a private hire vehicle through any licensed Private Hire Operator regardless of in which district they are licensed. Private Hire bookings are private contracts between the hirer and the operator and are not a matter for the Licensing Authority to regulate. In this regard, the Act leaves the selection of an Operator entirely to market forces and the freedom of choice to the customer.

PART 5

ENFORCEMENT

52.0 ENFORCEMENT

- 52.1 It is recognised that a well-directed, risk based approach to enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire trades. The DoT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances.
- 52.2 Legislation relating to a Licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the Licensing Authority. In pursuance of the objective to encourage responsible Hackney Carriage and Private Hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives set out in section 3.0 of this document. Where defects are such that a vehicle or driver's Licence needs to be suspended, interference with livelihood is inevitable.
- 52.3 The City Council has adopted an Enforcement Management System and any action taken will be in accordance with the Council's Enforcement Policy.
- 52.4 The enforcement management system, as set out in the Hackney Carriage and Private Hire Handbook, will ensure that the Licensing Authority's enforcement effort is reasonable, transparent and well directed.
- 52.5 The aim of the enforcement management system will be to work in conjunction with other enforcement options and provide a formal stepped enforcement plan. The system will be used to record alleged misdemeanors and act as a record of drivers' behaviour and conduct.
- 52.6 Complaints from the public and/ or any routine enforcement that identify significant breaches of conduct will be subject to investigation by Officers. The system will serve as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.
- 52.7 The adoption of an Enforcement Management System will not, however,

compromise the Council's ability to enforce breaches of statute in the Courts when necessary.

52.8 The City Council has adopted an enforcement policy in line with the Governments Better Regulation Unit Enforcement Concordat and Regulators Code of Practice. Any enforcement action taken will be in accordance with the Council's Enforcement Policy.

52.9 The Licensing Authority will share information with other agencies in respect of potential illegal activities and enter into joint enforcement operations with other agencies and authorities.

53.0 COMPLIANCE

53.1 Informal action to secure compliance with legislation, conditions and policy will include offering advice, requests for action, verbal advice, guidance notes, the use of written instructions and the undertaking of inspections.

53.2 Formal action to secure compliance with a breach of any condition, law or byelaw will be exercised in accordance with the Enforcement Management system as detailed in the Hackney Carriage and Private Hire Handbook.

54.0 RANGE OF POWERS

54.1 The Licensing Authority may take any of the steps below upon receipt of evidence that an offence has been committed in relation to a Hackney Carriage, Private Hire or Dual Licence. A breach of condition amounts to an offence in this context:

- i) Suspension of the Licence;
- ii) Revocation of the Licence;
- iii) Refusal to Renew;
- iv) Issuing of Warnings.

In relation to an offence committed for breach of a statutory obligation, the Licensing Authority may take one of the following steps in addition to the above:

- i) Issuing of Simple Cautions;
- ii) Prosecution.

Further detail can be found in the Hackney Carriage and Private Hire Handbook.

54.2 All Officers of Cambridge City Council, duly authorised under the Authority's Scheme of Delegation, are responsible for the day-to-day operation of the Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

55.0 COMPLAINTS, COMPLIMENTS AND COMMENTS

55.1 Members of the public who wish to submit complaints, compliments or comments about licensed drivers and operators can do so via the Licensing and Enforcement Team. All complaints will be dealt with in accordance with the process as described in the Hackney Carriage and Private Hire Handbook.

55.2 Cambridge City Council has a clear complaints procedure to ensure that there is a clear and systematic process by which members of the public can seek redress for any failures in service provision. Further guidance can be found in the Hackney Carriage and Private Hire Handbook.

56.0 WARNINGS

56.1 In respect of minor breaches of licence conditions the Licensing Authority shall issue warnings as appropriate to the circumstances. A Warning may be used for minor, technical or first time transgressions where it may not be in the public interest to prosecute. Further guidance relating to this can be found in the Hackney Carriage and Private Hire Handbook.

57.0 PROSECUTION

57.1 The Licensing Authority will have regard to the Regulators Compliance Code, Code for Prosecutors, DfT Best Practice Guidance and its own enforcement policy when considering whether or not to prosecute a licence holder for a relevant offence.

57.2 The Authority will consider prosecution where:

- the allegation is of a serious or repeated offence
- the Council proposes to issue a formal caution to the licence holder, but the offence is not admitted or the formal caution is not accepted
- there have been repeated breaches of legal requirements
- a particular type of offence is prevalent
- a particular contravention has caused public harm, particularly to the vulnerable or extreme inconvenience

58.0 SUSPENSION OF A LICENCE

58.1 Where a Licence holder has been referred to the Licensing Sub Committee or Environmental Health Manager, the Sub Committee or Environmental Health Manager may order the suspension of the Licence.

58.2 A drivers licence may be suspended with immediate effect, delegated to the Environmental Health Manager, for a hackney carriage, private hire or dual driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates' Court but this will not affect the suspension starting with immediate effect.

59.0 REFUSAL TO GRANT

59.1 The Licensing Authority have the discretion to decide that a licence will not be granted if the vehicle, driver or operator does not meet the requirements of the policy. There is a right of appeal to the Magistrates' Court.

60.0 REVOCATION OF A LICENCE

60.1 Where the Licence holder has been referred to the Licensing Sub Committee or the Environmental Health Manager, the Sub Committee or the Environmental Health Manager may order the revocation of the licence.

60.2 A drivers licence may be revoked with immediate effect, delegated to Environmental Health Manager, for a hackney carriage, private hire or dual driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the Magistrates' Court but this will not affect the suspension starting with immediate effect.

61.0 REFUSAL TO RENEW

61.1 The Licensing Authority have the discretion to decide that, especially in the circumstances where a Licence is due to expire, it would be more appropriate to refuse to renew the Licence, as an alternative to revocation. Drivers have the right of appeal to the Magistrates' Court.

62.0 RIGHTS OF APPEAL

62.1 Any notifications of enforcement actions will include information on how to appeal, where that right of appeal exists. This will include where and within what time period an appeal may be brought.

62.2 In general terms, where an applicant is aggrieved by the Council's Licensing Sub Committee or the Environmental Health Manager's decision to suspend or revoke a Licence or attach conditions to a Licence or to refuse to grant or renew a Licence, the applicant has a right of appeal to the local Magistrates' Court. The specific grounds for appeal are detailed in the Hackney Carriage and Private Hire Handbook.

62.3 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

63.0 INFORMATION AND DATA SHARING

- 63.1 In the interests of protecting public funds, the Council reserve the right to use any information or data submitted as part of an application, renewal, administration or compliance and enforcement process for the prevention and detection of fraud and crime.
- 63.2 The Council may share your information internally and we reserve the right to check the information you have provided for accuracy and to detect crime. We may share your information with other statutory/ regulated Authorities or if it is required by law. Other parties may include the Department for Work and Pensions, The Home Office, The Police, the DVLA, HM Revenues and Customs and other local authorities.
- 63.3 The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3) on all driver refusals and revocations. The database provides a mechanism for licensing authorities to share details of such individuals and data is retained on NR3 for 25 years. The information provided is limited to: name, date of birth, address and contact details, national insurance number, driving licence number, decision taken, date of decision and date decision effective.
- 63.4 All applications for a new licence or licence renewal will automatically be checked on NR3 database. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.
- 63.5 Any requests from other Authorities for data provided to the NR3 database will only be provided in accordance with this policy and our data protection policies. Further details can be found on our [privacy notice](#) website page.
- 63.6 Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger where there is indication that there is a public protection risk.
- 63.7 Information is passed on at charge, or exceptionally arrest, rather than on conviction, which may be some time after, allowing appropriate measures to be put in place.
- 63.8 Any decision by the licensing authority to refuse to grant or revoke a licence to an

individual thought to present a risk of harm to a child or vulnerable adult will be referred to the Disclosure and Barring Service (DBS).

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Results of public consultation:

Do you think that Cambridge City Council should introduce mandatory training for drivers in regards to supporting wheelchair users to board and travel safely?

44 respondents

29 yes (65.9%)

15 no (34.1%)

29 Yes reasoning:

- this is a business and should comply with employment regulations on equality
- All training that helps people improve is valuable.
- getting accessible taxis in Cambridge is appalling. For those with no mobility so they have to stay in their wheel chairs Cambridge is a no go area after the bus service stops. We only of just one vehicle that our customers can book. Uber drivers are often willing but just don't understand the problems . There should be more encouragement for Taxis to consider wheelchair users
- It's important that all drivers should be properly equipped and trained to serve all users of the service.
- I sometimes use a wheelchair
- is important
- many disabled people have had poor experience
- Without adequate training, the drivers might not be confident enough to take wheelchair passengers on board.
- This should be compulsory
- I sometimes have to use a wheelchair so competent assistance is essential
- I thought this was already in place.
- They should always be respectful. Be able to speak english and be trained how they need to make extra effort and patience, when dealing with the disabled.
- Some drivers may need it.
- they need to be inclusive
- good idea
- Handicapped people require all the help they need
- Safety of passengers must be a priority.
- Because most drivers do not know how to help, and let's face it, if you're in a wheelchair, you can afford a taxi.
- I don't think the drivers should have to pay for the training, though.
- Wat do u think. All drivers should b capable
- This is important but likely difficult for many types of vehicle used as taxis.

- "Failure to introduce mandatory training could result in wheelchair users receiving a poorer standard of service than non-wheelchair users.
- Drivers would earn a certificate of competence in this respect. Ideally, this would be part of nationally-recognised scheme."
- Some drivers do not want to pick up disabled customers. There should be no excuse not to.
- Wheelchair users are more dependent on taxi user
- None
- Accessibility is important
- Public expect that this is in place and it covers drivers; operators and council to some extent in term of liability when issues occur.
- "We are broadly in favour of WAV training for driver partners (DP) as we believe this will help reduce DP, operator and council issues in this area of the trade whilst increasing level of safety and service for wheelchair bound passengers. Such training will increase the confidence of some DP's who currently avoid doing the bookings because they genuinely do not know the correct methods and are nervous of the consequences of getting it wrong.
- We support this idea in principle; however, we have concerns around implementation. If the training is too onerous or costly it may disincentivise DP's from licensing a WAV and therefore the overall numbers and coverage could decrease. To mitigate this, the implementation requires further consideration and thought, maybe in the form of a workshop between the trade and the council/members. It may also put off existing DPs that undertake WAV bookings.
- Having looked at the MIDAS schemes available these do not seem to be ideal as they concentrate too much on driving minibuses and with less focus on the wheelchair access element. Shorter, more relevant and cheaper courses are available, for example via Blue Lamp training who are already used for DP driving tests in Cambridge. These courses concentrate solely on handling the wheelchairs and using the anchoring equipment so are very relevant. Cambridgeshire County Council seem to offer a similar short course but only deliver it to groups of 10 people or more so this may be worth exploring."
- Equal access. If taxis are allowed of MR bridge they should be able to carry blue badge holders safely.

15 no reasonings:

- No reason is given for introducing this training, and I do not know of any data which suggests that it is needed.
- Common sense
- Useless for taxis that cannot take wheelchairs, training should be given to those who drive taxis that can take those chairs.
- Apparently the council doesn't have enough money to provide the services it already does.

- Not all vehicles suitable for wheelchair users
- Only if the vehicle is adapted to carry disabled passengers. The steep step on many large vehicles is difficult for those of us who are elderly and with reduced mobility.
- common sense and courtesy -
- Unreasonable burden and expense
- Only for those who drive a wheelchair friendly car.
- Anything mandatory simply increases costs and bureaucracy.
- I think a robust complain system, with consequences for the hackney carriage, and a sign explaining to wheelchair users how to complain would be much more useful. It's not very hard to understand how to put a wheelchair in a car. The problem is if a driver can't be bothered to do it, and no training will help with that.
- They are already experience in that
- Everyone knows how to operate don't waste public money
- Not all drivers are driving wheelchair accessible vehicles. Training is not required as it is not that complex to load a wheelchair into a taxi.
- Dose not need any training as 1 wheelchair job in 2 years I have done

Should this training be mandatory for drivers already licensed, or for new applicants?

Drivers already licensed – 24 (54.5%)

New applicants – 5 (11.4%)

No answer – 15 (34.1%)

Do you have any other comments regarding mandatory training for drivers?

31 of the 44 provided comments

- If you want to introduce a policy change, give evidence as to why it is a good idea.
- Yes make it more affordable
- No
- NO
- no
- No

- "how to drive around cyclist" would be useful. Too many taxis seems to think cyclist never have priority, and happy to shove cyclist on the pavement or in the gutter to save 3 seconds on their journey.
- No
- "Keep it simple no need training
- Waste of public money"
- this should improve the service
- If drivers have regular contracts (e.g. taking children to school) they should be obliged to keep to the timetables that get children to school on time and help families. (I heard an account from a parent fairly recently of a driver arriving late each day because he didn't want to queue outside the special school to drop off his passenger. This meant that not only was the passenger child late for school, but the mother was having to wait with this child meaning she couldn't take her other child to the local school on time. Drivers need to work to their contracts, not to their own convenience.
- no
- The training needs to be frequently refreshed to ensure drivers are always fully prepared
- no
- "Please have training for how the taxi drivers behave around cyclists - with importantly punishments for the ones who break the rules
- I have been verbally harassed, beeped at and had multiple close passes from taxi drivers. in particular these have been panther taxi drivers
- it would be very helpful if panther could store the data on where their taxi drivers were, so that if any report on dangerous driving at a given time at a given place came through then they could assign blame to a particular driver. who could be given additional training/ licence removed if their behaviour doesn't improve.this is important as often it happens too quickly to catch the number plate"
- no
- Drivers taking the mandatory training should have monetary compensation for time.
- No
- no
- I think taxis should be a community service and get tax relief. So those that can not afford taxis or get out, would be able to at least twice a week. Which would reduce mental and medical needs for that person.
- No
- No
- There needs to be a correct standard set way so paying customers know they are being treated the same correct safe way whichever driver or cab they get.
- No

- No
- Failing to insist on mandatory training for existing drivers would appear to be discriminatory.
- I would like to have a publicised system where one can easily report rogue drivers such as those that jump red lights, take short cuts through private premises, smoking in cars, parking on double yellow lines whilst waiting for a call and refuse to pick up customers as it doesn't suit them at the time. Complaints should be able to result in a driver losing their licence.
- They should at least know key places around the city they are licenced to work
- Drivers share vehicles so thought needs to be given to this. Maybe proprietors should be held responsible by a condition on their licence stating that only those trained can drive WAV vehicle.
- Yes, the training should be mandatory for all licensed drivers. The previous answer would only allow me to tick one box.
- Generally the quality of driving and customer service is poor.

Summary

44 responses were received. 29 responses stated that mandatory wheelchair training should be introduced into the Policy. 24 responses stated that the training should be for all drivers.

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Driver vehicle condition checklist

Completed by [INSERT DRIVER NAME] at HH:MM hours on DD/MM/YY

Vehicle Registration Mark: _____

Vehicle Licence Number: _____

Driver Licence Number: _____

Vehicle Mileage: _____

Area	Requirement	Faulty	Correct
Brakes	Foot/service brake works correctly and does not have any excess travel		
	Hand/parking brake works correctly and does not have any excessive travel		
Horn and steering	Horn control is easily accessible from driver's seat		
	Horn works when its control is operated		
	Steering has no excessive play		
Obligatory lights and lenses	All lights and indicators work correctly		
	All lenses are present, clean, in good condition and are the correct colour		

Area	Requirement	Faulty	Correct
	Stop lamps come on when the service brake is applied and go out when released		
	<p>All dashboard warning lamps work correctly, including (if fitted)</p> <p>automatic braking system (ABS)</p> <p>airbags - (SRS)</p> <p>main beam headlamp warning lamp</p> <p>parking brake warning lamp</p>		
Mirrors and glass	<p>All required mirrors are fitted and should be properly aligned and secure</p> <p>Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, i.e., stickers, advertisements</p> <p>All windows operational</p>		
Seats and seat belts	<p>All seats are secure</p> <p>All seat belts must operate correctly and must be free from cuts and any damage</p>		
Washers and wipers	<p>Wipers move as per manufacturer design when switched on</p> <p>Wiper blades must clear the windscreen effectively</p> <p>Washers point at the windscreen and are operational</p> <p>Washer fluid is topped up</p>		
Battery	<p>Battery is held securely in place by the correct means</p> <p>Battery is not leaking</p>		

Area	Requirement	Faulty	Correct
	Battery terminals are secure and free from corrosion		
Fluids, fuel and oil	<p>The brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level and without leaks.</p> <p>The fuel filler cap must be securely fitted and the seal is not torn, perished or missing</p> <p>There must not be any brake fluid, power steering fluid or water leaks</p> <p>With the engine off, look for puddles on the ground - if leaks are detected, trace the cause before using the vehicle</p> <p>With the engine on, check underneath the vehicle for any fuel and oil leaks - look for puddles on the ground.</p>		
Bodywork and doors	<p>All doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit</p> <p>There must not be any sharp edges or excess corrosion</p> <p>All body panels and sills must not be loose or in danger of falling off and free from excessive damage</p>		
Exhaust (if applicable)	The exhaust be secure, free from leaks and must not emit excessive amounts of smoke..		
Tyres and wheels	<p>Check as much of your tyres and wheels as you can see. There must be:</p> <p>a minimum tread depth of 1.6mm across the centre 75% of the tread</p>		

Area	Requirement	Faulty	Correct
	<p>correctly inflated</p> <p>no deep cuts in any tyre sidewall</p> <p>no cord visible anywhere on any tyre</p> <p>no missing or insecure wheel nuts</p> <p>Space saver tyres when fitted are not sufficient for use for hire and reward- can be used merely to get the vehicle to where a full-size tyre can be fitted.</p>		
Licence Plates Discs and other identifiers	<p>Drivers must ensure:</p> <p>all required plates and mandatory signs must be in place on the vehicle before use.</p> <p>when displayed the licence plate must not obstruct/ obscure the vehicle registration plate in such a way as to hide the name of the issuing authority or other identifying details.</p> <p>taxi roof light is safe and operational (if fitted).</p> <p>Taxi meter (if fitted) seal is intact.</p>		

WARNING: Drivers are found using a defective vehicle in breach of the duty to check could be at risk of sanction, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.

Driver vehicle condition checklist

Completed by [INSERT DRIVER NAME] at HH:MM hours on DD/MM/YY

Vehicle Registration Mark: _____

Vehicle Licence Number: _____

Driver Licence Number: _____

Vehicle Mileage: _____

Area	Requirement	Faulty	Correct
Horn and steering	Horn control is easily accessible from driver's seat		
	Horn works when its control is operated		
	Steering has no excessive play		
Obligatory lights and lenses	All lights and indicators work correctly		
	All lenses are present, clean, in good condition and are the correct colour		
	Stop lamps come on when the service brake is applied and go out when released		

	<p>All dashboard warning lamps work correctly, including (if fitted)</p> <p>automatic braking system (ABS)</p> <p>airbags - (SRS)</p> <p>main beam headlamp warning lamp</p> <p>parking brake warning lamp</p>		
Mirrors and glass	<p>All required mirrors are fitted and should be properly aligned and secure</p> <p>Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, i.e., stickers, advertisements</p> <p>All windows operational</p>		
Seats and seat belts	<p>All seats are secure</p> <p>All seat belts must operate correctly and must be free from cuts and any damage</p>		
Washers and wipers	<p>Wipers move as per manufacturer design when switched on</p> <p>Wiper blades must clear the windscreen effectively</p> <p>Washers point at the windscreen and are operational</p> <p>Washer fluid is topped up</p>		

Fluids, fuel and oil	<p>The brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level and without leaks.</p> <p>The fuel filler cap must be securely fitted and the seal is not torn, perished or missing</p>		
Bodywork and doors	<p>All doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit</p> <p>There must not be any sharp edges or excess corrosion</p> <p>All body panels and sills must not be loose or in danger of falling off and free from excessive damage</p>		
Exhaust (if applicable)	The exhaust be secure, free from leaks and must not emit excessive amounts of smoke..		
Tyres and wheels	<p>Check as much of your tyres and wheels as you can see. There must be:</p> <p>a minimum tread depth of 1.6mm across the centre 75% of the tread</p>		

	<p>correctly inflated</p> <p>no deep cuts in any tyre sidewall</p> <p>no cord visible anywhere on any tyre</p> <p>no missing or insecure wheel nuts</p> <p>Space saver tyres when fitted are not sufficient for use for hire and reward- can be used merely to get the vehicle to where a full-size tyre can be fitted.</p>		
<p>Licence Plates Discs and other identifiers</p>	<p>Drivers must ensure:</p> <p>all required plates and mandatory signs must be in place on the vehicle before use.</p> <p>when displayed the licence plate must not obstruct/ obscure the vehicle registration plate in such a way as to hide the name of the issuing authority or other identifying details.</p> <p>taxi roof light is safe and operational (if fitted).</p> <p>Taxi meter (if fitted) seal is intact.</p>		

WARNING: Drivers are found using a defective vehicle in breach of the duty to check could be at risk of sanction, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.

Public Consultation results (daily checklist)

Do you think that Cambridge City Council should introduce a daily checklist for drivers to complete?

No – 26 (59.1%)

Yes -18 (40.9%)

- Reasoning from those that answered No:
- No evidence provided that this is needed
- Not necessary
- Needless bureaucratic paperwork creating a mountain of waste paper. - waste of time and money and will not solve anything, as taxi drivers are around their car and walk around it several times daily so would spot most things anyway. A weekly or ideally a monthly check is far more appropriate and would allow a little more in-depth checking to spot less visible issues. As a daily list, the checklist suggested as an example is hugely overbearing, requiring checks massively in excess of what other road users would ever carry out each day, and would likely just lead to lots of "faking" meaning the whole process is a worthless waste of trees and time.
- Only if you can afford to actually enforce it. And I think there are better uses of taxpayer money unless there is an active issue in this area which I am not aware of.
- can be Toooo Big Brother
- Too often. Weekly would be better and would be less of a call on public funds.
- bureaucracy gone mad
- The liscence term and law already requires drivers to have safe vehicles. Being overly specific on daily checks is pointless and inefficient bureaucracy
- For what purpose? Extra admin creates extra costs.
- Anything mandatory simply increases costs and bureaucracy.
- This is a bit too often. Every week is more than enough.
- "It only more paperwork for the driver
- Also its not Environmental friendly to use paper new pages every day"
- Don't put more pressure already they're having trouble from customer every day
- Most of the cars nowadays will warn the drivers in case there is an issue within the vehicle. Such as tires, engine and etc.
- Waste of time. No needed. All vehicles are upto date with two MOT and year
- over bureaucratic
- Too many paperwork makes life difficult, unless there are easier channels for reporting.

- Is it necessary
- maybe weekly? too frequent for drivers to take it seriously (blindly ticking boxes)
- Just extra bureaucracy
- over the top
- Once they know the checklist they should not have to keep checking
- It is unlikely to be enforceable and likely easily fabricated.
- Overregulation will kill the industry
- That's a total waste of public money
- Believe that vast majority of drivers are responsible in this respect already and modern vehicles do not suffer many defects

Reasoning from those that answered Yes:

- every other service that require driving have to do this so this would bring taxis in line with other businesses and keep the public safe
- It's very easy to forget or even skip steps. Lists are always helpful for checks.
- Its only basic health and safety. We have to check food safety, fire safety , water safety everyday amongst other checks why shouldn't taxis complete a fit for duty check of their vehicle and record it ?
- This provides clear evidence that a driver claims that a check has been carried out.
- Safety
- safety is important
- Passengers must be entitled to expect a clean and safe vehicle. The word `should' in the policy is weak. Replace it with `Must'
- They carry members of the public. So they are not driving for themselves and they need to maintain their car taxi at a high standard.
- I had it quite a few times that a taxi had obvious problems
- Anyone handling machinery has to for their and others safety in many walks of life. Police it is reported stopped 17 cars recently and only two were safe. That is terrible. If they have a passenger hurt as a result of poor maintenance checks then they need to be held liable.
- I drive for a living and I'm not allowed to leave the yard without the safty checks
- Better to be safe than sorry.
- It's obvious but how do u enforce it
- "Vehicle deterioration is incremental. Only by having recorded, signed, daily checks can this be securely countered.

