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Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Dear Councillor

The next meeting of the **LICENSING** will be held at 6.30 pm on **TUESDAY, 2 NOVEMBER 2021** in the Council Chamber, 13 Church Street, Clitheroe, BB7 2RA.

I do hope you can be there.

Yours sincerely

M. H. Scott

CHIEF EXECUTIVE

AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **TO APPROVE THE MINUTES OF THE PREVIOUS MEETING** (Pages 3 - 6)
3. **DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS**

Members are reminded of their responsibility to declare any disclosable pecuniary, other registrable or non-registrable interest in respect of matters contained in the agenda.

4. **PUBLIC PARTICIPATION**

ITEMS FOR DECISION

5. **ANNUAL REVIEW OF FEES AND CHARGES** (Pages 7 - 16)
6. **PRIVATE SECURITY ACT 2001** (Pages 17 - 42)
7. **GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES - OUTCOME OF CONSULTATION** (Pages 43 - 84)
8. **EXPIRY OF WHALLEY CUMULATIVE IMPACT ASSESSMENT - REVIEW OF RESPONSES TO RECENT SURVEY** (Pages 85 - 104)

ITEMS FOR INFORMATION

9. **TAXI ENFORCEMENT OPERATION - UPDATE** (Pages 105 - 106)

10. **MEMBER TRAINING**

(Pages 107 - 108)

11. **REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

12. **EXCLUSION OF PRESS AND PUBLIC**

ITEMS FOR DECISION

None.

ITEMS FOR INFORMATION

None.

Electronic agendas sent to members of Licensing – Councillor Jan Alcock JP (Chair), Councillor Richard Bennett (Vice-Chair), Councillor Ian Brown, Councillor Stella Brunskill JP, Councillor Steve Farmer, Councillor Gaynor Hibbert, Councillor Simon Hore, Councillor Angeline Humphreys, Councillor Richard Newmark, Councillor Donna O'Rourke, Councillor Simon O'Rourke, Councillor Sarah Rainford, Councillor James (Jim) Rogerson, Councillor Gary Scott and Councillor Robin Walsh.

Contact: Democratic Services on 01200 414408 or committee.services@ribblevalley.gov.uk

Minutes of Licensing

Meeting Date: Tuesday, 7 September 2021, starting at 6.30 pm
Present: Councillor J Alcock (Chair)

Councillors:

R Bennett	S O'Rourke
I Brown	S Rainford
S Brunskill	M Robinson
S Farmer	J Rogerson
S Hore	G Scott
D O'Rourke	R Walsh

In attendance: Head of Legal and Democratic Services and Solicitor

Also in attendance: Councillor B Buller

255 APOLOGIES FOR ABSENCE

Apologies for the meeting were received from Councillors Humphreys and Newmark.

256 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 15 June 2021 were approved as a correct record and signed by the Chairman.

257 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Rogerson declared an interest in Agenda Item 5 – Gambling Act 2005 – Review of Statement of Principles.

258 PUBLIC PARTICIPATION

There was no public participation.

259 LICENSING ENFORCEMENT - VERBAL UPDATE

The Chairman welcomed to the meeting Licensing Sergeant Gary Hennighan, from Lancashire Constabulary.

Sergeant Hennighan and the Council's Licensing Enforcement Officer provided an update on the night-time economy in the borough, which appeared to be improving, especially in Whalley.

Sergeant Hennighan informed members that the police aim to take a joint approach to policing licensed premises and sought support wherever possible from residents and other local agencies such as the Council.

Sergeant Hennighan went on to say that increased police presence in an area can often act as a deterrent in preventing crime and that he was pleased there had been a relaunch of the Pub Watch scheme.

260 GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES

The Chief Executive submitted a report informing the Committee of the requirement to review the Council's Statement of Principles under the Gambling Act 2005 ("Act") and seek Committee's authorisation to consult upon the amendment attached at Appendix 1 to the report.

Members were reminded that:

- It is a legal requirement under the Act that a Council must have a Statement of Principles which is reviewed and published at least every three years.
- If amendments are made during the three-year period since the Statement of Principles was last legally reviewed, it must still be reviewed again, in line with the 3 yearly requirements.
- The Council's current Statement of Principles was first approved and took effect from 31 January 2007, and it has been updated and re-published in 2010, 2013, 2016, and 2019.
- The Statement of Principles must be published four weeks before it comes into effect.
- It comes into effect on 31 January 2022 and hence it must be published by 3 January 2022 the Statement will then remain in force until January 2025.

The report noted that there are three licensing objectives under the Gambling Act 2005 namely:

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

RESOLVED THAT COMMITTEE:

Approved the draft Gambling Statement of Principles detailed in Appendix 1 and 2 of the report and authorised the Head of Legal and Democratic Services to consult upon them between 10 September 2021 and 24 October 2021 and that the results of that consultation be reported back to this committee.

261

ELECTRIC AND HYBRID VEHICLES

The Chief Executive submitted a report informing the Committee of issues in relation to the possible introduction of a requirement for or support for the use of hybrid or electric vehicles for taxi and private hire use.

Members were reminded that at the meeting of this Committee on 23 March 2021:

- They considered the possibility of amending the taxi licensing regime to favour the use of electric or hybrid vehicles
- That officers were requested to consider the approach adopted by other authorities.

Members were also reminded that at the time of the March 2021 meeting, the Ribble Valley taxi fleet included 2 hybrid vehicles and no electric vehicles.

RESOLVED THAT COMMITTEE:

Authorised the Head of Legal and Democratic Services to add the matter as an agenda item for discussion at the next Annual Taxi meeting.

262

RE-OPENING OF LICENSED PREMISES - UPDATE

The Chief Executive submitted a report informing Committee on the steps taken by the Council to assist hospitality venues to reopen safely.

Members were reminded that at the time of the last Committee meeting on 15 June 2021, central government had postponed the removal of restrictions under Step 4 of the COVID-19 Roadmap until a date no earlier than 19 July 2021. The relaxation of restrictions had proceeded on that date.

The report noted that:

- The Council's COVID-19 and licensing enforcement staff had been proactive in supporting hospitality business and the licensed trade for reopening.
- Since the start of June 2021, the enforcement staff had received 23 COVID-19 related complaints regarding hospitality venues.
- The main complaints had related to customers not wearing masks, or staff not self-isolating when it was believed they should have been.
- All complaints had been investigated but no formal action had been taken, either due to lack of evidence or because it was considered that verbal advice was sufficient.
- 27 requests for guidance or advice had been received.

In advance of the removal of restrictions, further advice had been provided to venues.

263

MEMBER TRAINING - UPDATE

The Chief Executive submitted a report informing Committee of the training to be provided on Licensing Sub-committees.

Members were reminded that:

- Licensing Sub-Committees are held when required to determine licensing applications and/or review licences.
- Licensing responsibility is heavily governed by statute and guidance; therefore, the discharge of these functions requires that Members have a good understanding of the latest statutory frameworks.
- Licensing, as an area of local authority decision-making, has become a fertile topic for legal challenge.

The report noted that the training will focus on the procedural and legal issues surrounding Sub-committees in the context of the Licensing Act 2003.

264

REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

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EXCLUSION OF PRESS AND PUBLIC

No reports.

The meeting closed at 7.05 pm

If you have any queries on these minutes please contact the committee clerk, Mike Hill mike.hill@ribblevalley.gov.uk.

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

meeting date: TUESDAY, 2 NOVEMBER 2021
title: ANNUAL FEES AND CHARGES
submitted by: CHIEF EXECUTIVE
principal author: STEPHEN BARKER

1 PURPOSE

1.1 To determine the annual fees for hackney carriage, private hire, scrap metal and sex establishment licences.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - The Council aims to be a well-managed Council providing efficient services based on identified customer needs. The fees charged for licences fund part of that service and should reflect the costs incurred whilst being set at a reasonable level for licence holders.
- Corporate Priorities -
- Other Considerations -

2 BACKGROUND

Hackney Carriage and Private Hire Licences

2.1 The Council has power to charge for licences, subject to statutory provisions which both give rise to the power to charge and specify the way the charge for certain licences has to be calculated.

2.2 The relevant provisions are contained in the Local Government (Miscellaneous Provisions) Act 1976.

2.3 Section 53(2) is the relevant provision for:

- driver's licences for hackney carriages;
- driver's licences for private hire vehicles.

2.4 Section 70 is the relevant provision for:

- hackney carriage vehicle licences;
- private hire vehicle licences;
- private hire operator's licences.

2.5 Changes to the licence fees in respect of hackney carriage vehicles, private hire vehicles and private hire operator licences must be advertised in one newspaper, circulated in the local area 28 days before the change in charges takes effect.

2.6 The legislation provides that the fees should be set at a level which provides "such a fee as they consider reasonable with a view to recovering the costs of issue and administration".

2.8 The current fees for each type of licence are set out in the first column of **Appendix 1**.

Scrap Metal Dealers Licences

- 2.9 Schedule 1 paragraph 6 of the Scrap Metal Dealers Act 2013 provides that “(1) An application must be accompanied by a fee set by the authority. (2) In setting a fee under the paragraph, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury”.
- 2.10 On 17 September 2013, Committee considered the report of the Chief Executive, and approved the fees, which were to apply once the Scrap Metal Dealers Act 2013 came into force on 1 October 2013, in doing so Committee considered the calculation of the fees and the Home Office Guidance. Committee has considered the fees annually since that date. The current fees are set out in **Appendix 2** to this report.

Sex Establishment Licence

- 2.11 Schedule 3, paragraph 19 of the Local Government (miscellaneous provisions) Act 1982 provides that “An applicant for the grant, [variation,] renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.”
- 2.12 On 6 September 2011, Committee considered a report of the Council’s solicitor and approved the fees set out as Appendix 2 of that report. Those fees were reconsidered annually since that date. The current fees are set out in **Appendix 3** to this report.

3 ISSUES

Hackney Carriage and Private Hire Licence

- 3.1 In recent years licence fees have generally been uplifted annually in line with inflation. The Council is recommending uplifting the fees by reference to inflation (based on 3%) as this is the amount by which we are advised that the Council’s costs have increased. The proposed annual fees (rounded up or down as most appropriate) for 2022/2023 are set out in the third column of **Appendix 1**.

Scrap Metal Dealers Licences

- 3.4 The Scrap Metal Licence fees have now been in place for 6 years and a limited number of licences have been issued. The Council does not have sufficient evidence therefore to test whether the underlying basis on which the fees were originally calculated requires amendment but proposes that the fees rise by 3% as this is the amount by which we are advised that the Council’s costs have increased. The proposed fees for 2022/2023 are set out in **Appendix 2**.

Sex Establishment Licences

- 3.3 Since the fees were set on 6 September 2011, the Council has not received any applications to licence a Sex Establishment within its area. There is therefore no information to suggest that the underlying basis for the calculation of the fees should be changed, but the Council proposes to increase the fees by 3% as this is the amount by which we are advised that the Council’s costs have increased. The proposed fees for 2022/2023 are set out in **Appendix 3**.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – The Council must advertise the revised taxi and private hire fees in a local newspaper.
- Technical, Environmental and Legal – Committee must set fees at a level, which must not exceed the costs of administering the licensing process.
- Political – N/A
- Reputation – N/A
- Equality and Diversity – N/A

5 **RECOMMENDED THAT COMMITTEE**

5.1 Agree to set the fees for Hackney Carriage and Private Hire Licences for the year 2022/2023 as those set out in **Appendix 1**.

5.2 Agree to set the fees for Scrap Metal Dealers Licences for the year 2022/2023 as those set out in **Appendix 2**.

5.3 Agree to set the fees for Sex Establishment Licences for the year 2022/2023 as those set out in **Appendix 3**.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216.

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APPENDIX 1

PRIVATE HIRE & HACKNEY CARRIAGE	2021 from 1 April	2022 from 1 April
	£	£
Driver's application/renewal annual Licence	64.90	66.90
Driver's application/renewal 3-year licence	171.67	176.90
Replacement Driver's Badge	13.46	13.90
Vehicle Licences:		
ANNUAL: Up to 3 years old	181.25	188.70
6 MONTHS: Over 3 years but not exceeding 7 years	96.10	99.00
4 MONTHS: Over 7 years	68.44	70.50
Discount on previous Licence (1/12 th annual)	15.10	15.60
Transfer of Licence on change of ownership	26.83	27.70
New or replacement:		
- Plates	15.00	15.50
- Brackets	15.00	15.50
Private Hire Operators annual licence	167.90 per annum 5 vehicles or fewer	173.00 per annum 5 vehicles or fewer
Additional Vehicles	13.60	14.10
Private Hire Operators 3-year licence	444.82 per annum 5 vehicles or fewer.	458.20 per annum 5 vehicles or fewer.
Additional Vehicles	34.88	36.00
Private Hire Operators 5-year licence	741.34 per annum 5 vehicles or fewer	763.80 per annum 5 vehicles or fewer
Additional Vehicles	57.53	59.30
Change to Operators Licence	12.85	13.30
Copy of Operators Licence	16.83	17.40
Logbooks (100 sheets) each	2.00	2.10
Knowledge test:		
- First one free (paper)	8.67	9.00
- In person	17.14	17.70

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APPENDIX 2

Scrap Metal Dealers	From 1 April 2021	From 1 April 2022
	£	£
Application/Renewal of Site Licence	315.83	326.00
Variation of Site Licence	204.92	212.00
Application/Renewal of Collector's Licence	227.77	235.00
Variation of Mobile Collector's Licence	182.27	188.00

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APPENDIX 3

SEX ESTABLISHMENTS	From 1 April 2021	From 1 April 2022
	£	£
Grant of Sex Shop	3,412.51	3,515.00
Grant of Sex Cinema	3,412.51	3,515.00
Grant of Sexual Entertainment Venue	5,687.11	5,858.00
Renewal of Sexual Entertainment Venue	2,843.76	2,930.00
Transfer of Sexual Entertainment Venue	570.00	588.00
Variation of Sexual Entertainment Venue	570.00	588.00

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

meeting date: 2 NOVEMBER 2021
title: PRIVATE SECURITY INDUSTRY ACT 2001 – POWERS OF AUTHORITY
submitted by: CHIEF EXECUTIVE
principal author: STEPHEN BARKER, SOLICITOR

1 PURPOSE

1.1 To seek Committee's approval for the Head of Legal and Democratic Services to nominate officers to the Security Industry Authority ("the SIA") for such officers to be granted powers of inspection by the SIA under Section 19(2) of the Private Security Industry Act 2001 ("the Act") and to arrange any training that may be required.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives }
 - Corporate Priorities }
 - Other Considerations }
- Approval of this nomination will promote the Council's aim to be a well-managed Council, and to help make peoples lives safer and healthier.

2 BACKGROUND

2.1 Within the Ribble Valley, a number of licensed premises utilise the services of door staff licensed by the SIA. Some of these establishments engage these staff voluntarily, based on their own risk assessments. Other establishments have door staff on certain days and at certain times, because of conditions on their licence.

2.2 Currently, the Council's licensing enforcement staff do not have the power to require door staff at premises to produce documents or information to verify the presence and actions of the door staff as a member of the security industry. In most circumstances, such documents or information are produced voluntarily on request, by professional staff who wish to cooperate with the Council and other regulatory authorities. However, currently the Council's officers do not have the power to require such production.

2.3 An approach has been received from the SIA seeking to establish whether the Council would wish them to grant powers to certain specified officers of the Council under Section 19(2) of the Act. An extract from Section 19 of the Act can be found at Appendix 1. A leaflet issued by the SIA on their enforcement powers can be found at appendix 2. Particular attention is drawn to page 13 of the leaflet which explains powers of entry and in particular powers to gather information by the SIA and those with written authority (such as any nominated and authorised officers of the Council).

