

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council

**DATE:** 24<sup>th</sup> November 2015

**CONTACT OFFICER:** Teresa Clark, Senior Democratic Services Officer  
(01753 875018)

**WARD(S):** All

### **PART I**

#### **FOR DECISION**

#### **RECOMMENDATIONS OF THE LICENSING COMMITTEE FROM ITS MEETING HELD ON 30<sup>th</sup> SEPTEMBER 2015**

##### **1. Purpose of Report**

To advise Council of the recommendations of the Licensing Committee from its meeting held on 30<sup>th</sup> September 2015:

- A. Revised Policy for the Disclosure and Barring Service (DBS).
- B. Gambling Act 2005: Review of statement of licensing principles
- C. Gambling Act 2005: Review of no casino policy
- D. Home office model street collection regulations

#### **'A'- REVISED POLICY FOR THE DISCLOSURE AND BARRING SERVICE (DBS).**

##### **2. Recommendation**

Council is requested to resolve that the revised Policy for the Disclosure and Barring Service (DBS) be adopted.

##### **3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The primary responsibility of the Licensing Authority is to ensure that all new applicants for and current holders of Hackney Carriage and Private Hire drivers licenses are 'Fit and Proper Persons' to hold such a licence. Any criminal behaviour can be taken into account when determining whether an applicants is 'fit and proper'.

The revision of the DBS policy making registration with the DBS Update Service compulsory will ensure that the Licensing Team are able to conduct annual checks with the Update Service to confirm any status of the licence holder.

##### **3a. Slough Joint Wellbeing Strategy Priorities –**

As the report outlines there has been a dispute between the Police, the Home Office and the DBS over the disclosure to Licensing Authorities in relation to arrest, cautions, conviction and 'any other information' held on the DBS Certificate. As the primary responsibility of the Licensing Authority is ensuring that all persons are 'Fit and Proper' to be granted and hold a drivers licence the approval and recommendation of the adoption of the revised DBS policy will contribute to the following wellbeing themes.

- Economy and Skills
- Safer Communities

Cross-Cutting themes:

Recommending the adoption the revised policy will contribute to the cross cutting theme of **Improving the image of the town**, in that all licensed drivers will be 'Fit and proper Persons' to hold such licences and ensure the safety and wellbeing of the public.

3b. **Five Year Plan Outcomes**

The report outlines fully the reason for the revision to the DBS policy which will ensure the safety and wellbeing of the public. This will contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

4. **Other Implications**

a) **Financial**

There will be financial implications by approving the revised policy. There are on average 289 DBS applications made annually which includes an £11.00 administration fee for processing each application. This totals £3,179 on an annual basis. This administration fee income will be lost, however there are (on average) 90 new applications per year which will produce administration fees totalling £990, therefore the annual loss is estimated to be approximately £2,189.

Although there will be minimal loss in income the approval of the revised policy will go further to ensure that all licensed drivers are and will continue to be deemed 'Fit and Proper' and enhance the protection, safety and wellbeing of the public which is of paramount importance at all times.

**Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	The Council is under a duty to ensure that all new applicants and current licence holders of Private Hire and Hackney Carriage Driver licenses are fit and proper persons to hold a licence and that they do not pose a risk to any fare paying passengers or other members of the public.	The adoption of this revised policy will ensure that all relevant checks have been conducted on an annual basis in relation to any criminal conviction or caution or 'other information' detailed on the DBS certificate.

b) **Human Rights Act and Other Legal Implications**

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

c) Equalities Impact Assessment

A further review of the EIA has been conducted which indicates that there are no negatives or adverse impacts on any equality group.

## 5. Supporting Information

- 5.1. The Council, as the Licensing Authority (the 'District Council') under the 1976 Act is responsible for licensing all Hackney Carriage and Private Hire Drivers pursuant to the Local Government (Miscellaneous Provisions) Act 1976 operating within its area. In doing so the Council has a legal duty to ensure that all licensed drivers are 'Fit and Proper Persons' to apply for and continue to hold such a licence. This includes the power to refuse to grant a licence and suspend or revoke a licence where a driver is not deemed or no longer deemed to be 'Fit and Proper' where they have been convicted or cautioned for criminal and/or road traffic offences.
- 5.2. On 22<sup>nd</sup> July 2015 the Licensing Committee resolved to approve the revised draft policy and for officers to commence a full consultation exercise with all current licensed Hackney Carriage and Private Hire Drivers and Operators.
- 5.3. A full consultation to obtain any views or comments from all hackney carriage and private hire drivers and Operators was conducted between 4<sup>th</sup> August and 4<sup>th</sup> September 2015 and there were no responses. The draft DBS Policy for approval is attached at **Appendix A**.
- 5.4. The benefits of the revised policy are:
  - Mandatory registration with the DBS Update Service by all new applicants at the initial application stage and at the next renewal by current licence holders
  - Licence holders will only have to pay an annual fee of £13.00 to the DBS to maintain the registration rather than the current fee of £55.00 every 3 years to the Council for a new DBS application.
  - By maintaining the registration with the Update Service this creates a living certificate which becomes portable and can be accepted by any other licensing authority, rather than a new application being made in each licensing authority area.
  - Officers will be able to carry out a status check with the DBS at the anniversary of the previous status check rather than deal with DBS applications for each licence holder on a 3 year basis.
  - If a Status Change is shown then this means that a criminal conviction or caution has been put on or taken off the DBS certificate, which will require a new DBS application being made.

- Where information is received or obtained that there may be a 'status change', officers will conduct a further 'status check'.

The Financial Aspects document at **Appendix B** details the financial benefits to licence holders through compulsory registration with the Update Service.

- 5.5. A copy of the 'DBS Update Service - Applicant Guide' and 'How to subscribe to the Update Service' document are attached at **Appendices C and D** respectively.

## **6. Comments of Other Committees**

On 22<sup>nd</sup> July, 2015 the Licensing Committee resolved:

- a. That the draft Disclosure and Barring Service (DBS) policy be approved
- b. That officers commence the consultation exercise on the new draft policy.

On 30<sup>th</sup> September 2015, the Licensing Committee considered a report which advised that a full consultation to obtain any views or comments from all hackney carriage and private hire drivers and Operators was conducted between 4<sup>th</sup> August and 4<sup>th</sup> September 2015 and no responses had been received.

The Committee resolved that the draft DBS Policy (attached at Appendix A) be approved and recommended to Full Council.

## **7. Conclusion**

Council is recommended to approve the revised DBS policy for adoption.

## **8. Appendices Attached**

- 'A' - Revised DBS Policy
- 'B' - Financial Aspects document
- 'C' - DBS Update Service - Applicant Guide
- 'D' - How to subscribe to the Update Service

## **9. Background Papers**

The Police Act 1997

The Protection of Freedoms Act 2012

The Disclosure and Barring Service Privacy Impact Assessment

Jays Report (Rotherham)

Rotherham Council Independent Inspection Report

Deregulation Act 2015

## **Appendix A**

# **DISCLOSURE AND BARRING SERVICE POLICY**

**(Revised June 2015)**

## Disclosure and Barring Services Policy

<b>Document Number</b>	<b>01</b>
<b>Version Number</b>	<b>01</b>
<b>Date approved</b>	
<b>Effective</b>	
<b>Contact Officer</b>	<b>Licensing Manager</b>

Change History		
Version No	Date	Change Details
1.00	22/07/2015	Following Comments by Legal Services
2.00	15/09/2015	Following Consultation

Related Documents	
Document Title	Location
<b>The Police Act 1997</b>	
<b>The Protection of Freedoms Act 2012</b>	
<b>Jays Report (Rotherham)</b>	
<b>Rotherham Council Independent Inspection Report</b>	
<b>Deregulation Act 2015</b>	

**If you have any further questions about this Policy or for further information, including applications forms, please contact:**

**Licensing Manager,  
 Slough Borough Council,  
 Landmark Place,  
 High Street,  
 Slough  
 Berkshire  
 SL1 1JL**

# Disclosure and Barring Service Policy.

## Background.

On 4<sup>th</sup> February 2003 the Licensing Committee approved a policy for the implementation of enhanced Criminal Record Bureau (CRB) Disclosure checks for all new and existing Hackney Carriage and Private Hire drivers and for the disclosure certificate to be applied for every three years. This requirement is pursuant to Section 51 (Hackney Carriage Drivers) and Section 59 (Private Hire Drivers) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMP Act 1976).

A summary of the original changes through the introduction of the DBS are contained in **Annex A**.

## Purpose.

The Council, as the Licensing Authority (the 'District Council') under the 1976 Act is responsible for licensing all Hackney Carriage and Private Hire Drivers pursuant to the above legislation operating within its area. In doing so the Council has a legal duty to ensure that all licensed drivers are 'Fit and Proper Persons' to apply for and continue to hold such a licence. This includes the power to refuse to grant a licence, suspend or revoke a licence where a driver is not deemed or no longer deemed to be 'Fit and Proper' where they have been convicted or cautioned for criminal and road traffic offences, and where 'other information' has been disclosed by the Police.

The purpose of this policy is to set out the new formal procedures for the Licensing Authority to operate a revised Disclosure and Barring Service processes in relation to:

- a) Application procedures for new applicants for Hackney Carriage and Private Hire Driver licenses.
- b) Application procedures for current Hackney Carriage and Private Hire Driver license.
- c) Disclosure and Barring Update Service
- d) DBS Certificates and Disputes

## 1. Guidance

### a) New Applicants

The following procedure will apply to all new applicants for a Hackney Carriage or Private Hire Driver licence.

1. A DBS application form must be completed in full and signed by applicant.
2. At the time of the production of the DBS application form to the Licensing Office the applicant must produce relevant approved forms of identification as detailed in the **'GOV.UK' Disclosure and Barring Service (DBS) revised Identification checking guidelines v1.2 July 2014. See Annex B.**
3. If the applicants' identity cannot be verified through possession and or production of the relevant forms of identity documents required the application will not be accepted.
4. If the application form and documents are in order, then the Licensing Officer will check the DBS application form and the produced relevant forms of identification fully. If everything is in order the application form will then be checked by a 'Countersignatory' who will then sign the application form and send it to the Disclosure and Barring Service in Liverpool.
5. The Licensing Office will carry out a weekly check through the 'DBS On-Line Tracking Service' to establish if the DBS certificate has been issued to the applicant.
6. Once the issue of the DBS Certificate to the applicant has been confirmed, the Licensing Office will contact the applicant formally in writing that the original DBS Certificate must be produced in person to the Licensing Office within the DBS recommended 28 days of the date of issue. **(Copies of any form of the Certificate will not be accepted)**
7. Production of the DBS certificate must be by the applicant only UNLESS prior written, signed and dated authorisation is given by the applicant to the Licensing Office nominating another person to produce the DBS certificate on their behalf. The nominated person must bring photographic I.D. and the Licensing Team will hold the DBS certificate in their safe at the council offices until such time as the applicant attends to collect the certificate.
8. Failure by the applicant to produce the original certificate within the recommended 28 day period will result in the applicant having to make a new DBS application. The applicant **must register** their DBS certificate with the Update Service and maintain the registration for as long as they are licensed by Slough Borough Council.
9. *If all other requirements of the full driver application procedure have not been completed within (4) 6 months of the date of issue of the DBS Certificate, then a new DBS application will have to be submitted.*

**b) Current Licence Holders**

1. All current holders of Hackney Carriage and Private Hire Drivers Licenses must complete the DBS application form and procedure when next due i.e. at the approved 3 year period requirement.
2. When the renewal letter is sent out to the licence holder advising that a DBS check is also required, the licence holder will be provided with details of the voluntary DBS Update Service. A copy of the DBS Update Service - Introduction. **See C) below.**



3. At the time of the production of the DBS application form to the Licensing Office, the licence holder must produce relevant approved forms of identification as detailed in the **'GOV.UK' Disclosure and Barring Service (DBS) revised Identification checking guidelines v1.2 July 2014. See Annex B.**
4. If the application form and documents are in order, then the Licensing Officer will check the DBS application form and the produced relevant forms of identification fully. If everything is in order the application form will be then checked by a 'Countersignatory' who will then sign the application form and send it to the Disclosure and Barring Service in Liverpool.
5. The Licensing Office will carry out a weekly check through the 'DBS On-Line Tracking Service' to establish if the DBS certificate has been issued to the applicant.
6. Once the issue of the DBS Certificate to the Licence holder has been confirmed, the Licensing Office will contact the licence holder formally in writing that the original DBS Certificate must be produced in person to the Licensing Office within the DBS recommended 28 days of the date of issue. **(Copies of any form of the Certificate will not be accepted)**
7. Production of the DBS certificate must be by the applicant only UNLESS prior written, signed and dated authorisation is given by the applicant to the Licensing Office nominating another person to produce the DBS certificate on their behalf. The nominated person must bring photographic I.D. and the Licensing Team will hold the DBS certificate in their safe at the council offices until such time as the applicant attends to collect the certificate.
8. The applicant **must register** their DBS certificate with the Update Service and maintain the registration for as long as they are licensed by Slough Borough Council. Failure to do so will result in the licence being suspended.
9. If the original DBS Certificate is not produced as required in person within 28 days the licence holder will be **advised** formally in writing, that the Certificate **MUST** be produced within a further 28 days and that if the Certificate is still not produced within that period the Hackney Carriage or Private Hire Driver Licence will be suspended with immediate effect and until such time as the Certificate is produced.
10. The driver licence (Badge) must be returned to the Licensing Office within 7 days of the written notification.
11. Should the original DBS Certificate be produced within two months of the suspension starting the drivers licence will be immediately re-instated and the licence holder notified in writing that this is the case, and the licence (Badge) will be returned.
12. Failure to produce the DBS Certificate within two months of the suspension starting will result in the applicant submitting, and paying for, a new DBS application form and identification documents to the Licensing Office.
13. On receipt of the newest DBS Certificate within the prescribed timescales detailed in 6 and 7 above, subject to a satisfactory result,

- and on confirmation that the applicant has registered with the DBS Update Service the suspension will be lifted as detailed in 10 above.
14. Failure to maintain registration with the DBS Update Service will result in refusal to renew the licence (Badge) and the applicant submitting, and paying for, a new DBS application form and identification documents to the Licensing Office.
  15. On receipt of the newest DBS Certificate within the prescribed timescales detailed in 6 and 7 above, subject to a satisfactory result, and on confirmation that the applicant has registered with the DBS Update Service the licence renewal application process will recommence.
  16. DBS Update Service to be checked at the anniversary of the previous status check or at any time during the life of the licence on receipt of intelligence or complaints of a serious nature.
  17. Loss of original DBS certificate. Should a licensee fail to produce the original DBS certificate due to loss or misplacement, a new application must be made as detailed in b (above)

Note: The Council has resolved - That due to the need for urgent action to be taken as required, a delegation to the Council's Head of Consumer Protection and Business Compliance is conferred with the right to suspend a driver's licence on the basis of a failure to comply with the requirements of the DBS Policy, requiring the production of the original DBS Certificate.

### **c) Disclosure and Barring Update Service**

1. All new applicants for and current licence holders of Hackney Carriage and Private Hire Driver licenses must subscribe to the voluntary DBS Update Service at a cost to the DBS of £13.00. **See the DBS Update Service - Introduction at Annex C.**
2. If the above subscription remains up to date, the licence holder will not be required to complete another DBS application form unless there are changes to the licensee's status.
3. If the applicant has subscribed with the 'Update Service', their subscription is up to date and written authorisation to do so has been given, the Licensing Authority can access the On-line Update Service to carry out a 'Status Check'. This can be done at any time.
4. If the subscription lapses, the next time a DBS check is required, i.e. the anniversary of the previous status check, a new DBS application must be completed and the full procedure followed as detailed in (b) above.
5. No fees are payable to Slough Borough Council once registered with the DBS Update Service unless notified of a status change as detailed in 2 and 4 above.

### **d) DBS Certificate and Disputes**

This Registered Body / Licensing Team will work in accordance with the

Guidance issued by the DBS regarding entitlement for a copy of the DBS Certificate and any subsequent disputes as detailed below.

1. The DBS will no longer automatically issue a copy of the applicant's DBS Certificate to the Registered Body who countersigned the DBS application form. Employers will need to ask the applicant for sight of their original DBS Certificate.
  2. Registered Bodies will be entitled to ask the DBS for a copy of the applicant's DBS Certificate if all of the following conditions apply:
    - The individual is subscribed to the Update Service; and
    - The employer has carried out a Status Check which revealed a change to the DBS Certificate; and as a result
    - The individual has applied for a new DBS check as the result of a change to an existing DBS Certificate; and
    - The DBS issued the new DBS Certificate to the applicant more than 28 days ago; and
    - The applicant has not shown the employer their new DBS Certificate.
  3. If the individual has disputed the new DBS Certificate the DBS will not consider issuing a copy to the Registered Body until 28 days after the dispute is resolved.
  4. *(If the individual has disputed the new DBS Certificate the DBS will not consider issuing a copy to the Registered Body until 28 days after the dispute is resolved.)*
  5. If the individual has disputed the new DBS Certificate, and the dispute is 'not upheld', the Registered Body must wait until 28 days after the dispute resolution date before requesting a reprint. This is to give the applicant time to show the DBS Certificate to the Registered Body /employer.
  6. As the DBS will not inform the Registered Body of a dispute made by the applicant, it will be responsibility of the applicant / licence holder to notify the Licensing Team of any dispute within 28 days of the issue of the Certificate and to produce any supporting documentation from DBS confirming that a dispute has been lodged.
  7. It will also be the responsibility of the applicant / licence holder to inform the Licensing Team of the outcome of the dispute and also to produce any supporting documentation from the DBS that the dispute has been finalised.
  8. The applicant then has 28 days from the date of the dispute resolution to produce the original certificate to the Licensing Team, or 28 days from the issue of their new DBS certificate, dependant on the dispute outcome.
- 2. Disclosure and Barring Retention Policy - Handling of DBS Certificate Information**  
*(Secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information)*

It is a requirement of the Disclosure and Barring Service Code of Practice that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information. It also obliges Registered Bodies to ensure that a body or individual, on whose behalf they are countersigning applications, has a written policy. Therefore a new **Retention Policy** has been produced in accordance with the DBS Code of Practice, which is contained at **Annex D**.

