



HILLINGDON  
LONDON



# Council

## To all Members of the Council

**Date:** THURSDAY, 12 JANUARY  
2023

**Time:** 7.30 PM

**Venue:** CIVIC CENTRE, HIGH  
STREET, UXBRIDGE

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

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**Published:** Wednesday, 4 January 2023

**Contact:** Lloyd White, Head of  
Democratic Services

**Tel:** 01895 556743

**Email:** [lwhite@hillington.gov.uk](mailto:lwhite@hillington.gov.uk)

**Putting our residents first**

Lloyd White  
Head of Democratic Services  
London Borough of Hillingdon,  
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

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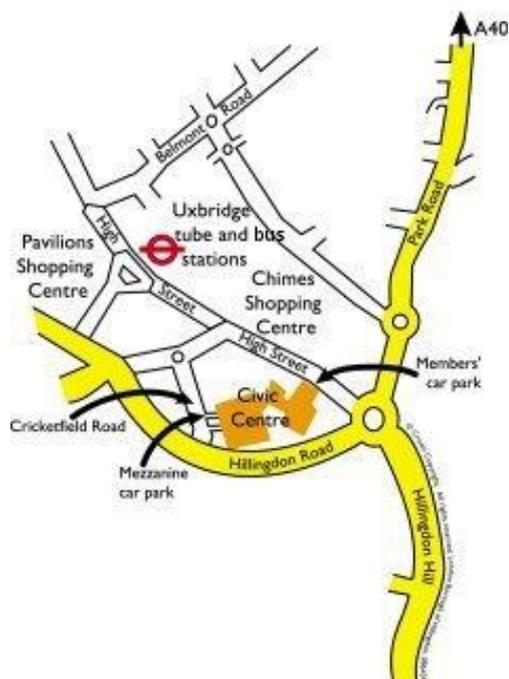


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# Agenda

## Prayers

To be said by Pastor Tunde Balogun.

- 1 Apologies for Absence
- 2 Minutes 1 - 8  
To receive the minutes of the meeting held on 17 November 2022 (*attached*)
- 3 Declarations of Interest  
To note any declarations of interest in any matter before the Council
- 4 Mayor's Announcements
- 5 Report of the Head of Democratic Services 9 - 10
- 6 Council Tax Base and Business Rates Forecast 2023/2024 11 - 30  
To consider the report from the Corporate Director of Finance (*attached*)
- 7 Statement of Gambling Policy 2023-2025 31 - 94  
To consider the adoption of a revised Statement (*attached*)
- 8 Members' Questions 95 - 96  
To take questions submitted by Members in accordance with Council Procedure Rule 11
- 9 Motions 97 - 98  
To consider Motions submitted by Members in accordance with Council Procedure Rule 12

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# Agenda Item 2



HILLINGDON  
LONDON

## Minutes

### COUNCIL

17 November 2022

Meeting held at Council Chamber - Civic Centre, High Street, Uxbridge UB8 1UW

Councillor Becky Haggar (Mayor)  
Councillor Shehryar Ahmad-Wallana (Deputy Mayor)

	<p><b>MEMBERS PRESENT:</b></p> <table><tr><td>Councillors: Naser Abby</td><td>Nick Denys</td><td>Gursharan Mand</td></tr><tr><td>Kaushik Banerjee</td><td>Jas Dhot</td><td>Stuart Mathers</td></tr><tr><td>Labina Basit</td><td>Ian Edwards</td><td>Douglas Mills</td></tr><tr><td>Adam Bennett</td><td>Scott Farley</td><td>Richard Mills</td></tr><tr><td>Kishan Bhatt</td><td>Elizabeth Garelick</td><td>Peter Money</td></tr><tr><td>Jonathan Bianco</td><td>Narinder Garg</td><td>Barry Nelson-West</td></tr><tr><td>Wayne Bridges</td><td>Tony Gill</td><td>Susan O'Brien</td></tr><tr><td>Tony Burles</td><td>Martin Goddard</td><td>Jane Palmer</td></tr><tr><td>Keith Burrows</td><td>Ekta Gohil</td><td>Sital Punja</td></tr><tr><td>Reeta Chamdal</td><td>Henry Higgins</td><td>John Riley</td></tr><tr><td>Roy Chamdal</td><td>Mohammed Islam</td><td>Raju Sansarpuri</td></tr><tr><td>Alan Chapman</td><td>Rita Judge</td><td>Jagjit Singh</td></tr><tr><td>Farhad Choubedar</td><td>Kamal Preet Kaur</td><td>Peter Smallwood</td></tr><tr><td>Philip Corthorne</td><td>Eddie Lavery</td><td>Colleen Sullivan</td></tr><tr><td>Peter Curling</td><td>Richard Lewis</td><td>Jan Sweeting</td></tr><tr><td>Darran Davies</td><td>Heena Makwana</td><td>Steve Tuckwell</td></tr></table>	Councillors: Naser Abby	Nick Denys	Gursharan Mand	Kaushik Banerjee	Jas Dhot	Stuart Mathers	Labina Basit	Ian Edwards	Douglas Mills	Adam Bennett	Scott Farley	Richard Mills	Kishan Bhatt	Elizabeth Garelick	Peter Money	Jonathan Bianco	Narinder Garg	Barry Nelson-West	Wayne Bridges	Tony Gill	Susan O'Brien	Tony Burles	Martin Goddard	Jane Palmer	Keith Burrows	Ekta Gohil	Sital Punja	Reeta Chamdal	Henry Higgins	John Riley	Roy Chamdal	Mohammed Islam	Raju Sansarpuri	Alan Chapman	Rita Judge	Jagjit Singh	Farhad Choubedar	Kamal Preet Kaur	Peter Smallwood	Philip Corthorne	Eddie Lavery	Colleen Sullivan	Peter Curling	Richard Lewis	Jan Sweeting	Darran Davies	Heena Makwana	Steve Tuckwell
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	<p><b>OFFICERS PRESENT:</b> Tony Zaman, Andy Evans, Dan Kennedy, Perry Scott, Glen Egan, Lloyd White, Mark Braddock and Nikki O'Halloran</p>																																																
29.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies for absence had been received from Councillors Gardner, Lakhmana and Nelson.</p>																																																
30.	<p><b>MINUTES</b> (<i>Agenda Item 2</i>)</p> <p><b>RESOLVED:</b> That the minutes of the meeting held on 22 September 2022 be agreed as a correct record.</p>																																																
31.	<p><b>DECLARATIONS OF INTEREST</b> (<i>Agenda Item 3</i>)</p> <p>There were no declarations of interest in matters coming before this meeting.</p>																																																
32.	<p><b>MAYOR'S ANNOUNCEMENTS</b> (<i>Agenda Item 4</i>)</p> <p>The Mayor commended the tireless and continued service of Councillors, officers, businesses and community groups in communicating and supporting others. The Mayor's Parlour had been busy receiving visits from groups such as Scouts, Guides and Cadets and new connections had been made between charities and multifaith groups.</p>																																																