3 ISSUES

- 3.1 The approach which has been received from the SIA is supported by a specimen letter of application, which can be found here at Appendix 3. Members will note that, if they are minded to approve the recommendation in this report, confirmation will be provided that any Council officers nominated are fit and proper and appropriately trained to be granted authority under section 19(2) of the Act.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications

- Resources – resources will be expended in the time involved in submission of the application and any appropriate training.
- Technical, Environmental and Legal – on the next revision of part 3(2) of the Council's Constitution, the addition of the Security Industry Act 2001 to the non-exhaustive list of statutory provisions in Appendix 1.
- Political – no implications identified.
- Reputation – the Council's reputation will be enhanced by the acquisition of additional powers to address issues of public safety.
- Equality & Diversity – no implications identified.

5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Approve the Head of Legal and Democratic Services

5.1.1 to nominate Council officers to the Security Industry Association to be granted powers of inspection by the SIA under Section 19(2) of the Private Security Industry Act 2001; and

5.1.2 to arrange for any appropriate training for Council officers so nominated.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216.

Inspection and information

19 Powers of entry and inspection

(2) A person authorised in writing for the purpose by the Authority may require any person appearing to him to be a regulated person to produce to him any documents or other information relating to any matter connected with-

- (a) any licensable conduct which has been or may be engaged in by the person so appearing;
- (b) the provision by the person so appearing of any security industry services;
- (c) any matters in respect of which conditions are imposed on the person so appearing by virtue of a licence or of an approval granted in accordance with arrangements under section 15.

(5) A person is guilty of an offence if-

- (a) he intentionally obstructs any person in the exercise of any power conferred by subsection (1);
- (b) he fails, without reasonable excuse, to comply with any requirement imposed by subsection (2); or
- (c) he makes an unauthorised disclosure of any information obtained by him in the exercise of any power conferred by this section, or as a consequence of the exercise of any such power by another.

(6) For the purposes of this section a disclosure of information obtained by any person as mentioned in subsection (5)(c) is authorised if, and only if, it is made-

- (a) for the purposes of the carrying out by the Authority of any of its functions under this Act; or
- (b) for the purposes of any criminal proceedings.

(7) A person guilty of an offence under this section shall be liable, on summary conviction, to a term of imprisonment not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(8) In this section "regulated person" means-

- (a) the holder of any licence granted under this Act;
- (b) any person who engages in licensable conduct without being the holder of a licence under this Act;
- (c) any person who is for the time being approved in accordance with arrangements under section 15 in respect of any services which regulations under section 17 prohibit him from providing unless so approved; or
- (d) any person who is not so approved but provides security industry services which he is prohibited by any such regulations from providing.

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ENFORCEMENT

What to expect from the SIA

August 2018

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Introduction

For regulation to be effective and trusted, it is vital that appropriate action is taken against those who no longer meet our criteria or who break the law. Therefore, anyone facing enforcement action should know what to expect from the Security Industry Authority (SIA). We are also required under the Private Security Industry Act (PSIA) 2001, to give guidance about how those authorised under the Act exercise power of entry. This leaflet sets out to meet both these requirements.

If we suspect an offence has been committed, prosecution is not our only option; we aim to encourage compliance with the law in the first instance and will do all we can to help people meet their obligations. However, in appropriate cases we have the will and capability to prosecute offenders, and to seek the confiscation of assets that have been obtained as a result of criminal activity.

We are committed to the principles set out in the Legislative and Regulatory Reform Act (2006) and to the Regulators' Code, a statutory code of practice for regulators. This means our activities are targeted only where action is needed and in a way that is transparent, accountable, proportional and consistent.

About the SIA

The SIA is the organisation responsible for regulating the private security industry in the United Kingdom by the compulsory licensing of individuals undertaking designated activities. We also manage the voluntary Approved Contractor Scheme (ACS).

SIA regulation currently covers manned guarding (including security guarding, door supervision, close protection, cash and valuables in transit, and public space surveillance using CCTV), key holding and vehicle immobilising.¹

Why have I been given this leaflet?

If you are subject to compliance enquiries or facing action by the SIA because you are suspected of committing an offence or a breach of ACS terms and conditions, then you should read this leaflet. It will explain what SIA Investigations and Compliance Officers (and those authorised with the power of entry and inspection under section 19 of the PSIA 2001), can and cannot do and the manner in which they should conduct themselves.²

This leaflet also explains your responsibilities and rights when encountering SIA action.

What offence(s) could I have committed?

If you are regulated by the SIA (as described in section 3 and Schedule 2 of the PSIA 2001) or you are an approved contractor, then you should be aware of the following offences created by the Act:

- Engaging in licensable conduct without a licence – section 3 (1)
- Contravening licence conditions – section 9 (4)
- Obstructing SIA officials or those with delegated authority – section 19 (5) (a)
- Failing to provide information required by the SIA – section 19 (5) (b)

¹ Northern Ireland only.

² SIA Investigations and Compliance Officers includes anyone deployed by the SIA to carry out investigations.

Enforcement – What to expect from the SIA

- Using unlicensed security operatives – section 5 (1)
- Using unlicensed wheel clampers – section 6 (1) (Northern Ireland only)
- Falsely claiming approved contractor status – section 16 (2)

To see the full text of the Act or a summary go to:
www.sia.homeoffice.gov.uk/the-act

Whether or not you are regulated by the SIA, you should be aware of the following offences:

- Making false statements to the SIA – section 22 (1)
- In England, Wales and Northern Ireland you may be liable under sections 44-46 of the Serious Crime Act 2007 (SCA 2007), for the offence of encouraging or assisting an offence. The SCA 2007 has three offences:
 - offence (SCA 2007) section 44 – intentionally encouraging or assisting an offence
 - offence (SCA 2007) section 45 – encouraging or assisting an offence, believing it will be committed
 - offence (SCA 2007) section 46 – encouraging or assisting offences, believing one or more will be committed.
- In England and Wales you may be liable under section 44(1) of the Magistrates' Court Act 1980, or section 8 Accessories and Abettors Act 1861 for an offence of aiding, abetting, counselling or procuring an offence.
- In Scotland, where an offence has allegedly been committed, it is open to the Procurator Fiscal to advance a charge under the common law of 'art and part' liability. Section 293 (1) of the Criminal Procedure (Scotland) Act 1995, makes it clear that 'art and part' liability is applicable (in principle) in relation to statutory offences, such as those contained within the PSIA 2001.
- As an alternative to art and part liability, section 293 (2) of the Criminal Procedure (Scotland) Act 1995, also creates the separate offence of aiding, abetting, counselling, procuring or inciting the commission of a statutory offence.

- In Scotland, common law offences of incitement of, or conspiracy to undertake conduct which if carried through would amount to an offence, could be applicable in principle.

If convicted, or otherwise held accountable of any of the offences listed in this section, you will be liable to the same punishment as prescribed under the PSIA 2001 rather than any other provision. The SIA will consider wider criminal offending which impacts upon the regulatory regime.

Am I responsible for what goes on in my company/on my premises?

Security Company

Yes. Where an offence is committed under the PSIA 2001 by a company or a Scottish partnership, and is committed with the consent or connivance of, or is attributable to, any neglect on the part of a director, manager, company secretary (or any other similar role), or partner, then that person, as well as the company or Scottish partnership, is guilty of the offence and can be punished accordingly.

Customers and employees of security companies

Yes. Consumers represent an important link in the chain of criminality – without customers being willing to flout the rules and accept the supply of unlicensed security operatives, there would be no market for them in the first place. The SIA also recognises employees of security companies, who may not be at a level to make decisions for the company, can also be responsible for offences being committed by others. We may consider if such customers and employees are liable for alleged offences as described in this leaflet under the heading *What offence(s) could I have committed* on page 4.

Enforcement responses for offences under the PSIA 2001

The SIA is an intelligence-led organisation, conducting enquiries into alleged offences in line with the National Intelligence Model.

We have a range of options for non-compliance that fall short of criminal proceedings but can be effective in securing compliance quickly and avoiding costly formal proceedings. Our intelligence processes prioritise our activity on the level of risk

presented, which determines how the suspected offending will be dealt with.

For lower risk allegations, we may contact you via email or telephone, whilst higher priority cases will normally involve a face to face meeting. The most severe cases of non-compliance will be dealt with via an SIA prosecution.

What mitigating factors will the SIA take into account when assessing which enforcement response is appropriate

The SIA expects compliance with the law at all times.

If we find an individual or a company that is non-compliant, before deciding what action to take the following factors will, where appropriate, be taken into account:

- The level of risk to public safety.
- The progress made towards compliance with the law e.g. licence application submitted, removal of the ACS mark.
- Whether an individual already holds a licence for other licensable sectors.
- The scale and duration of non-compliance and level of any commercial advantage gained.
- The current licensing processing times.
- The availability of training to achieve the qualification for licensing.
- Previous encounters with, or warnings given by the SIA or another agency.
- Where there are circumstances in which Parliament has indicated a firm intention to exempt, or exclude, from licensing.
- Links to wider criminality.
- The regulator's duty to have regard for business and economic growth.
- Any other factor that we think is relevant in the circumstances.

The weight given to any of these factors will be dependent on the particular case.

Companies and individuals should be aware that:

- They remain liable to prosecution for any offence committed.
- Insurance cover of both the security suppliers and the security customer could be compromised if unlicensed operatives are being used.
- Non-compliance with the licensing requirements could jeopardise a future application for a licence or accreditation under the Approved Contractor Scheme.

Sanctions and disposal of offences

Non-Statutory Disposals

Whilst these enforcement options have no statutory basis, they are a result of the SIA's power to prosecute offences which is the ultimate sanction that can be applied. The following options can be used against individuals, companies, and sometimes both:

- **SIA advice**
Short of a formal warning, the SIA can advise individuals or businesses of steps required to cease offending, and check to ensure this has been followed.
- **SIA verbal warnings**
These are recorded and may be taken into account in future enforcement decisions or as non-conviction information in a licence decision.
- **SIA written warnings**
These are issued where an offence under the PSIA 2001 has been detected. A written warning may be taken into account in future enforcement decisions or as non-conviction information in a licence decision.
- **Improvement notices**
These are non-statutory sanctions in breach of offences, under the PSIA 2001. It sets out the improvements required and is discharged when we are satisfied the improvements have been made.

While these responses do not result in criminal convictions, they can have an effect on you or your business. For example, if you have been given SIA

warnings for working without a licence, this may affect whether or not you are granted a licence at a later stage. Similarly, if your company is subject to an improvement notice for non-compliance, this may affect the company's inclusion in the Approved Contractor Scheme.

Revoking your licence

We will revoke your licence when it is found that you have not have met, or no longer meet, the criteria for the grant of a licence. This revocation is permanent and cannot be undone after we have made a final decision, although an appeal can be made as outlined in the next section. Your licence may be revoked for a number of reasons – for example, you have received a conviction, caution or warning for a relevant offence, or our ongoing checks have determined that you no longer have the right to work in the UK. Please see our publication “Get Licensed” for a full list of when your licence may be revoked.

Suspending your licence

The SIA is given the power under the PSIA 2001 to suspend licences. If your licence is suspended you will not be able to work legally in an area regulated by us unless that suspension is lifted. Licence suspensions have immediate effect. We will consider suspension only where we are reasonably satisfied that a clear threat to public safety could exist if we do not suspend the licence. This usually means that a serious offence has allegedly taken place, where the licence holder has been charged and bailed. We will suspend a licence in other circumstances if it is in the public interest to do so. Please see our publication *Get Licensed* for further information.

If your licence is suspended, it will remain suspended until the matter is resolved -for example, we have revoked your licence or the matter that you have been charged with has been heard and you were found not guilty. All suspensions are monitored and reviewed every 90 days. The SIA can suspend a licence and at the same time initiate the revocation process for that licence.

ACS Sanctions

The SIA can take action when an approved contractor is in breach of ACS terms and conditions, which cover eligibility criteria, the ACS standard, and specific requirements such as those concerned with the deployment of staff under licence dispensation and the use of the ACS mark.

Our publication *ACS Sanctions Framework* summarises the actions we will take in certain situations and may be downloaded from the ACS publications page www.sia.homeoffice.gov.uk/acs-sanctions

Where non-conformance is identified either through intelligence gathering or during an ACS assessment, an improvement need may be raised. The contractor

- is required to provide an action plan within five working days, setting out how they intend to address the non-conformance
- is required to take action to address the non-conformance • may be subject to a re-visit by an independent assessing body.

Where a number of improvement needs are identified, or individual improvement needs concern non-compliance with the law, then more serious sanctions, including the withdrawal of approval may be considered.

However, we try to work with the contractor to obtain conformance whenever possible, without undermining the credibility of the Approved Contactor Scheme.

Prosecution

Where we consider enforcement actions short of prosecution are not appropriate, the case can be referred for formal investigation. This means the investigation will be undertaken by the SIA with a view to prosecution, or in partnership with other law enforcement agencies. Although prosecution (or, in Scotland, referral to the Procurator Fiscal) is not our only option, when we suspect offences under the Act have been committed you can be prosecuted in the criminal courts. These offences can be committed by both individuals and companies and can result in high penalties including confiscation of assets, fines and imprisonment. Where the SIA considers that wider criminal offending affects the integrity of the regulatory scheme, such offences may be considered.

Our website provides information on the cases prosecuted by the SIA – www.sia.homeoffice.gov.uk/prosecutions

The penalties on conviction for each of the offences under the PSIA 2001 are:

Offence	Penalty
---------	---------

Engaging in licensable conduct without a licence – section 3 (1) Contravening licence conditions – section 9 (4) Obstructing SIA officials or those with delegated authority – section 19 (5) (a) Failure to provide information to the SIA – section 19 (5) (b) Making false statements to the SIA – section 22(1)	Upon summary conviction at a Magistrates’ Court, Sheriff Court or District Court, a maximum penalty of six months imprisonment and/or an unlimited fine
Using unlicensed persons in licensable conduct – section 5 (1)	Upon summary conviction at a Magistrates’ Court, Sheriff Court or District Court, a maximum penalty of six months imprisonment and/or an unlimited fine
Using unlicensed vehicle immobilisers – section 6 (1)	Upon summary conviction at a Magistrates’ Court, Sheriff Court or District Court, a maximum penalty of six months imprisonment and/or an unlimited fine
Falsely claiming approved contractor status – section 16 (2)	Upon summary conviction at a Magistrates’ Court, Sheriff Court or District Court, an unlimited fine

What factors will the SIA consider when taking a decision to prosecute or refer the case to the Procurator Fiscal in Scotland

There are two main tests applied in making this decision:

1. The SIA is satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge.

2. The SIA considers it to be in the public interest to prosecute each suspect.

We also comply with the requirements of the various Codes for prosecutors in each of the jurisdictions as listed below:

England and Wales – the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985.

Scotland – the Crown Office and Procurator Fiscal Service Prosecution Code.

Northern Ireland – the Code issued pursuant to the statutory duty placed on the Public Prosecution Service by section 37 of the Justice (Northern Ireland) Act 2002.

Detention and arrest

We would only usually seek your arrest/detention by the police if you are subject to formal investigation.

SIA Investigations Officers do not have powers of arrest under the PSIA 2001, but there are circumstances when we may ask the police to support us. For instance, refusal to attend an audio recorded interview under caution at a police station without reasonable excuse is likely to be a circumstance where we would ask the police to consider arresting you.

SIA powers of entry and information gathering

Under section 19 (1) of the PSIA 2001, SIA Investigations Officers and those with written authority may enter any premises owned or occupied by a person appearing to be a regulated person under section 19 (8) of the PSIA 2001- other than premises exclusively used for residential purposes.