## ANNEX A

- 1) A new DBS Update Service - Applicant Guide
- 2) A new DBS Update Service - Employer Guide
- 3) Changes to completion of the application form
- 4) The introduction of 'Applicant Only Certificates' and that the Licensing Authority will no longer be provided with a copy of the DBS Certificate
- 5) The Licensing Authority will now have to ask for sight of the 'original' certificate with 28 days of the date of issue (subject to exemption)
- 6) The **original certificate** must be seen and checked by the Licensing Authority for:
  - a) Confirmation of the applicants name and address to ensure that they are still current
  - b) The correct Certificate Number (for performing the on-line tracking service checks)
  - c) The 'Relevant Workforce'. For licensed drivers this is categorised as 'Other Workforce'
  - d) The 'Occupation'. For licensed drivers this will be 'Taxi Driver' for both Hackney Carriage and Private Hire drivers as defined as a Regulated Activity
  - e) The correct level of check which must be an 'Enhanced with Adult and Child Barred List Check' in accordance with the Police Act 1997 (Criminal Records) Regulations and as amended by The Protection of Freedoms Act 2012
  - f) The portability of the DBS Certificate. Portability only applies where the applicant has registered with the 'on-line service' and registration is still current
  - g) The introduction of the **mandatory registration** to the Update service' for the applicants at an annual cost of £13
  - h) If the applicant has registered with the 'Update Service', their subscription is up to date and written authorisation to do so has been given, the Licensing Authority can access the On-line Update Service to carry out a 'Status Check'. This can be done at any time. (See page 8 of 'The Employers Guide')
  - i) If the on-line registration lapses or is cancelled a new DBS application will have to be completed as detailed in **b)** above.
  - j) There is now a specific exemption under the amendments for 'Taxi Drivers' which legally entitles Licensing Authorities to know if the driver is listed on either the 'Child' or 'Adult' Barring Lists.

Note: In relation to (c) and (d) above these categories are both defined under the legislation as detailed in (e) above.

## **ANNEX B** **(New)**

### **Identification checking guidelines**

#### **Changes to the list of documents the applicant must provide**

From the 1 July 2014 group 1 and 2a of the list of documents the applicant must provide is changing. Go to page 4 of this guide to see the new list of documents.

#### **Identification checking process**

The applicant must provide a range of ID documents as part of the DBS application process. Registered Bodies must:

- follow the three route ID checking process as outlined in the guidance using the list of groups 1, 2a and 2b documents.
- check and validate the information provided by the applicant on the application form/

continuation sheet.

- establish the true identity of the applicant through the examination of a range of documents as set out in this guidance.
- ensure that the applicant provides details of all names by which they have been known.
- ensure that the applicant provides details of all addresses where they have lived in the last five years.
- ensure that the application form is fully completed and the information it contains is accurate.

If there are any discrepancies in the information provided by the applicant and/or the identity documents supplied, and fraud is not suspected, please seek clarification from the applicant. Failure to do this may compromise the integrity of the DBS service and introduce risk into your recruitment or licensing arrangements.

Registered Bodies must not attempt to amend the application form without the applicant's knowledge and agreement, as it will invalidate the declaration by the applicant and may breach data protection legislation.

#### **Please note that:**

- you must only accept valid, current and original documentation.
- you must not accept photocopies.
- you must not accept documentation printed from the internet e.g. internet bank statements.

- Identity information for the applicant's name, date of birth and address recorded in section A and section B on the DBS application form must be validated.
  - you should in the first instance, seek documents with photographic identity (e.g. passport, new style driving licence, etc.) and for this to be compared against the applicant's likeness.
  - all documents must be in the applicant's current name as recorded in section A (see below for guidance on recent changes of name).
  - one document must confirm the applicant's date of birth as recorded in section A.
  - you must ensure that the applicant declares all previous change of name, and provides documentary proof to support the change of name. **If the applicant is unable to provide proof to support the change of name, you should hold a probing discussion with the applicant about the reasons why before considering to validate their identity.**
  - you must see at least one document to confirm the applicant's current address as recorded in Section B, in accordance with the guidance.
- 
- you must provide a full and continuous address history covering the last five years. Where possible you should seek documentation to confirm this address history.
  - you should cross-match the applicant's address history with any other information you have been provided with as part of the recruitment, such as their Curriculum Vitae (CV). This can highlight if an address has not been given e.g. if the applicant's CV shows that they have worked in Liverpool in the last five years, but the application form only shows London addresses, you may wish to question the applicant further about this.
  - a document from each of the groups should be included only once in the document count e.g. do not accept two bank statements as two of the required documents, if they are from the same bank.
  - you should not accept the foreign equivalent of an identity document if that document is listed as '(UK)' on the list of valid identity documents.

**When applying for Lead or Countersignatory status, at least one document must show the applicant's signature.**

### **What process should I follow to check an applicant's ID?**

You should follow the three routes as outlined below.

#### **Route One**

**All** applicants must initially be considered for route one.

Can the applicant produce a group 1 document? If yes, then the applicant must produce 3 documents:

- o 1 document from group 1 (**refer to list of valid identity documents**); and

o 2 further documents from group 1, 2a or 2b; one of which must verify their current address.

**If the applicant has satisfied this route, then the document check is complete. If the applicant cannot produce a group 1 document then go to route two.**

**NOTE – EEA Nationals (Non-UK):**

Where an EEA National has been resident in the UK for five years or less, the Registered Body should validate identity via route one through the checking of a current Passport or current UK Driving Licence (photo card only) plus 2 further documents.

In the absence of a group 1 document the Registered Body must satisfy themselves of a valid reason for using route two.

**NOTE - Non-EEA Nationals:**

All Non-EEA Nationals should be validated via **route one only**.

**Route Two**

The applicant must produce:

o 3 documents from group 2 consisting of;  
~ 1 document from group 2a; **and**

~ 2 further documents from group 2a or 2b; one of which must verify their current address.

**and**

o The organisation conducting the ID check will then need to ensure an appropriate external ID validation service is used to check the applicant against their records to establish the applicant's name and living history footprint.

**Please note: Full details of the external ID validation check are on pages 5, 6 and 7 of this guidance.**

If you have tried to use route two, but have been unable to validate the applicant's identity successfully, you may consider proceeding to route three.

**Please be advised that** route three should only be used in circumstances once you have fully explored with the applicant why their identity has not been successfully validated via routes one or two. To do this, you should hold a probing discussion with the applicant about the likely reasons why their identity has not been validated **before** considering using route three. You should keep a record of this discussion for internal purposes as it is the



Registered Body's responsibility to establish the true identity of the applicant through the examination of a range of documents as set out in this guidance.

Should you still be unable to validate the applicant's identity using routes one, two or three, then you should indicate this on the application form at Box W59 and return the form to the DBS. **The applicant will then need to be sent for fingerprinting by the Police, which you should be aware is likely to cause delay to the DBS application process and subsequently to your recruitment processes.**

### **Route Three**

**ALL Registered Bodies must have exhausted route one and should have endeavoured to have accessed an external validation check (route two) before you consider processing them through route three.**

If the applicant cannot meet the requirements of Route one and two, you should have had a probing discussion with them to establish why they could not meet these requirements and whether there has been a recent or previous change of name that has **not** been declared.

For route three, the applicant must produce:

- o Birth certificate (UK and Channel Islands) – (issued after the time of birth by the General Register Office/relevant authority i.e. Registrars – Photocopies are not acceptable) **and**
- ~ o 4 further documents from group 2 consisting of:
  - ~ 1 document from group 2a; **and**
  - ~ 3 further documents from group 2a or 2b; one of which must verify their current address.

**If the applicant fails to produce the required document set at route three, they will need to be sent for fingerprinting by the Police which you should be aware is likely to cause delay to the DBS application process and subsequently to your recruitment processes.**

### **What if I cannot establish the applicant's ID using one of the three routes?**

If you or your ID checker cannot establish an applicant's identity in accordance with DBS ID guidelines then you should mark W59 on the application form with a **NO**.

Applicants who are unable to provide the required documents will then be asked to give their consent to have their fingerprints taken in line with the current procedure. Registered Bodies should be aware that this will require attendance by the applicant at a Police station at an appointed time, and may add delay to the overall application process.

## Documents the applicant must provide

### Group 1: Primary identity documents

#### Document

Passport  
Biometric residence permit  
Current driving licence – photo card with counterpart where one is issued

Birth certificate – issued at time of birth

Adoption certificate

#### Notes

Any current and valid passport  
UK  
UK/Isle of Man/Channel Islands and EU (full or provisional)  
(Please note some European countries do not issue counterparts)  
All licences must be valid in line with current [DVLA](#) requirements  
UK and Channel Islands – including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces  
UK

### Group 2a: Trusted government documents

Current driving licence – photo card (where a counterpart has been issued but no counterpart is presented)  
Current driving licence – paper version

Birth certificate – issued after time of birth  
Marriage/civil partnership certificate  
HM Forces ID card  
Firearms licence

#### Notes

All countries (full or provisional)  
All licences must be valid in line with current [DVLA](#) requirements  
UK/Isle of Man/Channel Islands and EU (full or provisional).  
All licences must be valid in line with current [DVLA](#) requirements  
UK and Channel Islands  
UK and Channel Islands  
UK  
UK, Channel Islands and Isle of Man

## Group 2b: Financial and social history documents

	Notes	Issue date or validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, e.g. pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, e.g. Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, e.g. from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID card		Must still be valid
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK – for 16 to 19 year olds in full time education Only used in exceptional circumstances if other documents cannot be provided	

## External validation service

### What is an external ID validation check?

An external ID validation check is an alternative way of verifying the identity of an applicant. It will involve you providing an applicant's details (as presented on the application form) to your chosen supplier, who will compare the data you have obtained from the applicant against a range of independent, external data sources.

For the purposes of accessing DBS's services we request that Registered Bodies pursue a check that is aligned to the following standard:

- LEVEL 2 (Remote) – as detailed in [‘HMG's Minimum Requirements for the Verification of the Identity of Individuals/Version 2.0/January 2003’](#).

This document was produced by The Cabinet Office and provides guidelines for verifying the identity of individuals, prior to granting access to government services. A ‘Level 2 (Remote)’ check provides **substantial assurance** that the registrant's real world identity is verified.

It is important to note that standards set out within ‘HMG's Minimum Requirements’ are widely acknowledged within the ID checking industry. Countersignatories will not be required to have any in-depth knowledge of what a ‘Level 2’ check involves. Those organisations who provide the check, will be in a position to give an assurance that they comply with the standards described within the guidance.

### How can I access an external ID validation check?

There are a large number of suppliers that may be able to perform a check for you to the required standard. We would recommend that Registered Bodies begin their enquiries by performing an internet search e.g. UK search for ‘Identity Validation’.

We are aware that Call Credit Group, Equifax, Experian, and GB Group are working towards the provision of ID validation services tailored for DBS purposes.

Registration to access an external ID validation service may differ for each supplier. We would encourage you to discuss your requirements with more than one supplier to gain access to checks in the most appropriate way for your organisation and to agree charges.

### How do I decide whether an applicant has passed or failed an external ID validation check?

You should specify when sourcing a potential ID validation supplier that a ‘PASS/FAIL’ decision is required as part of the check that you request.

Dependent on the result, you will then either authenticate the applicant or consider moving to route three of the process.

### **Easy five-step guide to accessing an external ID validation check**

The following provides general information on how to access a suitable external ID validation check. This is provided as a guide and is not exhaustive.

#### **Step 1**

Research suppliers that provide an ID validation service (i.e. through use of an internet search engine – entering wording like ‘ID verification’ should return a number of suppliers websites). You should read the general information provided by these suppliers regarding the type of services they provide before deciding whether to contact them.

#### **Step 2**

Once you have identified a suitable supplier, you should make contact using the telephone number or email address provided on their website. Use the following requirements in your discussions to ascertain whether the supplier can provide an ID check that is suitable for DBS purposes:

We require an ID validation check which:

- complies with the standards set out in Level 2 (remote) of ‘HMG's Minimum Requirements for the Verification of the Identity of Individuals/Version 2.0/January 2003’.
- provides a straightforward PASS/FAIL result (some suppliers may return a score or a percentage, neither of which are acceptable).
- provides a hard copy or printable result page.

#### **Step 3**

If the ID validation supplier can meet the above requirements; you should then gather further information by asking questions such as:

- can you perform this type of check now, or is the service still in development?
- how much will it cost?
- how do I register with you?
- what are the payment methods and processes?
- what are your terms and conditions?

#### **Step 4**

You may wish to contact a number of ID validation suppliers to establish which is best suited to your requirements.

## **Step 5**

Start conducting external ID validation checks on applicants to establish their identity.

The process of accessing an external ID check supplier should only need to be conducted once. Once you have identified a suitable supplier there should be no need to source an alternative, unless you decide the service is unsatisfactory.

### **What if the applicant has been adopted?**

Registered Bodies should inform applicants that if they were adopted before the age of 10, they do not need to provide their surname at birth in section A of the DBS application form, they should give their adoptive name in this section.

This is because the age of criminal responsibility is deemed to be 10 years, under the Children and Young Persons Act 1933, Chapter 12, Section 50. This means that there is no possibility that an individual could have a criminal record in a name that was used until the age of 10.

### **The DBS paper application form can only hold three name changes, what do I do for applicants who have changed their name more than three times?**

In these instances, you must return a [continuation sheet](#) with the application form.

### **How can I check driving licences?**

Do not accept licenses, other than those stated in the list of valid identity documents. English, Welsh and Scottish driving licence numbers contain information about the applicant's name, sex and date of birth. This information is written in a special format but can be gleaned and matched against the information provided by the applicant in Section A.

Please note that the date of birth on English, Welsh and Scottish driving licences, issued before 1977, is not recorded as a separate entry on the licence. The date of birth can be deciphered from the driving licence number and checked against the date of birth field on the application form.

For example the format of the number for Christine Josephine Robinson, born 2 July 1975

ROBIN 7570 25 CJ99901  
NNNNN YMMDDY IICCC C

N = 1st five letters of the surname (if the surname begins MAC or MC it is treated as MC for all).

- Y = YEAR of birth.
- M = MONTH of birth (In the case of a female, the number represented by the first M will have the value 5 added to the first digit e.g. a female born in November (i.e. 11) would display '61' in the MM boxes or if born in February (i.e. 02) would display '52').
- D = DAY of month of birth.
- I = Initial letter of the first two forenames - if only one, then 9 will replace the second letter. If the licence indicates that the applicant has a middle name, ensure that one has been provided in Section A.
- C = Computer generated.

Please note, for Northern Ireland; Isle of Man and Jersey driving licences the licence number is in a different format. The licence number is unique to the driver and the 'name' or 'date of birth' validation, as shown above, cannot be used.

### **What should a Registered Body do if they suspect false identity or documents?**

If you suspect that you have been presented with a false identity or documents at the time of application, do not proceed with the application process.

- To report suspected identity fraud see the [Action Fraud](#) website
- For further information on identity fraud [click here](#)
- If you suspect identity fraud once a DBS check has been submitted, you must contact the DBS.

You are also advised that under Section 8 of the Asylum and Immigration Act 1996 all employers in the United Kingdom are required to make basic document checks to help prevent anyone from working illegally. By carrying out checks employers will be able to establish a defence for themselves if any of their employees are found to be working illegally at a later date.

Further details are available on the [UK visas and immigration website](#) and the employer helpline on 0845 010 6677.

The following guidance applies to individuals applying for a DBS check and those applying for Lead or Countersignatory status.

### **How do I check for indicators of fraud?**

Always check for signs of tampering when checking identity documents. Documents should be queried if they display any signs of damage, especially in the areas of personal details such as the name and the photograph. The following guidelines should help you look out for any suspicious signs when authenticating documents.

## **Checking a passport**

Check the general quality and condition of the passport. Treat it with suspicion if it is excessively damaged; accidental damage is often used to conceal tampering. Photographs should be examined closely for signs of damage to the laminate or for excessive glue or slitting of the laminate; these signs would indicate photo substitution. If the photograph appears excessively large, this might indicate an attempt to hide another photograph underneath. There should also be an embossed strip embedded into the laminate, which will catch a portion of the photograph.

Check there is no damage to this area. If the passport is from a foreign national, you can still follow the same general procedures as above.

Her Majesty's Passport Office have produced a guide to be used when [checking passports for identification](#)

## **Checking a photo driving licence**

Examine the licence for evidence of photo tampering or any amendment of the printed details.

## **Checking an old style driving licence (no photograph)**

Remove the document from the plastic wallet and check that it is printed on both sides. It should have a watermark visible by holding the licence up to the light and there should be no punctuation marks in the name or address. The 'Valid To' date should be the day before the bearer's 70th birthday (unless the bearer is already over 70). The 'Valid To' date can therefore be cross-referenced with the applicant's date of birth detailed in Section A.

## **Checking a birth certificate**

Birth certificates are not evidence of identity, and are easily obtained. Although certificates issued at the time of birth may give more confidence that it belongs to the individual, unlike a recently issued certificate they will not show if any information has been corrected or superseded by a new registration.

Check the quality of paper used; genuine certificates use a high grade. There should be a watermark visible when the document is held up to the light. Any signs of smoothness on the surface would indicate that original text might have been washed or rubbed away. There should be no signs of tampering, changes using liquid paper, overwriting or spelling mistakes.

The following list provides some general information about certificate completion which may help to establish whether the certificate and/or the details have been falsified. This is provided solely as a guide and is not exhaustive:



- the certificate format used should be appropriate for the year of registration.
- only the surname should be entered in upper case, not the forename(s).
- dates of birth should be shown with the day and month in words and the year in figures.