The Mayor had attended a range of events including the Hillingdon Hospital Staff Awards and retirement celebrations for the Deputy Lord Lieutenant, Bruce Houlder, and commended Ruislip Residents Association for receiving the Queens Award. Her charities had been doing well with the Daniella Logan Foundation holding a very well attended event and the Magical Marvellous Picture House moving into premises in the Pavilions in Uxbridge.

The Mayor's music hall event had sold out and raised more than £2,200 for her charities. The Mayor thanked everyone who had attended and thanked the Mayor's Office staff who had supported the event. She also thanked the Councillors, those with roles in the community, her Consorts and her mother who had supported her. She wished everyone a very Happy Christmas.

33. **REPORT OF THE HEAD OF DEMOCRATIC SERVICES** (*Agenda Item 5*)

**5.1 MEMBER / OFFICER PROTOCOL**

Councillor Edwards moved, and Councillor Bianco seconded, the motion as set out on the Order of Business and it was:

**RESOLVED: That the proposed amendment to Chapter 22 of the Constitution regarding the Member / Officer Protocol as set out in Minute Annex A, be approved.**

**5.2 APPOINTMENTS COMMITTEE**

Councillor Edwards moved, and Councillor Bianco seconded, the motion as set out on the Order of Business and it was:

**RESOLVED: That the proposed amendment to Chapter 10 of the Constitution regarding the deletion of the Appointments-Sub Committee and the merging of its role into the Appointments Committee (with membership of 3 Members) as set out in Minute Annex A, be approved and the Head of Democratic Services be authorised to make any other consequential text changes to the Constitution, as appropriate.**

**5.3 HEALTH AND WELLBEING BOARD MEMBERSHIP**

Councillor Edwards moved, and Councillor Bianco seconded, the motion as set out on the Order of Business and it was:

**RESOLVED: That the Health and Wellbeing Board membership be amended to include the LBH Executive Director, Children and Young People's Services and the NWL CCG be replaced with NWL ICS as set out in Minute Annex A.**

34. **ADOPTION OF THE COUNCIL STRATEGY 2022-2026** (*Agenda Item 6*)

Councillor Edwards moved, and Councillor Bianco seconded, the motion as set out on the Order of Business and it was:

**RESOLVED: That the Council Strategy 2022-2026, be adopted as part of the Council's policy framework.**

35. **MEMBERS' QUESTIONS** (*Agenda Item 7*)

**7.1 QUESTION SUBMITTED BY COUNCILLOR GOHIL TO THE CABINET MEMBER FOR RESIDENTS' SERVICES – COUNCILLOR LAVERY:**

*“Could the Cabinet Member please update the Council on the progress of the Hayes Regeneration project?”*

Councillor Lavery advised that the two development projects in Hayes represented significant investment in the Council’s housing stock. A consultation had been undertaken with residents and, in May 2021, residents located on both sites had voted in favour of regeneration on both estates. Since then, work had been undertaken to mobilise and reach key milestones. Planning consent for 740 new homes had been agreed - 50% of these would be affordable and Phase 1 would include a high proportion of social housing.

Higgins Partnership had been engaged to deliver the project and had started on site. The organisation had held a ‘meet the developer’ event during the half term holidays to engage with residents. The development would enable those residents that wanted to stay to do so but would enable existing residents to move if they wanted. It was anticipated that the new homes would be ready from 2025. The Cabinet Member thanked the Corporate Director of Place and his team for delivering on these projects.

There was no supplementary question.

**7.2 QUESTION SUBMITTED BY COUNCILLOR MAKWANA TO THE CABINET MEMBER FOR RESIDENTS' SERVICES – COUNCILLOR LAVERY:**

*“What success has the Council had using Natural Flood Prevention to protect residents from flooding?”*

Councillor Lavery advised that, rather than using interventions such as underground tanks to deal with flooding, the authority had run pilot schemes in Council-owned green spaces (Bessingby Park, Elephant Park and Court Park) over the last year using natural flood management techniques to mitigate the impact of flooding. This included the installation of ponds and in-watercourse channel dams to slow down the natural movement of water. Bessingby Park had subsequently seen big improvements in residential areas which had previously experienced flooding.

The Environment Agency had invited applications for natural flood management projects. An application had been submitted for Ruislip.