Under section 19 (2) of the PSIA 2001, SIA Investigations Officers and those with written authority, may require anyone appearing to be a regulated person under section 19 (8) of the PSIA 2001 to produce their documents. These are the documents or other information relating to licensable conduct, or the provision of security industry services which that person may have undertaken. Investigations Officers may also require the production of documents or information relating to conditions on a licence (or in respect of an approval granted under section 15) in respect of that person. It is a statutory duty to comply with any of these requests for documentation or information.

Enforcement – What to expect from the SIA

When exercising powers under section 19 (1) of the PSIA 2001 to enter premises, SIA Investigations Officers and those with written authority will:

- state who they are and show their authorisation and evidence of their identity
- state that they are using their powers of entry under the powers conferred by the PSIA 2001
- state the purpose for which the power is being exercised
- act with regard for the Powers of Entry: Code of Practice (www.gov.uk/government/publications/powers-of-entry-code-of-practice) in England and Wales where it has jurisdiction, but also as appropriate in Scotland and Northern Ireland
- act in line with the Protection of Freedoms Act 2012
- make a record of the date and time of entry and the duration of the visit and conduct whilst there.

This information is recorded and a copy of this record is made available on request. Any person present at the time of a visit where these powers to gain entry have been exercised, may request the above information and/or a copy of the record.

In most cases, SIA Investigations Officers, or those with written authority, will give advance notice of any intention to visit. On occasion this may not be appropriate, so visits can be made without prior notification. The power of entry conferred by section 19(1) of the PSIA 2001 shall only be exercised at a reasonable hour – this varies depending on the nature of your business.

When exercising powers under section 19 (2) of the PSIA 2001 to request information, whether in person or by letter, an SIA Investigations Officers or those with written authority will:

- state that they are using their powers for making a formal request for information under the powers conferred by the Act, and
- state that failure to comply with any requirement of the request for information, without reasonable excuse, is an offence.

SIA Investigations Officers, or those with written authority, are required to act reasonably and fairly in seeking information from individuals and organisations that hold details necessary to SIA enquiries.

SIA Investigations Officers may take copies of documentation found on premises visited. Original documents will not be seized or removed by force but permission may be sought to remove them. Any original documents that are removed with consent, will be returned as soon as possible and a receipt given.

GDPR and the Data Protection Act 2018 will not be contravened by providing information requested by SIA investigators or those with written authority. Under Schedule 2 Part 1 Paragraph 5 of the Data Protection Act 2018, GDPR provisions do not prevent disclosure where the disclosure is required by law, such as where Section 19 of the PSIA 2001 requires the supply of the information.

If a recipient of an SIA request for information has difficulty meeting any part of the requirement for information, they may contact the SIA Investigations Officers or the individual with written authority to explain why, and make alternative arrangements for the provision of the information.

SIA Investigations Officers are entitled to seek information by questioning any person appearing to be a regulated person under section 19(8) of the PSIA 2001; however they do not have the power to detain people.

What can I expect from other agencies?

Powers of inspection have been granted to relevant partner agencies, such as local authorities, who support SIA enforcement activities.

The authority to inspect a licence is:

- Granted in writing
- Signed by an authorised signatory from the SIA
- Granted for a fixed period of time.

Whilst undertaking enquiries or investigations, the SIA will work with other agencies that may have an interest in the compliance of your activities with legislation or regulation other than the PSIA 2001. This is most likely to mean, although not exclusively, that the SIA will disclose information relevant to your compliance with other legislation or regulation where the law permits.

At the end of SIA enquiries

Notification of any further action will be made as soon as possible once an enquiry has been concluded.

What are my rights?

You are entitled to legal advice at any time. The Citizen's Advice Bureau will be able to help you decide who to contact.

In England and Wales, along with the police and anyone with a duty of investigating criminal offences or charging offenders, the SIA is required to follow the relevant provisions of the Police and Criminal Evidence Act 1984 (PACE) Codes of Practice. Code C which deals with detention, treatment and questioning of persons is the code most relevant to the activities of the SIA. In addition to Code C and where you are subject to formal investigation by the SIA, the following Codes may also be applicable:

E – Code of practice on audio recording interviews with suspects

F – Code of practice on visual recording with sound of interviews with suspects
G – Code of practice for the statutory power of arrest by police officers.

The PACE Codes of practice regulate procedures in the investigation of crime and set down safeguards and protections for members of the public.

Equivalent provision is made for Northern Ireland by the Police and Criminal Evidence (Northern Ireland) Order 1989.

In Scotland, the way criminal offences are investigated is mainly governed through a combination of the Criminal Procedure (Scotland) Act 1995 and common law.

How do I appeal against an enforcement decision?

Licence revocation – If we judge it necessary to revoke your licence, we will write to you, providing the basis for our decision and we will invite you to supply further information. You will then have 21 days from the date on our decision letter to provide a response. Your response may address any factual errors in our assessment (for example, an

error in respect of identity, or an error in assessing your competence or criminal history) and we may also invite you to provide mitigating information.

If we do not receive a response from you within the 21 days, we will write again to confirm that the licence has been revoked. Once revocation takes effect you will have 21 days in which to exercise your right of appeal to a Magistrates' Court or Sheriff Court.

If you do send in a response, we would give it due consideration, and we will write to you to inform you of our final decision.

If we decide it is still necessary to revoke your licence, you will then have 21 days from the date of this second decision letter in which to exercise your right of appeal to a Magistrates' Court or Sheriff Court.

Licence suspension – If we judge it necessary to suspend a licence, we will write to inform you of this, providing the basis for our decision. The licence holder will then have 21 days in which to exercise a right of appeal to a Magistrates' Court or Sheriff Court. At the same time they may also wish to tell us of any factual errors in our assessment – for example an error in respect of their identity, or an error in assessing their competence or criminal history.

ACS sanctions – You may ask the SIA to review any decision relating to your approved contractor status. Any such request should be made within 21 days of notification of the sanction, including your reasons for requesting a review. We will respond to you in writing with the outcome of our review.

If, following any review as outlined above, we make a final decision to withdraw your approval, you may appeal to the Magistrates' Court or Sheriff Court. You must lodge any such appeal directly with the court within 21 days of notification of our decision.

Enforcement action – If you wish to appeal against our decision, the appeal containing all relevant details should be sent to:

Deputy Director Partnerships and Interventions
Security Industry Authority
PO Box
74957
London E14
IUG.

Prosecution

Appeals in relation to criminal proceedings are dealt with by the appropriate courts in England, Wales, Scotland and Northern Ireland. You are strongly advised to seek

independent legal advice on such matters, especially if you have not already done so during the time you have been subject to formal investigation by the SIA.

How do I complain?

Complaints about how SIA Investigations Officers or those with written authority have employed or exercised their powers can be made through the 'Contact us' link on our website or from your SIA online account. Please state that you are making a formal complaint in your message to make sure that it reaches our complaints team promptly.

Complaints can also be submitted by post to:

Complaints Team
Security Industry Authority
PO Box 74957
London
E14 1UG

We will acknowledge complaints within 3 working days of receipt and aim to respond to all complaints within 20 working days from our initial acknowledgement. If you are not satisfied with the way we handle your complaint, you can ask for your complaint to be reviewed by a senior member of SIA staff. If you remain dissatisfied following an internal review, you can ask for your complaint to be escalated to the Parliamentary and Health Services Ombudsman (PHSO) by speaking to your local MP.

Our full Complaint Handling Policy and procedure can be found on our website www.sia.homeoffice.gov.uk. Click on 'Contact Us' at the top of the page and select 'How to register a complaint'.

Independent legal advice can be sought at any time. The Citizens Advice Bureau will be able to help you decide who to contact. Check online for details of your local bureau.

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www.sia.homeoffice.gsi.gov.uk

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Your ref:
Our ref:

Ronnie Megaughin
Head of Compliance and Inspections
Security Industry Authority
PO Box 74957
London
E14 1UG

dd.mm.yyyy

Dear Mr Megaughin,

Re: Request for powers of inspection conferred under section 19(2) of The Private Security Industry Act 2001 for the purposes of the function of the Security Industry Authority.

I understand that SIA partners may be conferred under section 19(2) of The Private Security Industry Act 2001 the authority to demand production of a licence, whether in the capacity of SIA official business or secondary to other official business.

For these purposes only, I understand that the SIA confers from the Private Security Industry Act 2001 such authority to applicable teams* within organisations who can be reasonably expected to require such authority. It will then be the responsibility of the organisation to decide and manage who within their applicable team(s) holds this authority.

I hereby request that the following team(s) be granted powers of inspection under section 19(2) of the Private Security Industry Act 2001 and confirm that they will be bound by the terms and conditions for the use of this authority as so contained in The SIA Enforcement Policy Code of Conduct.

I undertake to inform the SIA via email to IEAdmin@sia.gov.uk whenever any member of the team uses the S19 (2) power of inspection.

Name of applicable team	Team details (if required)	Telephone number

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I confirm that the members of these team(s) are fit and proper and appropriately trained to be granted such authority.

I agree to inform the SIA immediately should any of the listed teams no longer require such authority (e.g. they are renamed or disbanded) in accordance with section 19 of the Private Security Industry Act 2001 or if there are any other amendments to this list.

Signed

Print name

Position

Organisation

.....

.....

.....

.....

Email

Date.....

*** For the purposes of this authority, the definition of 'Applicable Team' shall include:**

- Employed members of Local Authority Licensing Teams (Licensing Officers etc.)
- Employed members of Police Force Licensing Teams (Licensing Enforcement Officers etc.)
- Other applicable Partner Agencies (considered on a case by case basis by the SIA).

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

meeting date: 2 NOVEMBER 2021
title: GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES –
OUTCOME OF CONSULTATION
submitted by: CHIEF EXECUTIVE
principal author: STEPHEN BARKER, SOLICITOR

1 PURPOSE

1.1 To consider and approve the Council's Statement of Principles under the Gambling Act 2005 for 2022-2025.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives }
- Corporate Priorities }
- Other Considerations }

The Council seeks to be a well-managed Council. Reviewing policies which guide the Council when making decisions contributes to this objective.

2 BACKGROUND

2.1 The Gambling Act 2005 (the "**Act**") gave the Council responsibility for licensing a variety of types of premises, for example betting offices and arcades. There are very few premises in the Council's area, which hold such licences. However, many premises licensed under the Licensing Act 2003 also hold permits under the Act for gaming machines.

2.2 The Act requires Councils to have a statement of principles, to publish it every three years and to review it from time to time. The Council's revised statement is required to be in place by January 2022.

2.3 On 7 September 2021, the Council's Licensing Committee reviewed the Council's Statement of Principles on Gambling ("**Statement**") as required by the Act. The Statement was approved by Committee to form the basis of a consultation exercise. That consultation ran from 10 September 2021 to 24 October 2021.

2.5 At the date of this report the Council has received no responses from those consulted. If responses are received before the consultation closes, they will be reported to Committee at the meeting.

3 ISSUES.

3.1 In the absence of responses, Committee is asked to approve the Statement as set out in **Appendix 1** to this report and recommend its adoption to Full Council.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – N/A
- Technical, Environmental and Legal – It is a statutory requirement to review the policy.
- Political – No implications identified.
- Reputation – Reviewing the statement will enhance the Council’s reputation as a well-managed Council.
- Equality & Diversity – No implications identified.

5 **RECOMMENDED THAT COUNCIL**

5.1 Approve the Statement of Principles under the Gambling Act 2005 for 2022-2025 and recommend its adoption to Full Council.

STEPHEN BARKER

MARSHAL SCOTT

SOLICITOR

CHIEF EXECUTIVE

BACKGROUND PAPERS

- Report to Licensing Committee 7 September 2021

For further information please ask for Stephen Barker, extension 3216

APPENDIX 1



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Draft RIBBLE VALLEY BOROUGH COUNCIL

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

2022-2025

**RIBBLE VALLEY BOROUGH COUNCIL STATEMENT OF PRINCIPLES
Gambling Act 2005 (Section 349)
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PART A - BACKGROUND

1. The Licensing Objectives

- In exercising most of their functions under the Gambling Act 2005 (“**Act**”), licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

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*”.

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 thinks it:

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

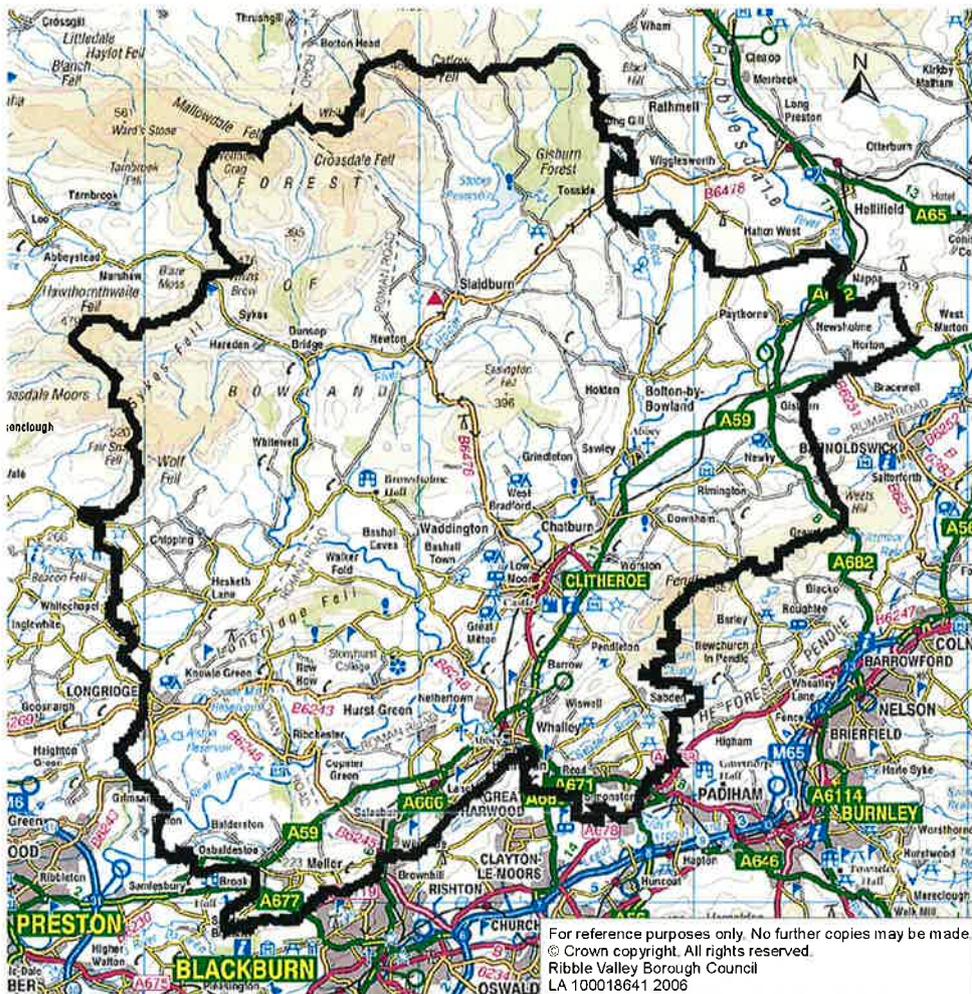
2. Introduction

Of the 12 district and 2 unitary authorities within the County of Lancashire, Ribble Valley has the largest geographical area but the smallest population. Covering 226 square miles, two thirds of the district is designated as part of the Forest of Bowland Area of Outstanding Natural Beauty. Ribble Valley is also the ‘Centre of the Kingdom’ as the small settlement of Dunsop Bridge lies on the exact centre point of the British Isles.