- Consideration should be given to having these records on a hand-held digital device, which will record the time of the checks. Ideally the digital device would communicate remotely with the licensing authority. The device should be electronically tied to one unique vehicle."
- So they adhere to the policy.
- Safety is important
- The daily checklist can support further safety; however, the process should not be onerous for drivers and the council needs to consider how it confirms that the checks have taken place. The responsibility for this should not sit with the operators.
- Most drivers don't know the rules. They keep running foul of them when inspected. This will reinforce some of them

Would you be happy to use the checklist provided above?

Yes- 16 (36.4%)

No – 2 (4.5%)

No answer – 26 (59.1%)

What changes would you make to the checklist?

2 responses

- I think that checklist is a bit excessive and could be seen as punitive for drivers likely to do these checks on a regular basis anyway. I think some of the stuff could be daily and the rest of it weekly.
- The list is too long for a daily checklist. There should be some consolidation of the checks required.

15. Do you have any other comments regarding the introduction of a daily checklist for drivers to complete?

26 respondents:

- Not necessary
- consider lack of resources to enforce more serious issues elsewhere, and stop wasting money on new rules which only scare and restrict people and get too confusing to understand.
- No
- It is too often and not necessary

- No
- Yes, what will be on the check list and what is the purpose. There is no need for admin when probably most of it is covered through legalities and current checks.
- No need them
- No
- Not needed.
- No needed daily checklist. These are for the buses not for taxi
- NO
- Some drivers may require training to understand the requirements of the checklist
- no
- no
- No
- It is nonsense to have a checklist that `should' be completed when that checklist contains many requirements that `must' be complied with. Get a grip...
- No
- No
- About time! Please ensure they date and sign, then Block Capitals.
- They won't do them
- This is going to need careful messaging.
- No
- "One daily walkaround check should suffice if the first driver of the day is obliged to confirm their liability in the event of any discrepancies, and to report any suspected faults to any subsequent driver taking over a vehicle.
- One daily walkaround check appears to be the practice in the bus industry."
- Could easily become overly bureaucratic
- No that's a ridiculous idea
- Passengers should be asked for feedback back on their journeys and drivers rated. More enforcement of pad parking, driving on the pavement and dangerous overtakes.

Summary

44 responses were received. 26 responses stated that a daily checklist should not be introduced. 16 responses stated that they would be happy to use the checklist provided in the guidance. 2 responses were received as to how the checklist could be amended and both felt it was too long.

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Public consultation on displaying operator signs

Do you think Cambridge City Council should remove the requirement for private hire vehicles to display operator signs?

No – 42 (95.5%)

Yes – 2 (4.5%)

Extra response received from Uber via email supporting the removal of the requirement.

Do you believe the removal of the requirement to display operator signs on private hire vehicles could impact on public safety?

Yes – 37 (84.1%)

No – 7 (15.9%)

Response from Uber does not believe it would impact on Public Safety

Reasoning for Yes response:

- If you are concerned about getting in a cab, knowing who the operator is provides assurance
- Professional drivers ought to have visible details for bad behavior to be reported to.
- Displaying where you work and who you are means people can see that you work for the company they booked through. Also requiring companies to provide the plate of the vehicle picking them up is a real benefit
- On balance but not a definite answer as I do not know the arguments for and against.
- ?obvious better to be safe than ----
- It is useful to know who the driver is working for and if it's who you thought you'd booked with
- As a third party is involved it should be visible in case of accidents, etc.
- Quite simply you have to know what vehicle you are getting in to.
- Private hire cars can be better notice by the publicsigns should be visible
- Dangerous who is Taxi or normal fake one can't recognise will put vulnerable people in dangerous position
- All private hire vehicles should be identified by the public therefore signs should be mandatory
- Yes I could impact safety

- rough taxis
- Taxis are serving the public and sometimes quite vulnerable people, who need to know what they are summoning and entering.
- Private hire vehicles need to be accountable and the user needs to see who is operating this service
- safety
- so you can know who to report bad behaviour too
- obviously
- As far as transparency is concerned, that is necessary.
- It is an identifier for anyone using a service
- Bogus taxis would be impossible to identify
- When each taxi is registered along with the driver, there is a greater reassurance for passengers.
- as a woman, I want a clear identifier before I feel safe to get into a taxi
- why be secret?
- I am 3/4 blind
- Legitimate drivers should welcome verification shown for passengers to see.
- Anyone could pull up and say they are a taxi
- Well, it's obvious, isn't it?
- How wide passengers no that taxi is legit
- Passengers, especially lone women, need the reassurance that a vehicle is licensed and that the driver is know to the licensing authority.
- There are a few rogue drivers in operation and if a taxi is properly signed then it would be easier to report these rogue drivers to the relevant authorities. I would like to have a publicised system where one can easily report rogue drivers such as those that jump red lights, take short cuts through private premises, smoking in cars, parking on double yellow lines whilst waiting for a call and refuse to pick up customers as it doesn't suit them at the time. Complaints should be able to result in a driver losing their licence.
- Other drivers may feel more entitled to use areas reserved to taxis if they don't realise the vehicles using them are. Easier to police
- They should be registered to work and regularly checked for authentication, as many are not taking the rules seriously
- It might not be a proper licensed taxi
- To remove would be an obvious safeguarding issue. It should be borne in mind that is not just about driver and, more so, passenger safety but also - by having doorsigns - the ability it affords non-passengers or drivers (ie. third party/general public/bystanders etc) to report any incidents they observe - can be vital in safeguarding.
- "The proposal to remove operator livery from vehicles is concerning as it poses a public safety issue. The public should be aware of which operator is

providing their service. The removal of operator livery is contrary to drawing the distinction between Taxis and Private Hire Vehicles.

- Members of the public and passengers may not be aware of the distinction between PHV and taxi. Operator brand recognition is high in the PHV industry. The inclusion of operator branding on the vehicle is an important safety component of PHV licensing, enabling, amongst other things, the licensing authority or police enforcement to know where to begin any enquiries into complaints or urgent safety concerns.
- The DfT conclusions on this topic notably omit to consider the many thousands of passengers outside of London who still prefer to book their private hire vehicle using landline telephones, and for whom, the notification of the vehicle make/model/colour and registration plate by the operator is practically impossible. These passengers, many of whom may be elderly and/or vulnerable, are reassured that the vehicle they get into is legitimate by the evidence of operator livery."
- Easy to identify legal taxis.

Reasoning for No answer:

- No they are db's checked
- No
- it's a sign
- There is no safety penalty in displaying this important information
- Passengers need as much info as possible displayed
- Don't really know
- I find it useful to be able to identify taxis without lights

How could this impact on public safety?

36 responses were received:

- See my previous answer
- Encourage drivers to drive well and not cut corners for profit
- I need more information to comment intelligently.
- ? do you know?
- Reduced
- Drivers just drive off after an accident and it might be harder to track.
- Quite simply you have to know what vehicle you are getting into.
- Every hackney and hire cars should be visible in the street
- Very much
- Removing signs will negatively impact

- Any car can take customer like fake taxis
- public not knowing if the car arriving is a legitimate private hire and could have cars that are not registered putting the public at risk
- There have been recorded instances of bad behaviour by taxi drivers - only a few but there have been some. everything that can be done to keep passengers safe should be done. Any passenger in a taxi could be vulnerable, much more so than, say, a passenger on a train or bus.
- Difficulty in identifying owners, operators and agencies operating taxis.
- People would feel safer in event of a crash or other event.
- see above
- yes
- The answer is obvious.
- Reassurance that safety is important within the city
- Criminal activity could be more likely
- I've just answered that
- some positive impact. but too many drivers use their phone while driving, so this is still a major safety issue
- criminals could pretend to be taxi drivers
- Hopefully for the better
- Improve .. especially if a passenger needs ID
- Fake drivers
- Prevent rogue drivers pretending they are taxi drivers and all that that entails.
- Don't know
- See previous answer.
- It may reduce the number of incidents where a rogue driver jumps red lights, mounts pavements etc.
- More difficult to notice non registered vehicles
- We must ensure a safe transport system for all the passengers in the city so regular checks should be made on private hire vehicles as hackney carriages are checked regularly
- It might not be a proper licensed taxi
- See previous answer
- It could cause serious public safety issues as passengers and the wider public will not know which operator is providing the services. Additionally, there will be no distinction between a PHV and a private vehicle, which could lead to a greater number of unlicensed journeys. This will inevitably put passengers and the public at risk.
- Easier to get into an illegal unsafe taxi

Do you have any other comments regarding the requirement for private hire vehicles to display operator signs?

22 responses:

- no
- None
- No
- No
- no
- No
- We need them in place
- No
- Must provide operator sign display
- No
- no
- no
- no
- No
- no
- Needs to be compulsory.
- No
- No
- No
- No
- No
- No
- They must display signage like we hacks do otherwise they should be fined for non compliance

Summary

45 responses were received. 42 responses stated that the requirement to display operators door signs should not be removed. 37 responses stated that if this condition was removed it could negatively impact on public safety.

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Public consultation on increasing time full driving licence held to 2 years

Should Cambridge City Council increase the time to have held a full driving licence issued in the UK or in the EU to 2 years (24 months)?

Yes – 22 (50%)

No – 22 (50%)

Response from those that answered Yes

- It's important to have experienced drivers when driving members of the public.
- Very young and very old drivers are more prone to accidents so you should also consider a maximum age of say 70
- Drivers will get more experience before start driving public
- Atlas they will know conditions of driving
- More experience is good
- We know that experience is a key factor in driver safety. A driver with one year's experience is likely to be less safe than a more experienced driver.
- One year is inadequate to ensure driving is of a sufficiently high standard. Even two years is questionable. Five years would be a good requirement. Drivers should have the option to reduce qualifying time by passing advanced driver courses to demonstrate their competence.
- Drivers from abroad often do not drive safely in this country
- Safety of the passengers
- Experience is a must two years does not seem to be long enough when carrying paying passengers
- 12 months is an inadequate period for a driver to acquire the level of road sense appropriate to someone carrying a fare paying passenger
- Some drivers seem remarkably inexperienced
- an experienced driver will hopefully be more safe
- Under 20's have a higher record of accidents
- Cambridge has many people passengers, pedestrians, cyclists and other road users not use to Cambridge's roads. Extra care needed when driving on top of basic road use. Training needed that illegal manoueurs and parking applies to all drivers so holding up traffic bumpy stopping or driving slowly whilst looking at messages for next fares or blocking roads not permitted either.
- Most are foreign nor been in the country 2 years
- Stops people becoming taxi drivers before they have road experience.
- Helps to make drivers safer on our roads

- There are a few rogue drivers such as those that jump red lights, take short cuts through private premises, smoking in cars, parking on double yellow lines whilst waiting for a call and refuse to pick up customers as it doesn't suit them at the time. Ensuring drivers have had a licence for at least 2 years may help reduce the number of these rogue drivers.
- None
- Should naturally aid better standards
- Poor driving often seen

Response from those that answered No:

- No evidence provided that this is needed
- Not necessary
- Length of time has no relation to driving experience. Experienced drivers (past a certain number of hours/miles driving) are the ones who should be allowed to drive, not ones who have held their license for a period of time.
- No
- just one aspect of judgement
- No need
- Drivers fresh after passing are driving more safely and might be more conscious about traffic.
- Time licence held is no indication of driver ability or skill.
- Long time drivers are bad too. I'd rather have a highway code re-test every so oftne. Too many taxi/phv driver seem to ignore the 2022 highway code changes.
- No need
- should take test to make sure the driver is competent
- not sure this would make any difference to competence of the driver
- we should either have additional licence for taxi drivers including a test, but more time driving doesn't necessarily make taxis more safe
- too much
- Careless drivers would be dangerous no matter the age. (Perhaps speed limit and age notice can be displaced so the passenger can decide too)
- A lot of taxi drivers havnt driven in the u.k.
- 1 year is sufficient
- I do not believe this would have an effect.
- Under these proposals, the minimum age for driving a taxi/PHV would be 19 (age 17 as legal minimum for a full driving licence plus 24 months) whereas and 18-year old can hold a PCV licence and drive a full-size bus.
- Seems unnecessary
- I don't see a reason for this

- We have not seen any evidence to support this change.

Do you have any other comments to make about this?

15 responses

- None
- No
- No
- NO
- A bad driver will still be bad after two years. Consideration should be given to encouraging professional development amongst drivers. Perhaps advanced driving qualifications at reduced prices or even reducing fees for them
- No
- no
- No
- A driver who has passed the IAM test might be considered sufficiently competent to permit a shorter period.
- No
- No
- drivers should take additional safe driving lessons
- The restriction to the EEA seems odd, since many countries in Europe drive on the right, and this excludes other countries that drive on the left.
- An applicant should have no penalty points on their licence, nor have been involved in any road traffic collision where they were deemed at fault.
- No

Summary

44 responses were received. The responses were split 50/50. Half of the respondents believe the time should be extended to 2 years, whilst the other half state it should remain at 1 year.

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Cambridge City Council Equality Impact Assessment (EqIA)

This tool helps the Council ensure that we fulfil legal obligations of the [Public Sector Equality Duty](#) to have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (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.

Guidance on how to complete this tool can be found on the Cambridge City Council intranet. For specific questions on the tool email Helen Crowther Equality and Anti-Poverty Officer at equalities@cambridge.gov.uk or phone 01223 457046.

Once you have drafted the EqIA please send this to equalities@cambridge.gov.uk for checking.

1. Title of strategy, policy, plan, project, contract or major change to your service
Changes to Hackney Carriage and Private Hire Licensing Policy

2. Webpage link to full details of the strategy, policy, plan, project, contract or major change to your service (if available)

3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

Changes to the Hackney Carriage and Private Hire Licensing Policy in line with Best Practice for licensing authorities in England issued by the Department of Transport in November 2023.

The 4 changes are as follows :

- Introduction of the training of drivers in loading wheelchairs and wheelchair users into Wheelchair Accessible Vehicles.
- For drivers to daily safety checks of the licensed vehicle.
- Private Hire Vehicles should continue to display operator signs.
- Applicants shall hold a full driving license for more than 2 years before applying to be a licensed driver.

This is to ensure that we continue to provide a safe and compliant taxi service

4. Responsible Team and Group

Commercial and Licensing Team, Communities

5. Who will be affected by this strategy, policy, plan, project, contract or major change to your service?

(Please tick all that apply)

- Residents
- Visitors
- Staff

Please state any specific client group or groups (e.g. City Council tenants, tourists, people who work in the city but do not live here):

[Click here to enter text.](#)

6. What type of strategy, policy, plan, project, contract or major change to your service is this?

- New
- Major change
- Minor change

7. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service? (Please tick)

- Yes
- No

N/A

8. Has the report on your strategy, policy, plan, project, contract or major change to your service gone to Committee? If so, which one?

Is going to Licensing Committee on 20th January 2025

9. What research methods/ evidence have you used in order to identify equality impacts of your strategy, policy, plan, project, contract or major change to your service?

A public consultation took place from 4th November 2024 to 1st December 2024 on the Cambridge City Council website. 44 people responded to the consultation.

We do not hold data on the demographics of our licensed drivers.

However we do have a policy that all new HC vehicles must be Wheelchair accessible. Currently we have 114 number of wheelchair accessible vehicles (WAV) on that are licensed with Cambridge City

.
We do receive a number of complaints by wheelchair users about either unable to get a taxi or how the users has been treated, which we always investigate.

We also received approximately 500 taxi complaints each year, in relation to either a driver, vehicle or operator and these policy changes are trying to support drivers and customers to have a safe and reliable taxi service

10. Potential impacts

For each category below, please explain if the strategy, policy, plan, project, contract or major change to your service could have a positive/ negative impact or no impact. Where an impact has been identified, please explain what it is. Consider impacts on service users, visitors and staff members separately.

(a) Age - Please also consider any safeguarding issues for children and adults at risk

We do not hold an age profile of our taxi drivers, or potential drivers, and therefore it is difficult to determine of the age change will have an impact.

(b) Disability

To require mandatory WAV training will have a positive impact on disabled groups as it will highlight the importance that this public transport service has on disabled groups . To be trained in loading and unloading and securing wheelchair users will ensure that this is done in a safe manner. The training will also ensure that disable users are treated with respect and courtesy.

(c) Gender reassignment

We do not believe that the assessment will have an impact on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on gender.

(d) Marriage and civil partnership

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on marriage or civil partnership.

(e) Pregnancy and maternity

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on pregnancy or maternity.

(f) Race – Note that the protected characteristic ‘race’ refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on pregnancy or maternity.

(g) Religion or belief

We do not believe that the policy will impact negatively on this target group. The policy has been open to a public consultation and no responses have been received in regards to the policy impacting on religion.

(h) Sex

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on gender.

(i) Sexual orientation

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on sexual orientation.

(j) Other factors that may lead to inequality – in particular, please consider the impact of any changes on:

- **Low-income groups or those experiencing the impacts of poverty.**
- **People of any age with care experience – this refers to individuals who spent part of their childhood in the care system due to situations beyond their control, primarily arising from abuse and neglect within their families. The term “Care experience” is a description of a definition in law, it includes anyone that had the state as its corporate parent by virtue of a care order in accordance with the Children Act 1989 and amendments.**
- **Groups who have more than one protected characteristic that taken together create overlapping and interdependent systems of discrimination or disadvantage. (Here you are being asked to consider intersectionality, and for more information see: https://media.ed.ac.uk/media/1_159kt25q).**

- Click here to enter text.

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11. Action plan – New equality impacts will be identified in different stages throughout the planning and implementation stages of changes to your strategy, policy, plan, project, contract or major change to your service. How will you monitor these going forward? Also, how will you ensure that any potential negative impacts of the changes will be mitigated? (Please include dates where possible for when you will update this EqIA accordingly.)

--

12. Do you have any additional comments?

None

13. Sign off

Name and job title of lead officer for this equality impact assessment: Yvonne O'Donnell, Environmental Health Manager
Names and job titles of other assessment team members and people consulted: Helen Crowther Equalities and anti-poverty Officer
Date of EqIA sign off: 2 nd January 2025
Date of next review of the equalities impact assessment: January 2028
Date to be published on Cambridge City Council website: January 2025

All EqIAs need to be sent to the Equality and Anti-Poverty Officer at equalities@cambridge.gov.uk



REPORT TITLE: Annual review of Fees and Charges 2025/2026

To:

Licensing Committee – 20th January 2025

Report by:

Yvonne O'Donnell , Environmental Health Manager

Tel: 01223 - 457951 Email: yvonne.odonnell@cambridge.gov.uk

Wards affected:

All

1.	Recommendations
1.1	<p>It is recommended that Licensing Committee:</p> <ol style="list-style-type: none"> 1. Members are recommended to approve the level of the fees and charges with effect from 1st April 2025, as set out in Appendix D. 2. Members are to request officers to communicate changes with members of the public, businesses and taxi trade.
2.	Purpose and reason for the report
2.1	Cambridge City Council, as the Licensing Authority, is responsible for processing and issuing licences for a wide range of activities.
2.2	The Council needs to demonstrate that the fees it charges for such licences have been set in accordance with the law and best practice, so as to recover its allowable costs in administering the various licensing regimes for which it is responsible.
2.3	Fees should be set so as to avoid either a surplus or a subsidy where possible and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.
2.4	The calculation of the taxi and private hire fees and charges 2025/26, considered specific officer role and their time involved in the issuing and processing of applications, in addition to the administration and monitoring of compliance with conditions.

2.5	The costs involved in carrying out all the processes and the true costs of running a taxi service, have been calculated and these are the fees that went out for consultation as attached in Appendix A.
2.6	Following feedback from the consultation and discussion with the Chair of Licensing, the fees for one of the processes have been amended as attached in Appendix D.
2.7	This report sets out the revised fees and charges for licences and associated items, which it is proposed should be made with effect from 1st April 2025. The approved charges will be submitted to Full Council to note on 24th February 2025.
3.	Alternative options considered
3.1	As fees are set to avoid a surplus or subsidy where possible, there are no alternative options to the fees proposed in Appendix D.
4.	Background and key issues
4.1	Cambridge City Council is required to review any charges which it makes for licences and other associated items, from time to time. Council policy provides that an annual review of these fees and charges will be undertaken.
4.2	The Council must seek to recover the costs associated with processing applications for licences as well as the administration and monitoring of compliance with conditions. The fees charged should be capable of withstanding legal challenge, should the need arise.
4.3	It is not permitted to make a surplus, nor to subsidise, licence holders, and so where necessary fees are adjusted in succeeding years to achieve and maintain the correct balance.
4.4	The cost to the Council of this work is regularly checked and real time costs are used in compiling the figures. Where it is possible to reduce costs by use of more efficient working this is reflected in the charges made.
4.5	Fees for Animal Welfare Licensing:
4.6	The fees for the majority of Animal Welfare Licensing were adopted by Licensing Committee on 1st October 2018, following on from the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 taking effect on 1st October 2018. These fees have increased by 2.5%, in line with inflation.
4.7	In contrast the fees for both zoos and dangerous wild animals have not changed regime

	and have increased by 2.5%, in line with the rate of inflation.
4.8	Fees for Skin Piercing Registrations and Sex Establishment Licensing:
4.9	Fees for skin piercing practices and sex establishments have increased by 2.5% in line with the rate of inflation.
4.10	Fees for Hackney Carriage and Private Hire licensing:
4.11	Section 53 and 70 of the Local Government (Misc Provisions) Act 1976 (“Act”) allows the council to change and levy costs for the grant of licences in respect of hackney carriage and private hire drivers, vehicles and operators.
4.12	Section 53(2) of the Act states, in relation to drivers’ licences for hackney carriage and private hire vehicles: “Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.”
4.13	Section 70 of the Act states, in relation to vehicle and operators’ licences: “(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators’ licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part— (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed; (b) the reasonable cost of providing hackney carriage stands; and (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.”
4.14	The costs recoverable within licence fees include, costs of issuing and administering licences. This includes costs associated with the monitoring and enforcement of such licenses.
4.15	There has been previous unclarity, if monitoring and enforcement, could be charged under Section 53 (2) in respect to drivers.
4.16	However, in 2019 in a Court of Appeal with Master of the Rolls, King LJ and Lavender J

	<p>stated:</p> <p><i>“46. In any event, we consider that the costs of enforcing the behaviour of licensed drivers can be recovered through the driver’s licence fee under section 53(2). The relevant words in that provision are “the costs of issue and administration”. The costs of “administration” must be something other than, and in addition to, the costs of “issue”. There is no difficulty in interpreting “administration” in its statutory context as extending to administration of the licence after it has been issued. It naturally includes the costs of suspension and revocation, which are events expressly mentioned in Part II of the 1976 Act. Suspension and revocation rest on non-compliance with the requirements and conditions for continuing to hold the licence. As we have said, it would therefore have been obvious to Parliament, when enacting the 1976 Act, that costs would be incurred by the district council in monitoring compliance with such requirements and conditions.”</i></p> <p><i>“48. For those reasons, both on the literal wording of section 53(2) and, if and so far as necessary, applying a purposive interpretation, we consider that the costs of monitoring and enforcing the behaviour of licensed drivers can be recovered through the fee under section 53(2).”</i></p>
4.17	The Council cannot make a profit from licence fees and there must be a carry forward of any surplus. There can also be recovery of any deficit.
4.18	In <i>R v Westminster City Council, ex parte Hutton</i> (1985) 83 L.G.R. 461. The court held that where the fee income generated in one year fails to meet the costs of administering the licensing system, it is open to the local authority to make a proportionate increase in the licence fee for the following year so as to recoup the cost of the shortfall (Hutton at p 518).
4.19	This longstanding principle was confirmed in Hemming [2012] EWHC 1260 (Admin).
4.20	In the case of Hemming (2012), The court determined licence fee surpluses as well as deficits are to be carried forward. The licensing authority is not entitled to make a profit. The court did not require pin-point precision year on year.
4.21	The council does not have to adjust the licence fee every year to reflect any previous deficit or surplus, so long as it ‘all comes out in the wash’ eventually. And the adjustment does not have to be precise: a rough and ready calculation which is broadly correct will suffice.
4.22	Recent years Fees and Changes:
4.23	Due to the covid- 19 pandemic, and impact of various lockdowns, Licensing Committee

	members agreed to no change to licensing fees in April 2021 and April 2022.
4.24	Fees were increased in April 2023 and April 2024 and due to above freeze on prices in 2021 and 2022, some fees increased by a considerable amount. A number of these were then reduced after the consultation period and in consultation with the Chair of Licensing.
4.25	Proposed fees and charges:
4.26	The calculation of the taxi and private hire fees and charges 2025/26, considered specific officer role and their time involved in the issuing and processing of applications, in addition to the administration and monitoring of compliance with conditions.
4.27	The draft proposed fees and charges 2025/26 compared to those in 2024/25 attached as appendix C, see an increase to some of the fees and charges, with reductions to a few.
4.28	Where changes to fees are indicated, these have been made with reference to the costs involved in the work required, rather than a standardised approach.
4.29	The charge for the DVLA Data Checks, is determined by the provider License Bureau/continuum. The current fee will be increasing from 1 st January 2025. The notification of this increase came after the consultation had started and the fees have been amended to reflect this change.
4.30	The charge for Enhanced Disclosure & Barring Service Check (DBS) is determined by the Disclosure & Barring Service. The DBS have announced an increase in their charges from December 2024 and these have been amended to reflect this change.
4.31	Amendments following consultation
4.32	Following feedback from the consultation as attached as Appendix B and discussion with the Chair of Licensing, it was felt that it would be unreasonable at this time to make such a large increase on the fee for the Driver 1 Year Renewal Fee. In 2023 it was proposed that the fee should increase from £84 to £235. It was decided to increase it to £100 from 2023. In 2024 the proposed figure was £250. That was reduced to £150. For 2025/26, when working out the costs involved in the process, the proposed figure was £255. This has now been reduced to £200 and submitted as such in this report. There is also the option for all drivers to take a 3 year renewal option, which costs £305 and is more cost effective than taking the 1 year option.
4.33	Fees and Charges for training
4.34	Fees for training given by Council officers in respect of Award for Personal Licence Holders Level 2 online option, has increased by 2.5%.