There was no supplementary question.

**7.4 QUESTION SUBMITTED BY COUNCILLOR LEWIS TO THE CABINET MEMBER FOR FINANCE - COUNCILLOR GODDARD:**

*“Could the Cabinet Member please provide an update as to the work and results of Hillingdon’s Counter Fraud Team?”*

Councillor Goddard noted that the Counter Fraud Team supported the Council to meet its statutory responsibilities regarding the prevention and detection of fraud and corruption. As well as counter fraud activity, the team also undertook revenue inspections and disciplinary investigations. Fraud awareness training had been

delivered, policies had been put in place and the risk of fraud and corruption had been assessed. The team also helped nationally with work around housing benefit fraud.

In terms of positive financial returns, Councillor Goddard noted that the work of the Counter Fraud Team had resulted in £1.2m of loss prevention and savings in 2018/2019. In 2020/2021, this had increased to £1.9m and, in 2021/2022, the Team had achieved £3m. During the current year to date, the Team had achieved £7.8m in loss prevention and savings against a target of £3.5m.

Areas of work undertaken by the team included immigration, blue badges and housing, with the recovery of 50 Council houses. The team had achieved a record level of recovery and reflected the Council's approach of a zero tolerance of fraud. Councillor Goddard congratulated the Head of Counter Fraud and his team for their splendid performance.

There was no supplementary question.

### **7.3 QUESTION SUBMITTED BY COUNCILLOR BENNETT TO THE CABINET MEMBER FOR RESIDENTS' SERVICES – COUNCILLOR LAVERY:**

*“Could the Cabinet Member please update the Council on the outcome of the 2022 Green Flag awards?”*

Councillor Lavery advised that Hillingdon had achieved four additional new Green Flags (in Rosedale Park, Moorhall Recreation Ground, Rockingham Recreation Ground and Hillingdon House Farm) taking the Borough's total to 67 – more than any other Borough. 27 of the Green Flags were in the North of the Borough and 40 in the South.

The Green Flag awards had been judged by environmental charities and needed to meet stringent criteria. Councillor Lavery noted that the work at Hillingdon House Farm had been led by the Green Spaces team but had been achieved through the work of volunteers who maintained the space.

The Cabinet Member thanked the Head of Green Spaces and his team for their hard work. He also thanked the Friends of Eastcote House Gardens which had won four prestigious awards in London in Bloom.

There was no supplementary question.

## **36. MOTIONS (Agenda Item 8)**

### **8.1 MOTION FROM COUNCILLOR BIANCO**

Councillor Bianco moved, and Councillor Gohil seconded, the motion as set out on the Order of Business.

Those in favour of the motion noted that a unanimous resolution had been passed a few months previously which had condemned the ULEZ expansion proposal as it would have had a detrimental effect on many Hillingdon residents. Sir Ray Puddifoot MBE had met with TfL in November 2017 to request the introduction of an express north / south bus route through the Borough to reduce residents' car usage but this had not yet resulted in any action. This express bus route proposal was thought to be a better and greener solution to reduce car emissions in the Borough and a sound

alternative to ULEZ.

It was noted that the London Assembly Member for Ealing and Hillingdon, Dr Onkar Sahota, had voted in support of the proposal to expand ULEZ to the outer London boroughs.

Councillor Curling moved, and Councillor Mathers seconded, the following amendment:

- First Paragraph - delete “with the majority of respondents opposing the idea of the boundary being extended into outer London Boroughs” and add “but that the results and conclusion have not been published yet”.
- Insert New Second Paragraph – “This Council notes that the Government has failed to adequately fund TfL and has forced through unfair, unnecessary and damaging conditions to funding deals which were essential to keeping Londoners moving during the pandemic. This Council notes that these conditions were imposed by the former Prime Minister, Boris Johnson, MP for Uxbridge and South Ruislip.”
- Add to the End of the Final Paragraph – “As well as writing to the Secretary of State for Transport to request a better funding settlement for TFL which will benefit residents across Hillingdon.”

Those speaking in support of the amendment noted that there had been cross party support in opposing the ULEZ expansion proposal. They welcomed the administration’s change to a lobbying Council and had proposed the amendment to ensure that the Council lobbied the Government, which had provided inadequate funding for TfL, as well as the Mayor of London. The funding formula needed to be changed by Government.

Those speaking against the amendment were struck by the last minute nature of the amendment and suggested that it blamed others for the lack of services in Hillingdon.

Councillor R Mills moved, and Councillor O’Brien seconded, that the question now be put. This was agreed by the Mayor, put to the vote and carried. The amendment was then put to the vote and lost.

Speaking on the original motion, those in favour noted that the administration continued to put residents first and aimed to ensure that facilities were improved rather than playing politics. The previous Mayor of London had recognised that outer London needed to be treated differently to inner London but the current Mayor hadn’t even managed to stop the Crossrail project from being delayed by four years.

Those in favour of the original motion suggested that Dr Onkar Sahota did not care for his constituents or recognise that travelling from north to south in the Borough (and other outer London boroughs) was difficult for residents using public transport. The Mayor and Dr Sahota needed to be urged not to abandon Hillingdon and instead give residents the bus service that they needed and deserved.

The original motion was put to the vote and it was:

**RESOLVED: That this Council notes the Mayor of London’s ULEZ consultation has concluded with the majority of responses opposing the idea of the boundary being extended into the outer Boroughs.**

**This Council further notes that the most important TfL connection the Mayor**

could deliver to assist the residents of Hillingdon, whilst also reducing emissions across the Borough, is an express bus service from Uxbridge to the Elizabeth line stations at Hayes and Harlington and West Drayton, providing a fast route into and out of Central London.