The following information might indicate that the certificate has been altered:

- spacing between falsely added particulars might be irregular compared to original information. 'Thick' or 'thin' spacing might infer particulars have been added.
- false particulars might not have been aligned with other words.
- characters may not be of the same size or shape with the rest of the particulars.
- movement of handwriting may look mechanical and does not flow with the rest of the particulars.
- changes might not be consistent e.g. parents' surnames might be altered, but not the signatures.
- the area around falsely added or removed particulars may react differently under an ultra violet light i.e. show signs of staining. In addition, such areas of paper may appear thinner where the paper fibres have been disturbed by abrasion.

For more information on checking birth certificates, please refer to Her Majesty's Passport Office document [General Register Office guide to birth certificates](#).

### **Checking an EU photo identity card**

Examine the card for evidence of photo tampering or any amendment of the printed details.

### **Checking an HM Forces ID card**

Examine the card for evidence of photo tampering or any amendment of the printed details.

### **Checking a firearms licence**

Check the licence is printed on blue security paper with a Royal crest watermark and a faint pattern stating the words 'Home Office'. Examine the licence for evidence of photo tampering or any amendment of the printed details, which should include home address and date of birth. The licence should be signed by the holder and bear the authorising signature of the chief of police for the area in which they live, or normally a person to whom his authority has been delegated.

## **Checking a biometric residence permit**

To view the features of a permit and how to check them follow [this link](#).

## **Other forms of identification**

Ensure all letters and statements are recent, i.e. within a three month period. Do not accept documentation printed from the internet. Check letter headed paper is used, bank headers are correct and all documentation looks genuine. The address should be cross-referenced with that quoted in Section B.

## **Where to go for help**

The PRADO website is provided by the Council of European Union. Employers are able to use this website to identify the basic safeguards contained in European documents and a few more other nationality documents. [The Public Register of Authentic Identity and Travel Documents Online](#) (PRADO website)

## ANNEX C

### DBS UPDATE SERVICE - INTRODUCTION

From 17 June 2013, you can subscribe to the new Update Service when you next apply for a DBS check, and you may never need to apply for another one again.

#### What is the DBS Update Service?

For a small annual subscription of just £13 (free for volunteers) you can have your DBS Certificate kept up-to-date and take it with you from role to role, within the same workforce, where the same type and level of check is required. By subscribing to the new service you could save yourself a lot of time and money depending upon how many DBS checks you have needed in the past.

#### How do you access the Update Service?

From 17 June 2013 you will be able to join the Update Service online at [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service).

Subscribing online is quick and simple. Just enter your application form or DBS Certificate number, name, date of birth and address and pay the subscription fee securely from your account. When your subscription is confirmed you then start to see the benefits of this new service.

#### Benefits to you

- Saves you time and money.
- One DBS Certificate is all you may ever need.
- Take your DBS Certificate from role to role within the same workforce.
- You are in control of your DBS Certificate.
- Get ahead of the rest and apply for jobs DBS pre-checked.

#### Benefits to your employer

- Instant online checks of DBS Certificates.
- No more DBS application forms to fill in.
- You may never need to apply for another DBS check for an employee again.
- Less bureaucracy.
- Saves you time and money.
- Enhances your safeguarding processes and may help to reduce your risks.

- Easy to incorporate into your existing suitability decision-making processes.

## **What else you need to know**

To coincide with the launch of the Update Service the DBS will no longer automatically issue a copy of your DBS Certificate to the Registered Body who countersign your DBS application form. Employers will need to ask you for sight of your DBS Certificate. This is to give you greater control over your information.

## **Further information**

You can also find further information at [www.gov.uk/dbs](http://www.gov.uk/dbs)

## ANNEX D

# Handling of DBS certificate information

### **Secure storage, handling, use, retention and disposal of Disclosure and Barring Service (DBS) certificates and certificate information**

It is a requirement of the Disclosure and Barring Service code of practice that all registered bodies must have a written policy on the correct handling and safekeeping of DBS certificate information. It also obliges registered bodies to ensure that a body or individual, on whose behalf they are countersigning applications, has a written policy.

### **Licensing Service Policy Statement**

#### **General principles**

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Slough Borough Council complies fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

#### **Storage and access**

Certificate information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

#### **Handling**

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

## **Usage**

Certificate information is only for the specific purpose for which it was requested and for which the applicant's full consent has been given.

## **Retention**

Once an application requiring a DBS Certificate has been determined, we do not keep certificate information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than six months, we will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

## **Disposal**

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the decision taken.

**Revised DBS Policy- Financial Aspects**

**Current Position**

**New Applicants and Current Licence holders**

All new applicants for a Hackney Carriage or Private Hire drivers licenses, have to complete and submit an enhanced DBS application at a cost of £55.00, which includes an £11.00 fee to cover current administration costs.

Once a licence has been granted a new DBS application has to be made every 3 years at the total current cost of £55.00.

**Position with the revised Policy**

**New applicants**

1. Mandatory requirement that all new applicants **must** complete a DBS application at the current cost of £55.00 and register with the DBS Update Service at the current cost of £13.00. The total initial cost is £68.00.
2. Once the applicant has registered with the 'Update Service' the only cost involved will be an annual fee of £13.00 for maintaining the registration with the Update Service.
3. Officers will conduct annual status checks with the DBS at the anniversary of the previous 'status check'. If the status checks show a 'Status Change' a new DBS application must be made at the cost of £55.00 and the new DBS certificate to be produced within the specified policy time limits.
4. If the registration with the Update Service lapses, a new DBS application must be made at the cost of £55.00 and for a new registration with the Update Service to be made at a cost of £13.00.

**Current Licence Holders**

1. At the next renewal where a DBS application is required the applicant **must** complete a DBS application at the current cost of £55.00 and register with the DBS Update Service at the current cost of £13.00. The total initial cost is £68.00.
2. Following this the procedures as set out on points 2 to 4 above for new applicants will apply.

## Notes

Where a licence holder maintains the registration with the Update Service there will only ever be an annual fee to the DBS of £13.00. This equates to £39.00 over a three year period rather than £55.00 every 3 years.

In addition registering with the DBS Update Service and maintaining that registration ensures that the DBS Certificate **becomes portable and will be accepted in any local authority area with no additional costs for further DBS applications.**

The only exception is where the registration with the DBS Update Service lapses or where an annual status check shows a 'Status Change'.





APPENDIX C

Disclosure &  
Barring Service

# DBS Update Service

## Applicant guide

May 2013

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# 1.1 Introduction

From 17 June 2013, you can subscribe to the new Update Service when you next apply for a DBS check, and you may never need to apply for another one again.

## What is the DBS Update Service?

For a small annual subscription of just £13 you can have your DBS Certificate kept up-to-date and take it with you from role to role, within the same workforce, where the same type and level of check is required.

By subscribing to the new service you could save yourself a lot of time and money depending upon how many DBS checks you have needed in the past.

## How do you access the Update Service?

From 17 June 2013 you will be able to join the Update Service online at [www.gov.uk/dbs](http://www.gov.uk/dbs)

Subscribing online is quick and simple. Just enter your application form or DBS Certificate number, name, date of birth and address and pay the subscription fee securely from your account. When your subscription is confirmed you then start to see the benefits of this new service.

## Benefits to you

- Saves you time and money.
- One DBS Certificate is all you may ever need.
- Take your DBS Certificate from role to role within the same workforce.
- You are in control of your DBS Certificate.
- Get ahead of the rest and apply for jobs DBS pre-checked.

## Benefits to your employer

- Instant online checks of DBS Certificates.
- No more DBS application forms to fill in.
- You may never need to apply for another DBS check for an employee again.
- Less bureaucracy.
- Saves you time and money.
- Enhances your safeguarding processes and may help to reduce your risks.
- Easy to incorporate into your existing suitability decision-making processes.

## What else you need to know

To coincide with the launch of the Update Service the DBS will no longer automatically issue a copy of your DBS Certificate to the Registered Body who countersigned your DBS application form. Employers will need to ask you for sight of your DBS Certificate. This is to give you greater control over your information.

## Further information

Detailed information included in this guide:

- quick guides
- frequently asked questions
- terms, conditions and exceptions

You can also find further information at [www.gov.uk/dbs](http://www.gov.uk/dbs)

# 1.2 Quick guides

## How to subscribe to the Update Service

### Step 1

- Have you applied for a DBS check or was your DBS Certificate issued in the last 14 days? If 'yes', you can join the Update Service. Go to [www.gov.uk/dbs](http://www.gov.uk/dbs)

### Step 2

- Select whether you are applying with your DBS application form or with your DBS Certificate.

### Step 3

- Agree to the Terms and Conditions of the service and then enter your personal details – these must match those on your application form or DBS Certificate.

### Step 4

- Answer the question 'Does the above application/DBS Certificate relate to a voluntary position?'

### Step 5

- Make payment for subscription fee (if relevant). A payment confirmation screen will confirm whether payment was successful.
- If the application form/DBS Certificate was issued for a voluntary position the subscription is free-of-charge.

You have now joined the Update Service.

If you have joined with your DBS application form reference number your subscription will start from the date of issue printed on your DBS Certificate. If for some reason your application form is withdrawn your subscription fee will be refunded and your subscription cancelled.

## Managing your subscription

If you have subscribed to the Update Service you can:

- View the reference details of any applications and/or DBS Certificates linked to your subscription.
- View the Update status of any DBS Certificate linked to your subscription.
- Amend your contact details.
- Add and remove applications and DBS Certificates.
  - All applications and DBS Certificates attached to your subscription must be in the same name.
- View the details of any organisations that have made a Status check of your DBS Certificates.
- Cancel your subscription.
- Renew your subscription (this facility is only available 30 days prior to your subscription expiring).
- View the status and expiration date of your subscription.
- Statuses explained:
  - 'Subscription status'
    - 'New' - when you apply with an application form reference number.
    - 'Subscribed' - when your DBS Certificate is attached to your subscription.
    - 'Cancelled' - if you cancel your subscription.
    - 'Expired' - if you fail to renew your subscription.
  - 'Application status' - if you subscribe with a DBS check application form.
    - 'Received' - when we receive your DBS check application form at the DBS.
    - 'Not received' - whilst we are waiting for your DBS check application form to be received.
    - 'Printed' - when your DBS Certificate has been printed.
  - 'Update status' - which shows the current status of a DBS Certificate in your account.
    - 'Non-blank/No New Info' - still current.
    - 'Blank/No New Info' - still current.
    - 'New Info' - no longer current.

# 1.3 Frequently Asked Questions

## 1. When will the Update Service start?

The Update Service becomes available on 17 June 2013.

## 2. How do I access the Update Service?

You can apply online to join the Update Service at [www.gov.uk/dbs](http://www.gov.uk/dbs). You will receive a unique ID number, which you must keep safe and not share with anyone, as you will use this to access your Update Service account online.

## 3. When can I join?

From 17 June 2013, you can join the Update Service at the same time as you apply for your next DBS check using your application form reference number. Your form must be received by the DBS within 28 days of you subscribing. When your DBS Certificate is issued the DBS will automatically add it to your account.

## 4. I already have a DBS Certificate can I join the Update Service?

You can only join the Update Service if you apply for your DBS check after 17 June. If you have applied prior to this date and receive your certificate before or after 17 June, you cannot use this application or certificate to join the Update Service.

## 5. Who can join?

Only applicants who apply for a DBS check can join the Update Service.

Organisations do not join the service, as they can access the service online for free to carry out a Status check on an individual's DBS Certificate.

## 6. Do I have to join the Update Service?

No you don't, this is an optional service provided by the DBS.

Some organisations may however decide to make joining the Update Service a condition of your employment, but this will be a matter between you and your employer, not the DBS.

## 7. Can I join the Update Service with a manual DBS Certificate?

No. Unfortunately, as your DBS Certificate was not produced by the system you cannot link this to the Update Service. If you have received a manual DBS Certificate you will have also received a letter explaining that it is a manual DBS Certificate and not a system generated one.

## 8. When will my subscription start?

Your subscription will start when you add a DBS Certificate to your Update Service account, or from the date of issue of your DBS Certificate if you joined with your DBS application form.

## 9. How do I add a DBS Certificate to my subscription?

If you applied to join the Update Service with your application form, the DBS will automatically link the resulting DBS Certificate to your subscription. If you would like to add

further DBS Certificates you can do this by using the Certificate number printed on your Certificate within 14 days of its issue.

**10. When can I allow an organisation to check my DBS Certificate?**

When you add a DBS Certificate to your account it will show that you are 'subscribed'. You can then give your permission to allow an organisation to carry out a Status check.

**11. How can I let an organisation carry out a Status check on my DBS Certificate?**

You will need to give your consent and then show them your original DBS Certificate. They will record the DBS Certificate's 12 digit reference number and your name and date of birth. After this they will go online and carry out a Status check.

**12. Is the service only available online?**

Yes. The service is only available online; however, we may look to see how we can offer other ways of providing this service in the future.

**13. Is there a cost to join?**

Yes. To join the Update Service you must pay a small subscription fee of just £13 per year, unless you are joining with a DBS Certificate for a voluntary position.

**14. How long is the subscription period?**

The subscription is for 12 months so you will need to pay the fee (if applicable) every year to stay subscribed.

**15. How do I pay the subscription fee?**

You will only be able to pay the subscription fee by credit or debit card, from within your online Update Service account.

**16. Who can pay the subscription fee?**

You or someone else can pay the fee but if you are using someone else's card you must have their permission to do so.

**17. Do volunteers have to pay to subscribe?**

No. If you have applied for a DBS check as a volunteer ([defined by the DBS](#)) you can join the service free-of-charge.

**18. Can I cancel my subscription at any time?**

Yes. If you cancel your subscription the DBS will close your account and your DBS Certificate(s) attached to this account will no longer be checked for updates.

**19. How many DBS Certificates can I add to my Update Service account?**

You can add as many DBS Certificates as you need i.e. if you have attached a Standard Certificate to your account and then have to apply for an Enhanced Certificate you can add this one to the same account without incurring an additional subscription fee.

**20. Why would I need more than one DBS Certificate?**

Your employer or organisation may ask you to apply for another DBS check, if:



- They have taken the decision not to use the Update Service for Status checks
- Your DBS Certificate has been updated, is no longer current and has been removed from the Update Service.
- They may need another level or type of DBS Certificate than the one you have. E.g. you may have an Enhanced with a Adults' Barred List check not an Enhanced with a Children's Barred List check.
- The Enhanced DBS Certificate relates to another workforce.
- If you are working from home your employer may need your DBS check to reveal information about you and your address.

## **21. What does the Subscription status mean in my account?**

New	= you have joined with a DBS application form and the DBS Certificate has yet to be issued and added to your subscription.
Subscribed	= a DBS Certificate has been added to your subscription and is now being kept up-to-date.
Cancelled	= your subscription has been cancelled.
Expired	= you subscription has lapsed as you did not renew your subscription.

## **22. What does the Application status mean in my account?**

Not received	= we are waiting to receive your DBS application form.
Received	= we have received your DBS application form.
Printed	= your DBS Certificate has been printed.

## **23. What does the Update status mean in my account?**

'Update status' is the status of a DBS Certificate in your Update Service account:

- Blank/No New Info = The DBS Certificate when issued was blank i.e. it did not reveal any information about you, no new information has been found since its issue and can therefore be accepted as being still current and valid.
- Non-Blank/No New Info = The DBS Certificate revealed information about you, no new information has been found since its issue and can therefore be accepted as being still current and valid.
- New Info = New information has come to light since the DBS Certificate was issued and you will need to apply for a new DBS check to see this new information.

## **24. Can I remove a DBS Certificate from my Update Service account?**

If you have DBS Certificate attached to your account you can remove it at any time. However, once removed you cannot add it again or use the same one to create another subscription.

## **25. Can I change my email, mobile phone number, correspondence address, payment details?**

Yes. You will need to log in to your Update Service account to do this. You can only amend your payment details within 30 days of the renewal date of your subscription and if you have selected to automatically renew your subscription.

## **26. How do I find out my application form reference number?**

You can either contact the person who asked you to complete your DBS application form or contact the DBS on 0870 90 90 811.

### **27. How do I find out my DBS Certificate reference number?**

The 12 digit DBS Certificate number can be found on the top right-hand side of your DBS Certificate.

### **28. What if I forget my Update Service reference number?**

You should call the DBS on 0870 90 90 811.

### **29. What if I lose my DBS Certificate?**

You must keep your DBS Certificate safe and secure as the DBS will not issue replacement DBS Certificates.

### **30. I want to subscribe to the Update Service but have not received my DBS Certificate?**

If you have not received your DBS Certificate and it was issued more than 7 days ago you can request a reprint. Don't forget you must attach the DBS Certificate to your account within 14 days from the date of issue as printed on the DBS Certificate.

### **31. I have already subscribed to the Update Service but have not received my DBS Certificate?**

If you have not received your DBS Certificate and it was issued more than 14 days ago you can request a reprint. You can use the Tracking Service at [www.gov.uk/dbs](http://www.gov.uk/dbs) to find out if your DBS Certificate has been issued and the date of issue.

### **32. Can I stop an organisation checking the status of my DBS Certificate?**

Yes. You should contact them and withdraw your consent for any future checks. If they fail to stop they would be breaking the law by accessing data they were not entitled to see. If they persist you could remove the DBS Certificate from your account but this would also mean other organisations would not be able to carry out a Status check on it. If they persist you should contact the Information Commissioner's Office.

### **33. How can I find out who has carried out a Status check of my DBS Certificate?**

You can see a full list of the organisations that have carried out a Status check from your online account.

### **34. What information will the organisation see when they carry out a Status check?**

The organisation will receive one of the following results:

- This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue.
- This DBS Certificate remains current as no further information has been identified since its issue.
- This DBS Certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.
- The details entered do not match those held on our system. Please check and try again.

### **35. Will I be told if the information on my DBS Certificate changes?**

No. If you are subscribed to the Update Service and want to check that your DBS Certificate is still current and that no further information has been identified since it was issued, you can log in to your account and check its status.