4.35	Fees for the in person Level 2 Award for Personal Licence Holders has increased by 2.5% in line with the rate of inflation.
4.36	Fees for licences and permits issued under the Licensing Act 2003
4.37	Fees for licences issued under the Licensing Act 2003 are currently fixed by central government and are included for information only. Cambridge City Council is not permitted to deviate from these figures.
4.38	Fees for licences and permits issued under the Gambling Act 2005
4.39	Fees for permits issued under the Gambling Act 2005 are currently fixed by central government and are included for information only. Cambridge City Council is not permitted to deviate from these figures.
4.40	In contrast licences issued under the Act are subject to maximum levels as laid down by the Department of Culture, Media and Sport.
4.41	Fees for street trading licences
4.42	City Centre Management administer the fees for street trading licences. The current fees have been reviewed and officers have confirmed that the fees have been increased by 2.5% in line with rate of inflation.
5.	Consultation, engagement and communication
5.1	Under the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to consult on any changes to the fees and charges in respect of vehicle and operator licences.
5.2	There is no such requirement under section 53 (2) for the Act for driver licences to be advertised. However the same procedure has been adapted.
5.3	A public consultation took place from 11 November 2024 to 8 December 2024. The consultation was advertised by public notice in Cambridge News. All licence holders were advised of consultation via the Taxi Newsletter that was emailed to all licence holders. The attendees of the Taxi Trade Forum held on 5 th November 2024 were also made aware of the consultation.
5.4	21 consultation responses were received on Citizen Lab, which are illustrated in Appendix B.
5.5	Consideration was taken to responses received, in respect to increasing fees and charges. Following discussions between Environmental Health Manager and

	Environmental Health and Licensing Support Team Leader, and subsequent discussion with Chair of Licensing a decision was taken to amend the fee for a one year renewal for drivers and therefore the above recommendations as detailed in section 1 should still be considered.
6.	Anticipated outcomes, benefits or impact
6.1	The new fees and charges will make sure the Council is charging the correct amounts for the services provided to ensure cost neutral fees.
7.	Implications
	Financial Implications
7.1	The charges are set to recover the Council's allowable costs. The Council cannot make a profit and must carry forward any surplus. Any deficit is carried forward and will be recovered in subsequent years. Surpluses or deficits will be considered when fee setting in future years with the objective of recovering or refunding any surplus or deficit
	Legal Implications
7.2	None.
	Equalities and socio-economic Implications
7.3	Advice was sought from the Equality and Anti-Poverty Officer and a Equality Impact Assessment is not required for this committee report, as legislation indicated that licensing fees are either set nationally or must be cost neutral, and therefore no discretion.
	Net Zero Carbon, Climate Change and Environmental implications
7.4	None

	Procurement Implications
7.5	None
	Community Safety Implications
7.6	None
8.	Background documents Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985
8.1	Hemming (2012) EWHC 1260 (Admin) Hemming [2013] EWCA Civ 591 Rehman (On Behalf of the Wakefield District Hackney Carriage And Private Hire (2019 EWCA Civ 2166 Taxi Licensing Calculation of Fees for 2025/26 Spreadsheet
9.	Appendices
9.1	Appendix A - Consultation document shared as part of public consultation Appendix B - Consultation responses via CitizenLab Appendix C- Draft Table of proposed fees and charges 2025/26 compared to 2025/26 Appendix D – Table of proposed fees and charges 2025/26 as amended following consultation
	To inspect the background papers or if you have a query on the report please contact Yvonne O'Donnell, Environmental Health Manager, yvonne.odonnell@cambridge.gov.uk

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**Under the Local Government (Miscellaneous Provisions) Act 1976
Cambridge City Council has the authority to levy certain charges
in respect of Hackney Carriage and Private Hire Licensing**



**Cambridge City Council proposes the following changes to its
fees and charges as of 1st April 2025:**

TAXI LICENSING: FEES AND CHARGES

Fees and Charges	Proposed Fees and Charges 2025/26 £
Drivers	
Disclosure & Barring Service Check (DBS) *	38.00
Knowledge Test (New Applicants)	100.00
New Licence Fee	310.00
1 Year Renewal Licence	255.00
3 Yearly Renewal Licence	305.00
Replacement Badges	28.00
DVLA Data Check *	5.52
DVLA Data Check for 3 year licence *	16.52
Knowledge Test Retest	80.00
Vehicles	
Hackney Carriage Licence (new)	310.00
Private Hire Licence (new)	260.00
Hackney Carriage Ultra Low Emission Vehicle (new)	155.00
Private Hire Ultra Low Emission Vehicle (new)	130.00
Hackney Carriage Zero Emission Vehicle (new)	0.00
Private Hire Zero Emission Vehicle (new)	0.00
Hackney Carriage Licence (Renewal)	235.00
Private Hire Licence (Renewal)	220.00
Hackney Carriage Ultra Low Emission Vehicle (renewal) **	117.50
Private Hire Ultra Low Emission Vehicle (renewal) **	110.00
Hackney Carriage Zero Emission Vehicle (renewal) **	0.00
Private Hire Zero Emission Vehicle (renewal) **	0.00
Replacement Plate HCV	45.00
Replacement Plate PHV	50.00
Change of Ownership	100.00
Crest - self adhesive	18.00
Crest - magnetic	20.00
Non - Driver Proprietor	30.00
Change of Vehicle registration PHV	50.00
Change of Vehicle registration HCV	45.00
Operator Licence	
Private Hire Operators Licence (New)	315.00
Private Hire Operators Licence (Renewal - 1 Year)	300.00
Private Hire Operators Licence (renewal - 5	116.00

Year)	
Other charges	
Replacement Licence	28.00
Change of Details	25.00

* Externally set fees and charges

** Dependent on funding

Any comments should be submitted via Cambridge City Council Consultation platform www.cambridge.citizenlab.co/en-GB/ by 8th December 2024.

Public consultation on changes to fees and charges

Do you object to the proposed changes?

No – 12 (57%)

Yes – 9 (43%)

Reasoning from those that answered Yes:

- The charges for ICE and hybrid vehicles should be much higher - there currently isn't enough of an incentive to switch to all electric.
- Shouldn't be put up
- just more money for the Council
- "Taxi charges are supposed to reflect work involved, and not extract profit.
- Assuming that in aggregate no profit is made, then why are the fees for zero emission vehicles much less than regular vehicles?
- I seems clear that a profit is being made on conventional taxi administration, in contravention of the regulations."
- Renewal fees especially don't need to jump from £150 to £255. nor all other increases. you are not providing any more of a service and people are working from home and also doing a 4 day work pattern
- The additional costs to taxi operators will immediately be passed onto their customers. The current cost of taxis in Cambridge is utterly exorbitant compared to the reliability, quality of some vehicles and driver knowledge and politeness.
- I don't object to all the fees, but the annual renewal fee going up to £255 is too expensive. Increasing this fee just reduces profit margins even further.

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Licensing

Charge Type and description	Charges 2024/25 £	Proposed Charges 2025/26 £	% Increase 2025/26
Skin Piercing			
Skin Piercing – Premises	171.00	175.00	2.5%
Skin Piercing - Practitioners	62.00	63.50	2.4%
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Knowledge Test (New Applicants)	120.00	100.00	0.0%
New Licence Fee	300.00	310.00	3.3%
Annual Renewal Fee	150.00	255.00	70.0%
3 Yearly Renewal Fee	290.00	305.00	5.2%
Replacement Badges	26.00	28.00	7.7%
DVLA Data Check *	5.52	6.75	22.3%
DVLA Data Check for 3 year licence *	16.52	20.25	22.6%
Change of Details	25.00	25.00	0.0%
Replacement Licence	25.00	28.00	12.0%
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Crest - magnetic	20.00	20.00	0.0%
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Change of Details	25.00	25.00	0.0%
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Examination and Testing of Cambridge City Licensed Hackney Carriage and Private Hire Vehicles

To:

Licensing Committee – 20th January 2025

Report by:

Yvonne O'Donnell, Environmental Health Manager

Email: Yvonne.ODonnell@cambridge.gov.uk

Wards affected:

All

1.	Recommendations
1.1	<p>It is recommended that members of the Licensing Committee:</p> <p>Each Cambridge City licensed vehicle to be examined and tested by the Cambridge City Council examination and testing facilities located within Cambridge City Boundary.</p> <p>This would come into effect from 1st July 2025.</p> <p>The policy will be amended accordingly.</p>
2.	Purpose and reason for the report
2.1	<p>The purpose of this report is for Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy to state where licensed vehicles are examined and tested before being issued with a licence and during the life of the licence. The Licensing Authority must be satisfied that vehicles which are licensed by them are safe to operate.</p>
2.2	<p>As part of our regular policy review cycle as well as challenges received from the taxi trade regarding the location of the current testing station being outside of the district a</p>

	<p>review of this policy has taken place. During this review period a market testing exercise was carried out to see if other MOT testing stations located within Cambridge City District could be listed as options for the trade to use.</p>
3.	Options appraisal summary
3.1	<p>Option 1 is to maintain the current Policy position, keeping the current arrangement of testing vehicles at the Cambridge City Council's garage located at Waterbeach.</p> <p>This has no longer the recommended position. As was highlighted previously, this policy contravenes the Local Government (Miscellaneous Provisions) Act 1976 section 50 (1) states <i>"Without prejudice to the provisions of section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a district council shall present such hackney carriage or private hire vehicle for inspections and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonable require...."</i></p> <p>With other options available that address previous concerns of the Committee and challenges to this approach this is no longer a necessary approach.</p>
3.2	<p>Option 2 is for Cambridge City licensed vehicles to be examined and tested by the Cambridge City Council examination and testing facilities located within Cambridge City Boundary.</p>
3.3	<p>Option 3 is for Cambridge City licensed vehicles to be examined and tested at garages that are registered MOT stations located within Cambridge City District and are listed by Cambridge City Council having met the wider specifications required,</p>
	<p>An analysis of the options 2 and 3 have been carried out as part of the review and provided in section 4.10, with a recommendation in Section 6.</p>
4.	Background and key issues
4.1	<p>The Licensing Authority must be satisfied that vehicles which are licensed by them are safe to operate.</p>

4.2	To meet this, all vehicles must have been given a certificate of compliance (COC) (which covers the requirement of a MOT) before they are licensed and again after 6 months. Vehicle licences are issued for 1 year.
4.3	Vehicles have always been tested at the Cambridge City Council garage. The current location being the garage at Waterbeach after the service moved out of the old Mill Road Depot.
4.4	As stated in 3.1, the location of the garage legally must be within Cambridge City. This was the case until 2017 when the service moved to Waterbeach.
4.5	The decision to use Cambridge City's garage in Waterbeach was taken as it provided consistency with the testing of vehicles and gave greater control to the authority to provide greatest assurance of public safety.
4.6	As current tests are carried out by Council employees, they are authorised to issue suspension notices to vehicles that do not pass the Certificate of Compliance and hand them to the driver at the end of the test. They also have the authority to remove the plates. This means that the vehicle can no longer be legally driven as a licensed vehicle. This is an immediate process that wouldn't happen if a more market-based approach was taken.
4.7	<p>Over the last two years the trade has challenged the lawfulness of using the City Council garage at Waterbeach due to the location being out of the District.</p> <p>The trade has also challenged via a Stage 2 complaint the lack of choice in which garage to use.</p>
4.8	<p>In May 2024 a market testing exercise was carried out by officers to MOT registered garages within Cambridge City to submit an expression of interest if they wanted to be considered to carry out the testing of Cambridge City Council licensed vehicles. This exercise formed part of the Policy review to determine the strength of a market approach.</p> <p>Those that submitted an interest were provided with the specifications that Cambridge City Council would need them to meet in order to carry out the testing of licensed vehicles and were assessed as part of this approach.</p> <p>The specification has been attached as Appendix A.</p>

4.9	<p>An analysis was then carried out to support the consideration of the two options:</p> <p>a) To use Cambridge City Council Examination and Testing Facilities only b) To have a list of garages that meet our specification including Council garage</p>		
Criteria	City Council facilities only	List of garages meeting the specification	
<p>Legality</p> <p>Must be tested within the licensing authority area</p>	<p>Will be moving into City Boundary</p>	<p>All within City Boundary</p>	
<p>Ensuring Public Safety</p> <p>The standards for testing are beyond an MOT, it includes CCTV, Livery (if required) WAV (if required) signage, cleanliness , body damage, first aid and fire extinguisher, display of drivers badge , table of fares and metre (if required) – This is classed as a Certificate of Compliance (COC) .</p> <p>CCC requires a COC to be carried out every 6 months due to the milage that these vehicles do.</p> <p>South Cambs require a COC to be carried out annually.</p>	<p>As employees by CCC there is more control as to the standard of testing, integrity and close links between the two teams to ensure the necessary enforcement action is taken.</p> <p>It provides a consistent standard</p> <p>Since April 2024 Licensing Enforcement Team have inspected 89 vehicles of which there have been no suspensions for mechanical issues. 11 were non-compliant due to minor issues such as not displaying badges, fare charts, cleanliness of interior etc.</p>	<p>Any garage on the list will be inspected by Licensing Officers to ensure it meets the specification, all other Health and Safety Legislation and is a VOSA registered garage. These inspections will then be carried out once a year to ensure a consistent standard. Testers at other garages would not be allowed to issue suspension notices and would not be able to remove plates from the vehicle, so the vehicle would still be driven away from the testing station as a licensed vehicle.</p> <p>Robust systems put in place to ensure licensing officers are informed of any failures ASAP / Urgently</p>	

			<p>If complaints are received, they will be investigated and if there are any concerns the garage will be removed from the list.</p> <p>South Cambs have a list of approved garages, and during a recent operation 17 Vehicles were inspected, 2 compliant, 15 non-compliant – 2 suspended for mechanical purposes (tinted windows) and 13 had advisory letters due to various issues such as not displaying badge etc.</p>
	Value for money	£73 per COC test	£54 -£75 per COC test
	Market / Fair competition	Doesn't provide choice to the trade	<p>Opens up to transparent market and gives competitive choice.</p> <p>Two expressed interest and met the requirements, albeit with some limitations for one garage.</p> <p>Meets objective to support local SMEs</p>
	Administration for Licensing Team	No change to current arrangements.	Increased time for Officers to inspect garages once a year. This would increase the taxis fees to deliver a cost neutral service.

			<p>Additional enforcement to suspend vehicles.</p> <p>Management of potential inconsistencies in service between garages.</p>
5.	Consultation, engagement and communication		
5.1	<p>27 garages within Cambridge City that were registered as a MOT Testing Station were contacted and made aware of the opportunity to submit an interest to potentially be placed on a list that could test Cambridge City Council licensed vehicles. To date two garages have expressed an interest, both garages have been inspected and meet the specification required.</p> <p>Cambridge City Council's garage has also been communicated within the period and is aware of the specification. As part of this they have made temporary provision to enable them to work within the City Boundary until the new operational HUB is open, which is purposefully set up to provide testing.</p>		
6.	Options and Recommendations		
6.1	<p>Option 1 is to maintain the current policy of testing vehicles at the Waterbeach garage. This is not recommended due to the legal requirement for testing to be within the Cambridge City boundary and wider options available.</p> <p>Option 2: Council Garage</p> <ul style="list-style-type: none"> ● Meets the legal requirement of testing within the City boundary. ● Ensures consistent testing standards and immediate enforcement of suspension notices and plate removal. ● Through market testing has established it is providing value for money ● Reduces administrative burden for the Licensing Authority. <p>Option 3: List of Garages</p> <ul style="list-style-type: none"> ● Meets the legal requirement of testing within the City boundary. 		

	<ul style="list-style-type: none"> • Offers choice to the trade and introduces market competition. • Requires annual inspections of listed garages by Licensing Officers. • Presents potential risks to public safety, as other garages would not have the authority to issue suspension notices or remove plates immediately for non-compliant vehicles. • May result in inconsistent testing standards between different garages. • May increase administration for Licensing Team. <p>Recommendation</p> <p>Following the review of options, legislative requirements, limited market interest and balance of risks, a change of Policy is recommended. One which sets out that all Cambridge City licensed vehicles be examined and tested at the Cambridge City Council examination and testing facilities located within the Cambridge City boundary.</p> <p>This change of Policy would come into effect from 1st July 2025.</p>
7.	Implications
7.1	Relevant risks
	See review in Section 4.9 which considers risks as part of the analysis
	Financial Implications
7.2	There would be no additional financial implications for the Licensing Authority from these recommendations. Should Option 3 be considered, there would be additional resource burdens placed, though they would be limited.
	Legal Implications
7.3	Legal Guidance was received from Jame Button Licensing Solicitor as below:

	<p><i>Some local authorities have their own in-house testing station, others have independent garages that they have identified as being suitable, whilst others simply accept an MOT obtained anywhere.</i></p> <p><i>The key is that you want a consistent standard applied and therefore in-house testing stations or approved garages are more likely to achieve that.</i></p>
	Equalities and socio-economic Implications
7.4	An Equality Impact Assessment is not required. There are no equality impacts with this policy, due to the hackney carriage and private hire licensed vehicle testing is still required to ensure the same outcome of safety standards and no impact on costs.
	Net Zero Carbon, Climate Change and Environmental implications
7.5	None
	Procurement Implications
7.6	For the recommended option there would be no procurement implications. Should Option 3 be considered then the development of the market testing would be continued to complete the procurement process and continue to manage the list through a formalised process.
	Community Safety Implications
7.7	See table in paragraph 4.10 above ensuring Public Safety
8.	Background documents
8.1	<p>Local Government (Miscellaneous Provisions) Act 1976</p> <p>Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy</p> <p>Cambridge City Council's Hackney Carriage and Private Hire Licensing Handbook</p>
9.	Appendices

9.1	Appendix A – Testing specification for garages
	To inspect the background papers or if you have a query on the report please contact Luke Catchpole, Environmental Health and Licensing Support Team Leader, 01223 457818, luke.catchpole@cambridge.gov.uk

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1. Introduction

Cambridge City council is responsible for the licensing of Hackney Carriage Vehicles and Private hire Vehicles within the city. A requirement of being licensed with Cambridge City Council, is the licenced vehicle must be tested and pass a certificate of Compliance before they can be licenced. Once licenced they must undergo a Certificate of Compliance every 6 months. This is to ensure that the vehicle is mechanically fit and proper for its purpose as a licenced vehicle.

The council currently has 377 vehicles licenced, all of which require 2 vehicle tests per year.

At present, vehicles are inspected and tested at the council garage. The council would like to now review if there are companies who are interested in the testing/inspecting of these vehicles. The companies will be required to comply with council requirements.

Inspections will not only cover the mechanical fitness of the vehicle (which must be to MOT standard), but also take into account its condition, cleanliness, the accuracy of the taximeter if fitted, also its suitability if appropriate, for use as a wheelchair accessible vehicle. Further to this, inspections will be required to ensure vehicle meet the councils current policy requirements.

Inspections and tests are also required throughout the year for new or replacement vehicles and those repaired following accident damage. Wheelchair accessible vehicles, in addition to the full vehicle inspection, will also be required to undergo a short initial wheelchair vehicle specification test.

Vehicles that fail a test will be permitted a re-test in line with DVSA guidance. Vehicles submitted outside of these guidelines will once again be subject to payment of the full vehicle inspection fee.

When vehicles fail their MOT or certificate of compliance the garage will be required to immediately notify the council via e-mail by sending a testing check list letter.

The MOT and Certificate of Compliance must be completed in triplicate, the first copy is to be given to the owner of the vehicle, the second copy is to be forwarded to the Licensing Team via email at Cambridge City Council and the third copy retained by the Vehicle Examiner in accordance with the requirements for retaining MOT data.

It may, on occasions be necessary for an Officer of the Council's Licensing Section to attend a vehicle examination. At such times the appointed vehicle examiner (subject to HSE requirements) will be required to give the Licensing Officer access to the vehicle testing area.

2. Questions and Answers

Bidders are able to seek clarification or explanation of the details of this RfQ and are asked to submit them via the Proactis portal.

Responses to any questions will be given (via the portal) within 48 working hours.

Questions raised and answers given may form part of the final contract.

3. Overview of Requirements and Specification

This project will be judged on a price/quality split of 20% Price and 80% Quality.

Below is the requirement that will assist you in completing your submission for this work. The criteria for assessing your bid will be in Section 5 Submission and Quality and Section 6 Pricing

a. Requirements for the Testing stations

- The garage must be located within the Cambridge City Boundary.
- The garage must be an approved MOT testing station (as listed here: [Active MOT test stations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/active-mot-test-stations))
- Testing stations will be required to complete a standard MOT test for all vehicles. MOT results will then be required to be uploaded onto the general MOT database. MOTs are required to be completed every 6 months for a licenced vehicle.
- In addition to a MOT the testing station must also complete the Certificate of Compliance (COC). This is to check the vehicle complies with council policy.
- Wheelchair accessible vehicles in addition to the full vehicle inspection, will also be required to undergo a short initial wheelchair vehicle specification test.

b. Inspecting vehicles

- Vehicles to be tested to the required standard.