This Council instructs the Cabinet Member for Property, Highways and Transport and the Chief Executive to write to the Greater London Assembly Member for Ealing and Hillingdon asking him to support the proposal and also to The Mayor of London encouraging him to implement the express bus service.

## 8.2 MOTION FROM COUNCILLOR FARLEY

Councillor Farley moved, and Councillor Mathers seconded, the following motion:

“That this Council recognises the severe financial impact that energy costs are having on local schools, placing many of them in a position of budget deficits.

“This Council therefore calls on the Cabinet to consider the allocation of Community Infrastructure Levy funding to a programme of renewable energy installation, such as solar panels, on school buildings, in order to make future energy costs less of a drain to school budgets, as well as making a positive contribution towards the reduction of the borough’s carbon footprint.”

Those speaking in support of the motion noted that the energy crisis was deepening daily and that schools were not being temperature shielded. The Government had advised that additional funding would be given to schools but it was thought that this would be overrun by other additional costs. The increasing costs faced by schools would have to be met from within existing budgets so it was anticipated that around 66% of schools would have to make teaching assistants redundant or reduce their hours. More schools would be declaring deficits in their budgets.

It was unclear how long the war in Ukraine would continue. As such, it was important to improve the energy security in the Borough.

Councillor Bianco moved, and Councillor Lavery seconded, the following amendment:

“That this Council recognises the severe financial impact that energy costs are having on ~~local schools~~ *residents and organisations across the Borough*, placing many of them in a position of ~~budget deficits~~ *financial difficulty*.

“This Council *notes the work already undertaken by the administration on developing Council owned solar farms and therefore* calls on the Cabinet to consider the allocation of *available funding including, where appropriate,* Community Infrastructure Levy funding to a ~~programme of~~ *fund* renewable energy installation, such as solar panels, on ~~school buildings~~ *Council land*, in order to make future energy costs less of a drain to ~~school~~ *public* budgets, as well as making a positive contribution towards the reduction of the Borough’s carbon footprint.”

Those speaking in favour of the amendment noted that it made the motion more relevant to the Council’s position. Increasing energy costs would be affecting all residents and the administration had looked to reduce the Council’s carbon footprint. Funds had been withdrawn to progress the development of a solar farm which would

power 12k homes and reduce the Borough's carbon footprint by 16k tonnes. Consideration would be given to looking at alternative funding streams.

The original motion had only focussed on one part of the community and CIL funding had already been allocated to a range of Council projects including Chrysalis and roads and pavements. It was recognised that the Council needed to make its buildings more energy efficient but the funding to achieve this would come from sources such as the Government's Green Homes Grant Scheme. In addition, money had been identified in the Council's Medium Term Financial Forecast (MTFF) for carbon initiatives. It would be important for all groups to know what funds were available and how to apply for them. It was suggested that the amendment put all residents first as everyone had been suffering from the cost of living crisis and the Council would do more good with projects that benefitted all residents.

Those speaking against the amendment noted that there were children at school that were having to wear scarves and gloves to keep warm in class as windows and doors continued to be kept open to reduce the spread of bugs. Members of the Residents' Services Select Committee had been awaiting an update on the Council's net zero achievements.

The amendment would change a motion which had specifically supported schools (and would have helped schools with a shortfall in their funding) with one that was more general. Despite funding increases, it was claimed that schools would be worse off by 2024 and that 9/10 schools would run out of money in the next year. With budget deficits looming, it was suggested that support was needed to target cash-strapped schools that were still having to deal with the consequences of Covid. Whilst the sentiment to expand the scope of the motion was understood, the amendment did not specifically help schools which were constrained by their budgets.

The amendment was put to the vote and agreed. The substantive motion was put to the vote and it was:

**RESOLVED: That this Council recognises the severe financial impact that energy costs are having on residents and organisations across the Borough, placing many of them in a position of financial difficulty.**

**This Council notes the work already undertaken by the administration on developing Council owned solar farms and calls on the Cabinet to consider the allocation of available funding including, where appropriate, Community Infrastructure Levy funding to fund renewable energy installation, such as solar panels, on Council land, in order to make future energy costs less of a drain to public budgets, as well as making a positive contribution towards the reduction of the Borough's carbon footprint.**

The meeting, which commenced at 7.30 pm, closed at 8.42 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Lloyd White, Head of Democratic Services on 01895 556743. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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## REPORT OF THE HEAD OF DEMOCRATIC SERVICES

*Reporting Officer: Head of Democratic Services*

### 5.1 URGENT IMPLEMENTATION OF DECISIONS

**RECOMMENDATION:** That the Urgency decisions detailed below be noted.

#### Information

1. The Constitution allows a Cabinet or Cabinet Member decision to be implemented before the expiry of the 5-day scrutiny call-in period, provided the decision is deemed urgent and agreement is given from the Chairman of the relevant Select Committee that the matter is urgent and to waive the scrutiny call-in period. All such decisions are to be reported for information only to the next full Council meeting.
2. Since last reported to Council, the following decisions have been made using urgency procedures:

Date of Decision	Nature of Decision	Reason for Urgency	Decision-Maker
1/12/22	Green Homes Initiatives Programme Social Housing Decarbonisation Fund Wave 1 - Various insulation measures to 158 properties across the Borough, supporting carbon reduction efforts and lowering residents' energy bills	The reason for urgency was that waiting to the next Cabinet meeting would have resulted in a delay that would have increased the likelihood that some of the works would not have been undertaken in the period permitted by the grant funding, to the detriment of tenants.	The Leader of the Council, in conjunction with the Cabinet Member for Property, Highways & Transport and on behalf of the Cabinet Member for Finance
14/12/22	School Conditions Building Programme 2022/23 – Heathrow Primary School - Emergency Plant Room Works	The reason for urgency was to carry out emergency plant room works at Heathrow Primary School, to prevent the heating system failing in cold weather and closure of the school.	The Leader of the Council, in conjunction with the Cabinet Member for Property, Highways & Transport and on behalf of the Cabinet Member for Finance