### **36. What is likely to cause a change to my DBS Certificate?**

Your DBS Certificate status will change if:

- For all DBS certificates
  - new convictions, cautions, reprimands or warnings; or
  - any amendment or change to a current conviction, caution, warning or reprimand.
- For Enhanced DBS Certificates
  - any new, relevant police information.
- For Enhanced Certificates with a Barred List check(s):
  - if you become barred for that list(s) checked on the Enhanced Certificate.

### **37. What can I do if my DBS Certificate status changes but I don't think it should have?**

You should call the DBS on 0870 90 90 811 and we will investigate to find out why this has happened and let you know.

### **38. My employer has asked that I get another DBS check because they have found out that new information has come to light. Do I have to get one?**

This is a matter between you and your employer. If you do not apply for another DBS check your employer may terminate your employment or move you to another job which does not require a DBS check.

### **39. My new DBS Certificate contains new information. Do I have to show this to my employer?**

This is matter between you and your employer. If you do not show your new DBS Certificate to your employer they may terminate your employment or move you to another job which does not require a DBS check. Also, if you don't show them your new updated DBS Certificate within 28 days of receiving it, the Registered Body that countersigned this application may be entitled to request a copy from the DBS.

### **40. An organisation has said that they need me to apply for another DBS check but I thought I would never need to apply for one again if I joined the Update Service?**

In some cases your employer or organisation will require a new DBS check, for example:

- The organisation may decide not to use the Update Service for Status checks.
- Your DBS Certificate has been updated and as it is no longer current it has been removed from the Update Service.
- Your DBS Certificate may not be of the same level or type as is required by the organisation. For example, you may have an Enhanced with an Adults' Barred List check not an Enhanced with a Children's Barred List check.
- Your DBS Certificate was not issued for the right workforce.

### **41. Can I re-use my certificate for a new home based position?**

The DBS will not have carried out checks on the address from where the work will be undertaken. You will need to discuss this with your employer or the person requesting the certificate.

**42. My certificate has changed; my employer has said that they are going to carry out a check to see if this is because I have been barred from working in Regulated Activity. Do I have to give my permission for them to do this?**

Your employer will need your consent to find this out. They can only request this information if all of the following conditions apply:

- You are subscribed to the Update Service; and
- A Status check has indicated that the certificate is no longer up-to-date; and
- The certificate included a check of a Barred List(s); and
- You are employed in Regulated Activity covered by the Barred List(s) ; and
- The employer has your to consent.

**43. What will they find out?**

Your employer will be told if you have become barred from working in Regulated Activity. If you have become barred the DBS would have written to let you know. It is illegal for a Barred Person to work or seek to work in Regulated Activity.

**44. Is the Update Service secure?**

Yes it is secure. It is hosted on our secure and accredited DBS system.

**45. Is the Update Service available in Welsh?**

The online service is available in Welsh.

**46. I am a transgender applicant; will my previous gender and identity continue to be protected when joining the Update Service?**

Yes. Your previous gender and identity will be protected unless you have given permission for your DBS certificate to contain this information. If you would like further advice you can email the Sensitive Application Team at [sensitive@dbs.gsi.gov.uk](mailto:sensitive@dbs.gsi.gov.uk) or call on 0151 676 1452.

# 1.4 Terms, conditions and exceptions

## Subscription

- An individual's subscription will continue even if DBS Certificates are removed from the account. If the subscription is not renewed at the end of the subscription period the account will close. Any DBS Certificate attached to a closed account will be removed and organisations will no longer be able to carry out Status checks. If a subscription lapses you will have to apply for a new DBS check and then re-subscribe to the Update Service.

## Home-based Occupations

- The Update Service will only check for updates based on the individual for whom the check was carried out – not the home address where the work is being undertaken or any other individuals employed or living at that address.

## Multiple DBS Certificates

- Individuals may still require more than one DBS Certificate if their DBS Certificate is not of the same type and level of check required by an employer. Employers may require a different level or type of check to the one you have e.g.
  - **Level:** Enhanced not Standard check.
  - **Type:** Enhanced with a Children's Barred List check not an Adults' Barred List check; or  
Enhanced without a Barred List check.
  - **Workforce:** Child Workforce not Adults Workforce.

## Manual DBS Certificates

- Sometimes it is not possible for the DBS to produce a system generated DBS Certificate. When this happens the DBS will issue a manual DBS Certificate. Manual DBS Certificates cannot be used in the Update Service.

## Update Frequency

When a person adds their DBS Certificate to their Update Service account the DBS will keep their DBS Certificate up-to-date by \*regularly searching to see if any new information has come to light since its issue.

\* Regularly means:

- Criminal record conviction and barring information will be searched for updates on a weekly basis as this information can change frequently.
- Non-conviction information which is released on relatively few DBS Certificates and changes infrequently will be searched for updates every 9 months.

The frequency condition is based on the number of DBS Certificates which reveal this type of information; the likely risk of new information coming to light in the time period; and the cost of checking for changes.

## Cancelling DBS Certificates

If the names declared on a DBS Certificate attached to a subscription change, or are found to be incorrect, the DBS reserves the right to cancel the incorrect DBS Certificates attached to that subscription.

## Retention of payment information

Details of the card used to pay the subscription fee will be retained for the purposes of automatic renewal and refunds where appropriate. The DBS will be using a secure Payment Card Industry (PCI) Data Security Standard system.



## How to subscribe to the update service

### Option one

Submit an application to the DBS

Subscribe at [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service) with your application reference number

### Option two

Submit an application to the DBS

Receive your DBS certificate

Subscribe at [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service) with your Certificate reference number within 19 days of the certificate issue

#### Step 1

- go to [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service) to subscribe to the update service.

#### Step 2

- please read the instructions carefully and enter all the required information.
- enter your date of birth in DD/MM/YYYY format.
- select whether you are applying with your DBS application reference or with your DBS certificate number and check you have entered the correct number.
- make sure you don't enter any spaces after you type in your information.

#### Step 3

- your personal details must match those on your application form or DBS certificate.
- read and agree to the terms and conditions of the service.

#### Step 4

- answer the question 'Does the above application/DBS certificate relate to a voluntary position?'

#### Step 5

- make payment for subscription fee. The service is free for volunteers. A payment confirmation screen will confirm whether payment was successful.

**You have now subscribed to the update service:** please make a note of your update service ID number (begins with the letter C) and keep it safe. You should not share this ID number with anyone else because you will use it to access your update service account online.

If you have subscribed with your DBS application form reference number your subscription will start from the date of issue printed on your DBS certificate. If for some reason your application form is withdrawn your subscription fee will be refunded and your subscription cancelled.

## **'B'- GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES**

### **1. Recommendation/Proposed Action**

Council is requested to resolve that the Gambling Act 2005 Statement of Principles policy (as amended 2015) be adopted as the Council's Gambling Policy.

### **2. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The review and consultation on the Statement of Licensing Principles for the Gambling Act 2005 is a statutory requirement that ensures that the Licensing Authority can carry out their functions under the 2005 Act.

### **3a. Slough Joint Wellbeing Strategy Priorities –**

The Licensing Authority is responsible for administering all functions under the 2005 Act. In developing a Statement of Licensing Principles the Licensing authority must ensure that the Licensing Objectives are promoted at all times and therefore contributes to the following wellbeing priorities:

Priorities:

- Health (gambling addition)
- Economy and Skills
- Safer Communities

Cross-Cutting themes:

The report highlights the statutory requirement to review the Statement of Licensing Principles.

If the policy lapses the Licensing Authority would not be able to carry out its functions under the Act or regulate and control those individuals or organisations carry on gambling activities.

Therefore the review contributes to the cross cutting theme of **Improving the image of the town.**

### **3b. Five Year Plan Outcomes**

The report outlines the requirement to conduct the review of the policy under the 2005 Act. In doing so this contributes toward the Five Year Plan with the specific outcome of:

- All people who live and work in Slough feel safe.

### **4. Other Implications**

#### **a) Financial**

There are no financial implications of the proposed action.

#### **b) Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
For the report to be noted	The Council will not be able to properly control gambling premises without the policies being fully reviewed.	The review and consultation are a 3 yearly statutory requirement.

c) Human Rights Act and Other Legal Implications

There are no direct Human Rights Act or other implications.

d) Equalities Impact Assessment

The Equality Impact Assessment has been reviewed following the formal Consultation and the conclusions are that there are no adverse or negative impacts on equality for one group or any other group.

**5. Supporting Information**

5.1 The Gambling Act 2005 placed the responsibility for the regulation of gambling on the Gambling Commission, and local authorities. The function of the Gambling Commission is to regulate the operators of gambling premises and to issue codes of practice and guidance. The functions of the Council are to: license premises for gambling activities; consider notices for 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.

5.2 The Council is required under the Gambling Act to put in place a policy, which is called a Statement of Principles, which they propose to apply when exercising their functions under the Act. The Act requires that the policy is reviewed every three years. The policy has been fully reviewed this year and subject to the statutory consultation, must be adopted by 7<sup>th</sup> January 2016. The revised Statement of Principles has been based on and in accordance with the Gambling Commissions "Guidance to Licensing Authorities 4th Edition (September 2012) as well as consideration given to the proposed revised draft Guidance (June 2015).

This Statement is first and foremost subject to the three licensing objectives under the Gambling Act 2005, which are:

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

5.3 The Gambling Act requires that there is a consultation on the draft Statement of Principles and a consultation was carried out between 3<sup>rd</sup> August 2015 and 4<sup>th</sup> September 2015. The consultation included press releases, placing the draft Statement with information about the consultation on the Council's website and



writing to the persons or organisations listed in *Appendix "D"* of the new draft policy and all elected member of this Council.

- 5.4 There was very little feedback from the consultation. The reasons for this are thought to be that:
- The draft Statement is very comprehensive and in line with the legislation and Gambling Commission guidance and consultees are generally in agreement with it
  - The feature of the Gambling Act which causes public concern relates to casinos. Provisions for regulation of casinos are not included in the draft Statement of Principles as the Council has decided previously, that casinos will not be allowed in the Borough. The 'No Casino' policy has been subject of a separate consultation.
- 5.5 The Responses to the consultation are attached at Appendix B, C, D and E respectively. The revised draft policy taking account of some of the comments of the responses to the consultation is attached at Appendix A.
- 5.6 If the revised policy is adopted by full Council, the policy must then be published locally and will take effect no later than 7<sup>th</sup> January 2016.

## **6. Comments of Other Committee**

On 22<sup>nd</sup> July 2015 the Licensing Committee resolved to approve the commencement of consultation on the review of the Statement of Principles policy.

The Licensing Committee considered a report at its meeting on 30<sup>th</sup> September 2015 and resolved that Council be recommended to adopt the Gambling Act 2005 Statement of Principles policy (as amended 2015) as the Council's Gambling Policy.

## **7. Conclusion**

Council is requested to adopt the draft amended Gambling Act Statement of Licensing Principles policy.

## **8. Appendices**

Appendix A – Gambling Act 2005: Review of 'statement of licensing principles' policy.

Appendix B – Consultation response - Ladbrokes

Appendix C – Consultation response - Luxury leisure

Appendix D – Consultation response – Coral

Appendix E – Consultation response – Power Leisure Bookmakers

## **9. Background Papers**

The current Gambling Act 2005 Slough Statement of Principles (2012).

'No Casino Policy' (2012)

Gambling Commission Guidance to Local Authorities (September 2012)

Revised proposed draft - Gambling Commission Guidance to Local Authorities  
(*March* 2015)

# SLOUGH BOROUGH COUNCIL

## Gambling Act 2005

### Statement of Principles

*(Draft Revision 2015)*



# Statement of Principles – Gambling Act 2005

<b>Document Number</b>	<b>03</b>
<b>Version Number</b>	<b>03</b>
<b>Date approved</b>	<b>24<sup>th</sup> November 2015</b>
<b>Effective</b>	
<b>Contact Officer</b>	<b>Mick Sims - Licensing Manager</b>

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<b>Version No</b>	<b>Date</b>	<b>Change Details</b>
<b>1.00</b>	<b>06/09/2015</b>	<b>Amendments made following consultation</b>
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<b>3.00</b>	<b>30/09/2015</b>	<b>Amendments following approval by Licensing Committee</b>

<b>Related Documents</b>	
<b>Document Title</b>	<b>Location</b>
<b>Gambling Act 2005</b>	
<b>Guidance to licensing authorities (GLA) (2015)</b>	

**If you have any further questions about this Policy or for further information, including applications forms, please contact:**

**Licensing Manager,  
 Slough Borough Council,  
 Landmark Place,  
 High Street,  
 Slough  
 SL1 1JL**

SLOUGH BOROUGH COUNCIL  
**STATEMENT OF PRINCIPLES**  
**Gambling Act 2005**

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## PART A

### 1. The Licensing Objectives

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

1.2 The licensing objectives are:

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

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

1.4 The Act provides for three categories of licence:

- Operating Licence
- Personal Licence
- Premises Licence

1.5 The Gambling Commission will be responsible for issuing Personal Licences and Operating Licences. The licensing authority will be responsible for issuing Premises Licences.

The Gambling Commission can be contacted at:

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Tel: 0121 230 6666

Fax: 0121 230 6720

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

1.6 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 that the application is:

- In accordance with any relevant code of practice issued by the Gambling Commission

- In accordance with any relevant Guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority's statement of licensing policy

## 2. Introduction

- 2.1 The Borough of Slough is located in the Thames Valley, 20 miles to the west of the centre of London and close to Windsor, Maidenhead and Reading. The Borough covers an area of 32.5 square kilometres. These areas are shown in the map at Appendix A.
- 2.2 Located along the M4 corridor, Slough is close to Heathrow Airport and is within easy access of the M40 which runs to the Midlands, the M1 which runs to the north and the M3 which runs to the south. Slough Town Centre is served by a Great Western mainline railway station from which the fastest journey time to London Paddington is 15 minutes.
- 2.3 The population of Slough is 144,575. It is a culturally diverse Borough with a range of communities. Slough is often described as a "fusion of different cultures." There are strong Indian and Pakistani communities and more than a third of the population are from minority ethnic communities.
- 2.4 The Borough is heavily urbanised with residential and commercial areas. To the west of the Borough is the Slough Trading Estate, a large commercial area comprising approximately 672,274 square metres. There are entertainment venues comprising of public houses and nightclubs in Slough Town Centre and in suburban locations, where there are also members' clubs. There are betting shops in Slough Town Centre and in suburban locations. There are 2 amusement arcades in Slough Town Centre.

A map of the Borough is appended as **Appendix "A"**.

- 2.5 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.
- 2.6 Slough Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below.
- 2.7 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police;



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

Authorities may also consult with:

- Organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, such as public and mental health teams, and advocacy organisations (such as the Citizens Advice Bureau and trade unions)
- Local businesses
- Other tiers of local government (where they exist)
- Responsible Authorities

A list of persons consulted by this authority is appended at **Appendix "D"**:

2.8 Our consultation took place primarily between 3<sup>rd</sup> August 2015 and 4<sup>th</sup> September 2015 and we took account of the Revised Code of Practice to Licensing Authorities 4<sup>th</sup> Edition (September 2012), and the HM Government Code of Practice on Consultations (revised 2013). The latter document is available via:

[http://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/255180/consultation-Principles-Oct-2013.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/consultation-Principles-Oct-2013.pdf)

2.9 The full list of comments made and the consideration by the Council of those comments is available by request to: The Licensing Team, Consumer Protection and Business Compliance Services, Slough Borough Council, at My Council, Landmark Place, High Street, Slough SL1 1JL.

2.10 The policy was approved at a meeting of the Full Council on ..... and was published via our website on ..... Copies are available from the Licensing Team, Consumer protection and Business Compliance Services in My Council (at the postal address given in the preceding paragraph) and from our website.

2.11 Should you have any comments as regards this policy statement please send them via e-mail or letter to:

Name: Licensing Team, Consumer protection and Business Compliance Services, Slough Borough Council  
 Address: My Council, Landmark Place, High Street, Slough SL1 1JL  
 E-mail: [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)

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

### **3. Declaration**

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

### **4. Responsible Authorities**

4.1 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.**

4.2 **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.

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

4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are detailed at **Appendix I.**

### **5. Interested parties**

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the 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 applications is made, the person

-

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

- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.
- 5.3 The principles are:
- 5.4 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.9 to 8.17. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 5.5 Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the Ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.6 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Committee and Member Services at the St Martins Place, Bath Road, Slough, SL1 3UF.

## **6. Exchange of Information**

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.
- 6.3 The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

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

## 7. Enforcement

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

7.2 This licensing authority's principles are that we will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

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

7.4 This licensing authority has adopted a risk-based inspection programme, based on;

- The licensing objectives
- Any relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.

7.6 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 are not be dealt with by the licensing

authority but should be notified to the Gambling Commission.

7.7 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.8 Bearing in mind the principle of transparency, the Consumer Protection and Business Compliance enforcement Policy can be accessed at: <http://www.slough.gov.uk/council/strategies-plans-and-policies/consumer-protection-and-business-compliance-enforcement-policy.aspx>

Or, upon request to the Licensing Team at Enforcement and Regulatory Services, Slough Borough Council, My Council, Landmark Place, High Street, Slough SL1 1JL or by email at [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)

## 8. Licensing Authority functions

8.1 Licensing Authorities are required under the Act to be responsible for:

- The licensing of premises where gambling activities are to take place by issuing **Premises Licences**
- Issue **Provisional Statements**
- Regulate **members' clubs and miners' welfare institutes** who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue **Club Machine Permits to Commercial Clubs**
- Grant permits for the use of certain lower stake gaming machines at **unlicensed Family Entertainment Centres**
- Receive **notifications from alcohol licensed premises** (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register **small society lotteries** below prescribed thresholds
- Issue **Prize Gaming Permits**
- Receive and Endorse **Temporary Use Notices**
- Receive **Occasional Use Notices**
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions
- The exercise of its powers of compliance and enforcement under the 2005 Act in partnership with the Gambling Commission and other relevant responsible authorities.