- Testers to complete a tick sheet as part of the MOT and COC.
- An appointed vehicle examination centre must be available for the testing of vehicles from Mondays to Fridays throughout the year except on public holidays and Christmas and maintain its status as an approved MOT testing station for the duration of the appointment.
- Vehicles are required to be inspected twice a year (Test 1 prior to attaining licence, Test 2 a mid-term test). Other inspections will be required such as change of vehicle, after certain types of accident damage and temporary vehicle checks.
- COC check list criteria

PART 1: Licensing Policy Items		Pass	Fail
1	Meter seal – untampered		
2	Meter calibration – correctly calibrated to councils current fare chart prices		
3	Livery – HCV vehicles must be 1. A silver base colour (as described on the V5 registration document for each vehicle) for all Hackney Carriage Vehicles. 2. The 'wrap' of two gloss stripes, one placed either side of the vehicle (running horizontally from the front of the vehicle to the back of the vehicle) should be the following colour/ designs: Avery 813 Grass Green Solid Stripe 3. The stripes must be fitted along the side of the vehicle and should follow the natural line of the vehicle. 4. The stripe should have a break on any part of it, on the front passenger and driver doors, to allow for the positioning of the crests. 5. For Multi-Seater Vehicles, the stripe must be a thickness of 6 inches (150mm). PHV vehicles must not be silver in colour.		
4	HCV 'crest' driver & passenger front (advertising rear doors only)		
5	Private Hire Vehicle- Pre Booked Only "door sign in 1" lettering		
6	Roof sign - For hire illuminated sign (HCV only) front - 'TAXI'. Rear view 'Cambridge Licensed Taxi Cab'		
7	Seats & Mats & carpets - These should be clean and in good condition. Fabric should be free from excessive tears, burns and stains. All carpets should not show signs of excessive wearing and must be safely and securely fitted. If mats are used, these too should be clean and secure.		
8	Fare card & Complaint card – council fare chart must be displayed visible to passenger		
9	First aid kit (securely fitted, with adequate supplies)		
10	Fire extinguisher (Check date and pressure)		
11	Interior/exterior cleanliness		
12	Window openings – mechanisms must be intact and working order		
13	Door locks – mechanisms must be intact and working order		
14	Grab handles - mechanisms must be intact and working order		
15	Step illumination		
16	Step condition		
17	Plate security - Private Hire / Hackney Carriage Vehicle plate issued by the Council must be securely fitted to the vehicle on the bracket supplied by the Council affixed directly above or below the vehicle's own number plate.		
18	Emergency exit		
19	Emergency exit signage		
20	Seat configuration		
21	Sufficient ingress and egress from all seats		
22	Vehicle dimensions		

23	Wheelchair access		
24	Wheelchair restraint		
25	Ramps – are stored securely and in useable condition		
26	LOLER certificate - check validity		
27	No smoking symbol in all compartments (front and back)		
28	Adverts (none allowed on PHV)		
29	CCTV installed – Ensure system is securely fitted and operational inc below.		
	- System turns on when ignition on		
	- Entirely of internal vehicle captured (passengers and drivers)		
	- Audio button(s) accessible for both driver and all passengers		
	- Audio button comes on when button pressed, LED light illuminates		
	- Hard drive positioned in boot or somewhere out of reach to		
	- Sticker's advertising CCTV installed in vehicle		
30	Windscreen and other Glass: The windscreen must free from signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, insignias, beads/ mascots, or any devices whatsoever, except for those required by other statute and / or permitted by the Licensing Officer. The windscreen and all other glass fitted must be safety glass i.e., glass that, if fractured, does not fly into fragments capable of causing cuts. It shall also be free of chips or cracks in accordance with standard M.O.T requirements. Tinted windows must comply with the relevant legislation		
31	Bodywork & Bumpers: The vehicle's bodywork must be free from significant dents, scratches, chips, and corrosion, although minor 'stone chips' may be acceptable if not too numerous and/or noticeably corroding. Bumpers must be well maintained and securely fixed to the bodywork. Any repairs to bodywork and / or bumpers should have been carried out in a professional manner, with paintwork being a clean and polished finish free from brush marks. Liberal application of black paint / bitumastic or similar products on sills / spoilers should be viewed with suspicion. Body parts such as doors & wings that are differing colours i.e., blue body and red wing will be suitable grounds for failing a vehicle unless these are as supplied as an original feature of the vehicle by the manufacturer.		
32.	Interior Lights and Heating – Interior lights should work correctly and the interior heater must be in working order.		

- Only vehicles that meet Cambridge City Council's vehicle specifications are to be tested as per below. Further information can be found in our Hackney carriage and private hire licensing policy and our hackney carriage and private hire taxi handbook.

For Hackney Carriage Vehicles:

Vehicle requirements

Vehicle must be Silver in base colour (as described on the V5 registration document).

Hackney Carriage Vehicles can be Wheelchair accessible or Saloon

1. Wheelchair accessible vehicles

The vehicle shall have a minimum door height and width and internal headroom equal to or larger than a London Taxi International FX4 Fairway Taxi. (These measurements are door width 680mm: door height 1270mm and inside height floor to roof 1320mm)

Any aisle / gangway in such a vehicle should measure at least as wide as the minimum seat measurements.

That they are capable of loading from the nearside or rear.

One of the listed conversion certificates, if applicable;

(i) European Community Whole Vehicle (M1) Type Approval,

(ii) M1 Low Volume Type Approval

(iii) National Small Series Type Approval

(iv) Individual Vehicle Approval

2. Saloon

The vehicle must be one of the following;

- Zero emissions which are considered as vehicles which emit no emissions during their operation. These vehicles are, Electric only vehicles or Fuel cell vehicles (e.g. hydrogen)

Or

(Only applicable for HCV001 to HCV121)

- Ultra-low emission which are considered as: Plug in hybrid vehicles or Extended Range electric vehicles (E-REV) with CO2 emissions less than 75g/km

Or

(Only applicable for HCV001 to HCV121)

- Standard hybrid vehicle, with CO2 emission levels less than 120g/km

This type of vehicle must be licensed by 30th June 2024, we will not accept this type of vehicle after this date.

Age Limit when first licenced

1. New Wheelchair Accessible vehicle licences will not be granted unless the vehicle meets the Euro 5 standard or higher and is less than 11 years old.
2. New Saloon vehicles must be one of the following, fully electric zero emission less than 15 years old or an Ultra Low emission Plug-in hybrid less than 12 years old with CO2 emissions less than 75g/km (Only applicable for HCV001 to HCV121)
3. New Saloon vehicle licences for Standard hybrids must be less than 11 years old, meets the Euro 5 standard or higher and have a have a co2 emission less than 120g/km (Only applicable for HCV001 to HCV121) , (until 30th June 2024)

Age Limit at Renewal

For renewal vehicle licenses, vehicles must be;

- Less than 11 years old (this is for currently licenced petrol and Diesel vehicles, all wheelchair accessible vehicles, and standard hybrid vehicles).
- Less than 15 years old (Zero emission vehicle)
- Less than 12 years old (Ultra-Low Emission Plug- in vehicle)

For Private Hire Vehicles:

Vehicle requirements

Vehicle must not be Silver in base colour (as described on the V5 registration document).

Private Hire Vehicles can Wheelchair accessible or Saloon (including multi-seater vehicles)

1. Saloon (including multi-seater vehicles)

For new vehicle licences, vehicle must be one of the following;

- Ultra-low emission which are considered as: Plug in hybrid vehicles or Extended Range electric vehicles (E-REV) with CO2 emissions less than 75g/km
- Or
- Zero emissions which are considered as vehicles which emit no emissions during their operation. These vehicles are, Electric only vehicles or Fuel cell vehicles (e.g. hydrogen)
- Or
- Standard hybrid vehicle, with CO2 emission levels less than 120g/km

This type of vehicle must be licensed by 30th June 2024, we will not accept this type of vehicle after this date.

2. Wheelchair Accessible vehicles

Minimum measurements; door width 680mm: door height 1270mm and inside height floor to roof 1320mm

Any aisle / gangway in such a vehicle should measure at least as wide as the minimum seat measurements.

That they are capable of loading from the nearside or rear.

One of the listed conversion certificates, if applicable;

(i) European Community Whole Vehicle (M1) Type Approval,

(ii) M1 Low Volume Type Approval

(iii) National Small Series Type Approval

(iv) Individual Vehicle Approval

Age Limit when first licenced

4. New Wheelchair Accessible vehicle licences will not be granted unless the vehicle meets the Euro 5 standard or higher and is less than 11 years old.

5. New Saloon vehicles must be one of the following, fully electric zero emission less than 15 years old or an Ultra Low emission Plug-in hybrid less than 12 years old with CO2 emissions less than 75g/km

6. New Saloon vehicle licences for Standard hybrids must be less than 11 years old, meets the Euro 5 standard or higher and have a have a co2 emission less than 120g/km (until 30th June 2024)

Age Limit at Renewal

For renewal vehicle licenses, vehicles must be;

- Less than 11 years old (this is for currently licenced petrol and Diesel vehicles, and all Wheelchair Accessible vehicles and standard hybrid vehicles).
- Less than 15 years old (Zero emission vehicle)
- Less than 12 years old (Ultra-Low Emission Plug- in vehicle)

c. Vehicles who pass MOT and COC requirements

- When a vehicle passes an inspection, the first copy is to be given to the owner of the vehicle, the second copy is to be forwarded to the Licensing Team via email at Cambridge City Council and the third copy retained by the Vehicle Examiner in accordance with the requirements for retaining MOT data.

d. Vehicles which fail either MOT or COC requirements

- For vehicles which fail either their COC or MOT the garage must notify the council via e-mail sending the check list detailing the fail immediately after the appointment. The driver should also be informed that they should not carry out any taxi work until they have spoken to the licensing team at Cambridge City Council.
- For vehicles which fail the MOT but rectify the issue before leaving the garage, the garage will still send council the fail documentation, in addition to the pass documentation.

e. General admin

- Proprietors must be able to call the garage directly or book online to book an inspection.
- The garage should keep an electronic record of when and what vehicles have booked an inspection, when they have been inspected, and be able to provide this information on request to the council.
- Proprietors must be able to book the second test at their first appointment.
- Garage will notify licensing of any concerns about vehicle/driver.
- Be able to provide Hackney Carriage vehicles with fare charts, when required.
- The Council's Licensing Officer must be afforded an opportunity to attend all inspections.

Other requirements

- The contract duration will be 2 years, with an option to extend it for an additional 1 year subject to the agreement of both parties.
- The appointed vehicle examination centre must have suitable public liability insurance cover of not less than £5m and the said policy must indemnify the principal.
- The person(s) carrying out or supervising the inspections may be required to give evidence, if necessary, on behalf of the Council in the Magistrates or Crown Courts as to the condition of any vehicle and must therefore have the appropriate

qualifications and experience. The Council will meet any reasonable expenses incurred in attending Court on the Council's behalf.

- Cambridge City Council reserves the right to carry out audits which shall require the co-operation of the bidder and may involve routine inspections.

4. Terms and Submissions – Quality Questions

Please provide an outline of how these services will be provided. Ensure you consider all the prerequisites laid out in the requirements and overview above. Please cover each point raised in section 4, in addition to completing the following workshop questions.

Workshop Details		YES	NO
	WORKSHOP		
1	Is there a dedicated waiting area for the customer?		
2	Is there a viewing area (not essential)?		
3	Number of ramps available for testing purposes?		
4	The minimum number of days a test can be cancelled without a payment being required?		
5	Online booking and payment systems for test applicants?		

6	Testing facilities on Saturdays?		
7	Level of public liability insurance cover (minimum is £5 million)		
	COMPLAINTS		
8	Is there a complaints policy? (If “yes”, please provide a copy)		
9	Is there a complaints log?		
	MEMBERSHIPS		
10	Are you a member of a recognised motoring industry scheme e.g. Good Garage Scheme e.g. – Institute of Motor Industry; AA Good Garage Guide; RAC Approved Garages; Approved Garages Scheme.		
	BUSINESS REGISTRATION		
11	Is the business registered with Companies House?		
12	Is the business registered with HMRC?		

	RIGHT TO WORK CHECKS		
13	Does the business perform Right to work checks of employees? How are these checks carried out?		

Please detail how you will manage the service as a whole and how you will ensure you can meet the response times required. Please submit this document for review and assessment. This response will form part of the contract.

The contractor is required to submit a quote for the provision of the above service, based on a cost of MOT, cost of certificate of compliance and wheelchair accessible test.

The form of contract that will be used for this opportunity will be for a concessionary service. The vehicle proprietor will pay for these services directly to the successful bidder with no involvement of the Council.

Please note this contract will potentially be with several firms. This is a concessionary services contract and subject to the tests that the vehicle proprietor requires and so contract values will vary and Cambridge City Council cannot guarantee values or volumes. That the selection of a particular firm to carry out the work is at the discretion of the vehicle proprietor and not within the control of Cambridge City Council.

All quality narrative submitted will be judged using the following criteria

Score	Description	Definition
0	No response	Response has not provided relevant information to answer the requirement
1	Poor	Response is only partially compliant but has serious deficiencies and does not meet the requirements. Unlikely to be able to deliver the contract requirements.
2	Weak	Response is mostly suitable, but with some missing elements. This indicates that not all the requirements would be met and indicates there would be some difficulty in delivering some elements of the requirement.

3	Good	Response mostly covers the requirement but has minor issues in some areas. Most of the requirements are met but there would be some minor shortfalls
4	Strong	Response is compliant, showing the requirement can deliver the requirement fully
5	Excellent	Response is compliant, and demonstrates a comprehensive understanding of the requirements and the solution will provide additional benefits beyond the stated requirement

Please complete the table below and submit your pricing with your proposal. This should show the total cost (excluding VAT) and will represent the maximum payments that will be made.

5. Pricing

Item	Description	Price per Inspection
1	Full Vehicle Inspection (including MOT and Certificate of Compliance)	
2	Full Wheelchair Accessible Vehicle Test	

As part of your submission please complete the following form and upload with your submission documents.

6. Form of Tender

To: Cambridge City Council

Reference – RfQ for XX

	Question	Response
1	Name, position and address of principal contact to where any future correspondence is to be sent in connection with this matter	

2	Contact telephone and e-mail	
3	Full name of organisation in whose name the tender would be submitted	
4	Address / registered office	
5	Principal place of business, if different from above	
6	Legal status (e.g. partnership, private, limited company).	
7	Registered company number	
8	Registered VAT number	
9	Date of Formation	
10	<p>Proof of insurances for</p> <p>Public Liability £5m</p> <p>Employers Liability £5m</p> <p>Professional Indemnity £2m</p> <p>NB should you not have insurance at this level please confirm your current insurance values</p>	
<p>The following questions are For Information only</p> <p>NB There is no obligation to answer the following questions they have no bearing on the outcome of this RfQ. This is to assist the council in information gathering only. However, we would be grateful for your cooperation.</p>		
O1	<p>Does your organisation pay all employees the REAL Living Wage?</p> <p>www.livingwage.org.uk/what-real-living-wage</p>	Yes/No
O2	Does your organisation have REAL Living Wage accreditation?	Yes/No

I / We understand that:

- (a) We have read and understood the RfQ and conditions of contract issued by the Council for the provision of the above service. We are fully satisfied that we can meet, in all respects, the requirements of the Council. We have had the opportunity,

before we submit our tender, to ask the Council for clarification of anything we did not understand. We agree only to submit one tender.

- (b) We offer to perform and complete the work in accordance with the requirements, the conditions of contract and our tender for the prices shown in the attached quote and to hold the price open for 90 days.
- (c) In submitting this quote, we confirm that we have not taken part in any corrupt practices or collusion and that the offer made is genuine and competitive to the best of our ability.
- (d) We are not aware of any Conflicts of Interest between the Council and our organisation.
- (e) We confirm that if our quote is accepted, we shall, upon demand:
 - Produce evidence that all relevant insurances and any other documents requested.
- (f) We understand this quote must be returned via the portal and that all correspondence will be/has been via the same portal.
- (g) Information submitted through the portal will be held by Pro-actis in accordance with their processes. As such, please only submit commercially sensitive and personal information where essential to the delivery of the contract – please clearly mark where this applies

Role	
Name	
Signature	
Date	

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REPORT TITLE: Review of Statement of Gambling Principles

To:

Licensing Committee – 20th January 2025

Report by:

Luke Catchpole, Environmental Health and Licensing Support Team Leader

Tel: 01223 457818 Email: luke.catchpole@cambridge.gov.uk

Wards affected:

All

1.	Recommendations
1.1	<p>It is recommended that members of the Licensing Committee:</p> <p>To endorse the post-consultation draft Statement of Gambling Principles shown in Appendix A and recommend to full Council that the Statement is approved for publication.</p>
2.	Purpose and reason for the report
2.1	<p>Cambridge City Council, as the Licensing Authority, is required to discharge its responsibilities under the Gambling Act 2005 with a view to promoting the three licensing objectives, namely;</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; and • Protecting children and other vulnerable persons from being harmed or exploited by gambling.
2.2	<p>The Gambling Act 2005 was designed to be a light touch legislation covering a number of “licensable activities”. Such activities are defined within the Act.</p>
2.3	<p>The Statement of Gambling Principles is required to be reviewed every three years. The current statement runs until the end of January 2025 after which a revised Statement must be in place in order for the relevant duties to be undertaken.</p>

2.4	Following a review of the Statement, a 12 week consultation was undertaken; 12 responses were received. 6 respondents were in favour of the proposed draft gambling statement of principles, with 6 not in favour.
3.	Alternative options considered
3.1	The responses of the consultation have been collated and the points raised summarised and attached to the report as Appendix B. Appendix B considers the points raised and explains why they have not altered the draft Statement of Gambling Principles.
4.	Background and key issues
4.1	<p>The Gambling Act 2005 came fully into effect on 1 September 2007. It created a revised system of licensing and regulation for commercial gambling in this country. This Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. The main functions are to:</p> <ul style="list-style-type: none"> • licence premises for gambling activities; • consider notices given for the temporary use of premises for gambling; • grant permits for gaming and gaming machines in clubs and miners' welfare institutes; • regulate gaming and gaming machines in alcohol licensed premises; • grant permits to family entertainment centres for the use of certain lower stake gaming machines; • grant permits for prize gaming; • consider occasional use notices for betting at tracks; and • register small societies' lotteries.
4.2	In addition, section 349 of the Gambling Act 2005 requires that the Council prepares and publishes a Statement of Principles that it proposes to apply in exercising its function under the Act, before each successive period of three years.
4.3	The Statement of Principles must be formulated in accordance with, and reflect, the guidance issued by the Gambling Commission and the Government Codes of Practice.

	The principles essentially inform the processes that the Council would normally follow in conducting its duties as the Licensing Authority.
4.4	The existing Statement of Gambling Principles for Cambridge City Council became effective in January 2022. Since this Statement was published, there has been only minor revision of the Gambling Commission guidance, with the latest guidance being produced in April 2023.
4.5	It is a requirement of the Act that the revised Statement must be approved at a full meeting of the Council. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies, defined by the Act. Additionally the authority is empowered to consult with other organisations as is deemed appropriate.
4.6	Once any revised Statement is approved by full Council, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, requires licensing authorities to subsequently publish a notice of their intention to publish the Statement or revision. There are several specific requirements in undertaking this, including appropriate publication a minimum of 28 days before the Statement of Principles comes into effect.
4.7	With these legal requirements in mind, the revision process commenced in August 2024 with an officer review of the existing Statement of Principles taking into account the Gambling Act 2005 and the current guidance issued by the Gambling Commission.
4.8	Subsequently, the revised Statement was subject to a twelve-week public consultation between 2 nd September 2024 to 24 th November 2024. This was undertaken by directly contacting the relevant responsible authorities and resident associations and publishing the consultation on our website and in the Cambridge News on Monday 2 nd September 2024. A full list of those directly consulted can be found in Appendix B of the Statement of Principles.
5.	Corporate plan
5.1	Gambling can fall under Priority 2 of the Corporate Plan – Tackling poverty and inequality and helping people in the greatest need. However the Council is legally required to adopt and publish a statement of principles and the guidance is clear that when looking at licensing gambling, moral objections to gambling can not be taken into account.

6.	Consultation, engagement and communication
6.1	A consultation was held for 12 weeks from 2 nd September 2024 to 24 th November 2024. This was undertaken by directly contacting the relevant responsible authorities and resident associations and publishing the consultation on our website and in the Cambridge News on Monday 2 nd September 2024. The consultation draft is attached as Appendix C with track changes.
7.	Anticipated outcomes, benefits or impact
7.1	By recommending that full Council adopt the Gambling Statement of Principles, the Council will be meeting the legal requirements specified in section 349 of the Gambling Act 2005.
8.	Implications
8.1	Relevant risks
	There are no potential risks by adopting the Gambling Statement of Principles
	Financial Implications
8.2	None
	Legal Implications
8.3	If we do not publish a Gambling Statement of Principles, then we would not be complying with the Gambling Act 2005
	Equalities and socio-economic Implications
8.4	An EqIA has been completed and attached to the report as Appendix D.

	Net Zero Carbon, Climate Change and Environmental implications
8.5	None
	Procurement Implications
8.6	None
	Community Safety Implications
8.7	None
9.	Background documents Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985
9.1	Gambling Act 2005 Gambling Commission's Guidance to licensing authorities
10.	Appendices
10.1	Appendix A – Draft Gambling Statement of Principles Appendix B – Consultation responses and analysis Appendix C – Draft Gambling Statement of Principles with tracked changes Appendix D - EqIA
	To inspect the background papers or if you have a query on the report please contact Luke Catchpole, Environmental Health and Licensing Support Team Leader, 01223 457818, email: luke.catchpole@cambridge.gov.uk

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CAMBRIDGE CITY COUNCIL



GAMBLING ACT 2005

Statement of Principles

January 2025 – January 2028

Published: TBC

Effective from: TBC

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Introduction

Under the Gambling Act 2005 ("the 2005 Act") a regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting is regulated by the Gambling Commission whose duties include licensing the operators and individuals involved in the provision of gambling and betting.

Cambridge City Council Licensing Authority recognises the potential impact of gambling and in adopting this policy; the Licensing Authority will seek to work with communities and partners. It will address the concerns of the public to maintain safe and high quality environments making Cambridge an even better place to live, work and visit. It wishes to work together with premises licence operators/ holders to assist the thriving and growing local economy whilst seeking to protect vulnerable persons from harm.

Cambridge City Council ("the Council"), along with other licensing authorities, has a duty under the 2005 Act to licence premises where gambling is taking place. The Council is also required to licence certain other activities (such as registering small society lotteries). This document sets out how Cambridge City Council intends to carry out these duties.

Licensing authorities are required by Section 349 of the 2005 Act to publish a statement of principles that they propose to apply when exercising their functions in accordance with the legislation. This statement must be published every 3 years. If any part of the document is amended, further consultation and re-publication is required.

The 2005 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; and
- 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.

A full list of those persons/ organisations consulted is detailed at Appendix B.

The latest draft of this statement of principles contains the minimum of amendments and no changes to the intent or direction of the policy. In producing the final statement, the Council declares that it has regard to the Licensing objectives of the Gambling Act 2005, the guidance issued by the

Gambling Commission and any response from those consulted on this statement.

This statement of principles was approved at a meeting of the Full Council on (date to be inserted). It was then published via Cambridge City Council's website on (date to be inserted).

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

The full list of comments made and the consideration by the Council of these comments is available by request to the Commercial & Licensing Team, Environmental Services.