Background Papers: Decision Notices

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## **COUNCIL TAX BASE AND BUSINESS RATES FORECAST 2023/24**

*Reporting Officer: Corporate Director of Finance*

### **SUMMARY**

This report sets out the proposed Council Taxbase and Business Rates Forecast for 2023/24 in accordance with the legislation for approval by the Council. The Council is required to calculate both its Council Taxbase as at 30 November 2022 by 31 January 2023 and the Business Rates forecast for the forthcoming year by 31 January 2023.

Furthermore, as part of this, Council is asked to agree the recommendations from Cabinet on 15 December 2022, following a review by the Residents' Services Select Committee into the Empty Homes Council Tax Premium. These recommendations form part of the proposed Council Taxbase calculations for 2023/24.

### **RECOMMENDATIONS: That:**

- a) **the report of the Corporate Director of Finance for the calculation of the Council Taxbase and the Business Rates Forecast be approved.**
- b) **in accordance with the Local Authorities (Calculation of Council Taxbase) (England) Regulations 2012 the amount calculated by the London Borough of Hillingdon as its Council Taxbase for 2023/24 shall be 103,625.**
- c) **authority be delegated to the Corporate Director of Finance to submit the 2023/24 NNDR1 return to the Department of Levelling Up, Housing & Communities (DLUHC) and the Greater London Authority (GLA).**
- d) **the continuation of the Council's policy of passporting Government discounts and reliefs applied to Business Rates to the ratepayer be approved.**
- e) **two amendments to the Council's local Council Tax Reduction Scheme with effect from April 2023 be approved:**
  - i. **Non-dependent charge to be increased to £8 per week**
  - ii. **Increase the minimum award from £1 to £2 per week**
- f) **the following recommendations be approved, upon referral from Cabinet:**
  - i. **To increase the current Empty Homes Council Tax Premium, applicable to non-exempt properties empty for more than two years, from the current 50% to 100% from the 2023/24 financial year;**
  - ii. **To phase in increases to the current Empty Homes Council Tax Premium, applicable to non-exempt properties empty for more than five / ten years, to the maximum premium allowable of 200% / 300% respectively and from financial years 2024/25 and 2025/26 respectively;**
- g) **the 2 specific circumstances where the application of the Premium cannot be applied be noted:**
  - i. **a member of the Armed Services, who is away from the property as a result of their service;**
  - ii. **Where a property forms part of a single property, for example, an annexe.**

## COUNCIL TAXBASE

The calculation of the Council Taxbase is prescribed under the Local Authorities (Calculation of Council Taxbase) (England) Regulations 2012 and represents the equivalent number of Band D Properties within the Borough. The calculation of the Council Taxbase is based upon the following formula:

$$((H-Q+E+J)-Z) \times (F \text{ divided by } G)$$

Where:

**H** is the number of chargeable dwellings for the band on the relevant day less the number of exempt dwellings on that day;

**Q** is a factor to take account of the discounts to which the amount of council tax payable was subject on the relevant day;

**E** is a factor to take account of premiums, if any, to which the council tax payable, was subject on the relevant day;

**J** is the amount of any adjustment in respect of changes in the number of chargeable dwelling or premiums calculated by the authority;

**Z** is the total amount that the authority estimates will be applied as a result of the introduction of the Council Tax Reduction Scheme expressed as an equivalent number of chargeable dwellings in that band;

**F** is the number appropriate to that band which is used in determining the Band D equivalent (i.e., Band A = 6, Band B = 7, Band C = 8, Band D = 9, Band E = 11, Band F = 13, Band G = 15 and Band H = 18;

**G** is the number applicable to Band D i.e., 9.

Table 1 sets out a summary of the Council Taxbase for 2023/24 including the estimated collection rate and allowance made for contributions in lieu of Council Tax in respect of Forces Barracks and Married Quarters. The detailed calculation is set out in Appendix 1 to this report.

**Table 1: Total Number of Band D equivalent properties**

<b>Band</b>	<b>Number of properties</b>
<b>A</b>	866
<b>B</b>	3,260
<b>C</b>	18,424
<b>D</b>	39,798
<b>E</b>	20,378
<b>F</b>	13,116
<b>G</b>	7,642
<b>H</b>	891
<b>Total Equivalent</b>	<b>104,425</b>
Equivalent number adjusted for the estimated collection rate (98.5%)	(1,566)
Plus, the contribution in Lieu of Council Tax in respect of Forces Barracks and Married Quarters	766
<b>Council Taxbase for 2023/24</b>	<b>103,625</b>

### Changes in the Council Taxbase since 2022/23

In calculating the Council Taxbase for 2023/24, the authority has to estimate the various changes that will occur during the financial year, which are expected to result in a net decrease of 215 Band D equivalent properties from the 2022/23 Taxbase. The

Council is forecasting a 1,012 Band D equivalent increase in the taxbase compounded by a further increase of 52 properties from the proposed changes in the Empty Properties Premium, with these increases being offset by three key factors:

- Firstly, the Council has realigned the Discounts and Exemptions reduction in the taxbase as demand is forecast to move in line with the taxbase, reducing the taxbase by 556 properties, with this reduction including an element of rebasing of the Council's taxbase.
- Secondly, a further 194 reduction is projected in respect of the Council Tax Reduction Scheme as demand is forecast to continue to track above pre-pandemic levels.
- Thirdly, the collection rate allowance has been adjusted downwards by 0.5% to 98.5% due to the cost-of-living crisis forecast to have a negative impact on collection rates and therefore netting down the Council Taxbase by a further 529 to 103,625.