8.2 It should be noted that the National Lottery is regulated by the National Lottery Commission, Remote Gambling is dealt with by the Gambling Commission and

Spread Betting by the Financial Services Authority.

## PART B

### **PREMISES LICENCES; CONSIDERATION OF APPLICATIONS**

#### **9. General Principles**

- 9.1 Premises licences will be 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.
- 9.2 Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 9.3 **This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:**
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission ;
  - reasonably consistent with the licensing objectives; and
  - in accordance with this authority's Statement of Licensing Policy
- 9.4 It is appreciated that as per the Gambling Commission's Guidance to Local Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – Section 12) and also that unmet demand is not a criterion for a licensing authority.
- 9.5 When making a decision about a new application the licensing authority will expect the applicant to have taken into consideration the impact of the application being granted, and to have put in place measures with regards, but not limited to:
- Schools, sixth form colleges, youth centres etc, with reference to the potential risk of underage gambling
  - The surrounding night time economy, and possible interaction with gambling premises
- 9.6 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.
- 9.6 This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between

premises are observed.

- 9.7 The Gambling Commission states in the 5<sup>th</sup> edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably.
- 9.8 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the 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."
- 9.9 This licensing authority 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 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 names on the premises licence.
- 9.10 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates
  - Is the premises' neighbouring premises owned by the same person or someone else?
  - Can each of the premises be accessed from the street or a public passageway?
  - Can the premises only be accessed from any other gambling premises
- 9.11 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

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

**9.13 Adult Gaming Centre**

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

**9.14 Betting Shops**

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

**9.15 Bingo Premises**

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

**9.16 Family Entertainment Centre**

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

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

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

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

9.20 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will



determine applications on their merits, applying a two stage consideration process:-

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

- 9.21 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 9.22 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.56 -7.63 of the Guidance.
- 9.23 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making.
- 9.24 As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 9.25 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 application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 9.26 This authority will have regard to the "Guidance":- 7.63 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence.
- 9.27 Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.
- 9.28 This licensing authority seeks to **avoid any duplication** with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

- 9.29 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.
- 9.30 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

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

- 9.31 The Gambling Commission will play a leading role in preventing gambling from being a source of crime.
- 9.32 If an application is received regarding a premises located in an area noted for particular problems with organised crime, the licensing authority will work in partnership with the Police and other relevant bodies to consider whether specific controls need to be applied to the licence to help prevent premises becoming a source of crime. Such measures could include a condition requiring suitable numbers of door supervisors at the premises.
- 9.33 The licensing authority recognises the distinction between disorder and nuisance. Disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Fact the licensing authority will consider in determining whether a disturbance was serious enough to constitute disorder would include whether any Police assistance was required and how threatening the behaviour was to those who could see and hear it. Issues concerning nuisance cannot be dealt with by the Gambling Act, as there is other primary legislation in place to deal with such issues.

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

- 9.34 This licensing authority will not be directly concerned with ensuring gambling being conducted in a fair and open way, as this will be addressed by the Gambling Commission through the operating and personal licensing regime.
- 9.35 Track operators will not be required to hold an operator's licence. The premises licence will contain requirements on the licence holder regarding his or her responsibilities to ensure gambling is conducted in a fair and open way within betting areas.

### **Protecting children and other vulnerable persons from being harmed or exploited**

## **by gambling -**

9.36 With very little expectations the intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. This means preventing them from taking part in gambling where such gambling would be illegal and placing restrictions on advertising so that gambling products are not aimed at, or are attractive to children.

9.37 The licensing authority will consider whether specific measures are required on certain premises to protect children. This may include:

- Segregation of gambling from areas used by children
- Supervision of gambling machines in licensed family entertainment centres

The list is not exhaustive. Particular care will be taken on tracks where children are permitted on race days.

9.38 Any Codes of practice issued by the Gambling Commission will be considered by the licensing authority in relation to casinos and this licensing objective.

9.39 No specific definition of 'vulnerable persons' has been identified within the Act. The licensing authority may include, but not limited to;

- Those people who gamble more than they want; or
- People who gamble beyond their means; or
- People who cannot make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs as vulnerable people.

9.40 The licensing authority will consider licensing objectives on a case by case basis.

## **Conditions**

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

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

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

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

9.44 This authority will also ensure that where category A to C or above machines are on offer in premises to which children are admitted, other than premises licensed for the supply of alcohol under the Licensing Act 2003;

- 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.

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

9.46 It is noted that there are conditions which 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.

## **Door Supervisors**

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

9.48 Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirement for different types of premises vary (as per the Guidance, Part 33).

## **10. Adult Gaming Centres**

10.1 When granting premises licenses for adult gaming centres the licensing authority will have regard to the licensing objectives. It expects applicants to offer their own measures to meet the objectives, in particular, the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds are not permitted to enter premises.

10.2 As a guide, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances and 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.

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

10.4 The question of sub division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the Guidance issued in respect of such applications.

## **11. (Licensed) Family Entertainment Centres**

11.1 When granting premises licenses for licensed family entertainment centres, the licensing authority will have regard to the licensing objectives. It expect applicants to offer their own measures to meet the objectives, in particular the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

11.2 As a guide, appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances and 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
- All staff to produce a current Criminal Records Bureau disclosure which is approved by the Police
- Prepared plans of the premises
- Suitable public liability insurance
- Procedures to ensure public safety

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

11.4 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **12. Casinos**

12.1 This licensing authority has passed a 'No Casino' resolution under section 166 of the Gambling Act 2005. A further three yearly review and consultation has been conducted and a further 'No Casino' resolution has been passed by Full Council.

12.2 Potential licence applicants should note that as a 'No-Casino' resolution has been passed by this authority no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'No-Casino' resolution is in place.

## **13. Bingo premises**

13.1 When granting premises licenses for licence for Bingo premises, the licensing authority will have regard to the licensing objectives. It expect applicants to offer their own measures to meet the objectives, in particular the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

13.2 As a guide, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV

- Supervision of entrances and machine areas
- Physical separation of areas
- Location of entry
- Notices and signage
- 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

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

13.4 Following the Commissions guidance, if children are permitted to enter bingo premises where there are category C gaming machines or above, the licensing authority will ensure that:

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

Regard will also be given to the suitability and layout of bingo premises when making their decision.

## **14. Betting premises**

14.1 When granting premises licenses for Betting Premises the licensing authority will have regard to the licensing objectives. It expects applicants to offer their own measures to meet the objectives, in particular, the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds are not permitted to enter premises.

14.2 As a guide, appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Notices and signage
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as Gamcare

- 14.3 When granting premises licenses for adult gaming centres the licensing authority will have regard to the licensing objectives. It expects applicants to offer their own measures to meet the objectives, in particular, the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant must satisfy the licensing authority there will be sufficient measures to ensure that under 18 year olds are not permitted to enter premises.
- 14.4 Betting machines - This licensing authority will, follow the Gambling Commission's Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **15. Travelling Fairs**

- 15.1 A Travelling fair is defined as one that 'wholly or principally' provides amusements. Fairs falling within this definition will be permitted unlimited numbers of category D gaming machines provided the facilities for gaming amount to no more than an ancillary amusement.
- 15.2 Sites used for travelling fairs are limited to a maximum of 27 days per calendar year. If sites being used for this purpose straddle local authority areas, the licensing authority will work with the relevant authority to maintain a central log to ensure that statutory 27 day limit is not exceeded.

## **16. Provisional Statements**

- 16.1 Developers may wish to apply to this authority 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.
- 16.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 16.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 16.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission



- 16.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
  - they reflect a change in the applicant's circumstances.
- 16.6 In addition, the authority 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 this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **17. Reviews**

- 17.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

in accordance with any relevant Code of Practice issued by the Gambling Commission;

in accordance with any relevant guidance issued by the Gambling Commission;

reasonably consistent with the licensing objectives; and

in accordance with the authority's statement of principles.

- 17.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 17.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks

- 17.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 17.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 17.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
  - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 17.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 17.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 17.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant for review (if any)
  - the Commission
  - any person who made representations
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs

## PART C

### PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

#### 18. Unlicensed family Entertainment Centres (UFEC)

- 18.1 Where a premises does not hold a premises licence the operator may apply for a permit. The applicant must show the premises will be wholly or mainly used for the provision of gaming machines for use.
- 18.2 The licensing authority shall have regard to the guidance by the Gambling Commission in respect of permits for unlicensed FECs.
- 18.3 Only category D machines are allowed to be available for use on a permit.
- 18.4 The Chief Officer of Police will be consulted on the receipt of an application for a permit.
- 18.5 Before being granted a permit the applicant will need to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
  - That they have no relevant convictions as detailed in the Act
  - Staff are trained to have a full understanding of the maximum stakes and prizes, and
  - How they will deal with children protection issues.
- 18.6 Given that the premises will particularly appeal to children and young persons, in considering applications, the licensing authority will give weight to child protection issues.
- 18.7 Consideration of the suitability of applicants for this type of permit will follow the guidance issued by the Gambling Commission.
- 18.8 The Council cannot attach conditions to this type of permit.
- 18.9 Once granted the permit last for 10 years, unless it is surrendered or forfeited.
- 18.10 Statement of Principles: This licensing authority 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, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect all measures as outlined in (18.5 above) to be fully demonstrated.

## 19 Alcohol Licensed Premises Gaming Machine Permits

19.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and or D.

19.2 These premises merely need to inly notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular if:

- Provision of machine is not reasonably consistent with the pursuit of the licensing objectives.
- Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant Code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with).
- The premises are mainly used for gambling: or
- An offence under the Gambling Act has been committed, and “*such matters as they think relevant*”.

### 19.3 Permit; 3 or More Machines

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

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

19.6 Measures that will satisfy the authority that there will be no access may include:

- The adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- Providing notices and signage.
- Providing information leaflets or helpline numbers for organisations such as Gamcare or gambler Anonymous.

This list is not mandatory, nor exhaustive. It is an example of possible measures.

19.7 An alcohol licensed premises may apply for a licence for their non-alcohol licensed areas. Such an application would need to be for an Adult gaming Centre premises licence.

- 19.8 The licensing authority can grant the application with a smaller number of gaming machines and or different categories than that applied for. The licensing authority however, cannot attach any other types of conditions.
- 19.9 The holder of a permit must comply with any Codes of practice issued by the gambling Commission about the location and operation of the gambling machines.
- 19.10 The licensing authority will cancel a permit if the holder fails to pay the annual fee, unless the failure is a result of an administrative error.

## **20 Prize Gaming Permits**

20.1 The following may provide Prize Gaming:

- Bingo premises as a consequence of their Bingo Operating licence.
- Adult gaming Centres and licensed Family Entrainment Centres.
- Unlicensed Family Entertainment Centres may offer equal chance prize gaming under a gaming machine permit.
- Travelling fairs without a permit, as long as none of the gambling facilities at the fair amount to more than an ancillary amusement.

Children and young people may participate in equal chance gaming only.

20.2 Statement of Principles: The Gambling Act 2005 states that a licensing authority may “prepare a Statement of Principles that they propose to apply in exercising their functions under this schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

20.3 The licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

20.4 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act, Schedule 14 paragraph 8(3))

20.5 There are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

## **21. Club Gaming and Club Machines Permits**

21.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide;

- Up to 3 machines of categories B, C or D
- Equal chance gaming
- Games of chance as set-out in forthcoming regulations.

A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

21.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. 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."

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

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

21.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

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

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

21.6 Once granted a permit lasts for 10 years, unless it is surrendered or forfeited.

## **22. Temporary Use Notices**

22.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

22.2 The licensing authority will accept applications of Temporary Use Notices for premises subject to the criteria stated in the legislation and guidance.

22.3 Premises are limited to a maximum 21 days of temporary gambling activities per month period, taken as per calendar year, and may be made up of several notices up to the maximum.

22.4 The applicant must give notice to the licensing authority at least 3 months and 1 day notice of the activity taking place.

22.5 Copies of the notice must be sent by the applicant to:

- The Gambling Commission
- The Chief Officer of Police of Thames Valley Police
- HM revenue and Customs, and if applicable
- Any other licensing authority in whose area the premises are situated

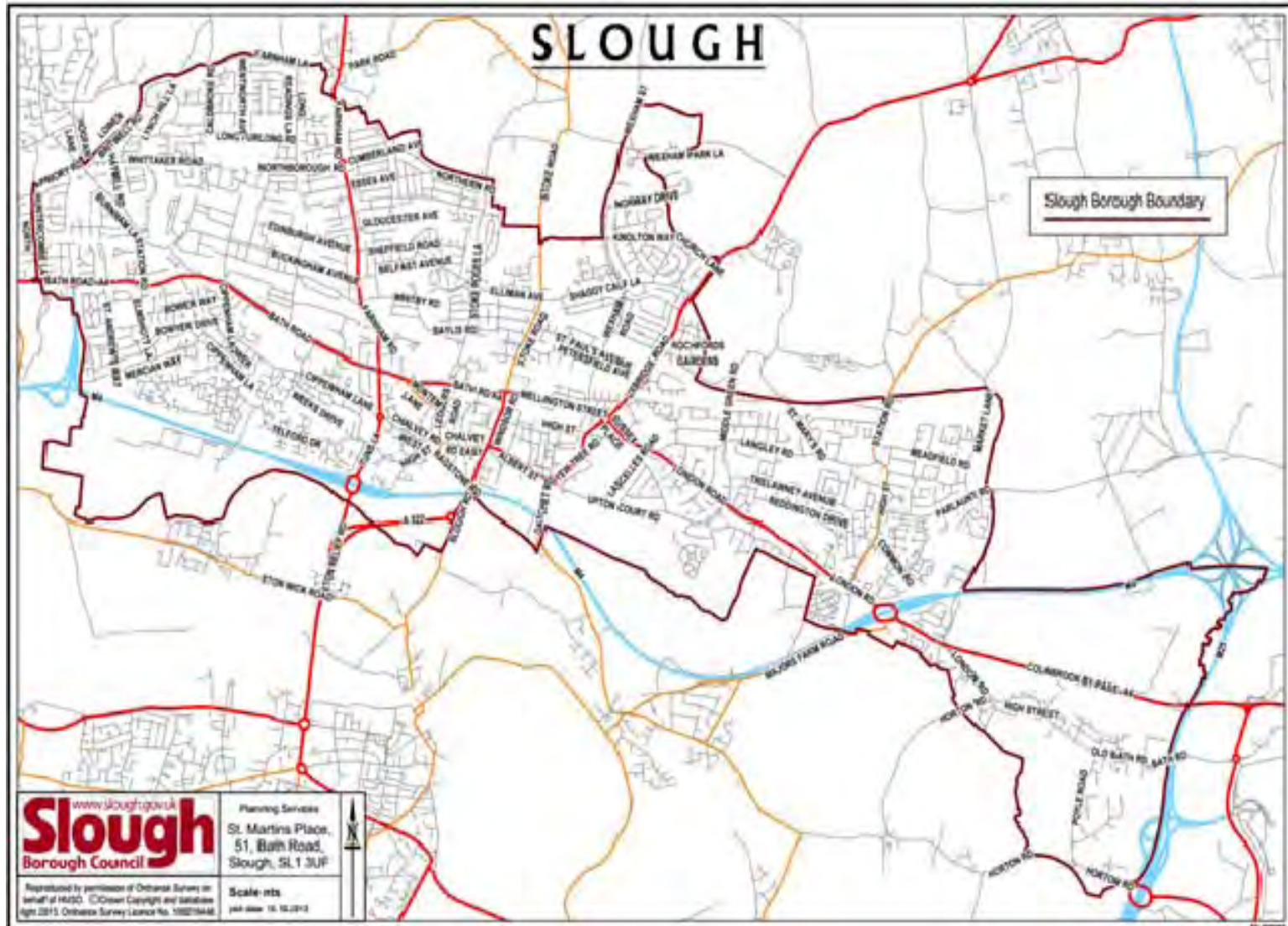
22.6 The licensing authority will keep a public register of Temporary Use Notices endorsed to ensure the limits are not being exceeded.