58,826 people live within the Borough. The historic market town of Clitheroe contains just under a quarter of the residents (population c.14,765) and is the commercial and administrative centre for the district. The town of Longridge (population c.8,000) is the industrial and shopping centre for the west of the Borough. Elsewhere there are numerous villages of varying sizes, some accessible along the A59 corridor, others more remote from local services and public transport.

The resident population is relatively old, with a greater than average number of residents over the age of 60 and consequently a lower than average number of young people aged 24 and under. Population projections suggest that this imbalance will increase in the future.

Ribble Valley is a relatively affluent area, and unemployment levels within the Borough are amongst the lowest in the country. Given the rural nature of the area, it is not surprising that agriculture and tourism are important employers.



Amongst the Council's ambitions are:

- To help make people's lives safer and healthier.
- To protect and enhance the existing environmental quality of the area.

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

Ribblesdale Borough Council consulted widely before finalising and publishing its Statement of Principles. A list of those persons consulted is provided below.

The 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.

List of persons this authority consulted include

- The Chief Constable – Lancashire Constabulary
 - Association of British Bookmakers
 - British Amusement and Catering Trades Association
 - The Bingo Association
 - Fire & Rescue Authority
- British Beer and Pubs Association
Customs and Excise
Gam Care
Citizens Advice Bureau
The Lotteries Council
Security Industry Association
Remote Gambling Association
Pubwatch
The holders of current Gambling/Betting licences
Clitheroe Chamber of Trade
Whalley Chamber of Trade
Longridge Business Group
Area Child Protection Partnership
Ribble Valley Borough Consultees
Ribble Valley Borough Council Directors
Ribble Valley Borough Council Members
Town and Parish Councils
Lancashire County Council Trading Standards and Social Services Departments

Our consultation took place between **10 September 2021 and 24 October 2021**. A full list of comments made and the consideration by the Council of those comments is available by request to: The Licensing Officer, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA. Tel: 01200 425111 Email: Licensing@ribblevalley.gov.uk

Should you have any comments as regards this policy statement please send them via email or letter using the contact details above.

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

3. Declaration

In producing the final Statement of Principles, 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 most recently updated on 13 May 2021, and any responses from those consulted on the Statement of Principles.

4. Responsible Authorities

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

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

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

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.ribblevalley.gov.uk and at Appendix A.

5. Interested parties

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

".....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)"*

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

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 for local authorities at 8.12 and 8.13. 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, if in the particular circumstances of the application the licensing authority departs from the guidance it will explain its reasons for doing so.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.16). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

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 represent 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.

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 the licensing department using the contact details set out above

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, 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.

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 General Data Protection Regulation ("GDPR") will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

7. Enforcement

Licensing authorities are required by regulation under the Act 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.

This licensing authority's principles are that:

It 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. It is the view that the statutory duty to aim to permit gambling, subject to reasonable consistency with the licensing objectives, is best delivered through partnership working between industry and regulator, including licensing authorities. Licensing authorities should aim to work with local businesses to reduce the risk to the licensing objectives to acceptable levels. The Act does not envisage regulation by either the Commission or licensing authorities being aimed at preventing legitimate gambling

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.

This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. This will include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

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. In particular, with regard to the Regulators Code (April 2014) which provides a regulatory framework that supports compliance and growth while enabling resources to be focused where they are most needed.

8. Licensing Authority functions

Licensing authorities have responsibility for licensing gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in clubs and miners' welfare institutes. In England and Wales, local authorities have these responsibilities; in Scotland they have been given to licensing boards. The Act also provides a system of temporary and occasional use notices. These enable licensing authorities to authorise premises that are not licensed generally for gambling purposes, to be used for certain types of gambling for limited periods.

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

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

In exercising these functions the Licensing Authority will operate in accordance with the scheme of delegation set out at Appendix B.

9 Safeguarding against Child Sexual Exploitation (CSE)

The Council acknowledges children are not permitted access to most gambling premises. However where children are permitted access to for example Family Entertainment Centres, Tracks etc. applicants should ensure that suitable management controls are in place to safeguard children against the risk of CSE. Applicants should be equally aware of children in the proximity of the premises that may be waiting for, or seeking, older persons. Suitable management controls which could be put in place to safeguard children against the risk of CSE, may include, but are not limited to awareness training for staff; and recording concerns and reporting these to the police.

The Council expects applicants to be aware of 'risk indicators' of CSE which include, but are not limited to developing relationships between a child and an older person; children in the company of a group of older persons; children regularly attending premises and meeting with a number of different older persons, particularly where older persons may be facilitating gambling for children; children outside of licensed premises developing relationships with an older person, particularly an older person facilitating gambling for children; children leaving the locality of the premises with older people, particularly with a group of older persons; children looking uncomfortable in the company of, or leaving with, older people, particularly groups of older persons.

Whilst the Council does not wish to create the impression that all contact between children and older people is inappropriate, it is strongly of the view that licence holders should be aware of the risks of CSE and should proactively manage their premises to minimise the risks.

11.5 Whilst the licensing authority acknowledges that CSE falls outside of the requirement of the licensing objective which is to protect children from the harm of gambling, the authority considers that we all have a moral duty to protect children from CSE and regard should be given to this in areas where children and adults may congregate together

socially. The licensing authority are requesting that operators consider this matter when dealing with staff training etc.

DRAFT

PART B **PREMISES LICENCES**

General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State.

licensing authorities are able to exclude default conditions and also attach other conditions, where considered appropriate.

This 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 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.

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

Decision making

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 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.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below –) and also that unmet demand is not a criterion for a licensing authority.

Definition of "premises"

Premises is defined in the Act as "any place". Section 152 therefore prevents more than one premises licence applying to any place.. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:

- licensing authorities should take particular care in considering applications for multiple

licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

- licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

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

Location - 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 can. 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. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

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

Licensing objectives - 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 - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling

from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions, and powers of door supervisors are restricted to upholding the licensing objectives under the Act.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Local Risk Assessments - from 6 April 2016 a new requirement was introduced requiring licensed operators of certain gambling establishments to undertake local risk assessments.

This requirement was formalised in the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015 and updated in January 2018 to take effect from 4 April 2018.

Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences,

except non-remote general betting (limited) and betting intermediary licences.

Licences are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

Licencees are required to undertake a local risk assessment:

- when applying for a new premises licence;
- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- when there are significant changes at a licensee's premises that may affect mitigation of local risks; and
- when applying for a variation of a premises licence.

The risk assessment must be reviewed as necessary.

The new social responsibility provision is supplemented by an ordinary code provision recommending as good practice that:

- licencees should share their risk assessment with licensing authorities when applying for a premises licence; or
- applying for a variation to any existing licensed premises; or
- at the request of the licensing authority.

The council will expect the local risk assessment to consider as a minimum:

- whether the premises is in an area of deprivation;
- whether the premises is in an area subject to high levels of crime and/or disorder
- the demographics of the area in relation to vulnerable groups ; or
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.

- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

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

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

To assist in the production of the local risk assessments, this Licensing Authority has produced a local area profile in order to identify any risks that exist that would undermine the licensing objectives. This will be updated as and when further data is received. A copy of this is enclosed as Appendix 2.

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

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

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.

This licensing authority 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.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

It is noted that there are conditions 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 - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). This licensing authority will therefore establish requirements for door supervisors working at casinos or bingo premises. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

2. Adult Gaming Centres

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

This licensing authority may consider measures to meet the licensing objective such as:

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

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

3. (Licensed) Family Entertainment Centres

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

This licensing authority may consider measures to meet the licensing objectives such as:

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

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

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.

4. Casinos

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

Casinos and competitive bidding - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations / codes of practice issued under the Gambling Act 2005.

Licence considerations/conditions - This licensing authority will, as per the Gambling Commission's Guidance, 'have regard to the conditions relating specifically to casino premises, i.e. both mandatory conditions – those that must be attached to casino premises; and default conditions – those that will apply unless the licensing authority chooses to exclude them using its powers under section 169'. It will also adhere to the Commission's 'Licence Conditions and Code of Practice'.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

18.6 - It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

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

6. Betting premises

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance (paragraph 19.8), take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

To meeting the licensing objectives this licensing authority may consider measures such as:

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

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

Gaming machines - Track owners holding both a track premises licence and a pool betting operating licence issued by the Commission (in effect, greyhound tracks only), may site up to four gaming machines within categories B2 to D on the track. Some tracks will also qualify for an alcohol licence and as such they will be automatically entitled under section 282 of the Act to two gaming machines of category C or D. If a track premises licence holder has both an alcohol licence and a pool betting operating licence, then they will be entitled to a total of six gaming machines (two via the alcohol licence and four via the operating licence). This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the

use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

Applications and plans - The Gambling Commission suggests "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

This licensing authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8. Travelling Fairs

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

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

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

9. Provisional Statements

This licensing authority notes the Guidance for the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be

complete ensures that the authority could, if necessary, inspect it fully”.

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

- (a) which could not have been raised by way of representations at the provisional licence stage ;
- (b) which is in the authority's opinion reflect a change in the operator's circumstances; or
- (c) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision

This authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

10. Reviews:

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, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- 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.

The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate

PART C **PERMITS/TEMPORARY & OCCASIONAL USE NOTICE**

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

Where a premises does not hold a premises licence but wishes to provide gaming

machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

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

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)"

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

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, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove

the automatic authorisation in respect of any particular premises if:

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

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant." This 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 harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

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

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

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

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

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

This 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;

- and that the gaming offered is within the law; and
- They have clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

4. Club Gaming and Club Machines Permits

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

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."

The Commission Guidance also notes 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."

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."

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.

5. Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

6. Occasional Use Notices:

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

GAMBLING ACT 2005

<p>Gambling Commission (<i>Responsible Authority</i>)</p> <p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p>	<p>Lancashire Constabulary (<i>Responsible Authority</i>)</p> <p>Lancashire Constabulary East Division Licensing Clitheroe Police Station King Street Clitheroe BB7 2EU eastpolicelicensing@lancashire.pnn.police.uk</p>
<p>Fire & Rescue (<i>Responsible Authority</i>)</p> <p>Eastern Area Fire Safety Enforcement Team Leader Lancashire Fire and Rescue Service E71 Blackburn Fire Station Fire Safety Department Byrom Street Blackburn BB2 2LE</p>	<p>Local Planning Authority (<i>Responsible Authority</i>)</p> <p>Head of Economic Development and Planning Ribble Valley Borough Council Council Offices Church Walk Clitheroe Lancashire BB7 2RA</p>
<p>Health & Safety & Environmental Health (<i>Responsible Authority</i>)</p> <p>Head of Environmental Health Services Ribble Valley Borough Council Council Offices Church Walk Clitheroe Lancashire BB7 2RA</p>	<p>Protection of Children (<i>Responsible Authority</i>)</p> <p>Lancashire Safeguarding Children's Board Manager Room B52 PO Box 61 County Hall Preston PR1 8RJ</p>
<p>HM Revenue & Customs (<i>Responsible Authority</i>)</p> <p>National Registration Unit HM Revenue & Customs Portcullis House 21 India Street Glasgow Strathclyde G2 4PZ</p>	

SCHEME OF DELEGATION

Matter to be dealt with	Full Council	Licensing Committee	Officers
Final approval of three years licensing policy	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 a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club/gaming/club machine permits		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX 2



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

GAMBLING ACT 2005 LOCAL AREA PROFILE

Contents

1. Introduction
2. Geography
3. Local Economy
4. Resident Population
5. Crime and Disorder
6. Gambling Premises
7. Risks

1. Introduction

This profile has been produced by Ribble Valley Borough Council as an appendix to its Statement of Principles for Gambling issued under Section 349 of the Gambling Act 2005 and following the recommendations of the Gambling Commission and Local Government Association.

Since 6 April 2006 gambling operators have been required to undertake risk assessments for their premises which should take into account the nature and characteristics of the locality in which they are situated, eg proximity of schools and churches. Such risk assessments should give due consideration to this Local Area Profile ("LAP") which is compiled with respect to any reported gambling-related problems in the area.

It is thought that a LAP will increase awareness of any identified risks in order to inform operators in order to provide sufficient detail when completing their risk assessments. This will facilitate constructive engagement with operators and a greater coordinated response to any identified local risks.

It is expected that the LAP will develop over time and will be influenced by information provided by the responsible authorities.

2. Geography

Ribble Valley has the largest geographical area within Lancashire, covering 226 square miles (583 square kilometres), but the smallest population. Ribble Valley borders neighbouring councils in East Lancashire, Craven District Council in North Yorkshire, South Ribble, Preston, Wyre and Lancaster Borough Councils.

3. Local Economy¹

Unemployment is below the national and regional averages and the third lowest in the North West (at 2.5% compared with the national average of 4.6%). Earnings are above the national average.

Given the rural nature of the area, it is not surprising that agriculture and tourism are important employers. However, recent years have seen major restructuring, within the agricultural/land-based sector in particular. The tourism sector accounts for approximately 14% of employment, and it is estimated that day visits generated £113.2 million for the local economy of Ribble Valley in 2014. There are estimated to be around 3,700 jobs in tourism-related businesses.

One of the largest employment sectors in Ribble Valley is manufacturing, which accounts for 27.5% of employment within the borough, and is represented by major national and multi-national companies such as Hanson Cement, Johnson Matthey, and BAe Systems. The relatively small number of large employers is complemented by an above average presence of micro enterprises employing 0-9 employees.

4. Resident Population

According to the ONS mid-year population estimates figures, the total resident population of the Borough reached 62,000 during 2020². Life expectancy within the Ribble Valley is currently 81.2 for males and 83.5 for females³. According to ONS projections, the resident population of the Borough is predicted to increase over the next few years to reach a total of 65,012 by 2031⁴. Migration accounts for all of the population growth as projections show fewer births than deaths in the Borough.

Within Ribble Valley 23.57% of the population (14,154) has reached retirement age. There are now significantly more retired people living in the borough compared with the number of children (10,393 aged 0-16 years). There are 1,887 people aged over 85 living in the borough.

There are currently 36,359 people in the working age population (age 16 to retirement age) in the borough.⁵

¹ Jan-Dec 2020 NOMIS Labour Market profile

² ONS Population Estimates – local authority based by 5 year age band

³ Public Health England Local Authority Health Profile 2019

⁴ ONS 2018 Subnational Population Projections

⁵ ONS Mid year Population Estimates 2018.

From the 2011 Census 97.8% of the borough is recorded as White. The small ethnic minority representation is predominantly made up of people from Pakistan, India and Poland.

5. Areas of deprivation

Ribble Valley is a relatively affluent area and is ranked 295 out of 354 in the indices of deprivation for local authority areas in England (with one being the most disadvantaged). No wards figure in the 10% most deprived. However, Ribble Valley has 12.5% of LSOAs (Lower Super Output Areas) in the top 10% most deprived areas nationally in terms of Barriers to Housing and Services and Living Environment (ie 5 out of the 40 LSOAs in the Ribble Valley)⁶.

Ribble Valley BC	Rank of average score	Proportion of LSOAs in most deprived 10% nationally
Income	316	0
Employment	268	0
Education Skills and Training	318	0
Health Deprivation	212	0
Crime	296	0
Barriers to Housing and Services	208	12.5%
Living Environment	111	12.5%
Income deprivation affecting children	325	0

⁶ IMD 2019

6. Crime and disorder

The crime statistics for the Ribble Valley can be obtained from the Police UK website.