Demand has continued to be high for the Council Tax Reduction Scheme in 2022/23, which has been declining steadily at a rate of 3% alongside the economic recovery from the pandemic. While current data indicates that this decline will continue, with the current economic climate and businesses struggling with the high inflationary environment, the Council will continue to closely monitor demand for this service going forward. For planning purposes, it has been assumed that the current elevated demand for CTRS will continue to reduce for the remainder of the year, as has been the case throughout 2022/23.

### **Impact on 2023/24 General Fund Budget**

The actual impact of the new Council Taxbase on Hillingdon's General Fund budget for 2023/24 is a decrease of 215 Band D equivalents properties, reducing Council Tax revenue by £272k. However, this has been mitigated by the increase in the Empty Homes Council Tax Premium and the recommended changes to the Council Tax Reduction Scheme, and will be further mitigated with the proposed increases in Council Tax and the Social Care Precept. This position reflects the outlook presented within the draft budget considered by Cabinet on 15 December 2022.

### **Section 106 of the Local Government Finance Act 1992**

It is noted that this report falls within the provisions of the Local Government Finance Act 1992. Any member who is two or more months in arrears with his/her Council Tax must declare the fact and not vote on the recommendations in this report.

### **BUSINESS RATES INCOME FORECAST**

The Local Government Finance Act 2012 introduced a mechanism whereby local authorities retain a proportion of business rates as a revenue funding stream and as a result, the business rates income forecast for 2023/24 has a direct impact upon the Council's finances and is therefore submitted to Council for approval alongside the Council Taxbase.

With the Business Rates system operating within cyclical revaluation periods, following delays in the revaluation of commercial properties due to the pandemic, the national rating list has been revalued for 2023/24, with Hillingdon's list set to increase by 5.3% from £803m to £846m, whilst the Business Rates multipliers are being frozen for 2023/24, local businesses will receive support against their increased bill, with smaller

firms with a rateable value of up to £28k seeing a maximum increase of 5%, medium sized firms (with a rateable value of between £20k and £100k) seeing increases capped to 15% and larger firms having their increases capped to 30%. All commercial properties with a decrease will benefit from the reduction in full effective from April 2023.

The Business Rates Income forecast for 2023/24 has been derived from the local rating list. Following allowance for the current levels of both mandatory and discretionary reliefs, the Council anticipates a gross yield of £330,787k made up of a combination of rate payers' liabilities and Section 31 Grant income paid by Government to fund national reliefs.

The Local Government Act 2012 permitted the retention of 30% revenues by London Boroughs, with the remainder being split between Central Government (33%) and the Greater London Authority (37%). This retained sum is reduced through tariff and levy mechanisms, with Hillingdon's share of projected 2023/24 income amounting to £60,670k, which is made up of the baseline rates income of £48,998k plus retained growth of £11,672k.

The Council is required to submit a certified NNDR1 return, containing a more detailed analysis of this business rates forecast, to both DLUHC and GLA by 31 January 2023. A recommendation to delegate authority to the Corporate Director of Finance to submit this return is included in this report, with the return to be based on the latest available intelligence.

### **Impact on 2023/24 General Fund Budget**

The £60,670k income retained by the Council will be reflected in the budget presented to Cabinet for approval in February 2023, an increase of £4,054k from 2022/23 due to an increase in the Rating List due to economic recovery following the COVID-19 pandemic and the impact on local businesses. This position reflects the outlook presented within the draft budget considered by Cabinet on 15 December 2022.

### **Proposed Retail Rate Relief**

In his Autumn Statement the Chancellor announced that retail relief of 75% would be awarded to businesses within the retail, hospitality and leisure sectors on rates bills up to £110k against their 2023/24 liability per business. Furthermore, the Chancellor confirmed an extension of the Transitional Relief and Supporting Small Business schemes, however for 2023/24, it should be noted that the Transitional Relief scheme will be amended to abolish downward caps, enabling businesses who have had their Rateable Value reduced to benefit from this immediately. An estimate for the local cost of these schemes will be included in the NNDR1 returned to DLUHC on this basis. In line with other Government-directed discounts, the Council will be reimbursed for lost income through a Section 31 Grant.

### **COUNCIL TAX REDUCTION SCHEME**

The proposed reforms to the working age CTR Scheme are intended to mitigate the cost associated with the significant increase in demand for the scheme and growing administrative burdens associated with the processing of the increased caseload since April 2020, when the Council saw a 16% increase in demand driven by the pandemic.

There were c16,200 households in receipt of CTR pre-April 2020, which increased to c18,800 in April 2021 as the level of demand for support increased due to the COVID-19 pandemic. Since demand peaked at the end of 2020/21, demand has reduced, but only by c3% per annum, with the Council facing a medium-term impact from the pandemic, with the caseload currently standing at c18,000.

To reduce the cost of the scheme it is proposed that the Council review non-dependent deductions, with the Council's charge for working age claimants being below the charge applied to pensioner claimants which is set by legislation, furthermore, it is considered that the proposed uplift is affordable for 'in-work' non-dependents. The proposed increase in the non-dependent charge from £5 to £8 would indirectly fall on the non-dependent within the household who are considered in many cases to have the means to fund the increase in Council Tax. The charge proposed remains lower than the average of the pensioner non-dependent rate of £9.07.