## **23. Occasional Use Notices**

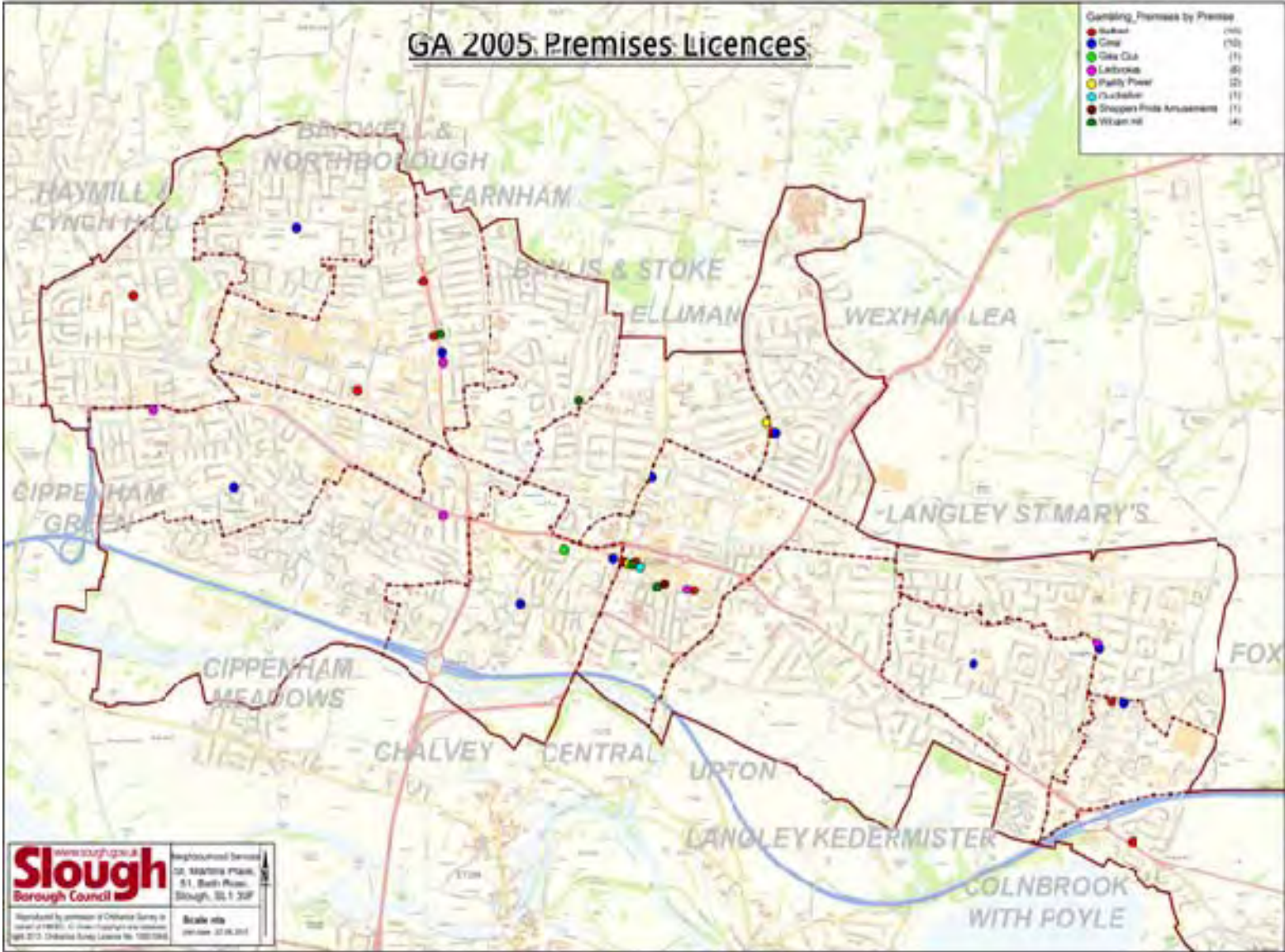
- 23.1 The licensing authority will accept applications of Occasional Use Notices subject to the criteria stated in the legislation and guidance. These notices are to be used for occasional betting activities on tracks.
- 23.2 Tracks are limited to a maximum 8 days of temporary activities per 12 month period, taken as per calendar year, and may be made up of several notices up to the maximum.
- 23.3 The licensing authority will keep a public register of Occasional use Notices endorsed to ensure the limits are not being exceeded.
- 23.4 The licensing authority will give notice of objection if having regard to the licensing objectives it considers that the gambling should not take place, or can only take place with modifications.



# APPENDIX A



# APPENDIX B



## APPENDIX C

### Summary of Licensing Authority Delegations Permitted under The Gambling Act 2005

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Approval of three year Statement of Principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for Premises Licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received and not withdrawn	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a Premises Licence		X	
Application for club gaming / club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn
Cancellation of club gaming / club machine permits		X	
Applications for other permits			X
Cancellation of licensed Premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to be temporary use notice		X	

'X' - Indicates the lowest level to which decisions can be delegated

## **APPENDIX D**

### **List of Consultees**

Chief Constable of Thames Valley Police  
Royal Berkshire Fire & Rescue Service  
Association of British Bookmakers  
Lotteries Council  
British Amusement Catering Trade Association  
British Casino Association  
Remote Gambling Association  
Bingo Association  
British Horseracing Board  
Advertising Association  
British Greyhound Racing Board  
Casino Operators Association  
Business in Sport & Leisure  
Department for Culture, Media and Sport  
Casino Advisory Panel  
National Lottery Commission  
Gamcare  
Help the Aged  
Thames Valley Chamber of Commerce  
British Beer and Pub Association  
BIIAB  
BACTA  
Heatherwood & Wexham Park Hospitals NHS Trust  
Slough Council for Voluntary Service  
Slough Primary Care Trust  
Thames Valley University, Slough Campus  
Slough Faith Partnership  
Slough Business Community Partnership  
Members of Outside Bodies on Borough Council Children's Trust Board  
All Premises in the Borough with Gaming Machines  
All Premises in the Borough with a Bookmakers Permit  
All Premises in the Borough with a Betting Office Licence  
Borough Council Education and Children's Services  
Borough Council Community Safety Team  
Local Faith groups and establishments  
People organisations working with people who are problem gamblers  
Public and mental health teams  
Citizens Advice Bureau  
Local businesses  
Responsible Authorities

*In addition, responses to the consultation were invited by press releases to local newspapers and radio stations.*

## Gambling Act Glossary - APPENDIX E

<b>Adult Gaming Centres</b>	Adult Gaming Centres (AGCs) are a new category of Premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence and must seek a Premises licence from the Licensing Authority. They will be able to make category B, C and D gaming machines available to their customers.
<b>Betting Premises</b>	The Act contains a single class of licence for betting Premises. Within this single class of licence there will be different types of Premises which require Licensing, such as off course betting, tracks and betting offices on tracks.
<b>Bingo</b>	<p>It is to have its ordinary and natural meaning - no definition is included in the Act.</p> <p>Two types of Bingo can be offered.</p> <p>Cash bingo - where the stakes paid made up the cash prizes that were won; or</p> <p>Prize bingo - where various forms of prizes are won and are not directly related to the stakes paid.</p>
<b>Casinos</b>	<p>A Casino is an arrangement whereby people are given an opportunity to participate in one or more Casino games.</p> <p>The Act defines Casino games as a game of chance which is not equal chance gaming.</p>
<b>Customer Lottery</b>	A lottery run by occupiers of a business for the benefit of the customers who buy tickets sold on the Premises (e.g. supermarket holding a hamper raffle).
<b>Exempt Lottery</b>	<p>Incidental non-commercial lotteries</p> <p>Private Lotteries</p> <p>Customer Lotteries</p> <p>Small Society Lotteries</p>
<b>Gambling Act 2005</b>	The Act gives effect to the Government's proposals for reform of the law on gambling. The Act contains a new regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and Spread Betting. It received royal assent on 7 April 2005.
<b>Gambling Commission</b>	Established 1 <sup>st</sup> October 2005. It has taken over from the Gaming Board for Great Britain relating to gaming and certain lotteries. It will take on its full range of Licensing functions in 2007.
<b>Gaming Machines</b>	Covers all machines on which people can gamble on. Category of machine and where they can be situated are contained in Appendix F.

<b>Incidental Non-Commercial Lottery</b>	Lottery that is run as an additional amusement at non-commercial events with tickets sold only during the event, such as a raffle at a dance or church fair.
<b>Licensed Family Entertainment Centre</b>	The Act creates two classes of family entertainment centres (FEC). Licensed FECs provide category C and D machines and require a Premises licence.
<b>Lotteries</b>	It is unlawful to run a lottery unless it is in accordance with an operating licence issued by the Gambling Commission or it is an exempt lottery.
<b>Occasional Use Notices</b>	Section 39 of the Act provides that where there is a betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full Premises licence.
<b>Off course betting</b>	Betting that takes place other than at a race track.
<b>Private Lottery</b>	Lottery that requires membership of a society, place of work or single residential unit (e.g. raffle at a student hall of residence).
<b>Small Society Lottery</b>	Non-commercial societies if it is established and conducted: <ul style="list-style-type: none"> <li>• For charitable purposes</li> <li>• For the purposes of enabling participating in, or of supporting, sport, athletics or a cultural activity; or</li> <li>• For any other non-commercial purpose other than private gain.</li> </ul>
<b>Temporary Unit Notices</b>	These 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 which might be suitable for temporary use notices would include hotels, conference centres and sporting venues.
<b>Track</b>	Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks both in the form of pool betting (often known as the “totalisator” or “tote”) and also general betting, often known as “fixed-odds” betting.
<b>Travelling Fairs</b>	A travelling fair is one that “wholly or principally” provides amusements and they must be on a site that had been used for fairs for no more than 27 days per calendar year.  No permit is required for gaming machines, but they must comply with age restrictions.
<b>Unlicensed Family Entertainment Centres</b>	Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

## APPENDIX F

### Summary of Machine Provisions by Premises -

Premised Type	Machine Category						
	A	B1	B2	B3	B4	C	D
<b>Large Casino</b> (machine / table ratio of 5-1 up to maximum)	None permitted	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
<b>Small Casino</b> (machine / table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
<b>Pre-2005 Act Casinos</b> (no machine / table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
<b>Betting Premises and tracks occupied by Pool Betting</b>			Maximum of 4 machines categories B2 to D (except B3A)				
<b>Bingo Premises 1</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises B3 or B4	No limit on category C or D machines		
<b>Adult Gaming Centre 2</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines		
<b>Family Entertainment centre with Premises Licence 3</b>						No limit on Category C or D machines	
<b>Family entertainment centre (with permit) 3</b>							No limit on Category D machines
<b>Prize Gaming Permit</b>							No gaming machines
<b>Club or miners welfare institute (with Permits) 4</b>					Maximum of 3 machines in categories B3A or B4 to D		
<b>Qualifying alcohol licensed Premises</b>						1 or 2 machines of category C or D automatic upon notification	
<b>Qualifying alcohol licensed Premises with gaming machine permit</b>						Number of machines C or D as specified on permit	
<b>Travelling Fair</b>							No limit on Category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

1. Bingo premises licence are entitled to make for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub category B£ and B\$ machines, but not B3A machines.

2. Adult gaming centres are entitled to make available for use number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B Machines at adult gaming centres are restricted to sub category B3 and B4 machines, but not B3A machines.

3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FED permit.

4. members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.



## APPENDIX G

### Summary of Gaming Machine Categories and Entitlements -

Category of Machine	Maximum Stake	Maximum Prize	Minimum Age
A	Unlimited - No category A gaming machines are currently permitted	Unlimited - No category A gaming machines are currently permitted	18
B1	£5	£10,000*	18
B2	£100	£500	18
B3A	£2	£500	18
B3	£2	£500	18
B4	£2	£400	18
C	£1	£100	18
D - non-money prize (other than crane grab machine or a coin pusher or penny falls machine)	30p	£8	None
D - non-money prize (crane grab machine)	£1	£50	None
D - money prize (other than coin pusher or penny falls machine)	10p	£5	None
D - Combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)	None
D - combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	None

\*With option of max £20,000 linked progressive jackpot on premises basis only.

## Summary of Gaming Entitlements for Clubs and Alcohol Licensed Premises - APPENDIX H

	<b>Members' club or MW institute with club gaming permit</b>	Clubs established to provide facilities for gaming of a prescribed kind (currently Bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<b>Poker</b> £1,000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Poker</b> £1,000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Poker</b> £100 per premises per day <b>Other gaming</b> £5 per person per game <b>Cribbage and Domino's</b> No limit
<b>Limits on prizes</b>	No limit	No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £100 per game <b>Other gaming</b> No limit
<b>Maximum participation on fees-per person per day</b>	<b>Bridge and/or Whist*</b> £20 <b>Other gaming</b> £3	£18 (without club gaming permit) £20 (with Club Gaming permit)	<b>Bridge and/or Whist*</b> £18 <b>Other gaming</b> £3 (commercial club) £1 (members' club)	<b>Bridge and/or Whist*</b> £18 <b>Other gaming</b> £1	None permitted
<b>Bankers or un equal chance gaming</b>	Pontoon <i>Chemin de Fer</i>	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence

\* On a day when no other facilities for gaming are provided

# **APPENDIX I**

## **GAMBLING ACT 2005**

### **Section 157 – GAMBLING ACT 2005**

#### **RESPONSIBLE AUTHORITIES and LOCAL NEWSPAPERS**

**1. THE LICENSING AUTHORITY**

**My Council,  
Landmark Place,  
High Street  
Slough  
SL1 1JL**

**Tel - 01753 875664**

**Fax- 01753 875221**

**[licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)**

**2. THE GAMBLING COMMISSION**

**Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP**

**[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)**

**3. THAMES VALLEY POLICE**

**Licensing  
HQ South  
165 Oxford Road  
Kidlington  
OX5 2NX**

**Tel - 01865 846584**

**4. ROYAL BERKSHIRE FIRE AND RESCUE SERVICES**

**Slough Community Fire Officer  
The Fire Station  
124 London Road  
Slough  
SL3 7HS**

**Tel - 01753 547997**

**Fax - 01753 547871**

**5. PLANNING AND DEVELOPMENT CONTROL SERVICES**

**Slough Borough Council  
St Martins Place  
51 Bath Road  
Slough  
SL1 3UF**

**6. NEIGHBOURHOOD ENFORCEMENT SERVICES**

**Slough Borough Council  
St Martins Place  
51 Bath Road  
Slough  
SL1 3UF**

**7. LOCAL SAFEGUARDING CHILDREN'S BOARD**

**Slough Borough Council  
St Martins Place  
51 Bath Road  
Slough  
SL1 3UF  
Tel - 01753 872901**

**8. HM REVENUE AND CUSTOMS**

**Portcullis House  
21 India Street  
Glasgow  
G2 4PZ**

**9. Assistant Director,  
Adult Social Care (For vulnerable persons)**

**Slough Borough Council  
St Martins Place  
51 Bath Road  
Slough  
SL1 3UF  
Tel - 01753 475111**

**LOCAL NEWSPAPERS CIRCULATING IN SLOUGH**

Applicants must advertise the applications (where applicable) in one of the following newspapers:

**Slough and Langley Observer  
Observer Group  
Upton Court**

**Datchet Road  
Slough  
SL3 7NR  
Tel – 01753 523355**

**Slough Express  
487 Ipswich Road  
Slough  
SL1 4EP  
Tel – 01753 825111**

Mick Sims  
The Licensing Team  
Consumer Protection and Business Compliance Services  
MyCouncil  
Landmark Place  
High Street  
Slough  
SL1 1JL

17<sup>th</sup> August 2015

**Ladbrokes consultation response – Local Council statement on Gambling Act Statement of Principles**

**Introduction**

Ladbrokes is one of the world's largest betting operators, employing around 13,000 across 2,200 shops in the UK. As a responsible business we are committed to providing our customers with a safe, fair and fun leisure experience, whilst helping the small number of individuals who suffer from gambling related harm.

Betting offices are also valuable contributors to the vitality and viability of high streets throughout the UK, employing local people, building relationships with local customers and supporting local good causes in the community:

- They are an established high street use.
- They generate footfall at least comparable to that of retail facilities.
- They generate linked trips so supporting the retail vitality and viability of town centres.
- In physical character terms they generate at least as lively an exterior aspect as retail facilities.
- They are compatible in scale with retail facilities.

We welcome the opportunity to respond to this consultation. As a highly regulated industry, we also devote significant resources to regulatory compliance and fully support both the principle and practice of better working partnerships between local betting operators and local authorities. In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.

We are therefore concerned that the guidance as currently drafted aims to alter the premises licence regime from that established in the Gambling Act and either intentionally or unintentionally increases the burdens on an already responsible business and prescribes additional conditions above and beyond what has been currently agreed by the independent regulator.

We hope that in responding to this consultation we can better support the implementation of an effective, consistent and clear local licensing regime which is mutually beneficial to operators and local authorities.

## **Local Partnerships**

We welcome the focus on partnership working and that is one of the reasons we are a leading signatory to the 'ABB-LGA Framework for local partnerships on betting shops' which was published in January this year. We also have Primary Authority agreements with Liverpool Council and Milton Keynes Council which has resulted in greater clarity and consistency of regulation at a local level. In contrast, we are concerned that this guidance as currently drafted would lead to variations and inconsistencies which prove burdensome and costly for a business that operates across a multi-site estate in numerous different local authorities.

## **Local area risk assessments**

From April 2016, under new Gambling Commission LCCP provisions, we are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. As a responsible business, we must take into account relevant matters identified in the licensing authority's statement of licensing policy in their risk assessment, and review our policies where there are significant local changes.

It is important that any changes or additional conditions are evidence based and as a result, deemed to have a real impact on the ability of betting operators to uphold any or all of the three licensing conditions. Such a list of factors, based on opinion rather than fact, and therefore open to interpretation in many different ways could result in an inconsistent licencing regime.

Operators already take certain factors into consideration to ensure compliance with the licensing objectives, both in relation to new applications and existing licensed premises, and therefore it should be, as it is now, a matter for the local operator to decide how this is determined and what should be included. This being the case, only local risks that are evidence based, would be included in the risk assessment. We would therefore caution against the inclusion of certain named categories which operators are prescribed to take into account by the local authority, including educational establishments and general levels of crime.

It is important to note that betting shops are often the victims of crime rather than a source of crime (burglaries, robberies etc). However, as a responsible business we would consider the existing levels of gambling and betting related crimes as well as the measures we can take to mitigate this risk before applying for a local licence. It is unclear and we would expect that other general levels of crime would not affect a licencing application.

Instead, each case should be considered on its own merits and therefore we would caution against general statements that gambling premises should automatically face a higher burden of proof in these areas. Without any clear requirements in the revised licencing policy statements that additional licence conditions should be accompanied by robust evidence, this process could lead to unintended consequences and local shop closures and job losses.

## **Existing responsible practices**

Ladbrokes shops already operate strict age restrictions and we do not promote betting or gambling in our shop windows attractive to young children or vulnerable adults.

We accept the importance of the premises design to mitigate risk, which is one of the reasons we install CCTV cameras in specific places to monitor activity (for example at the entrance and exit of the shop) and it is our policy, unless physically impossible, to locate machines in line of sight of our

cashiers. Where this is not possible, we implement alternative measures to ensure that shop team are in a position to monitor the activity in the machines area of the shop.

Security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues. Similarly, we do not accept the premise that the proximity of young people to betting shops should be regarded as an additional risk. We have strict policies and procedures in place to ensure that only those who are eligible to bet can do so. We have also invested in colleague training for the Challenge 21 policy, whereby any new customer who does not look old enough to bet is asked to provide identification. If official age verification is not provided, the customer will be asked to leave the premises. Ladbrokes also has a Primary Authority Partnership for age-restricted products.