Should you have any comments in regard to this statement of principles, please send them to:

Licensing and Environmental health

Support Team Leader

Environmental and Public Health

Cambridge City Council

PO Box 700

Cambridge, CB1 0JH

Email:

commercial@cambridge.gov.uk

PART A

1. The Licensing Objectives

In exercising most of its functions under the Gambling Act 2005, the Council as the Licensing Authority must have regard to the Licensing Objectives as set out in Section 1 of the 2005 Act. The objectives are:

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

The Gambling Commission will be taking a lead role in preventing gambling from being a source of crime. Cambridge City Council is aware that it falls to the Gambling Commission to ensure the suitability of an operator before issuing an operator licence.

However, this Licensing Authority will bring to the attention of the Gambling Commission any information that is brought to its attention during the course of processing a premises licence application or at any other time, which could question the appropriateness of an applicant.

Where an area has known high levels of crime, this Licensing Authority will consider carefully whether gambling premises are suitable to be located there. If there are concerns over a premises location, in order to prevent that premises from becoming a source of crime, certain conditions could be considered by the Council to be attached to the licence.

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

The Gambling Commission is concerned to ensure that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that: -

- Operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- Easily understandable information is made available by operators to players about, for example, the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- The rules are fair;
- Advertising is not misleading;
- The results of events and competitions on which commercial gambling takes place are made public;

- Machines, equipment and software used to produce the outcome of games meet standards set by the Gambling Commission and operate as advertised.

The Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This is because they will either be concerned with the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

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

The Gambling Act 2005 is intended to ensure that children and vulnerable persons should not be allowed to gamble and should be prohibited from entering those gambling premises which are adult-only environments.

This licensing objective refers to protecting children from being ‘harmed or exploited by gambling’; meaning that they should be prevented from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, with the exception of Category D gaming machines.

It does not however seek to disallow particular groups of adults from gambling in the same way that it does children. The Gambling Commission has not sought to define ‘vulnerable persons’, but it does 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 mental health needs, learning disability or substance misuse relating to alcohol or drugs.

This Licensing Authority will consider this licensing objective on a case by case basis. In order to protect vulnerable persons, this Licensing Authority will consider whether any special considerations apply to a particular premises. These considerations could include self-barring schemes or providing information in the form of leaflets or helpline information from relevant organisations.

From 6 April 2016 premises licence holders must conduct a local risk assessment for each of their current premises. This applies to:-

- Adult Gaming Centres
- Family Entertainment Centres
- Non-Remote Betting

- Non-Remote Bingo
- Non-Remote Casinos
- Remote Betting Intermediary (trading room only)

There is also a requirement to conduct or update a risk assessment when:

- Applying for a new gambling premises licence
- Applying for a variation to a gambling premises licence
- Changes in the local environment, or the premises, warrant a risk assessment to be conducted again.

This licensing authority is aware that, as per section 153, in making decisions about premises licences and temporary use notices it should “aim to permit” the use of premises for gambling in so far as it is satisfied the application is *“in accordance with any 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 principles”*.

As a means of assisting Licensing Authorities in determining whether the provision of gambling facilities at premises will be, and will remain, consistent with the licensing objectives, the Gambling Commission that premises licence holders should have policies and procedures in place to mitigate the local risks to the licensing objectives arising from the provision of gambling at their premises.

Following the Gambling Commission’s review of the social responsibility elements of the Licence Conditions and Codes of Practice (LCCP), the Commission have introduced a social responsibility code (SR code 10.1.1) which requires all premises licensees to 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 these risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority’s statement of policy.

The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority, such as when they are inspecting a premises.

Cambridge City Council has a Local Area Profile that licensees should consider when undertaking their local area risk assessments. The Local Area Profile can be found at the following link:

<https://www.cambridge.gov.uk/gambling-licensing-overview>

The Council notes the Gambling Commission's Guidance (5.34) to local authorities that *"Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)"*.

2. Cambridge City

Cambridge City Council is situated in Cambridgeshire, which contains a total of 5 District Councils. Cambridge combines a rich history with the vibrancy and prosperity of outstanding educational institutions and modern businesses. It is at the heart of a buoyant sub-region which is an area designed for major growth in employment and housing.

The City of Cambridge is in the east of England, 50 miles north of London. A beautiful place to live and work, Cambridge is an historic University City and market town with high quality architecture and attractive open spaces. It is also a city of national importance, being a world leader in higher education and many 21st century industries – information technology, telecommunications and commercial research, particularly the biotechnology sector.

A significant characteristic of the City's population is its large and diverse student population. This is swollen further by language students attending "summer schools", which adds to a high "churn" in our population. The proportion of older people in the City has not grown in the past 10 years.

The daytime population of the City increases significantly, with high levels of commuting into the City and very large numbers of tourists and visitors. The high day time population places pressure on the City's infrastructure and heavy demands on basic Council services such as street cleaning.

This area is shown in the map at Appendix A.

3. Authorised Activities

'Gambling' is defined in the 2005 Act as either gaming, betting or taking part in a lottery.

Gaming - means playing a game of chance for a prize

Betting – means making or accepting a bet on the outcome of a race, competition or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not true.

Lottery – is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process, which relies wholly on chance.

Private Gaming – in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Domestic Betting – between inhabitants of the same premises or between employees of the same employer is also exempt.

Non-commercial gaming and betting – where no part of the proceeds are for private gain may be subject to certain exemptions.

4. Licences under the Gambling Act 2005

The 2005 Act provides for 3 categories of licence as detailed below:

- Operating Licences
- Personal Licence
- Premises Licences

The Council is responsible for the issue of Premises Licences. The Gambling Commission is responsible for the issue of Operating and Personal Licences.

5. The Gambling Commission

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted in a fair and open way and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission has issued guidance in accordance with Section 25 of the 2005 Act about the manner in which Licensing Authorities exercise their functions under the Act and, in particular, the principles to be applied.

The Commission will also issue Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Website www.gamblingcommission.gov.uk

Email info@gamblingcommission.gov.uk

6. Responsible Authorities

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

The principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this licensing authority designates the Local safeguarding Children's Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are set out in Appendix C.

7. Interested Parties

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 –

- Lives sufficiently close to the premises to be likely affected by the authorized activities, and/ or*
- Has business interests that might be affected by the authorized activities, or*
- Represents persons who satisfy paragraph a) or b)".*

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

- Each case will be decided upon its merits. The authority will not apply a rigid rule to its decision making.
- It will have regard to the examples of considerations provided in the Gambling Commissions Guidance to licensing authorities at 8.9 to 8.17

- It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and where appropriate include organisations such as, but not limited to, partnerships, charities, faith groups and medical practices.

Interested parties can be people who are democratically elected such as Councillors and MP's. Where appropriate, this will include county, parish and town Councillors. Other than these persons, authorities should require written evidence that a person 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorized activities and/ or business interests that might be affected by the authorized activities. A letter from one of these persons requesting the representation is sufficient.

Further advice on how licensing authorities can determine whether someone is an interested party is detailed below:

- i) The approach taken by licensing authorities in determining who is an interested party is also a function that is dealt with in the Licensing Statement of Policy.
- ii) The factors that should be taken into account when determining what 'sufficiently close to the premises' means (in each case) might include:
 - The size of the premises
 - The nature of the premises
 - The distance of the premises from the location of the person making the representation
 - The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment; and
 - 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.

8. Exchange of Information

Licensing authorities are required to include in their statements, the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission. It is also required to include the principles it will apply in exercising its functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that the Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission on this

matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be detailed in the reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details 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 asked to do so.

Should any protocols be established as regards information exchange with other bodies then they will be made available. The Council has various policies relating to the sharing of information which will be considered when deciding what information to share and the process of doing so.

9. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and under the powers of Section 346 of the Act to instigate criminal proceedings in respect of offences specified.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to licensing authorities and will endeavor to be:

- **Proportionate** – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimized;
- **Accountable** – regulators must be able to justify decisions and be subject to public scrutiny;
- **Consistent** – rules and standards must be coherent 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 minimize side effects.

In accordance with the Gambling Commission's Guidance, the Council will endeavor to avoid duplication with other regulatory regimes so far as possible.

Cambridge City Council has adopted and implemented a risk-based inspection programme based on:

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission (in particular Part 36)

- The principles set out in this Statement of Licensing Policy

The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. 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 the licensing authority but will be notified to the Gambling Commission.

The Council shall have regard to the principles of “Better Regulation” as outlined by the Department for Business Innovation and Skills.

Bearing in mind the principle of transparency, the Council’s enforcement/ compliance protocols and written agreements are available upon request.

The Corporate Enforcement Policy can be found online here:

<https://www.cambridge.gov.uk/enforcement-policy>

10. Licensing Authority Functions

Licensing Authorities are required under the Act to:

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

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licenses.

11. Public Register

Section 156 of the Act requires licensing authorities to maintain a register of the premises licences that it has issued. The register must be made available, at any reasonable time, to the public who may request copies of the entries. The Council achieves this requirement through the use of an online register which is accessible via the Council's website.

PART B PREMISES LICENCES

1. General Principles

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

The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

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

Premises are defined in the Act as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. However, 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 pleasure parks, piers, tracks or shopping malls 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 states in its Guidance to Licensing Authorities that *“In most cases the expectation is that a single building/ plot will be the subject of an application for a licence, for example 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.*

Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.

The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit”.

The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence – with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises.

The Council takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that *“Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:*

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

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?

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

2. Access Provisions

The Gambling Commissions relevant access provisions for each premises type are below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the guidance)
- 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 hold a gambling premises licence

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per paragraph 7.21 of the guidance) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed premises.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further information on this issue, which the Council will also take into account in its decision making.

A license to use premises for gambling may be issued in relation to premises that are not going to be ready to be used for gambling in the reasonably near future.

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

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

1. First, whether the premises ought to be permitted to be used for gambling
2. Second, whether the 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 the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it not obliged to grant such a licence.

More information concerning the consideration of applications can be found at paragraphs 7.58-7.65 of the Guidance.

3. Location

The Council is aware that demand issues cannot be considered with regard to the location of the premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the guidance, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

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 own merits, with the onus upon the applicant showing how potential concerns can be overcome.

4. Planning

The Gambling Commission Guidance to Licensing Authorities states *“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling”*.

5. Duplication with other Regulatory regimes

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

When dealing with a premises licence application for finished building, the Council 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.

6. Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission’s Guidance to Licensing Authorities:

- **Preventing gambling from being a source of crime or disorder, being**

associated with crime or disorder or being used to support crime.

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 the Council 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. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was to those who could see it, so as to make that distinction.

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

The Gambling Commission has stated that it generally 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. There is however, more of a role with regard to tracks.

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

The Gambling Commission's Guidance to Licensing Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are, particularly attractive to children). The Council will therefore consider, as suggested in the 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.

The Council is also aware of the Gambling Commission Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.

With regard to the term 'vulnerable persons' it is noted that the Gambling Commission does not seek to offer a definition but states that "*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, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs*". The Council will consider this licensing objective on a case by case basis.

7. Licence 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 (including the locality and any identified local risks) and the type of licence applied for;
- Fairly and reasonable related to the scale and type of premises; and
- Reasonable in all other aspects

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. The Council 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.

The Council 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.

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

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

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

The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Council 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.

It is noted that there are conditions that the licensing authority cannot attach to premises licences, which are:

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

8. Door Supervisors

The Gambling Commission advises in its guidance 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 condition on the premises licence 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 licenced 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.

9. Adult Gaming Centres

The Council 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.

The Council 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-exclusion 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.

10. Licensed Family Entertainment Centres

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

The Council 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-exclusion schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare
- Measures/ training for staff on how to deal with suspected truant school children on the premises

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

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

11. Casinos

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

12. Bingo Premises

The Council notes that the Gambling Commission's Guidance states in 18.5 *"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises"*.

The Council also notes the Guidance at paragraph 18.8 where 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 which are available for use on the premises.

Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater.

Regulations state that category B machines at bingo premises should be restricted to sub-category B3 (but not B3A) and B4 machines.

"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 separate from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling".

13. Betting Premises

The Council 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, the ability of staff to monitor who enters the premises (it is an offence for those under 18 to be permitted to enter a premises with a betting premises licence) and the ability of staff to monitor the use of machines when considering the number/ nature/ circumstances of betting machines an operator wants to offer.

14. Credit/ ATM's

Section 177 of the 2005 Act requires, in relation to casino and bingo premises licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with the provision of credit.

Section 177 does not, however, prevent the licensee from permitting the installation of cash dispensers (ATM's) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection with the machine provider in relation to gambling (aside from the agreement to site the machines) and does not profit from the arrangement, nor make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

15. Tracks

The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Council 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.

The Council 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.

The Council 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-exclusion 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.

Gaming Machines

Where the applicant holds a pool betting operating licence and is going to use his

entitlement to four gaming machines (other than category D machines), these machines should be located in areas from which children are excluded.

Betting Machines

The Council 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 wants to offer.

Applications and Plans

The Gambling Act (Section 51) 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 Council to plan future premises inspection activity.

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 race tracks. 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.

The Council 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 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

It will fall to the Council to decide 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 met.

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

It is 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. The Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

17. Provisional Statements

Developers may wish to apply to the Council 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.

Section 204 of the Gambling Act 2005 provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- a) Expects to be constructed;
- b) Expects to be altered; or
- c) Expects to acquire a right to occupy

The 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.

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 a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council 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.

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

- 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 the Council notes that it can discuss any concerns it has with the applicant before making a decision.

18. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities (it should be noted that there is no mechanism to review any permit or notice). However, it is for the Licensing Authority to decide whether such a request will result in a review. Such a decision will be taken by considering, amongst other matters, the following:

- Any relevant code of practice or guidance issued by the Gambling Commission;
- The licensing objectives
- The Licensing Authority's Statement of Policy
- Whether the request is considered frivolous, vexatious, or whether it will certainly not cause the authority to wish to alter or revoke or suspend the licence; and
- Whether the request is substantially the same as previous representations or requests for a review.
- Whether the request is substantially the same as representations made at the time the application for a premises licence was considered.

The Council, as the licensing authority, may also initiate a review of a premises licence. The purpose of such a review would be to determine whether the Council, as the licensing authority, should take any action in relation to the licence.

Following a review, the actions open to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority;
- Exclude a default condition imposed by the Secretary of State or Scottish Ministers or remove or amend such an exclusion;
- Suspend the licence for any period not exceeding three months; and
- Revoke the licence.

In considering what action, if any, should be taken following a review the Council

must have regard to the principles set out under Section 153 of the Act as well as any relevant representations.

PART C PERMITS/ TEMPORARY & OCCASIONAL USE NOTICES

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a Premises Licence from the Council.

The Council can grant or refuse an application for a permit, but cannot attach conditions.

2. Statement of Principles

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits.

The policies and procedures are expected to include:

- What staff should do if they suspect that truant children are on the premises
- How staff should deal with unsupervised young children on the premises
- How staff should deal with children causing perceived problems on or around the premises

The Council will also expect applicants to demonstrate:

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

3. Alcohol Licensed Premises Gaming Machine Permits

Premises licensed to sell alcohol for consumption on the premises, can automatically

have 2 gaming machines, of categories C and/or D. The holder of a Premises Licence under the Licensing Act 2003, authorising the sale of alcohol, will simply need to notify the Council, and pay the prescribed fee.

The Council may 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 Act;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then the holder of the Premises Licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate

- that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.
- Measures 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 will also need to be considered.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

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.

The Council may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Council will not attach any other conditions in granting such an application.

The holder of such a permit will be required to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the

machine.

4. Prize Gaming Permits

Applicants for prize gaming permits should set out the types of gaming that they intend to offer. The applicant will be required to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but will have regard to any Gambling Commission guidance. Weight will be given to child protection issues, and relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.

The Council may grant or refuse an application for a permit, but will not attach any conditions. However, there are 4 conditions in the Act that permit holders must comply with. These 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.

5. Club Gaming and Club Machine Permits

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming

(other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.

The Council will only refuse such an application on one or more of the following grounds;

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

The Council will have regard to the guidance issued by the Gambling Commission and (subject to that guidance), the licensing objectives.

There is a ‘fast-track’ procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit licences are reduced.

The grounds on which an application under the fast track procedure may be refused are;

- that the club is established primarily for gaming, other than gaming prescribed under s.266 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Council may grant or refuse an application for a club gaming or club machine permit, but will not attach any conditions. However, premises must comply with the

Gambling Commissions Licence Conditions and Codes of Practice. There are a number of conditions in the Act that the holder must comply with.

6. Cancellation of Permits

Gaming / Machine Permits

The authority is able to cancel a permit. It may do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels an authority must notify the holder giving 21 days' notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

Club Gaming / Club Machine Permits

Decisions relating to the cancellation of a Club Gaming or Club Machine Permit may not be made by an officer of the authority. Such decisions shall be dealt with by the Licensing Sub Committee.

Alcohol Licensed Premises Permits

In the event of representations being received against a notice of cancellation, the matter will be determined by a licensing sub-committee. Where no representations have been received, or if they have been received but have been subsequently withdrawn, then the final decision may remain with an Officer of the Council.

7. Small Local Society Lotteries

A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up.

Small Society Lotteries do not require a licence but must be registered with the licensing authority in the area where the society's principle premises is situated. An application to register a Small Society Lottery should be on the relevant application form and accompanied by any necessary documents and the appropriate fee.

The maximum prize per ticket in either money or monies worth is £25,000.

In determining whether to grant or renew a small society lottery registration, the Licensing Authority will have regard to the Guidance to Local Authorities issued by the Commission.

Societies may wish to refer to the relevant section of the Licensing Authority's website for full details on how to register and maintain small society lottery registrations.

8. Exempt Gambling

The Licensing Authority has no control over Gambling in these circumstances, provided the specific requirements are complied with and any limits on stakes and prizes are observed.

8.1. Non-commercial gaming

There are two types of non-commercial gaming allowed: non-commercial prize gaming and non-commercial equal chance gaming. Neither of these require any authorisation provided the maximum stakes and prizes are not exceeded. In each case the gaming can be incidental to another activity, or the activity itself. It must be non-commercial which means there must be no private profit or gain. However, the proceeds of such events may benefit an organisation, group or 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.

8.2. Non-commercial prize gaming

In this case, the prize should be determined in advance and not be dependent on the number of players or monies staked. The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

8.3. Non-commercial equal chance gaming

In this case, the stakes per player cannot exceed £8. In addition, the aggregate value of prizes in all games played at a single event cannot exceed £600 (but if the event is the final one of a series in which all of the players have previously taken part, a higher prize fund of up to £900 is allowed). The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

8.4. Private gaming

This covers situations where the public are not admitted to the gaming. This includes residential and domestic premises and workplaces.

This can include casino nights and race nights.

8.5. Domestic gaming

Non-equal chance gaming can be played in private dwellings on domestic occasions provided no participation charge is made.

8.6. Residential gaming

Non-equal chance gaming can be played in hostels or halls of residence provided at least 50% of the participants are residents.

8.7. Non-commercial and private betting

This is betting in domestic premises or workplaces. In domestic premises the participants must habitually reside there, and for workers betting the participants must be employed by the same employer.

8.8. Incidental non-commercial lottery

These can take place as an incidental activity at another non-commercial event, e.g. a raffle at a dinner or tombola at a garden party. No registration or permission is required provided the following requirements are met.

- Tickets can only be sold on the premises where the event takes place to people present and while the event is taking place;
- The draw must take place at the event and the results must be announced while the event is taking place;
- No rollovers are allowed;
- The maximum deduction allowed for prizes from the proceeds is £500; and
- The maximum deduction allowed for organising costs from the proceeds is £100.

9. Exempt gambling in pubs

Various types of gambling can take place in premises that are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises and which have a bar at which alcohol is served to customers, but this does not apply where the sale of alcohol can only take place as being ancillary to the sale of food.

9.1. Equal chance gaming in pubs

Equal chance gaming up to specified limits on stakes and prizes can take place, and this includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

The following requirements have to be met:

- The maximum stakes and prizes for each type of game must not be exceeded (£5 maximum stake for any game of chance except poker, dominoes and cribbage. For poker the maximum stake is £5, a daily maximum of £100 in aggregate stakes cannot be exceeded and the maximum prize limit is £100. There are no limits on stakes and prizes for dominoes or cribbage);
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice;
- No participation fees can be charged and no levy taken from stakes or prizes;
- The games cannot be linked to any other games in other premises; and
- Nobody under 18 years old can take part.

9.2. Bingo in pubs

Low-turnover bingo where the aggregate of stakes and prizes in a seven day period does not exceed £2000 can take place.

10. Exempt gambling in Clubs

There are two types of club for the purposes of the Act: members' clubs (including miners' welfare institutes) and commercial clubs. Generally speaking the club must be established for purposes other than gaming, but there is an exception for bridge or whist clubs. The exempt gaming that can take place differs according to the type of club. If a club has a club gaming permit, additional games and higher stakes and participation fees apply.

10.1. Equal chance gaming in clubs

Equal chance gaming with no specified limits on stakes and prizes (except for poker) can take place.

The following requirements have to be met:

- Only club members (who have been members for at least 48 hours) or a bona fide guest of a member can participate;
- Except for poker, there is no maximum stake or prize;
- For poker there is a £10 maximum stake, a daily maximum of £250 in aggregate stakes and a seven day maximum of £1000 in aggregate stakes cannot be exceeded, and the maximum prize limit is £250;
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice;
- A maximum participation fee of £1 can be charged but no levy taken from stakes or prizes (however if the games are bridge or whist, on a day when no other gaming is permitted, participation fees of up to £18 per person can be charged);

- The games cannot be linked to any other games in other premises; and
- Nobody under 18 years old can take part.

10.2. Bingo in clubs

Low-turnover bingo where the aggregate of stakes and prizes in a seven day period does not exceed £2000 can take place in all types of club.

10.3. Bridge and Whist clubs

Unlimited stakes bridge or whist can be played. In addition participation fees (up to £18) can be charged.

11. Temporary Use Notices

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.