The change proposed will affect approximately 2,000 working age households (11%). Households with one non-dependent would see their Council Tax liability increase by £156 a year, with the non-dependents in the household being expected to contribute toward this additional charge. The working aged most vulnerable claimants will continue to be protected with a nil non-dependent charge. Implementing this proposal will reduce the cost of the scheme by £355k, this impact has been built into the Council's taxbase presented in this report.

The second proposal is to increase the minimum award from £1 to £2 per week. The increase in the minimum award would reduce the number of CTR low value awards and reduce the number of claimants having to notify the Council of a change in circumstances. Claimants failing to do so could result in CTR over awards, which then leads to rebilling on marginal changes in Council Tax liability and amendments to monthly instalments. This proposal is intended to reduce administrative burden and therefore enable the scheme administration to continue to operate within existing resources whilst also providing greater stability for the individual claimants. The proposal is also considered to not have a material impact on individual households. This proposal would impact upon 46 of the current 18,000 caseload at the time of writing.

The Council carried out an Equalities Impact Assessment on these two changes, which concluded that whilst some protected groups may be more likely to be impacted by the proposed changes than others, this is most likely due to the nature of the service. The assessment noted that any resident adversely impacted by the changes would be able to approach the Council for Financial Support, this assessment is included as Appendix 2 of this report.

The Council ran a consultation process on these changes, with 28 responses received in total, 25 of which were current recipients of the benefit, representing a small proportion of the 18,000 claimants. Within the responses 18 people disagreed with the increase in the non-dependent charge, 13 of these are in receipt of a non-dependent charge. Furthermore, 18 responses disagreed with the increase in the minimum award, with 16 of these being an active claimant. Such a small response rate limits the Council's ability to draw any meaningful conclusions.

# EMPTY HOMES COUNCIL TAX PREMIUM

## Review by Residents’ Services Select Committee

The Residents’ Services Select Committee undertook a review into the Council’s application of the Empty Homes Council Tax Premium on non-exempt properties and has recommended increasing these to the maximum levels permitted in law, based on whether properties have been unoccupied for over 2, 5 or 10 years as follows:

Period Empty	Maximum premium to be agreed	Total paid
2+ years	<b>100%</b>	Double the Council Tax charge
5+ years	<b>200%</b>	Three times the Council Tax charge
10+ years	<b>300%</b>	Four times the Council Tax charge

It is anticipated that the proposed increases in the premium added to Council Tax liabilities will reduce the number of such empty properties in the Borough and provide an additional financial incentive for owners to sell or bring their empty properties back into use sooner. Moreover, the premium increases will raise additional Council Tax income and potentially reduce the Council’s expenditure on temporary accommodation and homelessness. The review recognised that the benefit from these initiatives was likely to be over the medium-term, following a period of initial recovery activity. However, it was anticipated that the overall cost benefit to the Council will more than outweigh the costs associated with recovery of the debt.

In addition, the Committee noted that the relevant Council Tax Regulations provided that such premiums cannot be applied in the two circumstances below, which Council is asked to note:

- When a property is left empty by a member of the Armed Services, who is away from the property as a result of their service;
- Where a property forms part of a single property, for example, an annexe.

Cabinet considered the Select Committee’s findings and recommendations on 15 December 2022 and in accordance with Constitutional protocol, agreed to refer them to full Council to be considered alongside the Council Tax Base calculations.

## FINANCIAL IMPLICATIONS

The forecasts outlined in this report for both Council Tax and NNDR revenues in 2023/24 were included within the draft budget published for public consultation in December 2022, with the recommendation in this report to delegate authority to the Corporate Director of Finance to submit an NNDR1 being on the basis of the position presented in this report, which mirrors the position presented to December Cabinet. Income collected during 2023/24 will be closely monitored and any variation from the projections outlined above captured through future refreshes of the Medium Term Financial Forecast process.

## LEGAL IMPLICATIONS

The legal implications are contained in the body of the report.

BACKGROUND PAPERS: The Council’s Budget: MTFF 2023/24 - 2027/28 - 15 December 2022. Report from the Residents’ Services Select Committee - Empty Homes Council Tax Premium – 15 December 2022