Our policies regarding compliance with the licensing objectives are supported by thorough staff induction training programmes followed by annual refresher training in the higher risk areas such as the prevention of underage gambling (Think 21) and tested through internal audit processes and, in the case of Think 21, test purchasing conducted by a third party service provider and the fact that those results are and other associated information is shared with the Gambling Commission.

**Who should be an interested party?**

There is a clear, existing process in place for interested parties or responsible authorities to make representations and we would therefore caution against statements of theoretical risk without any evidence to support the argument.

**For further information please contact:**

Grainne Hurst  
Corporate Affairs Director, Ladbrokes  
[grainne.hurst@ladbrokes.co.uk](mailto:grainne.hurst@ladbrokes.co.uk)



## APPENDIX C

Dear Sirs,

On behalf of Luxury Leisure, I make the following comments in response to the above consultation:-

1. Paragraph 2.5 contains reference to the revised Code of Practice issued to Licensing Authorities in March 2015. We assume this is a reference to the Gambling Commission's Guidance to Licensing Authorities, Version 5. In fact, the March document was a consultation and neither the response to that consultation nor the Revised GLA has yet been issued. As such, to the extent that your draft Consultation document is based on the draft GLA, we suggest it is premature.
2. It is proposed at Paragraph 9.5 that applicants are to take into account the density of different types of gambling premises in certain locations and specific types of gambling premises in certain locations. With respect, this cannot be correct. Under section 153 (2) of the Gambling Act 2005 (and as appreciated at paragraph 9.23 of the Draft), issues of expected demand in relation to premises, are not relevant to an application for a premises licence. The density of gambling premises is simply not a matter for the gambling licensing regime. Accordingly, the final 2 bullet points in paragraph 9.5 should, with respect, be removed.
3. Paragraph 9.32 of the Draft states that a condition requiring a suitable number of door supervisors at the premises could be appropriate in particular circumstances. However, as the Draft notes, each application must be dealt with on its individual merits. By proposing one possible condition in the Draft, it might suggest that the Authority has pre-determined a particular class of application, or the applicability of conditions. This of course would be inappropriate and we suggest the removal of the final sentence of 9.32.
4. It is legal for children to play Category D machines on appropriately licensed premises. Accordingly, we suggest the insertion of "where such gambling would be illegal" in the penultimate line of 9.36 of the Draft, after the words "...preventing them from taking part in gambling"
5. At paragraph 10.1, the Draft proposes to state that the authority will have regard to the licensing objectives when granting an AGC premises licence. This is repeated for FECs (11.1) but mysteriously not for Bingo premises or Betting premises. This oversight should be corrected as the same principle applies to all such venues. Similarly the Draft sets out potentially "...appropriate measures/licence conditions..." for AGCs and again for FECs, but not for Bingo premises (which allow access to children) or Betting premises. This is a serious anomaly and suggests a higher standard is to be imposed on the AGCs and FECs, which cannot be correct and we suggest that it be rectified.

**I trust that you will find the above useful.**

**Yours sincerely,**

**Elizabeth Speed**

**Group General Counsel**

**Novomatic UK**

**For Luxury Leisure**

Mick Sims  
Licensing Manager  
Slough Borough Council  
St Martins Place  
51 Bath Road  
Slough  
SL1 3UF

4<sup>th</sup> September 2015

Dear Mr Sims

**Consultation on Slough Borough Council's Statement of Principles – Gambling Act 2005**

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are broadly supportive of the document; it again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion and are pleased to see this detail included within the document. Within Section 9 (page 12) it identifies a range of premises which by their inclusion, may suggest that applications near to such locations could be deemed high risk. Notably; schools, sixth form colleges & youth centres.

Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.

- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.



**Coral Racing Limited**

One Stratford Place, Montfichet Road, London E20 1EJ

Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT

Registered in England No. 541600

Tel: 020 3288 7000 Fax: 0203288 7050



1800+ shops



mobile



coral.co.uk



0800 242 232



a company

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours sincerely,

John Liddle  
Director of Development – Coral Retail

**Power Leisure Bookmakers Limited response to Slough Borough Council's Consultation on its draft Statement of Gambling Principles**

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, which were introduced by the Gambling Commission earlier this year.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. Where local risks are to be addressed, an evidenced based approach should be taken.

Unnecessary burdens would include those which duplicate existing regulation. Licensing Authorities must therefore avoid approaches to regulation in their policy statements which mirror those already imposed by the Gambling Commission.

**General Policy Commentary**

Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can

request additional information in support of an application to assist with the determination in consideration of the above criteria. The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.

### **Location and local area risk assessment**

Under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. To ensure that better regulation principles are followed, operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas must only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Identification of theoretical risk factors such as area demographics, proximity to certain premises, ethnicity and deprivation should only be included where local evidence is available, which quantifies the ascertainable risk to be mitigated. Any proposed measures to address risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators. We believe the draft policy must be amended to follow these principles, as the suggested draft does not adhere to better regulation.

Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns. It may not be proportional for applicants or existing licence holders to actively engage in investigations for unique localised risk factors where problems which may be associated with gambling premises are not realised. Operators are under existing obligations to regularly review their policies and procedures incorporating risk assessment at a local premises level and, as such, it may not be appropriate for the Authority to prescribe the nature of such assessment as internal processes should already be responsive to evidence of changes in local operational risk profiles.

The Authority must consider the extensive policies, already implemented by operators, in accordance with the Gambling Commission's LCCP. Without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis of standardised procedures within new applications will not be proportionate or necessary, as this would duplicate

the requirements under operating licence provisions. For example, whilst obligations with regard to advertising practice, self-exclusion, age verification, training and the provision of appropriate information are not conditions under sections 167 and 168 of the Gambling Act 2005, they are imposed as code provisions under the Licensing Conditions and Codes of Practice.

The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. The policy also states that consideration will be given to the location of proposed premises in particularly sensitive locations along with those areas with known high levels of crime and disorder (section 9). In order to fully address any potential concerns, all risk profiles must be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission's LCCP, do not pose a gambling related risk to children and young people and additional measures, controls or conditions considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any additional proposed measures to mitigate those risks will only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation.

When considering crime and disorder, although the policy identifies that there is a clear distinction between disorder and nuisance, the Authority must consider that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority must consider the prevalence of illegal gambling and ensure that any policies or controls proposed to address crime are proportionate to the existing operational procedures implemented and that they will effectively address any concerns identified.

Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises (section 9.25), thorough details should be provided for consultation with stakeholders at that time. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.

Any finalised policy must not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific

risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

### **Primary Authority**

Power Leisure Bookmakers Limited has established Primary Authority Partnerships with Reading Council. The primary authorities worked with each other and the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.

### **Conditions**

Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.

### **Conclusion**

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives.



## **'C'- GAMBLING ACT 2005: REVIEW OF 'NO CASINO' POLICY.**

### **1. Recommendation/Proposed Action**

That Council be recommended to pass a new resolution for a 'No Casino' policy.

### **2. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

A 3 yearly review and consultation of the 'No Casino Policy' has been conducted and consulted upon.

### **3a. Slough Joint Wellbeing Strategy Priorities –**

The Licensing Authority is responsible for administering all functions under the 2005 Act. If a resolution is made to renew the 'No casino' policy, this would contribute to the following wellbeing priorities:

Priorities:

- Health (gambling addiction)
- Safer Communities

Cross-Cutting themes:

The report highlights the need to review the 'No Casino Policy.

Therefore the review will contribute to the cross cutting theme of **Improving the image of the town.**

### **3b. Five Year Plan Outcomes**

The report outlines the requirement to conduct the review of the current policy under the 2005 Act. In doing so, this contributes toward the Five Year Plan with the specific outcome of:

- All people who live and work in Slough feel safe.

### **4. Other Implications**

#### **a) Financial**

There are no financial implications of the proposed action.

#### **b) Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
For the report to be noted	It is a matter for the Council as a whole as to whether the 'No casino' policy should be renewed taking into account the responses to the public consultation.	The review and consultation are a 3 yearly statutory requirement.

(c) Human Rights Act and Other Legal Implications

There are no direct Human Rights Act or other implications.

(d) Equalities Impact Assessment

The Equality Impact Assessment has been reviewed following the formal Consultations and the conclusions are that there are no adverse or negative impacts on equality for one particular group or any other.

**5. Supporting Information**

- 5.1 A major reform of gambling laws was introduced by way of the Gambling Act 2005. Amongst a range of other changes, The Act introduced 3 new types of casino that could operate. The number of each type of casino was set by central government. The Act allowed the establishment of more casinos than were allowed under the previous legislation (Gaming Act 1968), with the introduction of eight large and eight small casino's in 'permitted areas'. There was also a proposal for a super casino, however the Government subsequently decided not to proceed with this.
- 5.2 Section 166 of the Gambling Act 2005 provides that a licensing authority may resolve not to issue a Casino Premises Licence. The decision must be taken by the authority as a whole and cannot be delegated to the Licensing Committee. In passing such a resolution, the authority may take into account any principles or matters, and not just the licensing objectives. Where a resolution is passed, it must be published by the authority in its three year Statement of Policy and Principles.
- 5.3 The resolution must apply to casino premises generally. The authority cannot limit its effect to geographical areas or categories of casinos. The resolution must specify the date it comes into effect. The authority may revoke the resolution by passing a counter-resolution. The resolution will however lapse after 3 years, when if it wished to do so, the authority would be required to pass another resolution to keep the policy in place.
- 5.4 A resolution, if passed, would mean that no application for a Casino Premises Licence would be considered. Any application received would be returned with a notification that a "No-Casino" resolution was in place.
- 5.5 The Council adopted a "No Casino" policy in July 2006. The policy has to be reviewed after 3 years. The policy was fully reviewed in 2012 and has now been reviewed further.
- 5.6 A public consultation was conducted between 3<sup>rd</sup> August and 4<sup>th</sup> September 2015 to find out whether the people of Slough want a further resolution to be passed for a 'No Casino' policy. The consultation included writing to residents associations, all Elected Members of the Council, a press release and a full public survey on the Council's website.
- 5.7 A total of 10 responses were received to the consultation, which are detailed at **Appendix A**, with the consensus being that a further '**No Casino**' resolution should be passed.
- 5.8 In considering whether to recommend a further resolution of a 'No Casino' policy

to Full Council, the Committee may wish to consider the following.

- 5.9 In 2012/2013 Parliament considered proposals put forward by 'South East England Council's Partnership', the National Casino Industry Forum and others to increase the portability of existing casino licenses granted under grandfather rights as an existing licence granted prior to the implementation of the Gambling Act 2005. It has now been confirmed that the proposals were considered by Parliament and a decision was made that there would be no relaxation in the portability of those existing licenses or any new licenses.
- 5.10 As previously mentioned, with the introduction of the 2005 Act, the Government introduced eight new large casinos and eight new small casinos. As a result 16 local authorities applied to be selected to be able to grant the new licenses. Not all licenses have been applied for or granted and it has been confirmed that the Government will not be reviewing the current position.

## **6. Conclusion**

At its meeting on 30<sup>th</sup> September, 2015, the Licensing considered the report and resolved to recommend that Full Council pass a resolution for a further No Casino policy.

## **7. Appendices**

Appendix A – Responses to the consultation

## **8. Background Papers**

The current Gambling Act 2005 Slough Statement of Principles (2012).

'No Casino Policy' (2012)

Gambling Commission Guidance to Local Authorities (September 2012)

## APPENDIX A

Response / Comment	
I am content with the current policy.	SBC Elected member – Email Response
Please keep the No casino policy continue as before.	Local Resident – Email response
<p>I understand that you have to review the casino policy every three years. But I hope it won't take long to say no, no, no to a casino.</p> <p>Clearly, as you set out on your website, there is a distinct danger to vulnerable people and families and there are concerns that it will encourage criminal activity. These fears are not to be underestimated.</p> <p>Also, religious beliefs must be considered in this town of many faiths. What kind of madness is it that makes anyone, except those with vested interests, think it might be a good idea to have a casino? If such an establishment adds to the town's income, it is income we don't want.</p> <p>It is tainted money. Casinos are meretricious and tawdry. They are operated by shady characters whose raison d'etre is pure greed. These people don't give any thought to the harm they will cause. They may offer all manner of blandishments and promise any safeguards you seek, while sniggering behind their hands. Those safeguards will quickly evaporate a few months down the line.</p> <p>On top of that, Slough has enough trouble with its reputation without having people laugh at us because our council has been stupid enough to be gulled into accepting a casino. Surely Slough's councillors aren't that daft.</p> <p>No, we don't want a casino. Full stop.</p>	Local Resident – Email response
I am in favour of as existing policy and continuation of No Casino policy.	SBC Elected member – Email response
I think personally this should be bottom of the councils list and more focus should be placed on getting decent shops back on to the high street it's a	Local Resident – Response on Streetlife

<p>pound land, carpet selling, 99p,store jamboree at the moment and giving the street a good power wash would t go a miss either</p>	
<p>I don't think casinos should be allowed. Will read and comment</p>	<p>Local Resident – Response on Streetlife</p>
<p>I do agree with Kris S. The council need to start prioritising what is important in Slough. For example cleaning and improving our high street, finishing the bus station and getting on top of fly tipping. In my opinion the creation of a casino will do nothing to tackle these issues, only add fuel to the fire of gambling, crime and unemployment.</p>	<p>Local Resident – Response on Streetlife</p>
<p>Personally I don't agree with gambling as that causes lots of problems in society. However to regenerate Slough and bring more business maybe if a 5* hotel was granted a licence for a casino? Where business/affluent people stay and can spend their disposable income this may attract businesses to the area and maybe more exclusive shops and better restaurants may then come to slough town?</p>	<p>Local Resident – Response on Streetlife</p>
<p>Allowing licences for casinos would not limit it to a 5* hotel and it would be terrible for Slough. We need to work to make Slough a safer cleaner and desirable place to live allowing casinos will do the opposite</p>	<p>Local Resident – Response on Streetlife</p>
<p>Agree with Slough Council that the status quo should be maintained for the reasons outlined. I don't think a casino would make a significant difference to much-needed employment in this area. (Check the number of croupiers who are registered at the Jobcentre</p>	<p>Local Resident – Response on Streetlife</p>
<p>I doubt anyone would want to open a casino in Slough. But just in case someone with a little spare cash can see a potential investment opportunity I would urge the council not to reverse its policy. Casinos enrich casino owners only - everyone else gets fleeced,</p>	<p>Local Resident – Response on Streetlife</p>

including their employees. Anyone who can make money at a casino soon finds himself banned. Any benefit to the town would be hard to justify on moral grounds when gambling takes such a toll on those who can least afford it - and especially their families. We accept the ban on smoking in public places, despite the impact that has had on pubs, because of the greater good to the nation's health. So it would be hypocritical to tolerate gambling because of some perceived financial gain for Slough. Plus the town has a bad enough name as it is. I can't see that a casino is going to enhance its reputation. Most important of all, I never win anything.

## **'D'- HOME OFFICE MODEL STREET COLLECTION REGULATIONS**

### 1. **Recommendation(s)**

Council is recommended to resolve that the Home Office Model Street Collection Regulations be re-adopted.

### 2. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The Council does not currently have in place specific policies for Street Collections or House Collections. The Licensing Team has recently reviewed the current processes and procedures, which has resulted in new draft policies being prepared for both types of collections. As a matter of transparency with the new draft policies being prepared a recommendation is being made for the Home Officer Model Street Collection Regulation (previously adopted in June 1974) to be re-adopted.

### 3a. **Slough Joint Wellbeing Strategy Priorities –**

A recommendation is being made to re-adopt the Home Office Model Street Collection Regulations in light of new specific policies for Street Collections and House to House Collections.

The new draft policies have been prepared with the essence being that proceeds (other than holders of Home Office Exemption Orders) will be used for the benefit of Slough's community.

To emphasise the fact that all collections are to be made correctly and legally and in line with the new draft policies it is recommended that the Home Office Model Street Collection Regulations are to be re-adopted.

The recommendations within the report will contribute the the following wellbeing themes.

- Economy and Skills
- Safer Communities

#### **Cross-Cutting themes:**

Approving the recommendations will promote the benefits of living and working in Slough and will contribute to the cross cutting theme of **Improving the image of the town.**

### 3b. **Five Year Plan Outcomes**

The report outlines fully the reason for the recommendation to ensure that all charitable collection are conducted legally ensuring that there is no risk to the public which will therefore contribute to the Five Year Plan with the specific outcome of:

- Slough will be one of the safest places in the Thames Valley

#### 4. **Other Implications**

##### a) Financial

There are no financial implications involved in the recommendation

#### Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
As detailed in Point 2.	None	With new Street Collection and House to House Collection polices being prepared it is essential that the Council operates in a transparent fashion and the re-adoption of the regulations will emphasise this.

##### b) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

##### c) Equalities Impact Assessment

An initial EIA has been completed which indicates that in approving the recommendation there are no negatives or adverse impacts on any equality group.

#### 5. **Supporting Information**

5.1 The Council does not currently have in place specific policy documents in relation to ‘Street Collections’ and House to House Collections and currently deal with such applications using Slough Borough Council (SBC) House to House Model Guidance for Public Charitable Collections, House to House Regulations, SBC Street Collections Guidance and the SBC Model Street Collection Regulations.

5.2 In light of this the Licensing team have recently conducted a review of the processes and procedures for ‘Street Collections’ and ‘House to House Collections’ and in doing so have prepared new draft policies for both types of collections to include those documents referred to in (5.1 above) which will be formally put before the Committee and consulted upon in due course.



- 5.3 In order that all Charitable Collections were conducted legally and correctly, on 4<sup>th</sup> June 1974 the Borough of Slough formally adopted the Home Office Street Collection Regulations as contained within The Charitable Collections (Transitional Provisions) Order 1974. A copy of the 1974 Order and Model Conditions are attached at **Appendix A**.
- 5.4 As the Borough of Slough originally adopted the Home Office Model Street Collection Regulations in 1974, that new draft policies have been prepared and of a matter of transparency for the new policies to be approved and consulted upon, the Committee are asked to resolve to recommend to Full Council to re-adopt the regulations.
- 5.5 Once a resolution has been passed by Full Council, the procedure to re-adopt the regulations will be in accordance with Section 5 of the Police, Factories, & C. (Miscellaneous provisions) Act 1916. A copy of the 1916 Act is attached at **Appendix B**.