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.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

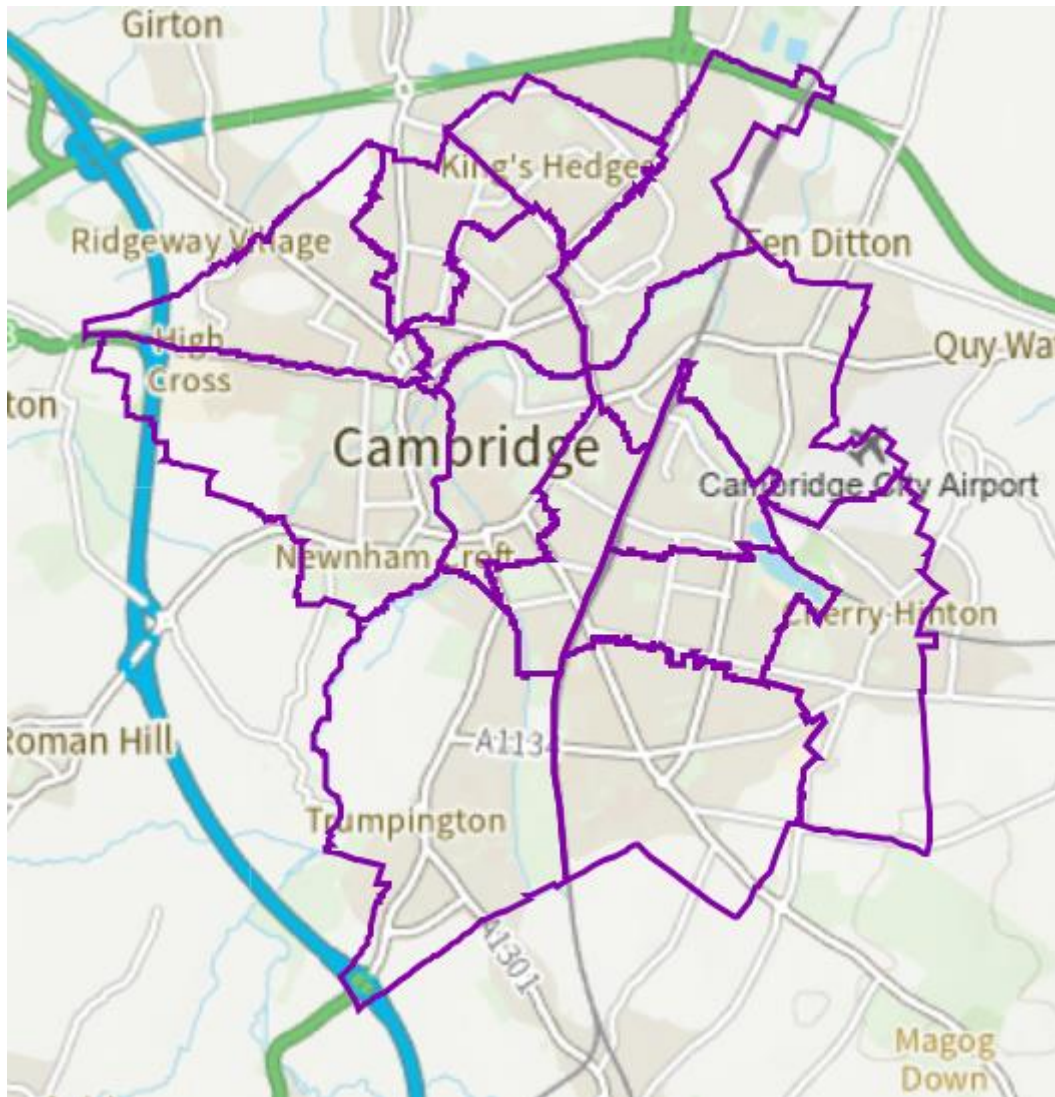
There are a number of statutory limits as regards Temporary Use Notices. Gambling Commission Guidance notes that *“this definition of a ‘set of premises’ differs to ‘premises’ in Part 8 or the Act (see Part 7 of the guidance). The definition of a ‘set of premises’ will be a question of fact in the particular circumstances of each notice given. In considering whether a place falls within the definition, licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises”*.

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

12. Occasional Use Notices

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

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APPENDIX B – LIST OF CONSULTEES

- Responsible Authorities
- Emma Thornton (Chief Executive Officer, Visit Cambridge and Beyond)
- Graham Saint (Consultation Working Group)
- CAMBAC Manager
- Gamestec
- Select Gaming
- Power Leisure Bookmakers Ltd
- Coral Racing Limited
- Ladbrokes Betting & Gaming Limited
- Done Brothers (Cash Betting) Limited
- Talarius Limited
- BACTA
- The Bingo Association
- Association of British Bookmakers Ltd (ABB)
- Business In Sport and Leisure (BISL)
- BALPPA
- British Institute of Inn Keeping (BII)
- The Portman Group
- British Beer and Pub Association
- Racecourse Association Ltd
- GAMCARE
- Greater Cambridge Partnership
- Cambridge & District Citizens Advice
- Cambridgeshire Chambers of Commerce

Ward Residents Associations

Abbey People
Riverside Area Residents Association
Riverside Area Residents Association
The Friends of Sourbridge Common
Histon Road Area Residents' Association (HRARA)
Arbury Road East RA (ARERA)
Darwin & Akeman St (DEARA)
Benson Area Residents' Association *1
NAFRA 19 Acre Field Residents' Association
Storeys Way Residents' Association
Concerned Residents Of North West Cambridge (CRONC)
Windsor Road Residents Association (WIRE)
Oxford Road Residents' Association
CREW
Tavistock Road & Stratfield Close Residents' Association
Richmond Road Residents' Association
Marion Close & Sherlock Road Association
Sherlock Close RA
Madingley Road Group
Shelly Gardens Leaseholder's Association
Rustat Neighbourhood Association
Birdwood Area Residents' Association
Cherry Hinton & Rathmore Road Residents' Association
Old Chesterton Residents Association
Three Trees Residents' Association
St Andrews Road RA
Fen Estates and Nuffield Road RA (FENRA)
Fen Road Steering Group
Bradmore & Petersfield Residents Association
North Cambridge Community Partnership
Citygate Property Partners
Park Street Residents' Association
Christ's Pieces Residents Association
King Street Neighbourhood Association
Jesus Green Association
Brunswick & North Kite Residents Association
Evening Court RA
Radcliffe Court Residents' Association
Newnham Croft Conservation Group
North Newnham Residents Association
Gough Way Residents Association
West Cambridge Preservation Society
Clerk Maxwell Road Residents' Association
Pinehurst South Resident's Association
Residents' Association of Old Newnham
Bulstrode Gardens Residents Association
Barton Close Residents' Association

Millington Road & Millington Lane Residents' Association
Grantchester Road Residents' Association
Hedgerley Close RA
Bradmore & Petersfield Residents Association
Glisson Road/Tenison Road Area Residents' Association
Petersfield Mansions Residents' Association
Petersfield Area Community Trust (PACT)
Mill Road Community Improvements Group
Highsett Houses Residents' Society
Guest Road Residents' Association
Highsett Flats Resident's Association
Babraham Road Action Group
Queen Edith's Way Residents' Association
Corfe Close Residents Association (CCRA)
Greenlands' Residents Association
Hills Road Residents' Association
Blinco Grove Residents' Association
Greville Road RA
Monteal Square Residents' Association
East Mill Road Action Group EMRAG
Romsey Action
Mill Road Society
Empty Common Allotment Society
Gazeley Lane Residents' Association
Brookside Residents Association
Hanover & Princess Court Residents' Association
Bateman Street & Bateman Mews Residents Association
Trumpington Residents Association
Norwich Street Residents' Association
Southacre Latham Road and Chaucer Road RA (SOLACHRA)
Accordia Community and Resident's Association (ACRA)
Brooklands Avenue Area Residents' Association
North Newtown Residents' Association
Newtown Residents' Association
Applecourt Residents' Association
Fenners Lawn Residents' Association
BENERA (Bentley and Newton Road Residents' Association)
Victoria Park Residents Working Group
Friends of Mitcham's Corner
Mitchams Corner Residents' & Traders' Association (MCRTA)
Mulberry Close (Leys Road, Cambridge) Residents' Society Ltd
Milton Road RA (MRRA)
Ascham Road Residents' Association
Gurney Way (& Atherton Close) Residents Association
Highworth Avenue CB
Hurst Park Estate Residents' Association (HPERA) *3
Sandy Lane Residents' Association
Cambridge Valley Forum
Federation of Cambridge Residents' Associations

APPENDIX C – Responsible Authorities

The Licensing Authority

Commercial & Licensing, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Tel: 01223 457879 Fax: 01223 457909
e-mail: commercial@cambridge.gov.uk

The Gambling Commission

Victoria Square House, Victoria Square, Birmingham, B2 4BP

Email: info@gamblingcommission.gov.uk

The Chief Officer of Police

The Chief Officer, Cambridgeshire Constabulary, Southern Division, Police Station, Parkside, Cambridge, CB1 1JG
Telephone: 01223 823397 Fax: 01223 823232

The Fire and Rescue Authority

Fire Protection, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF
Email: danny.hans@cambsfire.gov.uk

Planning Authority

Environment & Planning, Cambridge City Council, The Guildhall, Cambridge, CB2 3QJ
Telephone: 01223 457100
e-mail: planning@cambridge.gov.uk

Environmental Health

The Environmental Health Manager, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Telephone: 01223 457890 Fax: 01223 457909 e-mail: env.services@cambridge.gov.uk

Local Safeguarding Children Board

Child Protection Services, Licensing Applications, OCYPS, PO Box 144, St Ives, Cambs, PE27 9AU
Telephone: 03450455203
Referralcentre2.children@cambridgeshire.gov.uk

HM Revenues and Customs

Excise Processing Teams, BX9 1GL, United Kingdom

In addition, for vessels:

Environment Agency

The Team Leader, Great Ouse & Stour Waterways, The Environment Agency,
Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR.

Telephone: 01733 464072

e-mail: enquiries@environment-agency.gov.uk, quoting Great Ouse & Stour
Waterways

Conservators of the River Cam

The River Manager

Conservators of the River Cam

Baits Bite Lock, Fen Road, Milton, Cambridge, CB24 6AF

Telephone/Fax 01223 863785

e-mail river.manager@camconservators.org.uk

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/SUB COMMITTEE	OFFICERS	COUNCIL SOLICITOR
Three year licensing policy	✓			
Policy not to permit casinos	✓			
Fee setting-when appropriate		✓		
Application for premises licences		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a variation to a licence		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a transfer of a licence		Where representations received from the Gambling Commission	Where no representations received from the Gambling Commission	
Application for provisional statement		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Review of premises licence		✓		
Application for club gaming/club machine permits		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Cancellation of club gaming/club machine permits		✓		
Application for other permits			✓	
Cancellation of licensed premises gaming machine permits			✓	
Consideration of Temporary Use Notices			✓	
Decision to give a counter Notice to a Temporary Use Notice		✓		
Determination as to whether a person is an interested party				✓
Determination as to whether				✓

representations are relevant				
Determination as whether a representation is frivolous, vexatious or repetitive				✓
Representative of Licensing Authority who will be responsible for making representations as the Responsible Authority on licence applications				✓
Responsibility for attaching to premises licences Mandatory, Default and Specific Conditions			✓	
Representative of Licensing Authority who can initiate a Licence review				✓
Representative of Licensing Authority who can reject an application for a Licence review				✓

APPENDIX E – GLOSSARY OF TERMS

Admissible Representations: - representations submitted by a Responsible Authority or Interested Party.

Authorised Local Authority Officer: - a Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.

Authorised Person: - a licensing officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:

- Inspectors appointed under the Fire Precautions Act 1971;
- Inspectors appointed under the Health and Safety at work, etc. Act 1974;
- Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995; &
- A person in a class prescribed in regulations by the Secretary of State.

Automated Roulette Equipment: - equipment that is either linked to a live game of chance, e.g. roulette, or plays live automated games, i.e. operates without human intervention.

Automatic Conditions: - conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.

AWP machines: - Amusement with Prize Machines

BACTA: - the British Amusement Catering Trade Association

Betting Intermediary: - someone who offers services via remote communication, such as the internet.

Betting Ring: - an area that is used for temporary 'on course' betting facilities.

Bingo: - a game of equal chance.

Casino: - an arrangement whereby people are given an opportunity to participate in one or more casino games.

Casino Games: - games of chance that are not equal chance gaming.

Casino Premises Licence Categories: - regional, large, small, casinos permitted under transitional arrangements.

Casino Resolution: - resolution concerning whether or not to issue Casino Premises Licences.

Child: - an individual who is less than 16 years old.

Christmas Day Period: - the period of 24 hours from midnight on 24 December.

Club Gaming Machine Permit: - a permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)

Club Gaming Permit: - a permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.

Complex Lottery: - an arrangement where:

- Persons are required to pay to participate in the arrangement;
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a series of processes; and
- The first of those processes relies wholly on chance.

Conditions: - conditions to be attached to licences by way of:

- Automatic provision
- Regulations provided by Sec. Of State
- Conditions provided by Gambling Commission
- Conditions provided by Licensing Authority
- Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

Customer Lotteries: - lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.

Default Conditions: - conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Delegated Powers: - decisions delegated by the Licensing Authority either to a Licensing Committee, Sub-Committee or Licensing Officers.

Disorders: - in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

Domestic Computer: - one used for in a residential property for private, non-commercial purposes and is exempt from a Gaming Machine Permit.

Dual Use Computer: - definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.

Equal Chance Gaming: - games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

EBT: - Electronic Bingo Ticket Minders consisting of electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.

Exempt Lotteries: - lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:

- Small Society Lottery (required to register with Licensing Authorities)
- Incidental Non Commercial Lotteries

- Private Lotteries
- Customer Lotteries

External Lottery Manager: - an individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

Fixed Odds Betting: - general betting on tracks.

Gaming: - prize gaming where 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 and where the prizes are determined by the operator before the play commences.

Gaming Machine: - a machine used for gambling under all types of gambling activity, including betting on virtual events.

Guidance to Licensing Authorities: - guidance issued by the Gambling Commission dated September 2015 (updated September 2016).

Inadmissible Representation: - a representation not made by a Responsible Authority or Interested Party.

Incidental non-commercial lottery: - a lottery that is run as an additional amusement at non-commercial events with tickets only sold and drawn during the event, such as a raffle at a dance, bazaar etc.

Information Exchange: - exchanging of information with other regulatory bodies under the Gambling Act.

Interested Party: - a person who in the opinion of the Licensing Authority

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - Has business interests that might be affected by the authorised activities, or
 - Represents persons above, including Trade Associations, Trade Unions, Residents and Tenants Associations where they can demonstrate that they represent such persons.
- In determining if a person lives or has business interests sufficiently close to the premises, the following factors will be considered: -
- The size and nature of the premises to be licensed.
 - The distance of the premises from the location of the person making the representation.
 - The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment).
 - The nature of the complaint, i.e. not the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
 - The catchment area of the premises (i.e. how far people travel to visit).
 - Whether the person making the representation has business interests that might be affected in that catchment area.

Irrelevant Representations: - representations that are vexatious, frivolous or will certainly not influence the authority's determination of the application.

Large Lottery: - where the total value of tickets in any one lottery exceeds £20,000 or tickets in separate lotteries in one calendar year exceeds £250,000. This type of lottery requires an operating Licence from the Gambling Commission.

Licensed Lottery: - large society lotteries and lotteries run for the benefit of local authorities will require operating licences to be issued by the Gambling Commission.

Licensing Objectives: - there are three objectives

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

Live Gambling: - gambling on a live game as it happens.

Lottery: - an arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

Lottery Tickets: - every lottery must have tickets for each chance

- Identifying the promoting society
- Stating the price of the ticket, which must be the same for all tickets
- Stating the name and address of the member of the society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and
- Stating the date of the draw, or sufficient information to enable the date of the draw to be determined.

Mandatory Conditions: - conditions that must be attached to a Premises Licence, to a class of Premises Licence or licences for specified circumstances.

Members Club: - a club must have at least 25 members, be established and conducted 'wholly or mainly' for purposes other than gaming, be permanent in nature, not established to make commercial profit and controlled by its members equally.

Non-commercial event: - an event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.

Non-commercial society: - a society established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or for any other non-commercial purpose other than that of private gain.

Occasional Use Notice: - a notice that may only be issued in respect of a track, that permits betting on a track without the need for a Premises Licence and which only the person responsible for administration of events on the track or the occupier of the track may issue.

Off Course Betting: - betting that takes place other than at a track, i.e. at a licensed betting shop.

Off Course Betting: - betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.

On Course Betting: - betting that takes place on a track while races are taking place.

Operating Licence: - a licence issued by the Gambling Commission to permit individuals and companies to provide facilities for certain types of gambling, including remote or non remote gambling.

Permit: - an authorisation issued by the Licensing Authority to provide gambling facilities where the stakes and prizes are low or gambling is not the main function of the premises.

Personal Licence: - a licence issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling.

Pool Betting (Tracks): - pool betting may only be offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

Premises: - 'any place' including anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water, a hovercraft or anything or any place situated on or in water. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.

Premises Licence: - a licence issued by the Licensing Authority to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres where an operator's licence and personal licence have been issued by the Gambling Commission. A licence is restricted to one premises only but one set of premises may have separate licences issued in respect of different parts of the building.

Private lottery: - there are three types of private lottery

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises

Prize Gaming: - gaming in which the nature and size of the prize is not determined by the number of players or the amount paid for or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes. (NB: bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission; prize gaming does not include gaming by use of gaming machines.)

Prize Gaming Permit: - a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specific premises.

Provisional Statement: - an application to the Licensing Authority in respect of premises that are

- Expected to be constructed
- Expected to be altered
- Expected to acquire a right to occupy

Relevant Representations: - representations that relate to the Gambling Licensing Objectives, the Gambling Commission's Guidance, the Codes of Practice.

Responsible Authorities: - public bodies for the area in which the premises are mainly or wholly situated

- Licensing Authority in whose area the premise is partly or wholly situated
- Chief Officer of Police
- Fire & Rescue Service
- Planning Authority
- Environmental Health (related to pollution and harm to human health)
- Body competent to advise on protection of children from harm, i.e. Children & Young Peoples' Service
- Authority in relation to vulnerable adults

- Navigation Authority whose statutory functions are in relation to waters where a vessel is usually moored or berthed
- Environment Agency
- British Waterways Board
- Maritime & Coastguard Agency
- HM Revenue & Customs
- Gambling Commission

Simple Lottery: - an arrangement where

- Persons are required to pay to participate in the arrangement
- In the course of the arrangement, 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.

SWP: - a Skills-with-Prizes machine

Skills with Prizes machine: - a machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. SWPs are unregulated.

Small Lottery: - where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

Small Society Lottery: - a lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Small Operations: - independent on course betting operators with only one or two employees or a bookmaker running just one shop.

Statement of Principles: - matters the Licensing Authority may publish in the Statement of Licensing Principles that they intend to apply when considering an applicant's suitability in applications for permits for unlicensed family entertainment centres and prize gaming.

Temporary Use Notice: - a notice that may be issued in respect of a set of premises where there is no premises licence, but where a person or company holding an operating licence relevant to the proposed temporary use of premises wishes to use the premises temporarily for providing facilities for gambling.

Travelling Fair: - a fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.

Vehicles: - includes trains, aircraft, sea planes and amphibious vehicles other than hovercraft.

Vessel: - anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything or part of any place situated on or in water.

Virtual Betting: - gambling by machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.

Vulnerable Persons: - no set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

Young Person: - an individual who is over 16 years of age but who is under 18 years of age.

Appendix F – Links to documents referenced

Gambling Commission guidance to Licensing Authorities

[Guidance to licensing authorities - Gambling Commission](#)

Licence Conditions and Codes of Practice (LCCP)

[Licence Conditions and Codes of Practice - Gambling Commission](#)

Appendix B – Responses to consultation and Officer comments (in red)

Gambling generates no real wealth and merely bleeds money from people.

This is not something the Gambling Statement of Principles will deal with. Opinions on gambling is not relevant when publishing the statement.

I think we have many too many betting shops, and they should be restricted/reduced in number.

The guidance from the Gambling Commission states: *In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)".*

Each application has to be judged on it's own merits and unless evidence is received to revoke an existing licence, the number can not be reduced.

It does not help people who are addicted to gambling enough

This is not the function of the statement of principles. This is a duty for the operators and the gambling commission. If operators were not meeting their responsibilities, action would mainly be taken by the Gambling Commission.

It's a complex 54 page document, how can most members of the public contribute a meaningful and well informed view on such things. If most can't then how can you achieve a balanced consultation?

The statement of gambling principles is based on guidance from the gambling commission of what needs to be contained in the document. Gambling is also very widespread and doesn't just cover betting shops as some believe.

On page 14 under the paragraph title 'Enforcement' - it suggests any punishment should be 'appropriate'. This word is extremely ambiguous and can mean almost anything. If you construct all these detailed rules, then the punishment should be encapsulated in a more precise way. At least indicate the general approach. for instance ' the Council views infractions very seriously and will take appropriate action' or 'the Council views any infractions as not serious and will punish appropriately'.

The word appropriate is used in the paragraph titled Proportionate - regulators should only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimized.

Appendix B – Responses to consultation and Officer comments (in red)

Unfortunately enforcement covers a number of different potential issues and can not be anymore specific than is detailed in the statements. Any infringements will be looked at on a case-by-case basis and officers will then take into account all the factors before deciding on that action, if any, needs to be taken.

The statement is too long & I don't understand some of it. I think a lot of people fall into the vulnerable category & more protection is needed -self barring schemes, Leaflets & helpline information is much too little & too late. We're bombarded in the media with gambling adverts but I don't know the probability of winning or losing & question that it is fair & open.

The length of the statement has been addressed above. It is down to the operators and the gambling commission to address what support is needed and that gambling is fair and open. It is down to the local authority to make sure the licences are granted to those that meet and continue to meet, the licensing objectives.

CAMBRIDGE CITY COUNCIL



GAMBLING ACT 2005

Statement of Principles

January 2025 – January 2028

Published: TBC

Effective from: TBC

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Introduction

Under the Gambling Act 2005 ("the 2005 Act" a regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting is regulated by the Gambling Commission whose duties include licensing the operators and individuals involved in the provision of gambling and betting.

Cambridge City Council Licensing Authority recognises the potential impact of gambling and in adopting this policy; the Licensing Authority will seek to work with communities and partners. It will address the concerns of the public to maintain safe and high quality environments making Cambridge an even better place to live, work and visit. It wishes to work together with premises licence operators/ holders to assist the thriving and growing local economy whilst seeking to protect vulnerable persons from harm.

Cambridge City Council ("the Council"), along with other licensing authorities, has a duty under the 2005 Act to licence premises where gambling is taking place. The Council is also required to licence certain other activities (such as registering small society lotteries). This document sets out how Cambridge City Council intends to carry out these duties.

Licensing authorities are required by Section 349 of the 2005 Act to publish a statement of principles that they propose to apply when exercising their functions in accordance with the legislation. This statement must be published every 3 years and this is the ~~third revision?~~. If any part of the document is amended, further consultation and re-publication is required.

The 2005 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; and
- 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.

A full list of those persons/ organisations consulted is detailed at Appendix B.

The latest draft of this statement of principles contains the minimum of amendments and no changes to the intent or direction of the policy. In producing the final statement, the Council declares that it has regard to the Licensing objectives of the Gambling Act 2005, the guidance issued by the

Gambling Commission and any response from those consulted on this statement.

This statement of principles was approved at a meeting of the Full Council on (date to be inserted). It was then published via Cambridge City Council's website on (date to be inserted).

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

The full list of comments made and the consideration by the Council of these comments is available by request to the Commercial & Licensing Team, Environmental Services.

Should you have any comments in regard to this statement of principles, please send them to:

Team Manager (Commercial &
Licensing)

Environmental Health Service

Cambridge City Council

PO Box 700

Cambridge, CB1 0JH

Email:

commercial@cambridge.gov.uk

PART A

1. The Licensing Objectives

In exercising most of its functions under the Gambling Act 2005, the Council as the Licensing Authority must have regard to the Licensing Objectives as set out in Section 1 of the 2005 Act. The objectives are:

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

The Gambling Commission will be taking a lead role in preventing gambling from being a source of crime. Cambridge City Council is aware that it falls to the Gambling Commission to ensure the suitability of an operator before issuing an operator licence.

However, this Licensing Authority will bring to the attention of the Gambling Commission any information that is brought to its attention during the course of processing a premises licence application or at any other time, which could question the appropriateness of an applicant.

Where an area has known high levels of crime, this Licensing Authority will consider carefully whether gambling premises are suitable to be located there. If there are concerns over a premises location, in order to prevent that premises from becoming a source of crime, certain conditions could be considered by the Council to be attached to the licence.

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

The Gambling Commission is concerned to ensure that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that: -

- Operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- Easily understandable information is made available by operators to players about, for example, the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- The rules are fair;
- Advertising is not misleading;
- The results of events and competitions on which commercial gambling takes place are made public;

- Machines, equipment and software used to produce the outcome of games meet standards set by the Gambling Commission and operate as advertised.

The Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This is because they will either be concerned with the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

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

The Gambling Act 2005 is intended to ensure that children and vulnerable persons should not be allowed to gamble and should be prohibited from entering those gambling premises which are adult-only environments.

This licensing objective refers to protecting children from being 'harmed or exploited by gambling'; meaning that they should be prevented from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, with the exception of Category D gaming machines.

It does not however seek to disallow particular groups of adults from gambling in the same way that it does children. The Gambling Commission has not sought to define 'vulnerable persons', but it does 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 mental health needs, learning disability or substance misuse relating to alcohol or drugs.