7. Gambling Premises

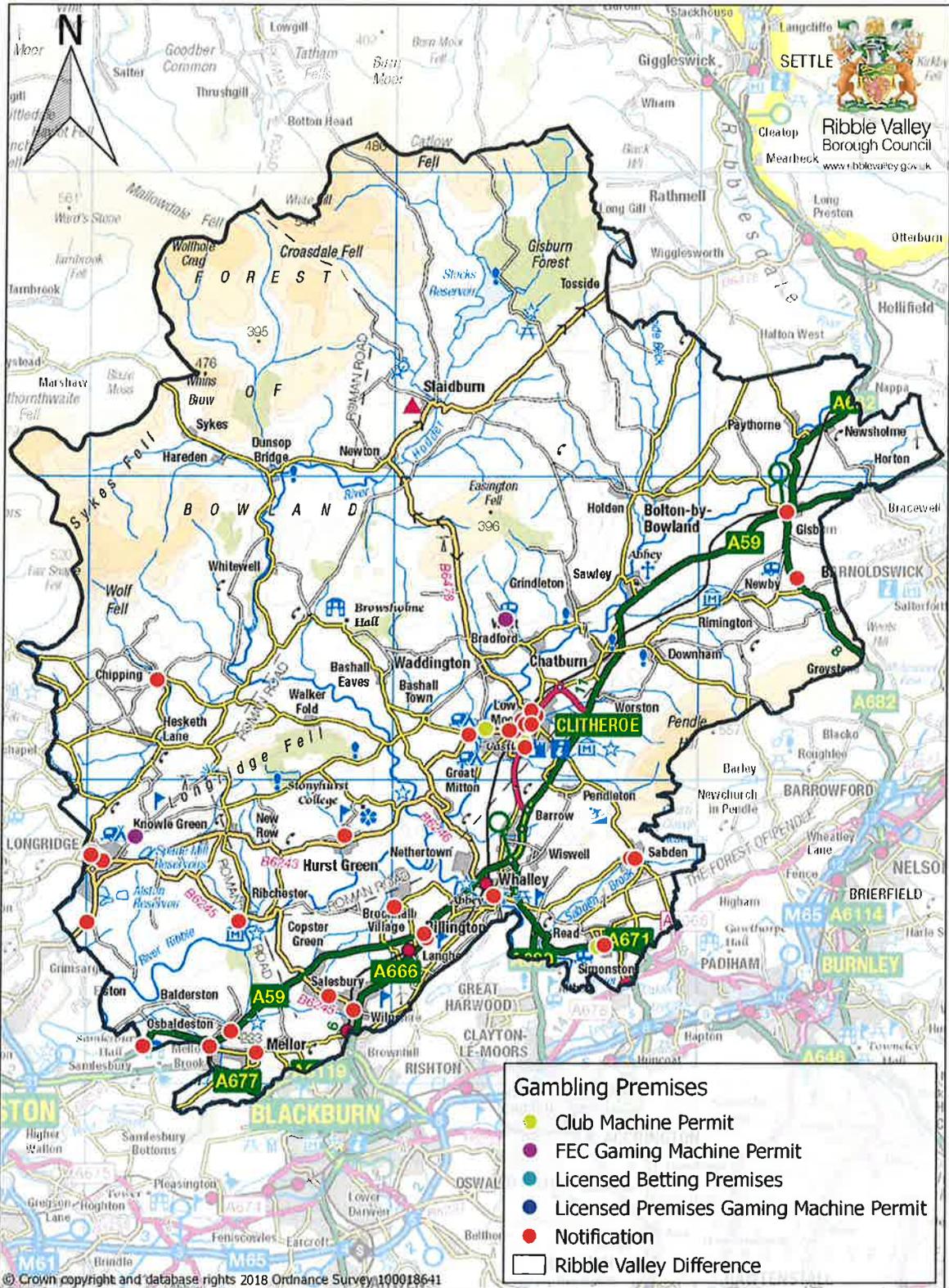
There are currently 15 licensed gambling premises within the Council's area:

- 2 Betting Premises Licences

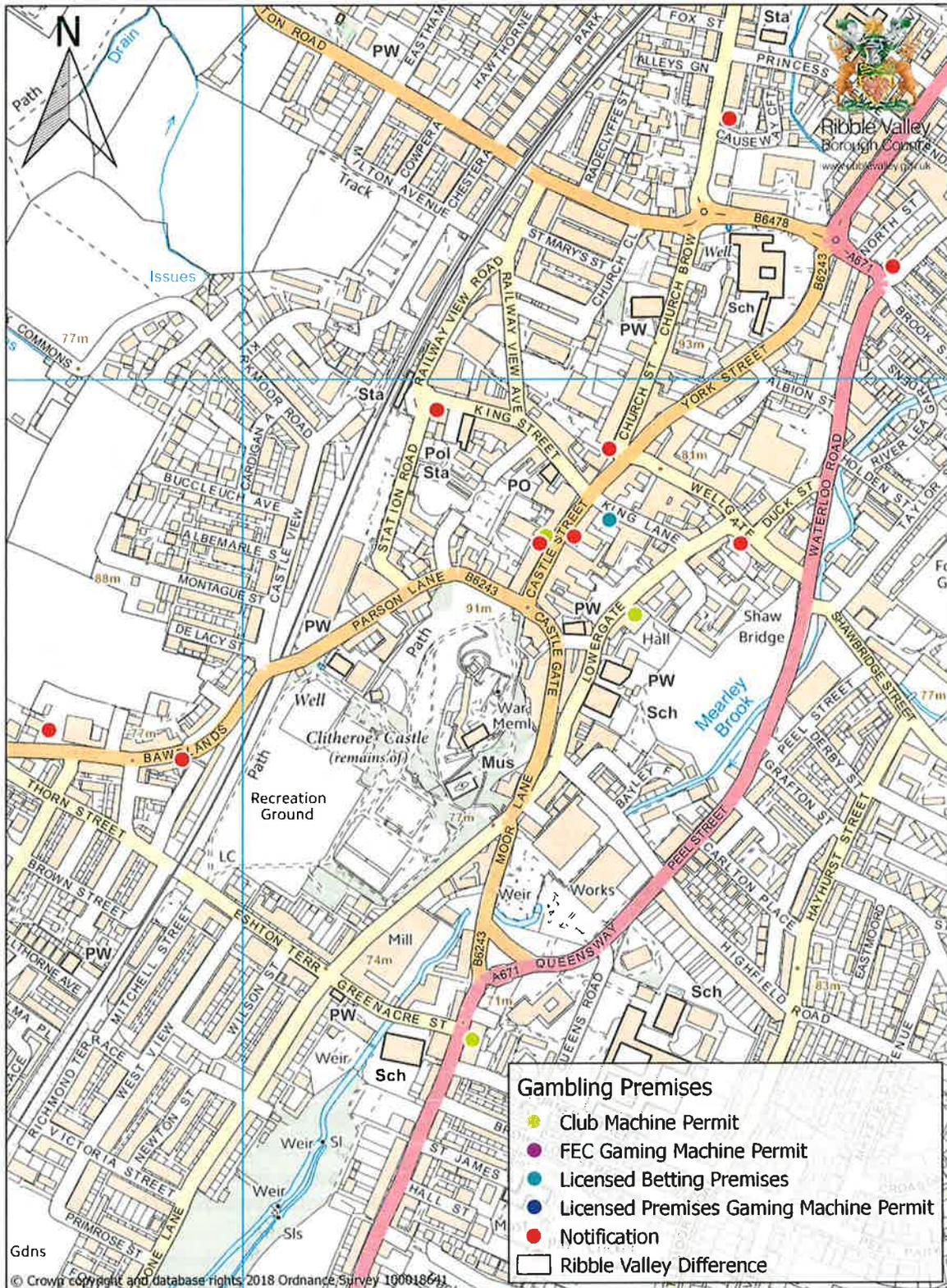
The Council has also issued the following permits:

- 2 Family Entertainment Centre Gaming Machine Permits
- 1 Bingo Premises Licence
- 1 Club Gaming Permit
- 6 Club Machine Permits
- 3 Licensed Premises Gaming Machine Permits
- 40 Notification of 2 or less Gaming Machine (Alcohol Licensed Premises)

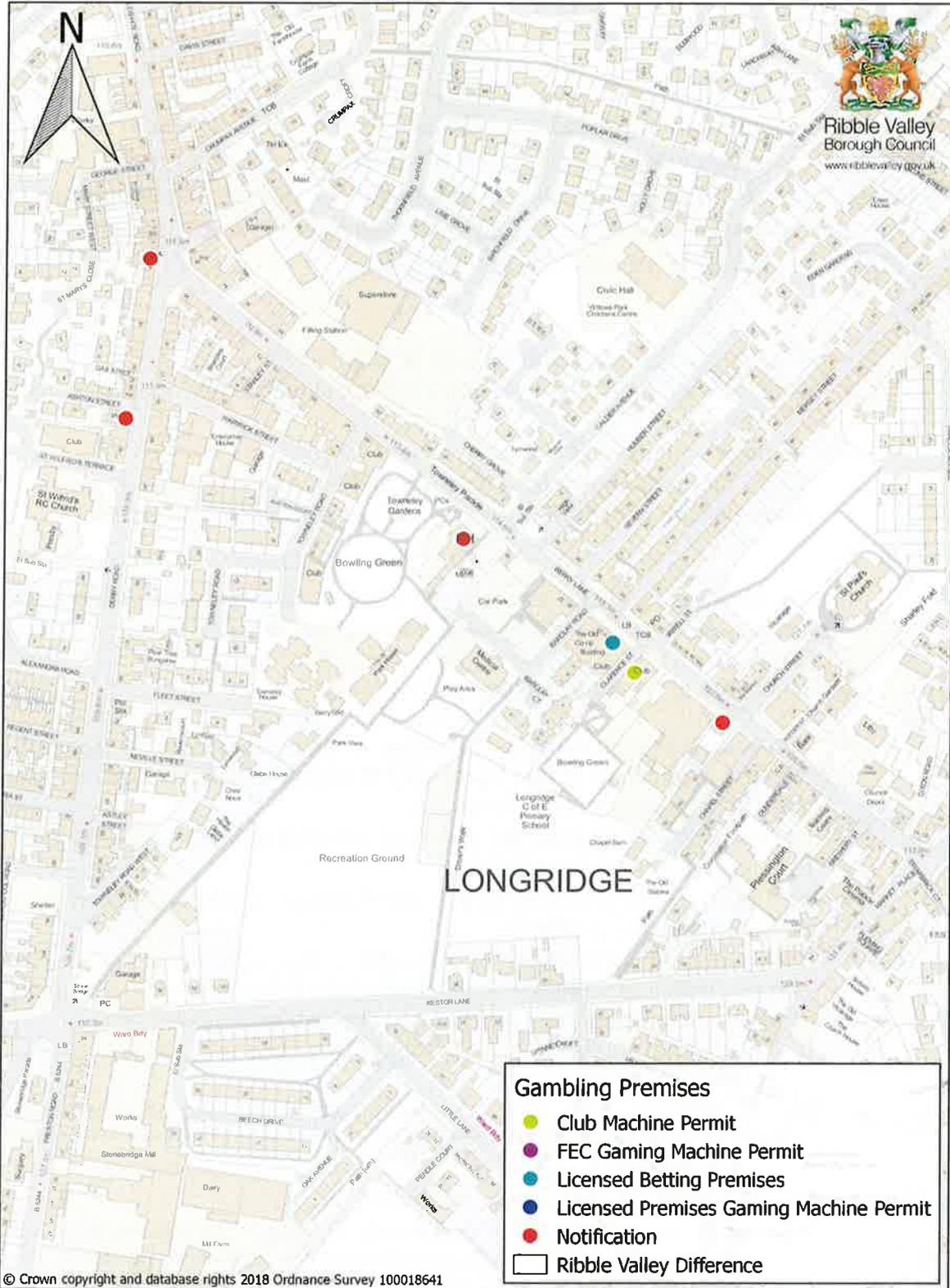
These are shown on the maps set out below:



Gambling Premises - Ribble Valley



Gambling Premises - Clitheroe



Scale: 1:3,000
 Date: 10 Sep 2018

Gambling Premises - Longridge

8. Risks

The Licensing Authority expects all Operators to consider the external and internal risks posed by their premises when they develop their risk assessments. In order to assist Operators the Council has highlighted a number of issues which they expect to be addressed in such assessments. This list is illustrative only and not exhaustive.

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

DECISION

meeting date: TUESDAY, 2 NOVEMBER 2018
title: EXPIRY OF WHALLEY CUMULATIVE IMPACT ASSESSMENT – REVIEW
OF RESPONSES TO RECENT SURVEY
submitted by: CHIEF EXECUTIVE
principal author: STEPHEN BARKER, SOLICITOR

1 PURPOSE

1.1 To inform Committee of the results of the Cumulative Impact Assessment Survey.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - }
- Corporate Priorities - } The Council aims to be a well-managed Council and these proposals support that objective.
- Other Considerations - }

2 BACKGROUND

2.1 Committee will recall that a report was submitted in June 2021 requesting that Committee review and consider implementation for a further period of the Cumulative Impact Policy in Whalley. Committee resolved to authorise the Head of Legal and Democratic Services to make enquiries of the responsible authorities to assess whether there is sufficient evidence to support a Cumulative Impact Policy for Whalley and the area to which the policy would relate; consult informally with licensees in Whalley, the Parish Council and community groups and to report back with recommendations based on responses received.

2.2 As a result the Council set up a cumulative impact survey both online and in paper format. A link to the survey was published on the Council's website and publicised through press releases, social media and by letters sent to the Parish Council, all licensed premises, ward Councillors and Whalley Chamber of trade on 20 September 2021. The survey closed on 10 October 2021. The survey related to the area of Whalley and Painter Wood to reflect the ward boundaries. A map showing this area outlined in blue accompanied the survey as did a list of all premises within that area and a map showing their location. Copies of these documents are enclosed as Appendix 1.

3 ISSUES

3.1 The Council received 65 responses. The results of those responses have been collated into a report which is enclosed as Appendix 2. Committee should note the contents and in particular the responses to questions 5-8 and decide whether this evidences sufficient concern about crime and disorder, public safety, public nuisance, or protection of children from harm in the Whalley and Painter Wood area to progress to the next stage of the process.