## **6. Comments of Other Committees**

At its meeting on 30<sup>th</sup> September, 2015, the Licensing Committee resolved:

- (a) That the re-adoption of the Home Office Model Street Collection Regulations be endorsed.
- (b) That Council be recommended to re-adopt the Home Office Model Street Collection Regulations.

## **7. Conclusion**

The Committee is therefore requested approve the recommendations of the report.

## **8. Appendices Attached**

- 'A' - Copy of 'The Charitable Collections (Transitional Provisions) Order 1974' and 'Model Street Collection Regulations'.
- 'B' - Copy of the Police, Factories & C. (Miscellaneous Provisions) Act 1916

## **9. Background Papers**

None

**1974 No. 140**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Charitable Collections (Transitional Provisions) Order 1974**

<i>Made - - - -</i>	30th January 1974
<i>Laid before Parliament</i>	7th February 1974
<i>Coming into Operation</i>	15th February 1974

In exercise of the powers conferred upon me by section 254 of the Local Government Act 1972(a), I hereby make the following Order:—

**1.—**(1) This Order may be cited as the Charitable Collections (Transitional Provisions) Order 1974 and shall come into operation on 15th February 1974.

(2) This Order shall not apply to the Metropolitan Police District or the City of London.

**2.—**(1) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In this Order, unless the context otherwise requires—

“area” means the area of a licensing authority;

“chief promoter” without more, means a person to whom a licence has been granted or the person, society, committee or other body of persons responsible for a street collection, as the case may be;

“collection” without more, includes both a street collection and a collection within the meaning of the 1939 Act;

“existing” means—

(a) in relation to an area or a licensing authority, an area or a licensing authority that is in existence on the date of coming into operation of this Order;

(b) in relation to regulations, regulations made by an existing licensing authority or the House to House Collections Regulations 1947(c), as amended(d), as the case may be;

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(a) 1972 c. 70.

(b) 1889 c. 63.

(c) S.R. & O. 1947/2662 (Rev. III, p. 679: 1947, p. 1022).

(d) The relevant amending instrument is S.I. 1963/684 (1963 I, p. 848).

(c) in relation to licences and permits, licences and permits in force at any time between the date of coming into operation of this Order and 1st April 1974;

“licensing authority” means the authority having power to make regulations under the 1916 Act or to grant licences under the 1939 Act, as the case may be;

“licence” means a licence granted under section 2 of the 1939 Act;

“new” means—

(a) in relation to an area or a licensing authority, a district or the council of a district within the meaning of the 1972 Act;

(b) in relation to licences and permits, licences and permits coming into operation not earlier than 1st April 1974;

“the 1916 Act” means the Police, Factories, etc. (Miscellaneous Provisions) Act 1916(a);

“the 1939 Act” means the House to House Collections Act 1939(b);

“the 1972 Act” means the Local Government Act 1972(c);

“permit” means a permit granted under street collection regulations;

“regulations”, without more, means regulations made under section 5 of the 1916 Act or section 4 of the 1939 Act, as the case may be;

“street collection” means a collection or sale to which street collection regulations apply;

“street collection regulations” means regulations made or deemed, by virtue of Article 5 below, to have been made under section 5 of the 1916 Act.

3. (a) Existing street collection regulations, and  
 (b) existing permits, and  
 (c) notwithstanding anything contained in section 2(2) of the 1939 Act, existing licences,

shall cease to have effect or expire, as the case may be, immediately before 1st April 1974, if then still in force.

4. Street collection regulations made by a new licensing authority shall come into operation—

(a) for the purpose of granting new permits under Article 6 below, on the date on which they are confirmed by the Secretary of State;

(b) for all other purposes on 1st April 1974 or one month after the date on which they are so confirmed whichever is the later.

5.—(1) Notwithstanding anything contained in section 5 of the 1916 Act, a new licensing authority may, by a resolution passed and taking effect before 1st October 1974, adopt the model street collection regulations set out in the Schedule to this Order and the model street collection regulations so adopted

(a) 1916 c. 31.

(b) 1939 c. 44.

(c) 1972 c. 70.

shall be deemed to be street collection regulations made under section 5 of the 1916 Act.

(2) A resolution passed under this Article shall not take effect unless—

- (a) a copy of the resolution has been lodged with, and receipt of such copy has been acknowledged by, the Secretary of State; and
- (b) there has been inserted in two newspapers circulating within the area of the new licensing authority by whom the resolution has been passed an advertisement containing a copy of the resolution and stating that a copy of the regulations will be furnished free of charge by the new licensing authority to any person on application to that authority.

(3) A resolution passed under this Article shall, for the purpose of granting new permits under Article 6 below, take effect as soon as the requirements of paragraph (2) above have been complied with but for all other purposes shall take effect on a date to be specified in the resolution being a date not earlier than 1st April 1974 or one month after the date of the resolution being passed, whichever is the later.

(4) Street collection regulations adopted under this Article shall not require confirmation by the Secretary of State.

6.—(1) Any new licence or new permit granted before 1st April 1974 shall be granted—

- (a) by the existing licensing authority specified in paragraph (2) below, and
- (b) in respect of the whole of a new area.

(2) A new licence or new permit granted under paragraph (1) above shall be granted by the existing licensing authority whose area includes the whole or the greatest part of the new area in respect of which such licence or permit is granted except where the committee of existing councils nominate another existing licensing authority for the purpose.

(3) New permits granted under this Article shall, without prejudice to any power of revocation, expire on a date not later than 31st March 1975.

(4) In this Article “committee of existing councils” means the committee established under section 264(1)(b) of the 1972 Act by the councils of existing county boroughs and county districts.

7.—(1) Where, in an existing area, a collection in respect of which an existing licence or permit has been granted is made and a statement or account of that collection is required to be furnished to the existing licensing authority by existing regulations, but no such statement or account has been furnished before 1st April 1974, it shall be the duty of the chief promoter, on or before 30th April 1974, to furnish such statement or account to the clearing authority.

(2) The clearing authority may extend the period within which a statement or account is required to be furnished to it under paragraph (1) above if satisfied that there are special reasons for so doing.

(3) In this Article "the clearing authority" means such new licensing authority as is nominated by the existing licensing authority and different new licensing authorities may be nominated for the purpose of receiving different statements or accounts:

Provided that no new licensing authority shall be nominated without its consent previously obtained.

8. The chief promoter of a street collection in respect of which an account is required to be furnished under Article 7 above shall also, on or after 1st April 1974 and before 30th April 1974 publish in such newspaper or newspapers as the authority to which the account is furnished may direct a statement showing the name of the chief promoter, the name of the charity or fund which is to benefit, and the date, amount and expenses of the collection.

*Robert Carr,*

One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.  
30th January, 1974.

# APPENDIX A

S.I. 1974/140

453

## SCHEDULE

### MODEL STREET COLLECTION REGULATIONS;

1. In these Regulations, unless the context otherwise requires—

“collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly;

“promoter” means a person who causes others to act as collectors;

“the licensing authority” means(† )

“permit” means a permit for a collection;

“contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

“collecting box” means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within (\* ) unless a promoter shall have obtained from the licensing authority a permit.

3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection:

Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.

4. No collection shall be made except upon the day and between the hours stated in the permit.

5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

6.—(1) No person may assist or take part in any collection without the written authority of a promoter.

(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.

7. No collection shall be made in any part of the carriage way of any street which has a footway:

Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriage way where such collection has been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.

9. No collector shall importune any person to the annoyance of such person.

---

† Insert the name of the licensing authority granting the permit.

\* Insert the name of the new licensing area.

10. While collecting—

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres:

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.

12.—(1) Every collector shall carry a collecting box.

(2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.

(3) All money received by a collector from contributors shall immediately be placed in a collecting box.

(4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.

14.—(1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.

(2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.

(3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.

15.—(1) No payment shall be made to any collector.

(2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.

16.—(1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority—

- (a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant;
- (b) a list of the collectors;
- (c) a list of the amounts contained in each collecting box;

and shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1) (a) above,

publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection the amount collected, and the amount of the expenses and payments incurred in connection with such collection.

(3) The licensing authority may, if satisfied there are special reasons for so doing extend the period of one month referred to in paragraph (1) above.

(4) For the purposes of this Regulation "a qualified accountant" means a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland;

the Association of Certified Accountants;

the Institute of Chartered Accountants in Ireland.

17. These regulations shall not apply—

(a) in respect of a collection taken at a meeting in the open air; or

(b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding two pounds or in the case of a second or subsequent offence not exceeding five pounds.



## SCHEDULE

## FORM OF STATEMENT

Name of the person to whom the permit was granted.....

Address of the person to whom the permit was  
granted.....

Name of the charity or fund which is to benefit.....

Date of Collection.....

Show nil entries

Proceeds of Collection	Amount	Total	Expenses and Application of Proceeds	Amount	Total
From collecting boxes			Printing & Stationery		
			Postage		
			Advertising		
Interest on proceeds			Collecting Boxes		
			Badges		
Other items:—			Emblems		
.....			Other items:—		
.....			.....		
			Payments approved under Regulation 15(2)		
			Disposal of Balance (insert particulars)		
<b>TOTAL</b>	£		<b>TOTAL</b>	£	

## Certificate of the person to whom the permit was granted

I certify that to the best of my knowledge and belief the above is a true account of the proceeds, expenses and application of the proceeds of the collection.

Date..... (Signed).....

## Certificate of Accountant

I certify that I have obtained all the information and explanations required by me and that the above is in my opinion a true account of the proceeds, expenses and application of the proceeds of the collection.

Date..... (Signed).....

Qualifications.....

---

**EXPLANATORY NOTE**

*(This note is not part of the Order.)*

At present, the functions of making regulations for the control of street collections under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916, granting permits under such regulations and granting licences for house to house collections under section 2 of the House to House Collections Act 1939 are vested in various existing police and local authorities. On 1st April 1974 these functions will be transferred to district councils (the position in the Metropolitan Police District and the City of London is not affected).

This Order makes transitional provision for the exercise of these functions. Article 5 authorises a district council to adopt the model street collection regulations set out in the Schedule to the Order by resolution without the need for the regulations to be confirmed by the Secretary of State.

By virtue of Articles 4 and 5 street collection regulations may come into operation before 1st April 1974 to enable permits for street collections to be granted before that date in respect of collections taking place on or after that date. Article 6 provides that permits for such collections and licences for house to house collections which are granted before 1st April 1974 are to be granted by the existing authorities. Where existing street collection regulations or the House to House Collections Regulations 1947 require a statement or account of a collection to be furnished to an existing authority but no such statement or account is furnished before 1st April 1974 in respect of a collection taking place before that date, Article 7 requires such statement or account to be furnished to a new district council.

## APPENDIX B

# Police, Factories, & C. (Miscellaneous Provisions) Act 1916

1916 (6 and 7 Geo. 5 C. 31)

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An Act to amend the Enactments relating to the Police and certain other Enactments with the administration of which the Secretary of State for the Home Department is concerned.

[3rd August 1916]

### Amendments Pending

Preamble: repealed by Charities Act 1992 c. 41 Sch. 7 para. 1 (date to be appointed: commencement order)

### Extent

Preamble: United Kingdom

## PART I

### POLICE

 Repealed

1. [...]†

#### Notes

† Repealed by Police (Pensions) Act 1918 (c. 51), s. 3

 Repealed

2. [...]†

#### Notes

† Repealed by Statute Law Revision Act 1927 (c. 42)

 Repealed

### 3. [...] <sup>1</sup>

#### Notes


<sup>1</sup> Repealed by Statute Law (Repeals) Act 1973 (c. 39), Sch. 1 Pt. XIII


 Repealed

### 4. [...] <sup>1</sup>

#### Notes

<sup>1</sup> Repealed by Local Government Act 1929 (c. 17), Sch. 12 Pt. VI

 Law In Force

 Amendment(s) Pending

## 5.— Regulations of street collections.

(1) [Each of the authorities specified in subsection (1A) below] <sup>1</sup> may make regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place, within [their] <sup>2</sup> area, to collect money or sell articles for the benefit of charitable or other purposes, and any person who acts in contravention of any such regulation shall be liable on summary conviction to a fine not exceeding [level 1 on the standard scale] <sup>3</sup>:

Provided that—

- (a) regulations made under this section shall not come into operation until they have been confirmed by the Secretary of State [or the Minister for the Cabinet Office] <sup>4</sup>, and published for such time and in such manner as the Secretary of State [or the Minister for the Cabinet Office] <sup>4</sup> may direct; and
- (b) regulations made under this section shall not apply to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade, and for the purposes of earning a livelihood, and no representation is made by or on behalf of the seller that any part of the proceeds of sale will be devoted to any charitable purpose.

[(1A) The authorities referred to in subsection (1) above are—

- (a) the Common Council of the City of London.
- [(b) the Mayor's Office for Policing and Crime, and] <sup>6</sup>
- (c) the council of each district;

but any regulations made by a district council under that subsection shall not have effect with respect to any street or public place which is within the Metropolitan Police District as well as within the district.

[ <sup>5</sup>

(2) This section, except subsection (3) thereof, shall apply to Ireland with the following modifications:—

- (a) references to the Secretary of State | or the Minister for the Cabinet Office |<sup>4</sup> shall be construed as references to the Lord Lieutenant; and
- (b) references to | the Mayor's Office for Policing and Crime |<sup>7</sup> shall [...] |<sup>8</sup> be construed as references to the Inspector General of the Royal Irish Constabulary.

(3) [...] |<sup>9</sup>

(4) In this section—

the expression “street” includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.

#### Notes

- <sup>1</sup> Words substituted by Local Governments Act 1972 (c. 70), Sch. 29 para. 22
- <sup>2</sup> Word substituted by Local Government Act 1972 (c. 70), Sch. 29 para. 22
- <sup>3</sup> Words substituted by Criminal Justice Act 1982 (c. 48), ss. 35 and 46 subject to transitional provisions specified in s. 47
- <sup>4</sup> Words inserted by Transfer of Functions (Third Sector, Communities and Equality) Order 2006/2951 Sch. 1 para. 1 (December 13, 2006)
- <sup>5</sup> S. 5(1A) inserted by Local Government Act 1972 (c. 70), Sch. 29 para. 22
- <sup>6</sup> Substituted by Police Reform and Social Responsibility Act 2011 c. 13 Sch. 16(3) para. 65(2) (January 16, 2012)
- <sup>7</sup> Words substituted by Police Reform and Social Responsibility Act 2011 c. 13 Sch. 16(3) para. 65(3) (January 16, 2012)
- <sup>8</sup> Words omitted by Statute Law Revision Act 1927 (c. 42), s. 3
- <sup>9</sup> Repealed by Civic Government (Scotland) Act 1982 (c.45), s. 119(15)

#### Amendments Pending


- Part 1 s. 5: repealed by Charities Act 1992 c. 41 Sch. 7 para. 1 (date to be appointed; commencement order)
- Part 1 s. 5: amended by Charities Act 2006 c. 50 Sch. 8 para. 15 (date to be appointed)
- Part 1 s. 5(1) Proviso. 001(b): words repealed by Charities Act 2006 c. 50 Sch. 9 para. 1 (date to be appointed)


#### Commencement

- Part 1 s. 5(1): August 3, 1916
- Part 1 s. 5(1A): Date not available
- Part 1 s. 5(2)-(3): August 3, 1916
- Part 1 s. 5(4) definition of “charitable appeal”: August 3, 1916

#### Extent

- Part 1 s. 5(1)-(4): United Kingdom

 Law in Force

 Amendment(s) Pending

#### 6. Extent of Part I.

This Part of this Act shall not apply, except where otherwise expressly provided, to Scotland or Ireland.

**Amendments Pending**

Pt I s. 6: repealed by Charities Act 1992 (c. 4) Sch. 7 para. 1 (date to be appointed: commencement order)

**Commencement**

Pt I s. 6: August 3, 1916

**Extent**

Pt I s. 6: United Kingdom

**PART II**

**R** Repealed

**7. [...]**<sup>1</sup>

**Notes**

<sup>1</sup> Repealed by Factories Act 1937 (c. 67), Sch. 4

**R** Repealed

**8. [...]**<sup>1</sup>

**Notes**

<sup>1</sup> Repealed by Factories Act 1937 (c. 67), Sch. 4

**R** Repealed


**9. [...]**<sup>1</sup>

**Notes**

<sup>1</sup> Repealed by Factories Act 1937 (c. 67), Sch. 4

**PART III**


**MISCELLANEOUS AND GENERAL**

 Repealed

### 10. [...]¹

#### Notes


¹ Repealed by Mines and Quarries Act 1954 (c. 70), Sch. 5

 Repealed

### 11. [...]¹

#### Notes


¹ Repealed by Mental Health Act 1959 (c. 72), Sch. 8 Pt. 1


 Repealed

### 12. [...]¹

#### Notes

¹ Repealed by Criminal Justice Act 1948 (c. 58), Sch. 10 Pt. 1

 Law In Force

 Amendment(s) Pending

### 13. Short title.

This Act may be cited as the Police, Factories, &c. (Miscellaneous Provisions) Act 1916.

#### Amendments Pending

Pt III s. 13: repealed by Charities Act 1992 c. 41 Sch. 7 para. 1 (date to be appointed; commencement order)

#### Commencement

Pt III s. 13: August 3, 1916

#### Extent

Pt III s. 13: United Kingdom

## SCHEDULE [...]¹

#### Notes

¹ Repealed by Statute Law Revision Act 1927 (c. 42)

### Modifications

Provision	Modification	Notes	Further Information
<b>Whole Document</b>	Greenham and Crookham Commons Act 2002 c. i, Pt 4 s. 21(5)		



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