This Licensing Authority will consider this licensing objective on a case by case basis. In order to protect vulnerable persons, this Licensing Authority will consider whether any special considerations apply to a particular premises. These considerations could include self-barring schemes or providing information in the form of leaflets or helpline information from relevant organisations.

From 6 April 2016 premises licence holders must conduct a local risk assessment for each of their current premises. This applies to:-

- Adult Gaming Centres
- Family Entertainment Centres
- Non-Remote Betting

- Non-Remote Bingo
- Non-Remote Casinos
- Remote Betting Intermediary (trading room only)

There is also a requirement to conduct or update a risk assessment when:

- Applying for a new gambling premises licence
- Applying for a variation to a gambling premises licence
- Changes in the local environment, or the premises, warrant a risk assessment to be conducted again.

This licensing authority is aware that, as per section 153, in making decisions about premises licences and temporary use notices it should “aim to permit” the use of premises for gambling in so far as it is satisfied the application is *“in accordance with any 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 principles”*.

As a means of assisting Licensing Authorities in determining whether the provision of gambling facilities at premises will be, and will remain, consistent with the licensing objectives, the Gambling Commission that premises licence holders should have policies and procedures in place to mitigate the local risks to the licensing objectives arising from the provision of gambling at their premises.

Following the Gambling Commission’s review of the social responsibility elements of the Licence Conditions and Codes of Practice (LCCP), the Commission have introduced a social responsibility code (SR code 10.1.1) which requires all premises licensees to 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 these risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority’s statement of policy.

The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority, such as when they are inspecting a premises.

Cambridge City Council has a Local Area Profile that licensees should consider when undertaking their local area risk assessments. The Local Area Profile can be found at the following link:

<https://www.cambridge.gov.uk/gambling-licensing-overview>

The Council notes the Gambling Commission's Guidance (5.34) to local authorities that *"Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)"*.

2. Cambridge City

Cambridge City Council is situated in Cambridgeshire, which contains a total of 5 District Councils. Cambridge combines a rich history with the vibrancy and prosperity of outstanding educational institutions and modern businesses. It is at the heart of a buoyant sub-region which is an area designed for major growth in employment and housing.

The City of Cambridge is in the east of England, 50 miles north of London. A beautiful place to live and work, Cambridge is an historic University City and market town with high quality architecture and attractive open spaces. It is also a city of national importance, being a world leader in higher education and many 21st century industries – information technology, telecommunications and commercial research, particularly the biotechnology sector.

~~The population of Cambridge is over 130,000. This is forecast to increase to over 150,000 in 2031 as a result of new developments~~

A significant characteristic of the City's population is its large and diverse student population, ~~totaling almost 27,000 (including post graduates)~~. This is swollen further by language students attending "summer schools", which adds to a high "churn" in our population. The proportion of older people in the City has not grown in the past 10 years.

The daytime population of the City increases significantly, with high levels of commuting into the City and very large numbers of tourists and visitors. The high day time population places pressure on the City's infrastructure and heavy demands on basic Council services such as street cleaning.

~~Cambridge has one of the highest qualified work forces in the East of England, and relatively speaking, the City is affluent.~~

This area is shown in the map at Appendix A.

3. Authorised Activities

'Gambling' is defined in the 2005 Act as either gaming, betting or taking part in a lottery.

Gaming - means playing a game of chance for a prize

Betting – means making or accepting a bet on the outcome of a race, competition or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not true.

Lottery – is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process, which relies wholly on chance.

Private Gaming – in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Domestic Betting – between inhabitants of the same premises or between employees of the same employer is also exempt.

Non-commercial gaming and betting – where no part of the proceeds are for private gain may be subject to certain exemptions.

4. Licences under the Gambling Act 2005

The 2005 Act provides for 3 categories of licence as detailed below:

- Operating Licences
- Personal Licence
- Premises Licences

The Council is responsible for the issue of Premises Licences. The Gambling Commission is responsible for the issue of Operating and Personal Licences.

5. The Gambling Commission

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling, by ensuring that gambling is conducted in a fair and open way and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission has issued guidance in accordance with Section 25 of the 2005 Act about the manner in which Licensing Authorities exercise their functions under the Act and, in particular, the principles to be applied.

The Commission will also issue Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Website www.gamblingcommission.gov.uk

Email info@gamblingcommission.gov.uk

6. Responsible Authorities

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

The principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this licensing authority designates the Local safeguarding Children's Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are set out in Appendix C.

7. Interested Parties

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 affected by the authorized activities, and/ or*
- b) Has business interests that might be affected by the authorized activities, or*
- c) Represents persons who satisfy paragraph a) or b)".*

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

- Each case will be decided upon its merits. The authority will not apply a rigid rule to its decision making.
- It will have regard to the examples of considerations provided in the Gambling Commissions Guidance to licensing authorities at 8.9 to 8.17

- It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and where appropriate include organisations such as, but not limited to, partnerships, charities, faith groups and medical practices.

Interested parties can be people who are democratically elected such as Councillors and MP's. Where appropriate, this will include county, parish and town Councillors. Other than these persons, authorities should require written evidence that a person 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorized activities and/ or business interests that might be affected by the authorized activities. A letter from one of these persons requesting the representation is sufficient.

Further advice on how licensing authorities can determine whether someone is an interested party is detailed below:

- i) The approach taken by licensing authorities in determining who is an interested party is also a function that is dealt with in the Licensing Statement of Policy.
- ii) The factors that should be taken into account when determining what 'sufficiently close to the premises' means (in each case) might include:
 - The size of the premises
 - The nature of the premises
 - The distance of the premises from the location of the person making the representation
 - The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment; and
 - 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.

8. Exchange of Information

Licensing authorities are required to include in their statements, the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission. It is also required to include the principles it will apply in exercising its functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that the Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission on this

matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be detailed in the reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details 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 asked to do so.

Should any protocols be established as regards information exchange with other bodies then they will be made available. The Council has various policies relating to the sharing of information which will be considered when deciding what information to share and the process of doing so.

9. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and under the powers of Section 346 of the Act to instigate criminal proceedings in respect of offences specified.

This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance to licensing authorities and will endeavor to be:

- **Proportionate** – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimized;
- **Accountable** – regulators must be able to justify decisions and be subject to public scrutiny;
- **Consistent** – rules and standards must be coherent 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 minimize side effects.

In accordance with the Gambling Commission's Guidance, the Council will endeavor to avoid duplication with other regulatory regimes so far as possible.

Cambridge City Council has adopted and implemented a risk-based inspection programme based on:

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission (in particular Part 36)

- The principles set out in this Statement of Licensing Policy

The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. 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 the licensing authority but will be notified to the Gambling Commission.

The Council shall have regard to the principles of “Better Regulation” as outlined by the Department for Business Innovation and Skills.

Bearing in mind the principle of transparency, the Council’s enforcement/ compliance protocols and written agreements are available upon request.

The Corporate Enforcement Policy can be found online here:

<https://www.cambridge.gov.uk/enforcement-policy>

10. Licensing Authority Functions

Licensing Authorities are required under the Act to:

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

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licenses.

11. Public Register

Section 156 of the Act requires licensing authorities to maintain a register of the premises licences that it has issued. The register must be made available, at any reasonable time, to the public who may request copies of the entries. The Council achieves this requirement through the use of an online register which is accessible via the Council's website.

PART B PREMISES LICENCES

1. General Principles

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

The Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

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

Premises are defined in the Act as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. However, 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 pleasure parks, piers, tracks or shopping malls 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 states in its Guidance to Licensing Authorities that *“In most cases the expectation is that a single building/ plot will be the subject of an application for a licence, for example 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.*

Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer.

The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit”.

The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence – with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises.

The Council takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that *“Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:*

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

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?

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

2. Access Provisions

The Gambling Commissions relevant access provisions for each premises type are below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the guidance)
- 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 hold a gambling premises licence

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per paragraph 7.21 of the guidance) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed premises. ~~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 from:
 - i) a casino
 - ii) an adult gaming centre

Bingo Premises

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

Family Entertainment Centre

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

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further information on this issue, which the Council will also take into account in its decision making.

A license to use premises for gambling may be issued in relation to premises that are not going to be ready to be used for gambling in the reasonably near future.

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

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

1. First, whether the premises ought to be permitted to be used for gambling
2. Second, whether the 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 the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it not obliged to grant such a licence.

More information concerning the consideration of applications can be found at paragraphs 7.586-7.65 of the Guidance.

3. Location

The Council is aware that demand issues cannot be considered with regard to the location of the premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the guidance, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

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 own merits, with the onus upon the applicant showing how potential concerns can be overcome.

4. Planning

The Gambling Commission Guidance to Licensing Authorities states *“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling”*.

5. Duplication with other Regulatory regimes

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

When dealing with a premises licence application for finished building, the Council 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.

6. Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission’s Guidance to Licensing Authorities:

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

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 the Council 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. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was to those who could see it, so as to make that distinction.

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

The Gambling Commission has stated that it generally 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. There is however, more of a role with regard to tracks.

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

The Gambling Commission's Guidance to Licensing Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are, particularly attractive to children). The Council will therefore consider, as suggested in the 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.

The Council is also aware of the Gambling Commission Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.

With regard to 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, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs*". The Council will consider this licensing objective

on a case by case basis.

7. Licence 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 (including the locality and any identified local risks) and the type of licence applied for;
- Fairly and reasonable related to the scale and type of premises; and
- Reasonable in all other aspects

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. The Council 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.

The Council 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.

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

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

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

The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Council 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.

It is noted that there are conditions that the licensing authority cannot attach to premises licences, which are:

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

8. Door Supervisors

The Gambling Commission advises in its guidance 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 condition on the premises licence 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 licenced 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.

9. Adult Gaming Centres

The Council 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.

The Council 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-exclusion 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.

10. Licensed Family Entertainment Centres

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

The Council 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-exclusion schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare
- Measures/ training for staff on how to deal with suspected truant school children on the premises

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

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

11. Casinos

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

12. Bingo Premises

The Council notes that the Gambling Commission's Guidance states in 18.5 *"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises"*.

The Council also notes the Guidance at paragraph 18.8 where 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 which are available for use on the premises.

Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater.

Regulations state that category B machines at bingo premises should be restricted to sub-category B3 (but not B3A) and B4 machines.

"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 separate from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling".

13. Betting Premises

The Council 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, the ability of staff to monitor who enters the premises (it is an offence for those under 18 to be permitted to enter a premises with a betting premises licence) and the ability of staff to monitor the use of 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. Credit/ ATM's

Section 177 of the 2005 Act requires, in relation to casino and bingo premises licences, that a condition be placed on the licence prohibiting the provision of credit

in connection with gambling authorised by the licence or any involvement with the provision of credit.

Section 177 does not, however, prevent the licensee from permitting the installation of cash dispensers (ATM's) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection with the machine provider in relation to gambling (aside from the agreement to site the machines) and does not profit from the arrangement, nor make any payment in connection with the machines. All premises licences also include a mandatory condition which requires that any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

15. Tracks

The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the Council 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.

The Council 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.

The Council 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-exclusion 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.

Gaming Machines

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

Betting Machines

The Council 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 wants to offer.

Applications and Plans

The Gambling Act (Section 51) 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 Council to plan future premises inspection activity.

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 race tracks. 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.

The Council 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 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

It will fall to the Council to decide 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 met.

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

It is 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. The Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

17. Provisional Statements

Developers may wish to apply to the Council 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.

Section 204 of the Gambling Act 2005 provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- a) Expects to be constructed;
- b) Expects to be altered; or
- c) Expects to acquire a right to occupy

The 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.

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 a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council 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.

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

- 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 the Council notes that it can discuss any concerns it has with the applicant before making a decision.

18. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities (it should be noted that there is no mechanism to review any permit or notice). However, it is for the Licensing Authority to decide whether such a request will result in a review. Such a decision will be taken by considering, amongst other matters, the following:

- Any relevant code of practice or guidance issued by the Gambling Commission;
- The licensing objectives
- The Licensing Authority's Statement of Policy
- Whether the request is considered frivolous, vexatious, or whether it will certainly not cause the authority to wish to alter or revoke or suspend the licence; and
- Whether the request is substantially the same as previous representations or requests for a review.
- Whether the request is substantially the same as representations made at the time the application for a premises licence was considered.

The Council, as the licensing authority, may also initiate a review of a premises licence. The purpose of such a review would be to determine whether the Council, as the licensing authority, should take any action in relation to the licence.

Following a review, the actions open to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority;
- Exclude a default condition imposed by the Secretary of State or Scottish Ministers or remove or amend such an exclusion;
- Suspend the licence for any period not exceeding three months; and
- Revoke the licence.

In considering what action, if any, should be taken following a review the Council must have regard to the principles set out under Section 153 of the Act as well as any relevant representations.

PART C PERMITS/ TEMPORARY & OCCASIONAL USE NOTICES

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a Premises Licence from the Council.

The Council can grant or refuse an application for a permit, but cannot attach conditions.

2. Statement of Principles

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits.

The policies and procedures are expected to include:

- What staff should do if they suspect that truant children are on the premises
- How staff should deal with unsupervised young children on the premises
- How staff should deal with children causing perceived problems on or around the premises

The Council will also expect applicants to demonstrate:

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

3. Alcohol Licensed Premises Gaming Machine Permits

Premises licensed to sell alcohol for consumption on the premises, can automatically have 2 gaming machines, of categories C and/or D. The holder of a Premises Licence under the Licensing Act 2003, authorising the sale of alcohol, will simply need to notify the Council, and pay the prescribed fee.

The Council may 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 Act;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then the holder of the Premises Licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate

- that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.
- Measures 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 will also need to be considered.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

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.

The Council may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. The Council will not attach any other conditions in granting such an application.

The holder of such a permit will be required to comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

4. Prize Gaming Permits

Applicants for prize gaming permits should set out the types of gaming that they intend to offer. The applicant will be required to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but will have regard to any Gambling Commission guidance. Weight will be given to child protection issues, and relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.

The Council may grant or refuse an application for a permit, but will not attach any conditions. However, there are 4 conditions in the Act that permit holders must comply with. These 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.

5. Club Gaming and Club Machine Permits

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).

Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.

The Council will only refuse such an application on one or more of the following grounds;

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

The Council will have regard to the guidance issued by the Gambling Commission and (subject to that guidance), the licensing objectives.

There is a ‘fast-track’ procedure available for clubs which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an authority can refuse a permit licences are reduced.

The grounds on which an application under the fast track procedure may be refused are;

- that the club is established primarily for gaming, other than gaming prescribed under s.266 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Council may grant or refuse an application for a club gaming or club machine permit, but will not attach any conditions. However, premises must comply with the Gambling Commissions Licence Conditions and Codes of Practice. There are a number of conditions in the Act that the holder must comply with.

6. Cancellation of Permits

Gaming / Machine Permits

The authority is able to cancel a permit. It may do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels an authority must notify the holder giving 21 days' notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed.

Club Gaming / Club Machine Permits

Decisions relating to the cancellation of a Club Gaming or Club Machine Permit may not be made by an officer of the authority. Such decisions shall be dealt with by the Licensing Sub Committee.

Alcohol Licensed Premises Permits

In the event of representations being received against a notice of cancellation, the matter will be determined by a licensing sub-committee. Where no representations have been received, or if they have been received but have been subsequently withdrawn, then the final decision may remain with an Officer of the Council.

7. Small Local Society Lotteries

A Small Society Lottery is a lottery that is promoted on behalf of a non-commercial society (such as a charity or similar non-profit making organisation) to raise funds for any of the purposes for which the society or organisation is set up.

Small Society Lotteries do not require a licence but must be registered with the licensing authority in the area where the society's principle premises is situated. An application to register a Small Society Lottery should be on the relevant application form and accompanied by any necessary documents and the appropriate fee.

The maximum prize per ticket in either money or monies worth is £25,000.

In determining whether to grant or renew a small society lottery registration, the Licensing Authority will have regard to the Guidance to Local Authorities issued by the Commission.

Societies may wish to refer to the relevant section of the Licensing Authority's website for full details on how to register and maintain small society lottery

registrations.

8. Exempt Gambling

The Licensing Authority has no control over Gambling in these circumstances, provided the specific requirements are complied with and any limits on stakes and prizes are observed.

8.1. Non-commercial gaming

There are two types of non-commercial gaming allowed: non-commercial prize gaming and non-commercial equal chance gaming. Neither of these require any authorisation provided the maximum stakes and prizes are not exceeded. In each case the gaming can be incidental to another activity, or the activity itself. It must be non-commercial which means there must be no private profit or gain. However, the proceeds of such events may benefit an organisation, group or 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.

8.2. Non-commercial prize gaming

In this case, the prize should be determined in advance and not be dependent on the number of players or monies staked. The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

8.3. Non-commercial equal chance gaming

In this case, the stakes per player cannot exceed £8. In addition, the aggregate value of prizes in all games played at a single event cannot exceed £600 (but if the event is the final one of a series in which all of the players have previously taken part, a higher prize fund of up to £900 is allowed). The players should be told what the monies are being raised for, and it cannot take place in premises that have a Gambling Act premises licence (except a track).

This can include casino nights and race nights.

8.4. Private gaming

This covers situations where the public are not admitted to the gaming. This includes

residential and domestic premises and workplaces.

This can include casino nights and race nights.

8.5. Domestic gaming

Non-equal chance gaming can be played in private dwellings on domestic occasions provided no participation charge is made.

8.6. Residential gaming

Non-equal chance gaming can be played in hostels or halls of residence provided at least 50% of the participants are residents.

8.7. Non-commercial and private betting

This is betting in domestic premises or workplaces. In domestic premises the participants must habitually reside there, and for workers betting the participants must be employed by the same employer.

8.8. Incidental non-commercial lottery

These can take place as an incidental activity at another non-commercial event, e.g. a raffle at a dinner or tombola at a garden party. No registration or permission is required provided the following requirements are met.

- Tickets can only be sold on the premises where the event takes place to people present and while the event is taking place;
- The draw must take place at the event and the results must be announced while the event is taking place;
- No rollovers are allowed;
- The maximum deduction allowed for prizes from the proceeds is £500; and
- The maximum deduction allowed for organising costs from the proceeds is £100.

9. Exempt gambling in pubs

Various types of gambling can take place in premises that are licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises and which have a bar at which alcohol is served to customers, but this does not apply where the sale of alcohol can only take place as being ancillary to the sale of food.

9.1. Equal chance gaming in pubs

Equal chance gaming up to specified limits on stakes and prizes can take place, and this includes games such as backgammon, mah-jong, rummy, kalooki, dominoes,

cribbage, bingo and poker.

The following requirements have to be met:

- The maximum stakes and prizes for each type of game must not be exceeded (£5 maximum stake for any game of chance except poker, dominoes and cribbage. For poker the maximum stake is £5, a daily maximum of £100 in aggregate stakes cannot be exceeded and the maximum prize limit is £100. There are no limits on stakes and prizes for dominoes or cribbage);
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice;
- No participation fees can be charged and no levy taken from stakes or prizes;
- The games cannot be linked to any other games in other premises; and
- Nobody under 18 years old can take part.

9.2. Bingo in pubs

Low-turnover bingo where the aggregate of stakes and prizes in a seven day period does not exceed £2000 can take place.

10. Exempt gambling in Clubs

There are two types of club for the purposes of the Act: members' clubs (including miners' welfare institutes) and commercial clubs. Generally speaking the club must be established for purposes other than gaming, but there is an exception for bridge or whist clubs. The exempt gaming that can take place differs according to the type of club. If a club has a club gaming permit, additional games and higher stakes and participation fees apply.

10.1. Equal chance gaming in clubs

Equal chance gaming with no specified limits on stakes and prizes (except for poker) can take place.

The following requirements have to be met:

- Only club members (who have been members for at least 48 hours) or a bona fide guest of a member can participate;
- Except for poker, there is no maximum stake or prize;
- For poker there is a £10 maximum stake, a daily maximum of £250 in aggregate stakes and a seven day maximum of £1000 in aggregate stakes cannot be exceeded, and the maximum prize limit is £250;
- The gaming must be supervised by a nominated gaming supervisor and comply with Gambling Commission codes of practice;
- A maximum participation fee of £1 can be charged but no levy taken from stakes or prizes (however if the games are bridge or whist, on a day when no

other gaming is permitted, participation fees of up to £18 per person can be charged);

- The games cannot be linked to any other games in other premises; and
- Nobody under 18 years old can take part.

10.2. Bingo in clubs

Low-turnover bingo where the aggregate of stakes and prizes in a seven day period does not exceed £2000 can take place in all types of club.

10.3. Bridge and Whist clubs

Unlimited stakes bridge or whist can be played. In addition participation fees (up to £18) can be charged.

11. Temporary Use Notices

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.

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.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (SI no3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. Gambling Commission Guidance notes that *“this definition of a ‘set of premises’ differs to ‘premises’ in Part 8 or the Act (see Part 7 of the guidance). The definition of a ‘set of premises’ will be a question of fact in the particular circumstances of each notice given. In considering whether a place falls within the definition, licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises”*.

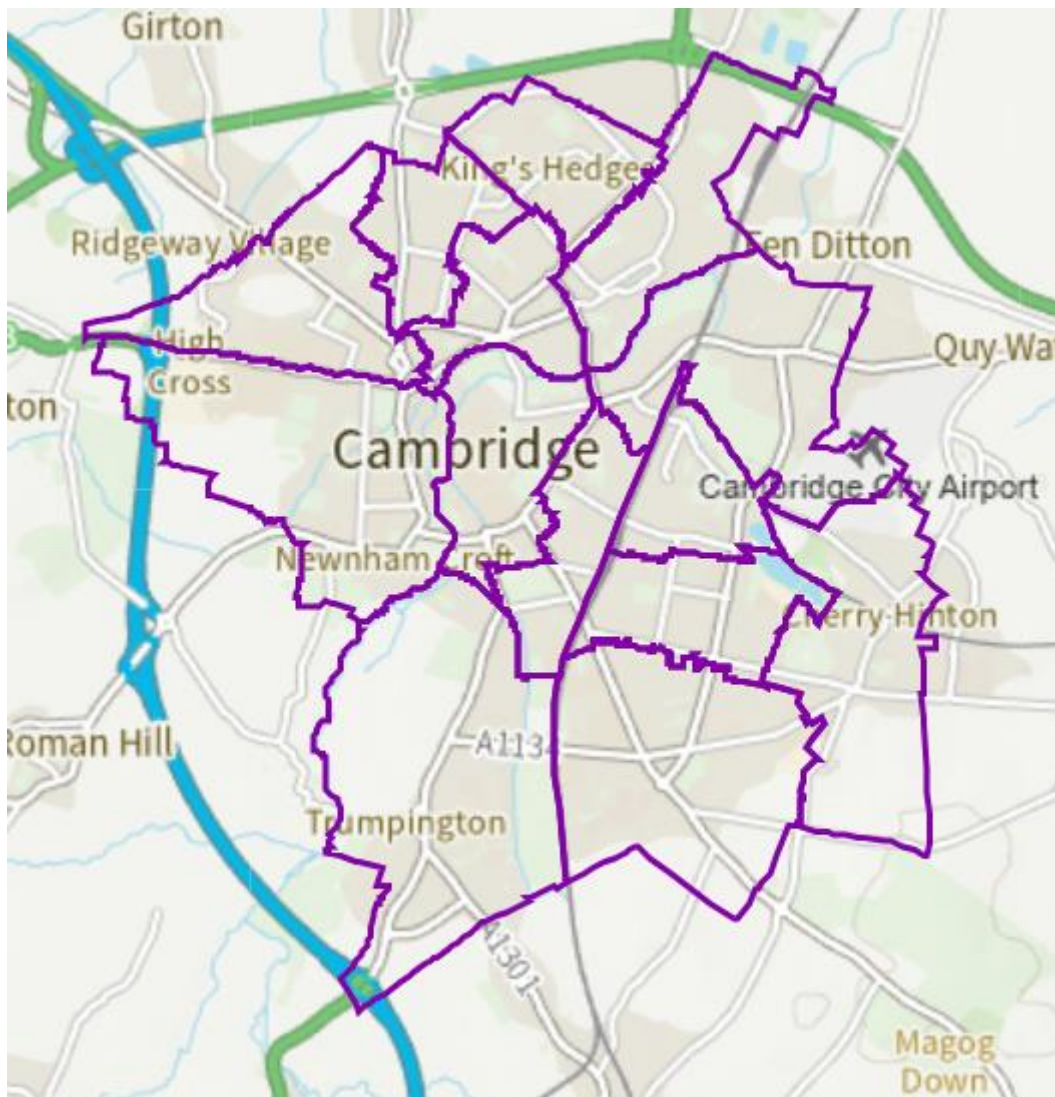
This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance.