- 3.2 Should Committee decide that it should be progressed then further evidence must be collated to allow the Council to assess whether there is a sound evidential basis to any decision to publish a cumulative impact assessment. This may include:
- Local crime and disorder statistics including statistics on specific types of crime and crime hotspots.
 - Statistics on local anti-social behaviour offences
 - Health related statistics such as alcohol related emergency attendances and hospital admissions.
 - Environmental health complaints, particularly in relation to litter and noise.
 - Complaints recorded by the Local Authority, which may include complaint raised by the local residents or resident's associations.
- 3.3 The Council would then consider this evidence alongside its own evidence of the impact of licensable activities within its area and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:
- Trends in licence applications, particularly trends in applications by types of premises and terminal hours.
 - Changes in terminal hours of premises.
 - Premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – no implications identified
- Technical, Environmental and Legal – the Council is required to review any Cumulative Impact Assessment at least every three years
- Political – no implications identified
- Reputation – no implications identified
- Equality and Diversity – no implications identified

5 **RECOMMENDED THAT COMMITTEE**

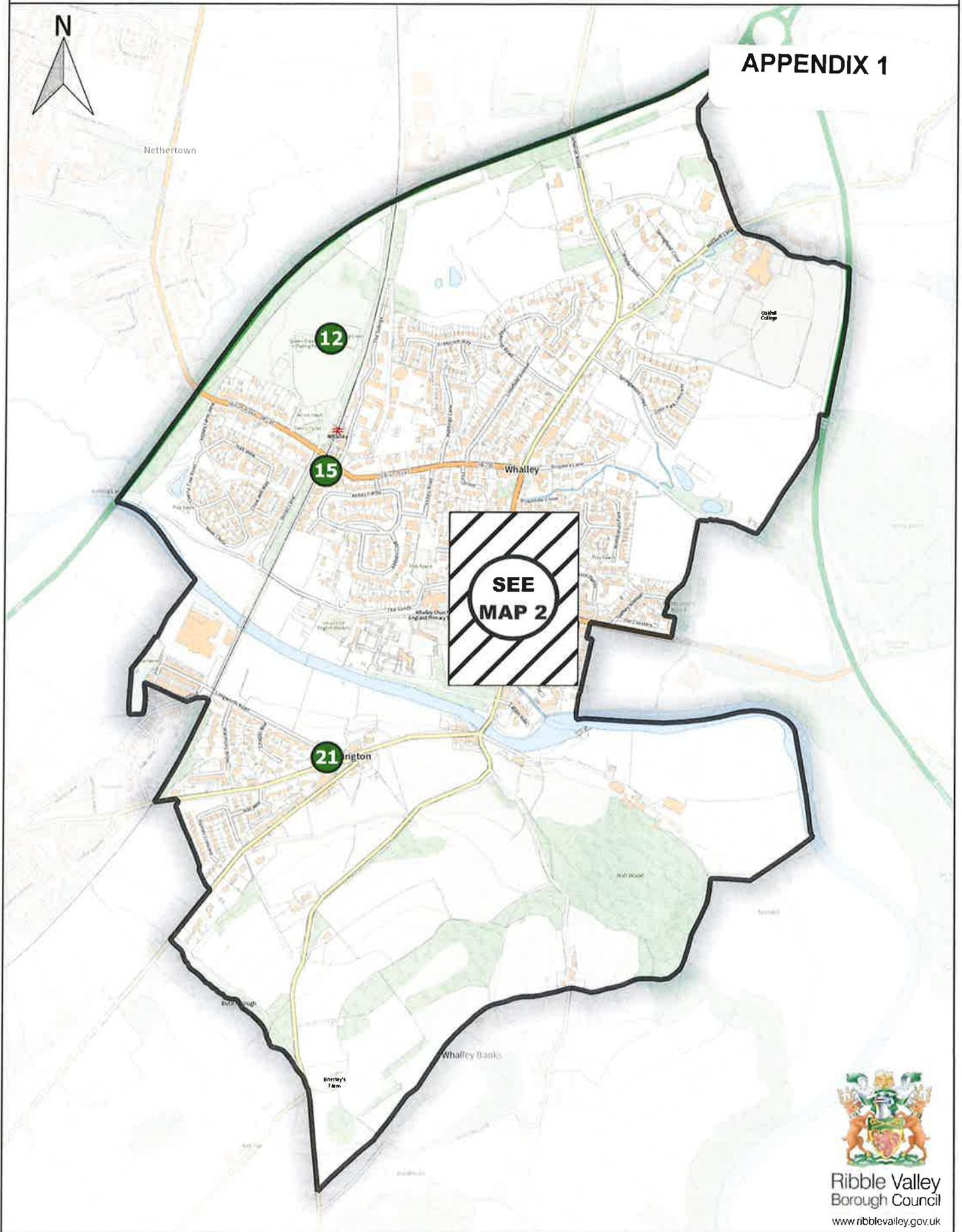
5.1 Authorise the Head of Legal and Democratic Services to seek and collate the evidence necessary to create an evidence base and to consult formally upon the proposed continuation of the cumulative impact assessment for Whalley and Painter Wood as required by the Licensing Act 2003.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216.

Whalley Licenced Premises - Map 1



Scale: 1:10,000

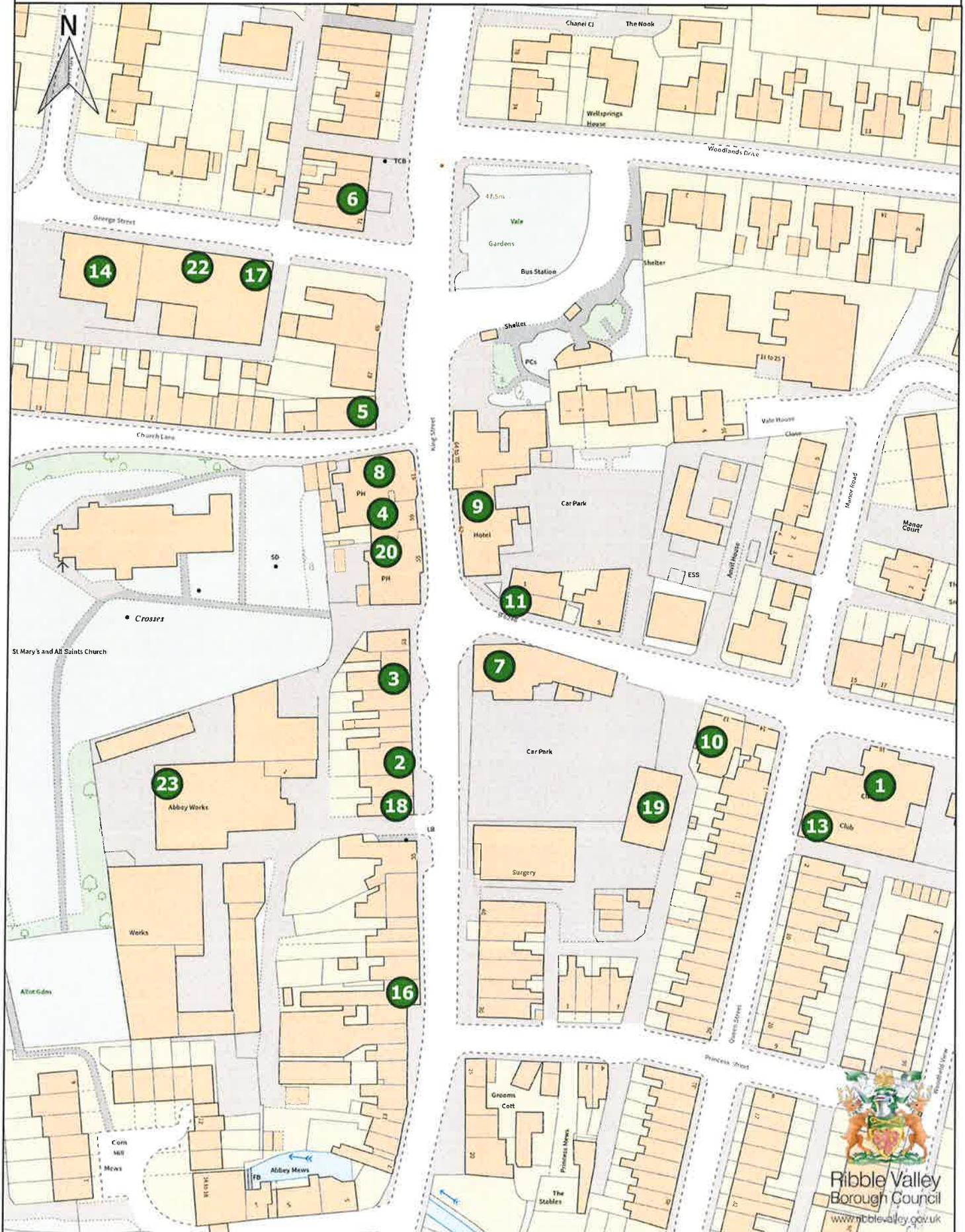
Date: 16 Sep 2021

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Whalley Licenced Premises - Map 2



Scale: 1:5,000

Date: 16 Sep 2021

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Premises Name	Address	Tertiary Class	Map Reference	Map
Rendevous	16 ACCRINGTON ROAD WHALLEY CLITHEROE BB7 9TD	Public Houses and Bars	1	2
Forum Whalley Limited	41 KING STREET WHALLEY CLITHEROE BB7 9SP	Public Houses and Bars	2	2
Amico Mio	49 KING STREET WHALLEY CLITHEROE BB7 9SP	Restaurants and Cafes	3	2
Jack's of Whalley	59 KING STREET WHALLEY CLITHEROE BB7 9SP	Public Houses and Bars	4	2
The Whalley Wine Shop	63 KING STREET WHALLEY CLITHEROE BB7 9SW	Shops and Showrooms	5	2
King Street Kitchen	73 KING STREET WHALLEY CLITHEROE BB7 9SW	Restaurants and Cafes	6	2
The co-operative food	60 KING STREET WHALLEY CLITHEROE BB7 9SL	Shops and Showrooms	7	2
De Lacy Arms	61 KING STREET WHALLEY CLITHEROE BB7 9SP	Public Houses and Bars	8	2
Swan Hotel	62 KING STREET WHALLEY CLITHEROE BB7 9SN	Public Houses and Bars	9	2
Abbey Club	12 ACCRINGTON ROAD WHALLEY CLITHEROE BB7 9TD	Licensed Private Members Clubs	10	2
Benny's Bar	3 ACCRINGTON ROAD WHALLEY CLITHEROE BB7 9TD	Public Houses and Bars	11	2
Whalley Sports Club	WHALLEY CRICKET CLUB MITTON ROAD WHALLEY CLITHEROE BB7 9RT	Sporting Activities	12	1
The Aviary	QUEEN STREET WHALLEY CLITHEROE BB7 9TA	Public Houses and Bars	13	2
Spar	9 GEORGE STREET WHALLEY CLITHEROE BB7 9TH	Shops and Showrooms	14	2
Food by Breda Murphy	41 STATION ROAD WHALLEY CLITHEROE BB7 9RH	Restaurants and Cafes	15	1
Trishna	25 KING STREET WHALLEY CLITHEROE BB7 9SP	Restaurants and Cafes	16	2
Tastebuds	1 GEORGE STREET WHALLEY CLITHEROE BB7 9TH	Restaurants and Cafes	17	2
Romero Pizza and Kebabs	37 KING STREET WHALLEY CLITHEROE BB7 9SP	Fast Food/Takeaways Outlets	18	2
Whalley Village Hall	ACCRINGTON ROAD WHALLEY CLITHEROE BB7 9TD	Public and Village Halls	19	2
Dog Inn	55 KING STREET WHALLEY CLITHEROE BB7 9SP	Public Houses and Bars	20	2
Brass Band Club	BILLINGTON AND WHALLEY BRASS BAND CLUB WHALLEY ROAD BILLINGTON	Licensed Private Members Clubs	21	1
Deux Amis	5 GEORGE STREET WHALLEY CLITHEROE BB7 9TH	Restaurants and Cafes	22	2
Salvage House	UNIT 6A ABBEY WORKS KING STREET WHALLEY CLITHEROE BB7 9SP	Public Houses and Bars	23	2
The Whalley Wine Bar	65 - 67 KING STREET WHALLEY CLITHEROE BB7 9SW	Public Houses and Bars	24	2

RIBBLE VALLEY BOROUGH COUNCIL

Cumulative Impact Assessment - an initial study relating to licensed premises in Whalley

REPORT



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

MICHELLE HAWORTH

OCTOBER 2021

Methodology

The Cumulative Impact Assessment Survey was set up online and paper copies were made available at the library in Whalley. Electronic responses and paper copies were received.

The link to the survey was published on the Council's website and publicised through press releases, social media and by letters sent to the Parish Council, all licensed premises, ward councillors and Whalley Chamber of Trade on 20 September 2021 and the survey closed on 10 October 2021.

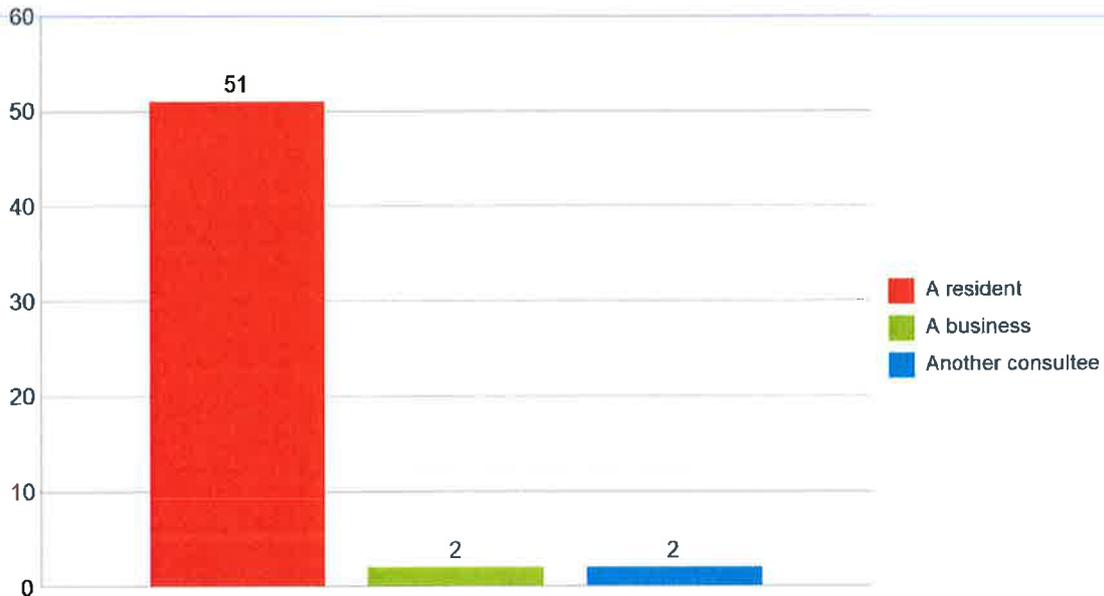
In total **65 responses** were received.

The Results

Q1 – Are you...?

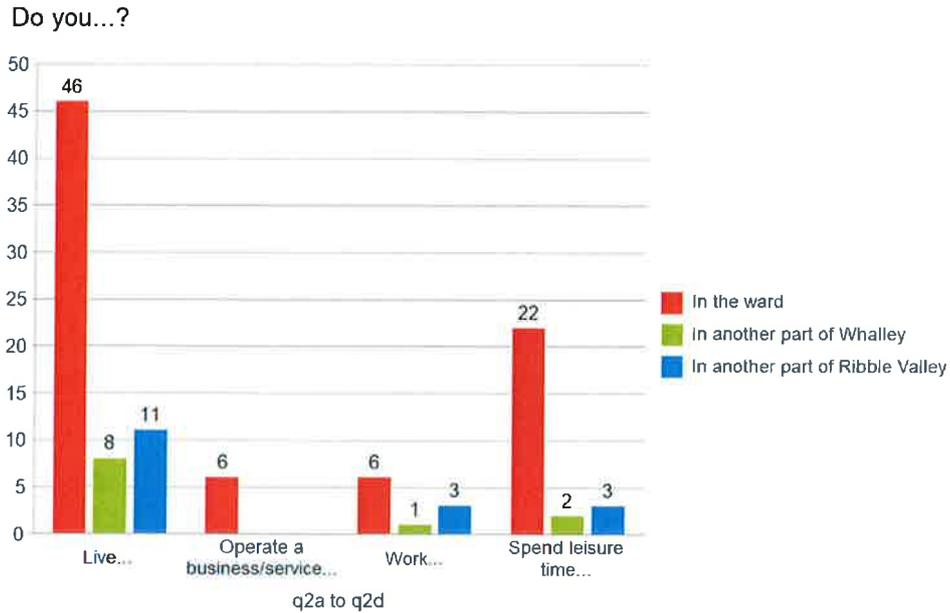
60 people responded to this question. 93% replied that they are a resident and 3.5% replied that they are a business and 3.5% another consultee.

Are you...?