12. Occasional Use Notices

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

DRAFT

APPENDIX A



APPENDIX B – LIST OF CONSULTEES

- Responsible Authorities
- Emma Thornton (Chief Executive Officer, Visit Cambridge and Beyond)
- Graham Saint (Consultation Working Group)
- CAMBAC Manager
- Gamestec
- Select Gaming
- Power Leisure Bookmakers Ltd
- Coral Racing Limited
- Ladbrokes Betting & Gaming Limited
- Done Brothers (Cash Betting) Limited
- Talarius Limited
- BACTA
- The Bingo Association
- Association of British Bookmakers Ltd (ABB)
- Business In Sport and Leisure (BISL)
- BALPPA
- British Institute of Inn Keeping (BII)
- The Portman Group
- British Beer and Pub Association
- Racecourse Association Ltd
- GAMCARE
- Greater Cambridge Partnership
- Cambridge & District Citizens Advice
- Cambridgeshire Chambers of Commerce

Ward Residents Associations

Abbey People
Riverside Area Residents Association
Riverside Area Residents Association
The Friends of Sourbridge Common
Histon Road Area Residents' Association (HRARA)
Arbury Road East RA (ARERA)
Darwin & Akeman St (DEARA)
Benson Area Residents' Association *1
NAFRA 19 Acre Field Residents' Association
Storeys Way Residents' Association
Concerned Residents Of North West Cambridge (CRONC)
Windsor Road Residents Association (WIRE)
Oxford Road Residents' Association
CREW
Tavistock Road & Stratfield Close Residents' Association
Richmond Road Residents' Association
Marion Close & Sherlock Road Association
Sherlock Close RA
Madingley Road Group
Shelly Gardens Leaseholder's Association
Rustat Neighbourhood Association
Birdwood Area Residents' Association
Cherry Hinton & Rathmore Road Residents' Association
Old Chesterton Residents Association
Three Trees Residents' Association
St Andrews Road RA
Fen Estates and Nuffield Road RA (FENRA)
Fen Road Steering Group
Bradmore & Petersfield Residents Association
North Cambridge Community Partnership
Citygate Property Partners
Park Street Residents' Association
Christs Pieces Residents Association
King Street Neighbourhood Association
Jesus Green Association
Brunswick & North Kite Residents Association
Evening Court RA
Radcliffe Court Residents' Association
Newnham Croft Conservation Group
North Newnham Residents Association
Gough Way Residents Association
West Cambridge Preservation Society
Clerk Maxwell Road Residents' Association
Pinehurst South Resident's Association
Residents' Association of Old Newnham
Bulstrode Gardens Residents Association
Barton Close Residents' Association

Millington Road & Millington Lane Residents' Association
Grantchester Road Residents' Association
Hedgerley Close RA
Bradmore & Petersfield Residents Association
Glisson Road/Tenison Road Area Residents' Association
Petersfield Mansions Residents' Association
Petersfield Area Community Trust (PACT)
Mill Road Community Improvements Group
Highsett Houses Residents' Society
Guest Road Residents' Association
Highsett Flats Resident's Association
Babraham Road Action Group
Queen Edith's Way Residents' Association
Corfe Close Residents Association (CCRA)
Greenlands' Residents Association
Hills Road Residents' Association
Blinco Grove Residents' Association
Greville Road RA
Monteal Square Residents' Association
East Mill Road Action Group EMRAG
Romsey Action
Mill Road Society
Empty Common Allotment Society
Gazeley Lane Residents' Association
Brookside Residents Association
Hanover & Princess Court Residents' Association
Bateman Street & Bateman Mews Residents Association
Trumpington Residents Association
Norwich Street Residents' Association
Southacre Latham Road and Chaucer Road RA (SOLACHRA)
Accordia Community and Resident's Association (ACRA)
Brooklands Avenue Area Residents' Association
North Newtown Residents' Association
Newtown Residents' Association
Applecourt Residents' Association
Fenners Lawn Residents' Association
BENERA (Bentley and Newton Road Residents' Association)
Victoria Park Residents Working Group
Friends of Mitcham's Corner
Mitchams Corner Residents' & Traders' Association (MCRTA)
Mulberry Close (Leys Road, Cambridge) Residents' Society Ltd
Milton Road RA (MRRA)
Ascham Road Residents' Association
Gurney Way (& Atherton Close) Residents Association
Highworth Avenue CB
Hurst Park Estate Residents' Association (HPERA) *3
Sandy Lane Residents' Association
Cambridge Valley Forum
Federation of Cambridge Residents' Associations

APPENDIX C – Responsible Authorities

The Licensing Authority

Commercial & Licensing, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Tel: 01223 457879 Fax: 01223 457909
e-mail: commercial@cambridge.gov.uk

The Gambling Commission

Victoria Square House, Victoria Square, Birmingham, B2 4BP

Email: info@gamblingcommission.gov.uk

The Chief Officer of Police

The Chief Officer, Cambridgeshire Constabulary, Southern Division, Police Station, Parkside, Cambridge, CB1 1JG
Telephone: 01223 823397 Fax: 01223 823232

The Fire and Rescue Authority

Fire Protection, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF
Email: danny.hans@cambsfire.gov.uk

Planning Authority

Environment & Planning, Cambridge City Council, The Guildhall, Cambridge, CB2 3QJ
Telephone: 01223 457100
e-mail: planning@cambridge.gov.uk

Environmental Health

The Environmental Health Manager, Environmental Services, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Telephone: 01223 457890 Fax: 01223 457909 e-mail: env.services@cambridge.gov.uk

Local Safeguarding Children Board

Child Protection Services, Licensing Applications, OCYPS, PO Box 144, St Ives, Cambs, PE27 9AU
Telephone: 03450455203
Referralcentre2.children@cambridgeshire.gov.uk

HM Revenues and Customs

Excise Processing Teams, BX9 1GL, United Kingdom

In addition, for vessels:
Environment Agency

The Team Leader, Great Ouse & Stour Waterways, The Environment Agency,
Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR.
Telephone: 01733 464072
e-mail: enquiries@environment-agency.gov.uk, quoting Great Ouse & Stour
Waterways

Conservators of the River Cam

The River Manager
Conservators of the River Cam
Baits Bite Lock, Fen Road, Milton, Cambridge, CB24 6AF
Telephone/Fax 01223 863785
e-mail river.manager@camconservators.org.uk

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/SUB COMMITTEE	OFFICERS	COUNCIL SOLICITOR
Three year licensing policy	✓			
Policy not to permit casinos	✓			
Fee setting-when appropriate		✓		
Application for premises licences		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a variation to a licence		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Application for a transfer of a licence		Where representations received from the Gambling Commission	Where no representations received from the Gambling Commission	
Application for provisional statement		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Review of premises licence		✓		
Application for club gaming/club machine permits		Where representations received and not withdrawn	Where no representations received/representations have been withdrawn	
Cancellation of club gaming/club machine permits		✓		
Application for other permits			✓	
Cancellation of licensed premises gaming machine permits			✓	
Consideration of Temporary Use Notices			✓	
Decision to give a counter Notice to a Temporary Use Notice		✓		
Determination as to whether a person is an interested party				✓
Determination as to whether				✓

representations are relevant				
Determination as whether a representation is frivolous, vexatious or repetitive				✓
Representative of Licensing Authority who will be responsible for making representations as the Responsible Authority on licence applications				✓
Responsibility for attaching to premises licences Mandatory, Default and Specific Conditions			✓	
Representative of Licensing Authority who can initiate a Licence review				✓
Representative of Licensing Authority who can reject an application for a Licence review				✓

APPENDIX E – GLOSSARY OF TERMS

Admissible Representations: - representations submitted by a Responsible Authority or Interested Party.

Authorised Local Authority Officer: - a Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.

Authorised Person: - a licensing officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:

- Inspectors appointed under the Fire Precautions Act 1971;
- Inspectors appointed under the Health and Safety at work, etc. Act 1974;
- Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995; &
- A person in a class prescribed in regulations by the Secretary of State.

Automated Roulette Equipment: - equipment that is either linked to a live game of chance, e.g. roulette, or plays live automated games, i.e. operates without human intervention.

Automatic Conditions: - conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.

AWP machines: - Amusement with Prize Machines

BACTA: - the British Amusement Catering Trade Association

Betting Intermediary: - someone who offers services via remote communication, such as the internet.

Betting Ring: - an area that is used for temporary 'on course' betting facilities.

Bingo: - a game of equal chance.

Casino: - an arrangement whereby people are given an opportunity to participate in one or more casino games.

Casino Games: - games of chance that are not equal chance gaming.

Casino Premises Licence Categories: - regional, large, small, casinos permitted under transitional arrangements.

Casino Resolution: - resolution concerning whether or not to issue Casino Premises Licences.

Child: - an individual who is less than 16 years old.

Christmas Day Period: - the period of 24 hours from midnight on 24 December.

Club Gaming Machine Permit: - a permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)

Club Gaming Permit: - a permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.

Complex Lottery: - an arrangement where:

- Persons are required to pay to participate in the arrangement;
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a series of processes; and
- The first of those processes relies wholly on chance.

Conditions: - conditions to be attached to licences by way of:

- Automatic provision
- Regulations provided by Sec. Of State
- Conditions provided by Gambling Commission
- Conditions provided by Licensing Authority
- Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

Customer Lotteries: - lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.

Default Conditions: - conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Delegated Powers: - decisions delegated by the Licensing Authority either to a Licensing Committee, Sub-Committee or Licensing Officers.

Disorders: - in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

Domestic Computer: - one used for in a residential property for private, non-commercial purposes and is exempt from a Gaming Machine Permit.

Dual Use Computer: - definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.

Equal Chance Gaming: - games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

EBT: - Electronic Bingo Ticket Minders consisting of electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.

Exempt Lotteries: - lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:

- Small Society Lottery (required to register with Licensing Authorities)
- Incidental Non Commercial Lotteries

- Private Lotteries
- Customer Lotteries

External Lottery Manager: - an individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

Fixed Odds Betting: - general betting on tracks.

Gaming: - prize gaming where 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 and where the prizes are determined by the operator before the play commences.

Gaming Machine: - a machine used for gambling under all types of gambling activity, including betting on virtual events.

Guidance to Licensing Authorities: - guidance issued by the Gambling Commission dated September 2015 (updated September 2016).

Inadmissible Representation: - a representation not made by a Responsible Authority or Interested Party.

Incidental non-commercial lottery: - a lottery that is run as an additional amusement at non-commercial events with tickets only sold and drawn during the event, such as a raffle at a dance, bazaar etc.

Information Exchange: - exchanging of information with other regulatory bodies under the Gambling Act.

Interested Party: - a person who in the opinion of the Licensing Authority

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities,

- Has business interests that might be affected by the authorised activities, or

- Represents persons above, including Trade Associations, Trade Unions, Residents and Tenants Associations where they can demonstrate that they represent such persons.

In determining if a person lives or has business interests sufficiently close to the premises, the following factors will be considered: -

- The size and nature of the premises to be licensed.

- The distance of the premises from the location of the person making the representation.

- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment).

- The nature of the complaint, i.e. not the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.

- The catchment area of the premises (i.e. how far people travel to visit).

- Whether the person making the representation has business interests that might be affected in that catchment area.

Irrelevant Representations: - representations that are vexatious, frivolous or will certainly not influence the authority's determination of the application.

Large Lottery: - where the total value of tickets in any one lottery exceeds £20,000 or tickets in separate lotteries in one calendar year exceeds £250,000. This type of lottery requires an operating Licence from the Gambling Commission.

Licensed Lottery: - large society lotteries and lotteries run for the benefit of local authorities will require operating licences to be issued by the Gambling Commission.

Licensing Objectives: - there are three objectives

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

Live Gambling: - gambling on a live game as it happens.

Lottery: - an arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

Lottery Tickets: - every lottery must have tickets for each chance

- Identifying the promoting society
- Stating the price of the ticket, which must be the same for all tickets
- Stating the name and address of the member of the society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and
- Stating the date of the draw, or sufficient information to enable the date of the draw to be determined.

Mandatory Conditions: - conditions that must be attached to a Premises Licence, to a class of Premises Licence or licences for specified circumstances.

Members Club: - a club must have at least 25 members, be established and conducted 'wholly or mainly' for purposes other than gaming, be permanent in nature, not established to make commercial profit and controlled by its members equally.

Non-commercial event: - an event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.

Non-commercial society: - a society established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or for any other non-commercial purpose other than that of private gain.

Occasional Use Notice: - a notice that may only be issued in respect of a track, that permits betting on a track without the need for a Premises Licence and which only the person responsible for administration of events on the track or the occupier of the track may issue.

Off Course Betting: - betting that takes place other than at a track, i.e. at a licensed betting shop.

Off Course Betting: - betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.

On Course Betting: - betting that takes place on a track while races are taking place.

Operating Licence: - a licence issued by the Gambling Commission to permit individuals and companies to provide facilities for certain types of gambling, including remote or non remote gambling.

Permit: - an authorisation issued by the Licensing Authority to provide gambling facilities where the stakes and prizes are low or gambling is not the main function of the premises.

Personal Licence: - a licence issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling.

Pool Betting (Tracks): - pool betting may only be offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

Premises: - 'any place' including anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water, a hovercraft or anything or any place situated on or in water. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.

Premises Licence: - a licence issued by the Licensing Authority to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres where an operator's licence and personal licence have been issued by the Gambling Commission. A licence is restricted to one premises only but one set of premises may have separate licences issued in respect of different parts of the building.

Private lottery: - there are three types of private lottery

- Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society
- Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises
- Residents' Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises

Prize Gaming: - gaming in which the nature and size of the prize is not determined by the number of players or the amount paid for or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes. (NB: bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission; prize gaming does not include gaming by use of gaming machines.)

Prize Gaming Permit: - a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specific premises.

Provisional Statement: - an application to the Licensing Authority in respect of premises that are

- Expected to be constructed
- Expected to be altered
- Expected to acquire a right to occupy

Relevant Representations: - representations that relate to the Gambling Licensing Objectives, the Gambling Commission's Guidance, the Codes of Practice.

Responsible Authorities: - public bodies for the area in which the premises are mainly or wholly situated

- Licensing Authority in whose area the premise is partly or wholly situated
- Chief Officer of Police
- Fire & Rescue Service
- Planning Authority
- Environmental Health (related to pollution and harm to human health)
- Body competent to advise on protection of children from harm, i.e. Children & Young Peoples' Service
- Authority in relation to vulnerable adults

- Navigation Authority whose statutory functions are in relation to waters where a vessel is usually moored or berthed
- Environment Agency
- British Waterways Board
- Maritime & Coastguard Agency
- HM Revenue & Customs
- Gambling Commission

Simple Lottery: - an arrangement where

- Persons are required to pay to participate in the arrangement
- In the course of the arrangement, 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.

SWP: - a Skills-with-Prizes machine

Skills with Prizes machine: - a machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. SWPs are unregulated.

Small Lottery: - where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

Small Society Lottery: - a lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Small Operations: - independent on course betting operators with only one or two employees or a bookmaker running just one shop.

Statement of Principles: - matters the Licensing Authority may publish in the Statement of Licensing Principles that they intend to apply when considering an applicant's suitability in applications for permits for unlicensed family entertainment centres and prize gaming.

Temporary Use Notice: - a notice that may be issued in respect of a set of premises where there is no premises licence, but where a person or company holding an operating licence relevant to the proposed temporary use of premises wishes to use the premises temporarily for providing facilities for gambling.

Travelling Fair: - a fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.

Vehicles: - includes trains, aircraft, sea planes and amphibious vehicles other than hovercraft.

Vessel: - anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything or part of any place situated on or in water.

Virtual Betting: - gambling by machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.

Vulnerable Persons: - no set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

Young Person: - an individual who is over 16 years of age but who is under 18 years of age.

Appendix F – Links to documents referenced

Gambling Commission guidance to Licensing Authorities

[Guidance to licensing authorities - Gambling Commission](#)

Licence Conditions and Codes of Practice (LCCP)

[Licence Conditions and Codes of Practice - Gambling Commission](#)

Cambridge City Council Equality Impact Assessment (EqIA)

This tool helps the Council ensure that we fulfil legal obligations of the [Public Sector Equality Duty](#) to have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (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.

Guidance on how to complete this tool can be found on the Cambridge City Council intranet. For specific questions on the tool email Helen Crowther Equality and Anti-Poverty Officer at equalities@cambridge.gov.uk or phone 01223 457046.

Once you have drafted the EqIA please send this to equalities@cambridge.gov.uk for checking.

1. Title of strategy, policy, plan, project, contract or major change to your service
Review of Statement of Gambling Principles

2. Webpage link to full details of the strategy, policy, plan, project, contract or major change to your service (if available)
[\(10\) Project: Gambling statement of principles | Cambridge City Council](#)

3. What is the objective or purpose of your strategy, policy, plan, project, contract or major change to your service?

The statement must be reviewed and published every three years. The review has been to update the statement to make sure it is current and follows any new guidance issued since 2022. Only minimal changes have been made to the statement to reflect the updated guidance.

4. Responsible Team and Group

Commercial and Licensing Team, Communities

5. Who will be affected by this strategy, policy, plan, project, contract or major change to your service? (Please tick all that apply)	<input checked="" type="checkbox"/> Residents <input checked="" type="checkbox"/> Visitors <input checked="" type="checkbox"/> Staff
Please state any specific client group or groups (e.g. City Council tenants, tourists, people who work in the city but do not live here): Click here to enter text.	

6. What type of strategy, policy, plan, project, contract or major change to your service is this?	<input type="checkbox"/> New <input type="checkbox"/> Major change <input checked="" type="checkbox"/> Minor change
---	---

7. Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service? (Please tick)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Responsible authorities play a part in delivering the assessment, these include the Police and Public Health. The proposed publishing of the Assessment has been sent to responsible authorities, those directly affected by the assessment and has been open to a public consultation. All responses received have been considered when producing the assessment.	

8. Has the report on your strategy, policy, plan, project, contract or major change to your service gone to Committee? If so, which one?
Is going to Licensing Committee on 20 th January 2025

9. What research methods/ evidence have you used in order to identify equality impacts of your strategy, policy, plan, project, contract or major change to your service?
The policy has been subject to a 12 week public consultation. The consultation was advertised on the Cambridge City Council website, an advert appeared in Cambridge News and responsible authorities directly contacted (including the police and the local child safeguarding board). People could respond via email or in writing or via citizen lab. 12 responses were received.

The Licensing Authority will continue to work in partnership with its neighbouring authorities, the police, other agencies, local liaison groups, businesses and individuals towards the achievement of the licensing objectives through good practice.

The policy recognises the Equality Act 2010, including s149 of the Act which is the Public Sector Equality Duty. The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.

10. Potential impacts

For each category below, please explain if the strategy, policy, plan, project, contract or major change to your service could have a positive/ negative impact or no impact. Where an impact has been identified, please explain what it is. Consider impacts on service users, visitors and staff members separately.

(a) Age - Please also consider any safeguarding issues for children and adults at risk

One of the licensing objectives is protecting children and other vulnerable persons from being harmed or exploited by gambling (see the Statement of Principles for more information). The policy helps support this objective. The Local Safeguarding Children Board is a responsible authority and is recognised as being competent to advise on matters relating to the protection of children from harm.

During the review of the policy, they were consulted as a responsible authority and no response was received.

The safeguarding for children and vulnerable adults policy of Cambridge City Council will also be considered when determining licensing applications.

(b) Disability

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on those with a disability.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of disability.

(c) Gender reassignment

We do not believe that the assessment will have an impact on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on gender.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of gender.

(d) Marriage and civil partnership

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on marriage or civil partnership.

(e) Pregnancy and maternity

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on pregnancy or maternity.

(f) Race – Note that the protected characteristic ‘race’ refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on race.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of race

(g) Religion or belief

We do not believe that the policy will impact negatively on this target group. The policy has been open to a public consultation and no responses have been received in regards to the policy impacting on religion. The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of religion.

(h) Sex

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on gender.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of gender.

(i) Sexual orientation

We do not believe that the assessment will impact negatively on this target group. The assessment has been open to a public consultation and no responses have been received in regards to the assessment impacting on sexual orientation.

The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of sexual orientation.

(j) Other factors that may lead to inequality – in particular, please consider the impact of any changes on:

- **Low-income groups or those experiencing the impacts of poverty.**
- **People of any age with care experience – this refers to individuals who spent part of their childhood in the care system due to situations beyond their control, primarily arising from abuse and neglect within their families. The term “Care experience” is a description of a definition in law, it includes anyone that had the state as its corporate parent by virtue of a care order in accordance with the Children Act 1989 and amendments.**
- **Groups who have more than one protected characteristic that taken together create overlapping and interdependent systems of discrimination or disadvantage. (Here you are being asked to consider intersectionality, and for more information see: https://media.ed.ac.uk/media/1_159kt25q).**

The policy will have no impact on any other factors that may lead to inequality. One of the licensing objectives in regards to gambling is protecting children and other vulnerable persons from being harmed or exploited by gambling.

11. Action plan – New equality impacts will be identified in different stages throughout the planning and implementation stages of changes to your strategy, policy, plan, project, contract or major change to your service. How will you monitor these going forward? Also, how will you ensure that any potential negative impacts of the changes will be mitigated? (Please include dates where possible for when you will update this EqIA accordingly.)

The assessment will be kept under review and will remain in existence for a period of up to 3 years. It will be subject to review and further consultation before January 2028 or as required by changes in law or other policies.

12. Do you have any additional comments?

The licensing objectives also include preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime and ensuring that gambling is conducted in a fair and open way.

As a means of assisting Licensing Authorities in determining whether the provision of gambling facilities at premises will be, and will remain, consistent with the licensing objectives, the Gambling Commission request that premises licence holders should have policies and procedures in place to mitigate the local risks to the licensing objectives arising from the provision of gambling at their premises.

Following the Gambling Commission's review of the social responsibility elements of the Licence Conditions and Codes of Practice (LCCP), the Commission have introduced a social responsibility code (SR code 10.1.1) which requires all premises licensees to 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 these risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy.

The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority, such as when they are inspecting a premises.

Cambridge City Council has a Local Area Profile that licensees should consider when undertaking their local area risk assessments. The Local Area Profile can be found at the following link:

<https://www.cambridge.gov.uk/gambling-licensing-overview>

13. Sign off

Name and job title of lead officer for this equality impact assessment: Luke Catchpole, Environmental Health and Licensing Support Team Leader

Names and job titles of other assessment team members and people consulted: Yvonne O'Donnell, Environmental Health Manager

Date of EqIA sign off: 2nd December 2024

Date of next review of the equalities impact assessment: January 2028

Date to be published on Cambridge City Council website: January 2025

All EqIAs need to be sent to the Equality and Anti-Poverty Officer at equalities@cambridge.gov.uk