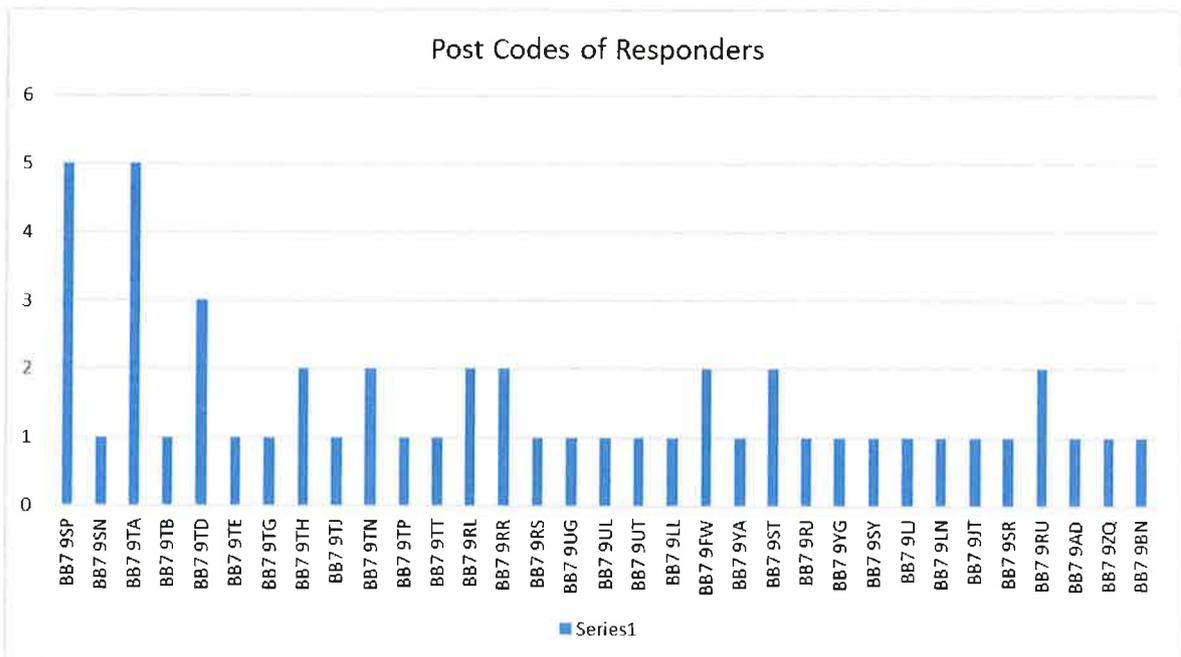
Q2 – Do you...?

The majority of respondents (46) live in the ward. 22 respondents also spend leisure time in the ward.



Q3 – If you live, work or operate a business in the ward please can you tell us your postcode?

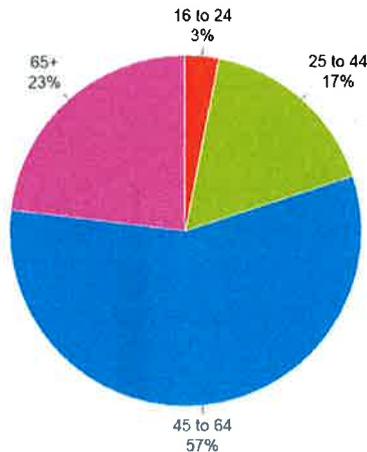
50 people responded to this question. Unsurprisingly there is a high response rate from the postcode areas covering the streets around Rendezvous and The Aviary and also from the streets including and branching off from King Street, the main street, where many of the licensed premises are located.



Q4 – What is your age?

65 people provided an answer to this question. There was a good response across all age groups with 57% of respondents aged 45 to 64.

Age of respondent



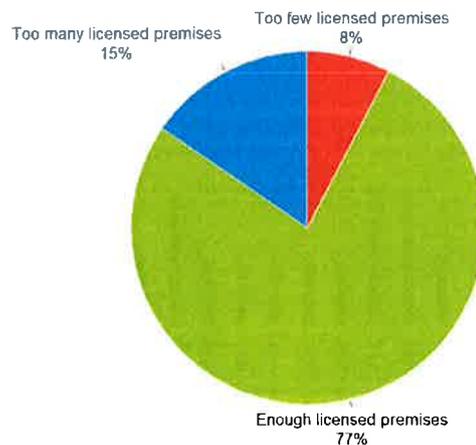
Q5 – How do you feel about the number of licensed premises in the Whalley and Painter Wood ward area at the moment?

This question was broken down to:

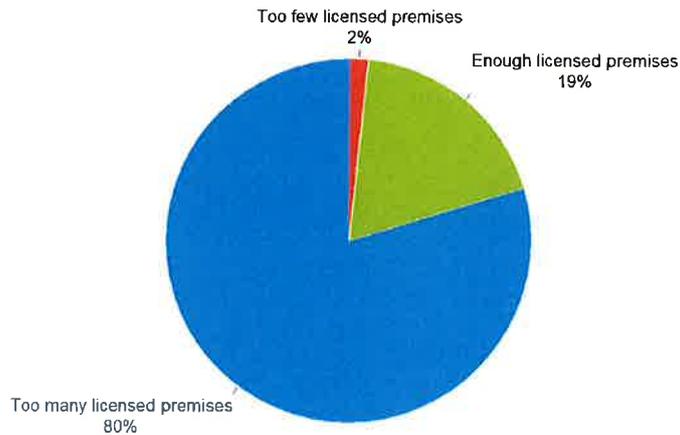
- Those that operate during the day (e.g tea rooms) - 65 people answered this question - and
- Those that operate at night – 64 people answered this question.

76.9% of respondents feel that there are enough licensed premises that operate during the day and 79.7% of respondents feel that there are too many licensed premises that operate at night.

Those that operate during the day (e.g tea rooms) ...



Those that operate at night...



Q6 – Do you think the Council’s Licensing Committee should in future consider restricting...

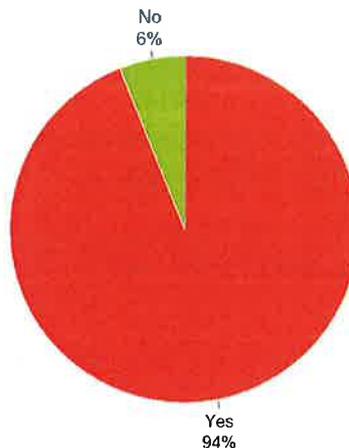
The question was broken down to:

- The number of new premises given a license to operate in the Whalley and Painter Wood ward area – 65 people responded to this question
- The hours that a new premise is licensed to operate – 65 people responded to this question.

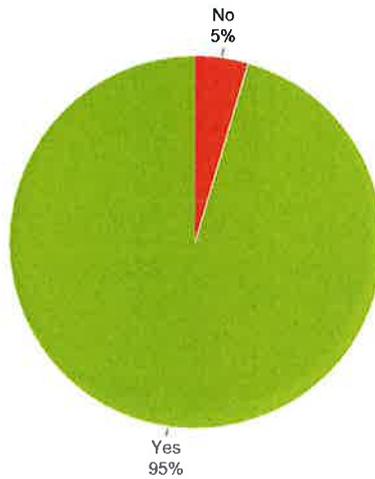
93.8% of respondents feel that the Council’s Licensing Committee should in future consider restricting the number of new premises given a license to operate in the Whalley and Painter Wood ward area.

95.4% of respondents feel that the Council’s Licensing Committee should in future consider restricting the hours that a new premise is licensed to operate.

The number of new premises given a licence to operate in the Whalley and Painter Wood ward area



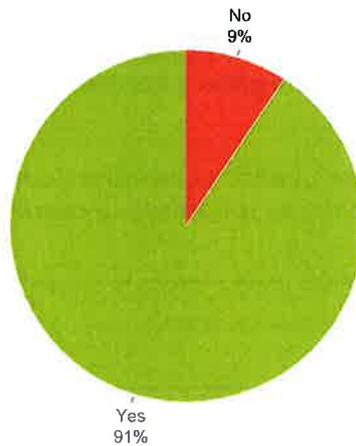
The hours that a new premise is licensed to operate



Q7 – Would you support increased controls on the way new premises in the Whalley and Painter Wood ward area operate?

64 people responded to this question. 90.6% of respondents would support increased controls on the way new premises in the Whalley and Painter Wood ward area operate.

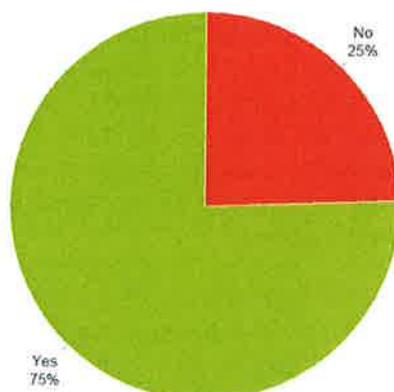
Would you support increased controls on the way new premises in the Whalley and Painter Wood ward area operate



Q8 – Have you been affected by the cumulative impact of the number of licensed premises in the Whalley and Painter Wood ward area?

57 people responded to this question. 75.4% of respondents answered that they had been affected by the cumulative impact of the number of licensed premises in the ward area.

Have you been affected by the cumulative impact of the number of licensed premises in the Whalley and Painter Wood ward area



Those that answered yes were asked to provide further information of how they had been affected (this could include details of public nuisance, damage or harm to themselves or their property.) 49 comments were received.

Below are the comments received -

1. "Music very loud which is disturbing my family from sleeping at night time. My son has ADHD and it's becoming a big problem with him as he is crying at nighttime because of the loud noise coming from Avairy and Rio's. We have also been targeted on our property with drunken people after midnight. I feel that the police need to be more on scene, to evaluate what is going on."
2. "Increased noise and anti social activity particularly at weekends we suffer on Cornmill Mews from activities at the Salvage Yard, particularly discos etc in an entirely inappropriate building with no sound attenuation in place at all . This site is surrounded by residential property, we are perhaps 30 metres away. During events all windows and doors are open and people spill onto the adjacent yard and access road without any parking etc How on earth was this entirely unacceptable use given consents in the first place ? Afterwards and at weekends we then have people worse for wear up and down the adjacent footpath and across the Mews , which is both disturbing and intimidating .We avoid King Street and the area at the junction at these times as it often mayhem attracting people from the wider area , why should Whalley residents suffer . We must have ten or twelve licenced premises , the village is saturated , no more please . We are sure the police will verify all of the above , we have a virtually permanent police presence at weekends . This used to be a quiet and pleasnat village which is being destroyed by noise , disturbanca and anti social behaviour , no more ."
3. "There are too many licensed premises in the village. There are some very responsible licensed premises namely The Swan, Whalley wine bar, The Dog. Bennys is a concern - there are minimum controls re numbers attending, age checks, not selling to persons who are clearly drunk. Rendezvous has always been an issue in how the licensee deals with egress. The Salvage Works is a real concern. They have live bands operating after midnight and they don't have the doors closed. The volume of the music coupled with the fact that people are drinking outside contributes to excessive noise that is disturbing. There are also customers from The Salvage Works and the Forum who then urinate and vomit on business and

residential premises. There has been a huge rise in alcohol related anti social behaviour, nuisance, damage and violence around the abbey grounds, neighbouring roads and there appears to be little done to manage this. There are further noise issues associated with the motorcycle businesses who operate from early morning up to 10pm at night with excessive engine testing, revving and excessive noise. The amount of litter on weekend mornings resulting from empty alcohol vessels, smashed glasses and takeaway wrappers is also a concern. There is also a concern re the number of people drinking outside pubs etc with no action taken by the premise owners. There also appears to be an increase in overt drug taking inside licensed premises and in the abbey."

4. "I am upset and distressed by the amount of anti social behaviour and music disturbance I am subjected to every weekend without fail. I am also upset about how this affects my child, regularly woken by mainly the shouting. I am not able to live safely in my home, I am always anxious about weekend and what has and could happen. I can't even use my front door at the weekend because of what I may stumble across and am usually too frightened to even look out of my window due to the people outside my house. I have a right to live free from fear and this is not happening at the moment"
5. "I am affected by the cumulative impact of the number of licensed premises on a weekly basis, specifically the weekends, Friday and Saturday nights. It is impossible to sleep with revellers shrieking, shouting, fighting, taxis pipping, car doors slamming, taxi driver chatting and revellers arguing about their fare. However, on top of all of this, and by far the worst disturbance for me is the thudding music noise that emanates from specific licensed premises near me which have not been designed nor adequately soundproofed for loud and/or live music through the day, night or early hours. This is such an unacceptable intrusion on my well-being and after years of complaining about this issue, to no avail, I have had to resort to the extreme measure of sometimes leaving my house at weekends and staying elsewhere just to get a night's sleep. This is despite doing everything I can think of to sound-proof my home, including recently removing my original internal doors and having new ones fitted to try and minimise the noise. I sleep with a fan on thorough the night to try and distract me from the utter torture of the thumping bass/ music noise. This cannot be considered an acceptable situation. I have had many, many frequent and weekly instances of intruders on and damage to my property. Revellers come into my garden to urinate, take drugs and sometimes just congregate. I have recent footage from one of my CCTVs which captured two drunk men on top of my garage roof. This has left me very, very anxious at night and adds to my inability to settle and sleep and feel safe in my home. I have had my garden fences and trellis broken (both back and front garden) on a regular basis for the past seven years and it is common to see drugs packets scattered about at the front and back of my house in the weekend mornings. There is vomit, broken glass, cigarette butts and discarded pizzas boxes all over the streets of Central Whalley and it is such a disgrace that as custodians of our beautiful village the powers that be cannot seem to protect it better than at present. Central Whalley has always been a vibrant place to be, but unfortunately the saturation of it by late night drinking establishments has made it attractive to all manner of out-of-towners who see it as a destination to drink as much as you can throughout the early hours. As such, it has become an intimidating, out-of-control and unpleasant place for residents to live. There seems to be very little thought, respect or care for those of us that live here. Indeed, I have been told on numerous occasions that I shouldn't have 'chosen to live next to wine bars', which

is very frustrating and much uniformed as I didn't 'choose' to live next to wine bars! I have lived here prior to ALL the wine bars and objected to each and every license that RVBC has passed, for the reasons that have now transpired. Any intelligent person understands that businesses are needed and that hospitality have had a particularly awful time recently with Covid. However, this nightlife blight has been going on long, long before Covid and I find it very insulting to use Covid as an excuse to facilitate the continual ruining of our lives."

6. "Late night noise from people arriving at and dispersing from The Aviary Cocktail Bar and Rios Nightclub. Noise from music systems. Shouting and screaming, aggressive behaviour, drunken behaviour. Urination on the street and in gardens. Broken glass on street. Late night noise from taxis arriving and dispersing on Accrington Road and Queen Street, which are both residential streets This noise can continue until 4am leading to inability to sleep or to have windows open - recommended in Covid times. The streets don't necessarily feel safe. I just want to have peace and quiet on the street where I live - a right enjoyed by others who do not live in the middle of Whalley."
7. "Yes. We live on the same residential area that 'The Aviary' and 'Rendezvous' are located, and clearly both of these premises (more referring to the Aviary), clearly dont understand the concept of noise control. I dread each weekend as I know it'll be another weekend of zero sleep."
8. "Increased littering and noise (nuisance) at night"
9. "The noise pollution in whalley is simply awful, I visit my parents regularly and it's got to the point where we cannot relax in the garden or house for that matter, due to heavy music and crowds of people leaving these somehow licensed premises. I simply can't understand why RVBC would allow bars to be located in the middle of a residential area with minimal restrictions of noise pollution/opening hours. Is it someone's job to be regulating this? I feel like it should be."
10. "Public nuisance, in the evening it is extremely unpleasant walking around the centre and sometimes the outskirts of Whalley. I have been subject to harrasment and abuse from people that do not live within the area and who have had too much to drink and become agressive and unpleasant. It also makes parking very difficult particularly on Church Lane where people visiting the pubs and wine bar park. I am concerned that people leave their cars overnight and it would become impossible for emergency vehicles to get down Church Lane and onto the Sands."
11. "I feel worried about the future of Whalley and the possibility of night time drinking behaviour creeping into the day. Following the extension of the wine bar the outside atmosphere seems to have changed in the DAY. I had an unpleasant experience trying to navigate the pavement outside the wine bar. The seating area was packed (Friday afternoon) and there were large groups of people congregated on the pavement section communicating with the customers in the seating area. I had to fight my way through and felt very unsafe and humiliated. As a female in my early sixties, I now take a detour and avoid this section of pavement if on my own. It does seem that people are congregating on the pavement outside in a manner that did not occur before the extension. I appreciate that the pandemic staycation situation may have an impact. However, this is a public pavement which is used by children going to and from to the primary school and people visiting the GP surgery and the Pharmacy. Wit h the recent increase in anti social behaviour what type of message

do we give to young people? I am not against the wine bar as it brings visitors to Whalley but I hope that when you grant licences in future you take into account the impact on pedestrians and consider their safety."

12. "Very noisy at times with people returning in the early hours"
13. "The amount of vandalism, litter, vomit and other unsavoury events are occurring more and frequently. I live in billington and we are affected by inebriated persons travelling through the village, as well as speeding cars and taxis, particularly by the billington metal railway bridge."
14. "Kept awake at night with street noise/loud voices/taxis until 4a.m. Detritus on pavement and street outside front door(fag ends, vomit, takeaway cartons) Unable to have windows open in Summer because of noise resulting in disturbed sleep patterns Anxiety/not feeling safe at weekends to go outside"
15. "Some of the licenced premises on King St & Queen St are attracting a number of ""unsavoury characters"" to the village. I personally have witnessed increasing instances of drugs use / drugs dealing in the car parks & public houses. Whilst my wife has been verbally abused on two recent occasions. When we moved to Whalley 9-years ago there were just 4-pubs & 2-licenced restaurants on King St + Rendevous on Accrington road. Whereas now there are 12-drinking establishments on King St alone! Also, there used to be a regular evening community police patrol around the village centre at weekends. Whilst a police car was regularly in attendance on the bus terminus on most evenings. Unfortunately I very rarely see a police presence in & around Whalley theses days. Which I'm sure is also contributing to the proliferation of unsociable behavior in a village once considered to be one of the top ten places to live in England!!"
16. "We live just far enough away from the areas which operate as a night time economy and where fellow Whalley residents have their lives blighted by the fall-out in the early hours of the morning. We should limit the opening hours - 4.30 am is way too late in a residential area."
17. "There has been an increase of anit-social behaviour. Don't feel safe shopping in Whalley as a result of people drinking there and it being a small town. I feel sorry for the residents who live there"
18. "disturbances in the street, Drunk and disorderly on the streets. noise in the street. Parking issues"
19. "I am disgusted at the state of the pavements in Whalley, especially along King Street and Accrington Road. They are so stained with spilt beer/alcohol, urine and vomit (I know this is what it is because the smell is unmistakable) that I feel sick myself walking along them. It is putting me off visiting Whalley to spend my money. I blame this on the council's continued support of Whalley's night time economy above the needs of the residents and day time visitors. Whalley was once a nice village. Now it is jam packed with houses, traffic and nightclub/ wine bar filth."
20. "The council should be paying more attention to the amount of houses being built without any plans to increase medical and educational facilities"

21. "The source of the disturbance is Benny's Bar & Cafe at 3 Accrington Road. After the pubs close, drinkers congregate at Benny's in order to continue socialising until the early hours of the morning. This in itself is not an issue, but the fact that the door staff at Benny's allow adolescent drinkers to gather in loud groups outside their premises is the cause of much of the disturbance. A certain amount of noise is to be expected at weekends, but recently, it has also been occurring during the week which is intolerable. Sadly, central Whalley is fast becoming a no-go area after dark, and my family and I are now considering moving out of the village. The management at Benny's should be reminded that they are operating in a mixed residential & commercial area of Whalley and therefore have an obligation to behave accordingly. If not, their licence to serve alcohol should be revoked."
22. "See the after effects when visiting"
23. "My elderly mother lives in the centre of Whalley. I am worried about her going out in the evening, particularly at weekends when people travel to Whalley and there is rowdy behaviour."
24. "Bus loads of single sex parties being dropped off in village centre already rowdy at school pick up time. Driving through crowds of intoxicated revellers staggering off pavements and into traffic, proliferation of taxis parking & obstructing roundabout at king st & Accrington road. Inability to walk down pavement due to smokers outside the Forum, Whalley wine shop, the DeLacy Arms & Jacks. Vomiting & urination in front facing gardens. Verbal harassment of young girls by intoxicated men"
25. "After living in the area for just 3 years I've been shocked at the negative impact the number of evening licensed premises has on the area. I have personally witnessed several scenes of violence spilling out onto the street, drug paraphernalia left on the bus stations, drug taking and dealing (reported to the police), vandalism and a constant stream of broken glass and rubbish left on the streets without fail particularly on a Sunday morning. To the point where several residents have simply stopped going into Whalley on these times. Even something as simple as walking our dog in the village on a Sunday morning is problematic due to the broken glass often left outside the pubs and clubs. It is in my opinion imperative that the existing publicans and businesses do more to safeguard Whalley and forge better ties to the community by tackling some of the issues already present before inviting more."
26. "Nuisance and antisocial behaviour. Unacceptable in a village where homes lie side by side with licensed establishments"
27. "Continual noise , flower beds destroyed, we live on waters edge so only have access down Queen street where after 10pm the street is rowdy , doormen not allowing us down to our home . Abusive language and no thought for residents, traffic is horrendous at weekends when there's pop up bars, special events always include alcohol so eventually leads to fighting we often walk around on a Sunday morning and look at the aftermath of a bank holiday or busy weekend and look at the uprooted plants, bottles and glasses left anywhere. Absolutely no more licensed premises please. Enough is enough. We enjoy a night out but when its busy with taxis bringing people in that's the problem. Whalley is classed as a great night out with drinkers from Accrington, Gt Harwood etc not for residents now."
28. "I find it dangerous to drive through the centre of Whalley at night -(if you unfortunately have to) especially Accrington Road area. Rowdy drunken behaviour in

the streets. Same as comments I made on the last review- rowdy behaviour, RVC should clean the streets during day at weekend due to vomit and litter of all kind !!!!! If RVC want to promote the town of Whalley as tourist centre you need to look after it."

29. "It is pushing up rents, and stopping real shops opening. What the village needs is fresh fruit and vegetables, plastic free recycling shops, a charity shop or second hand renewable, a repair cafe. It is very intimidating walking through the village at all times of the day and the pavements and shops all being full of people drinking copious amounts of alcohol, so much so that we now avoid the centre as much as possible where once it was was a place to meet other locals and stop and chat. But then again, I'm not a tory."
30. "Noisy and rowdy behaviour in and around the railway station as people go to and from Whalley centre."
31. "No longer venture out late evening. Too many drunken people. Also the disarray in the village the morning after is evident for all to see"
32. "Lots of noise due to drunken people, litter thrown all over due to them getting take aways"
33. "We have only been in our house for 18 months. In this short time: -numerous noise disturbance on a regular, weekly basis from venues themselves (music) - numerous noise disturbances on a regular, weekly basis from passers by- singing, shouting etc. - 4 separate incidents in which floral window boxes were pulled off the window sill and smashed up. - wires going into the wall to the Sky box pulled out of the wall -wing mirror damage to our parked car outside our property -vomit over our parked car outside the property -most recently, physical fight outside the front door which we had to go outside and split up"
34. "I live just up the road from Rios & The Aviary plus a very short distance from the centre itself. The weekends are so noisy, especially late at night & into the early hours with people leaving & taxis. I do not feel safe walking down to coop for a pint of milk after 9pm, the village is full of drunks & drug takers. The following morning the village is a mess with glasses, bottles, left behind clothing, piles of sick & takeaway rubbish. The publicans/licenseses need to take more responsibility for cleaning up the village. And late licences should be reduced to help people move on earlier & let residents sleep/feel safe in their homes!"
35. "Noisy and rowdy behaviour in and around the railway station as people go to and from Whalley centre."
36. "Increased antisocial behaviour by drunken visitors to Whalley. I feel the quality of establishments and the hours are BOTH important. Some of the lower quality premises are drawing less desirable types into the village centre, (eg H2o and Aviary), where's for example Whalley Wine Bar attracts the right type of custom for a village like Whalley."
37. "We have only been in our house for 18 months. In this short time: -numerous noise disturbance on a regular, weekly basis from venues themselves (music) - numerous noise disturbances on a regular, weekly basis from passers by- singing, shouting etc. - 4 separate incidents in which floral window boxes were pulled off the

window sill and smashed up. - wires going into the wall to the Sky box pulled out of the wall -wing mirror damage to our parked car outside our property -vomit over our parked car outside the property -most recently, physical fight outside the front door which we had to go outside and split up"

38. "I haven't been personally effected though I am aware many people have. I have one big question- how on earth has Bennys bar been able to maintain their business within that particular unit for so long when so many others have failed???? Mmmmm I wonder???"
39. "lack of normal shop for a village, anti social behaviour, noise, traffic and parking, crime increased."
40. "Although I live just off the main road it can still be extremely noisy late at night and often into the early hours with people leaving the licensed premises. I have had many disturbed nights. When you walk through the village, even during the day, there are folk outside neary every pub drinking and blocking the pavement. It does not show our village in a very good light to visitors. It never used to be this bad!"
41. "Public nuisance in the form of noise, people returning from venues, shouting and swearing in the street. Car doors banging, engines running whilst people get money from cash points. Resulting in lack of sleep. Difficulty accessing property due to delivery vans making daytime deliveries"
42. "Yes as I believe more licensed premises in the area will invite more people to come into the town from other areas and towns which might then causes conflicts with the locals and potential vandalism noise pollution and general distressed of neighbourhood"
43. "I have been impacted greatly by these so called bars particularly the ones open until morning hours. I am affected by taxis, particularly loud music, which I have been informed is ""within Ribble Valley limits"", I can hear this in my home which is causing great distress to my health and wellbeing, to the point where I am struggling to function and run my business on the Monday and Tuesday after the weekend openings, then it starts all over again on Thursday. The people milling about these new places are causing disruption with shouting and fighting. Saturday and Sunday whilst walking to the shops I am greeted with used condoms, drug packets and vomit. This is a residential area, some of these places cannot be soundproofed adequately because of the large amount of windows in them and should not have been given a licence for music in an area so close to housing with families, some with small children. My business is supplying an important service to the pub/bar and hotel sector , I have spoken to a large number of these operators who cannot understand how these bars in Whalley have been given continuous permission to operate in these ways without repercussions"
44. "Late night disturbance and minor vandalism perpetrated by inebriated pedestrians proceeding towards Barrow."
45. "Noise nuisance Swearing , shouting, screeching from drunken people Taxi horns hooting until 5 a.m. Loud vehicle engine noise and misuse of one way street until 5 a.m. Vehicle damage Litter: glasses, bottles, underwear, drug paraphernalia, pizza boxes, faeces, vomit, urine. Being kept awake until 5 a.m. on Saturday and Sunday mornings. Mental health issues for people who are carers and get no sleep at the

weekends. The anti social behaviour makes me feel anxious, frightened and frustrated. Many people in this area are women living on their own."

46. "Noise in the evening Litter: bottles, drug bags, vomit, trespassers, taxi drivers making noise until 5 a.m. Lack of sleep leading to tiredness, irritability and mental health problems. Having to listen to offensive language. Unpleasant experiences when I am walking to church on Sunday morning. Unwillingness to walk through the village after 8 p.m. due to large groups of drunks"
47. "It has become ridiculous at weekends 4 or 5 bars operating into the small hours in a residential area means noise, fighting, vandalism and huge amounts of drug dealing. We have had people waking our kids up fighting and screaming outside our windows at 3 or 4am. No dedicated policing at closing times and this is made worse because every bar is operating different hours so the noise nuisance is continuous from 11 am. At the very least there should be dedicated officers in Whalley all night over the weekends. I don't think the council truly understand the impacts Whalley now has coaches pulling up in the bus station delivering parties from Yorkshire and the amount of drugs then attracts teenagers who have caused havoc in the Abbey."
48. "Customers who have already been drinking in village centre migrate to the late night bars in my area. I'm woken by music noise, ASB on streets and in alleys. Am considering moving due to the impact on my mental health. Too nervous to go out into the village on weekend evenings. The night-time economy is ruining Whalley and many neighbours want to leave the area."
49. "Late night driving is often noisy. Late night drinkers arrive in Whalley, often already drunk - drink more. Drugs are also evident (empty packets on co-op car park or on pavement). They then consume more and fights breakout, they trespass in people's gardens, wreck shop windows. They seem to lose all sense of what is right or wrong. Vomit and broken glass regularly found on Saturday am and Sunday am. Late night drinkers are the main problem - publicity about the 'lively music scene' in Whalley seems to be attracting undesirable visitors. I go out at nights for choir, book group and the pub/cinema in Clitheroe. I no longer feel safe returning home on my own now that drunks - male and female - and potentially drunk visitors are around on my return.."

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

INFORMATION

meeting date: 2 NOVEMBER 2021
title: TAXI ENFORCEMENT OPERATION
submitted by: CHIEF EXECUTIVE
principal author: STEPHEN BARKER, SOLICITOR

1 PURPOSE

1.1 To inform Committee of the results of an inspection of licensed private hire and hackney carriage vehicles.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives }
- Corporate Priorities } Consideration of these issues will promote the Council's aim to be a well-managed Council
- Other Considerations }

2 BACKGROUND

2.1 On 6 September 2021, the Council's Taxi Enforcement Officer carried out an inspection of licensed private hire and hackney carriage vehicles, in a joint operation with the Police, and Vehicle and Operator Services Agency.

3 ISSUES

3.1 The Council's Taxi Enforcement Officer inspected eight vehicles. Six were found to be of the required standard. Two vehicles were not of the required standard. The drivers of both vehicles were served with delayed prohibition notices requiring work to be carried out on their vehicles within 7 days. The notices related to worn brake pads and worn ball joints. The Council's Taxi Enforcement Officer has monitored whether this work has been carried out. He has confirmed that the works have been carried out and both vehicles have been issued with new MOT certificates.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – No implications identified.
- Technical, Environmental and Legal – Improved control of licence holders should improve public safety.
- Political - No implications identified.
- Reputation – Improved public safety will enhance the Council's reputation.
- Equality and Diversity – No implications identified.

5 **CONCLUSION**

5.1 Committee is asked to note the contents of this report.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

INFORMATION

meeting date: 2 NOVEMBER 2021
title: LICENSING SUBCOMMITTEE TRAINING FOR ELECTED MEMBERS
submitted by: CHIEF EXECUTIVE
principal author: STEPHEN BARKER

1 PURPOSE

1.1 To inform Committee of training to be provided on Licensing Sub-committees.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

2 BACKGROUND

2.1 As Committee is aware Licensing Sub-committees are held periodically to determine licensing applications and/or review licences. It is important that Councillors receive training on this aspect of their role.

3 ISSUES

3.1 The training will focus on the procedural and legal issues surrounding Sub-committees relating to hackney carriage and private hire licensing. It is intended that this will be followed by a further training session in relation to Sub-committees held to determine issues under the Licensing Act 2003.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – Resources will be required to make arrangements for the training
- Technical, Environmental and Legal – Improved knowledge of Members and Officer
- Political – No implications identified.
- Reputation – Improved public safety will enhance the Council's reputation.
- Equality & Diversity – no implication identified

5. **CONCLUSION**

5.1 Note the contents of this report.

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Stephen Barker, extension 3216