Calculation of the Council Taxbase 2023/24

<b>CALCULATION OF 'H' (The number of chargeable dwellings on valuation list )</b>	<b>Band A</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>	<b>Band E</b>	<b>Band F</b>	<b>Band G</b>	<b>Band H</b>	<b>Total</b>	
Number of properties in the valuation list as at 08.12.22	1,452	6,435	27,446	47,143	18,770	10,011	5,259	480	116,996	
Exempt Properties	(68)	(297)	(599)	(953)	(451)	(316)	(474)	(9)	(3,167)	
Properties re Disabled Persons relief - Drop a Band		(7)	(51)	(206)	(119)	(96)	(42)	(22)	(543)	
Properties re Disabled Persons relief - Drop a Band	7	51	206	119	96	42	22		543	
<b>Value of 'H'</b>	<b>1,391</b>	<b>6,182</b>	<b>27,002</b>	<b>46,103</b>	<b>18,296</b>	<b>9,641</b>	<b>4,765</b>	<b>449</b>	<b>113,829</b>	
<b>CALCULATION OF 'Q' (the value of discounts allowed)</b>										
Equivalent number of properties entitled to single occupancy discount/ Disregard (i.e. actual number x 25%)	(149)	(873)	(2,807)	(2,493)	(944)	(467)	(169)	(7)	(7,907)	
Equivalent number of properties entitled to 50% discount as all residents disregarded (i.e. actual number x 50%)	(1)	(10)	(13)	(12)	(8)	(8)	(11)	(3)	(65)	
Empty Property Discount	0	0	0	0	0	0	0	0	0	
<b>Value of 'Q'</b>	<b>(150)</b>	<b>(883)</b>	<b>(2,820)</b>	<b>(2,505)</b>	<b>(952)</b>	<b>(474)</b>	<b>(180)</b>	<b>(10)</b>	<b>(7,972)</b>	
<b>CALCULATION of 'E' (Any premiums payable on empty properties)</b>										
Calculation of Premiums applicable	5	12	51	32	9	11	15	5	140	
<b>Value of 'E'</b>	<b>5</b>	<b>12</b>	<b>51</b>	<b>32</b>	<b>9</b>	<b>11</b>	<b>15</b>	<b>5</b>	<b>140</b>	
<b>CALCULATION OF 'J' (Expected adjustments to number of properties on valuation list)</b>										
New properties added to valuation list since 08.12.22	0	0	0	0	0	0	0	0	0	
Properties completed but not yet shown on valuation list	280	36	88	28	9	4	2	2	449	
Properties known to be on valuation list but to be taken out of list as demolished	(6)	(3)	(5)	(40)	(6)	(5)	(3)	(1)	(69)	
Assumed increase in no of properties over year	17	75	322	552	220	117	62	6	1,371	
Estimated in year changes to discounts	(4)	(23)	(72)	(64)	(24)	(12)	(5)	(0)	(204)	
Estimate change in Empty Property Premium										
Estimated in year changes to exemptions	(4)	(17)	(34)	(54)	(26)	(18)	(27)	(1)	(181)	
<b>Value of J</b>	<b>283</b>	<b>69</b>	<b>298</b>	<b>422</b>	<b>173</b>	<b>86</b>	<b>29</b>	<b>6</b>	<b>1,366</b>	
<b>Value of (H+Q+E+J)</b>	<b>1,530</b>	<b>5,380</b>	<b>24,531</b>	<b>44,052</b>	<b>17,526</b>	<b>9,264</b>	<b>4,629</b>	<b>450</b>	<b>107,363</b>	
<b>CALCULATION of 'Z' (Band adjustment due to Council Tax Reduction (CTR) Scheme)</b>										
Equivalent Band reduction based upon estimated monetary values of Council Tax Support Grant	(248)	(1,279)	(4,032)	(4,577)	(918)	(198)	(47)	(5)	(11,304)	
Estimated in year changes	17	90	284	322	65	14	3	0	796	
<b>Value of 'Z'</b>	<b>(231)</b>	<b>(1,189)</b>	<b>(3,748)</b>	<b>(4,255)</b>	<b>(853)</b>	<b>(184)</b>	<b>(44)</b>	<b>(5)</b>	<b>(10,508)</b>	
<b>Value of H+Q+E+J-Z</b>	<b>1,299</b>	<b>4,191</b>	<b>20,784</b>	<b>39,798</b>	<b>16,673</b>	<b>9,080</b>	<b>4,585</b>	<b>445</b>	<b>96,855</b>	
Convert to band D equivalent properties (F/G) where G = 9 and F = number shown in column.	6	7	8	9	11	13	15	18		
<b>Band D Equivalent properties by Band Value of ((H+Q+E+J)-Z)*(F/G)</b>	<b>866</b>	<b>3,260</b>	<b>18,474</b>	<b>39,798</b>	<b>20,378</b>	<b>13,116</b>	<b>7,642</b>	<b>891</b>	<b>104,425</b>	
<b>Collection rate allowance 2022/23</b>	<b>98.5%</b>								<b>1.5%</b>	<b>(1,566)</b>
Estimated Collectable Band D Properties										<b>102,859</b>
Ministry of Defence properties										<b>766</b>
<b>COUNCIL TAX BASE 2022/23</b>										<b>103,625</b>

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## Equality and Human Rights Impact Assessment

### STEP A) Description of what is to be assessed and its relevance to equality

What is being assessed? Please tick ✓

Review of a service      Staff restructure      Decommissioning a service  
Changing a policy ✓      Tendering for a new service      A strategy or plan

A review of the Council Tax Reduction Scheme

Who is accountable? E.g. Head of Service or Corporate Director

Sunita Ghudial, Head of Benefits

Date assessment completed and approved by accountable person

12/12/2022

Names and job titles of people carrying out the assessment

Sunita Ghudial, Head of Benefits  
Tiffany Boreham, Benefits Team Manager  
Vicky Trott, Equality, Diversity and Inclusion Manager

A.1) What are the main aims and intended benefits of what you are assessing?

The aim of the Council Tax Reduction (CTR) Scheme is to help low-income residents in the borough by reducing the amount of council tax they are liable to pay. Around 18,000 households in the borough receive CTR, almost 13,000 of which are working age.

Hillingdon Council's Working Age Council Tax Reduction Scheme was last updated in April 2020 when we introduced a banding scheme. Since then, no changes have been made to the scheme other than prescribed legal amendments.

The banding scheme has helped to simplify the assessment of Council Tax Reduction and allows for minimal income changes that do not necessarily change the award of Council Tax Reduction. This creates less uncertainty over what the Council Taxpayer must pay, and fewer bills with amended instalment amounts.

At the same time, we introduced a flat rate non-dependant deduction to simplify the various non-dependant deductions that were in place previously. This was set at £5.00 per week for each non-dependant in the household.

Since we introduced our banding scheme the demand for Council Tax Reduction has grown by 16% and reached its highest level in April 2021 due to the pandemic. Although it was predicted that demand would reduce post Covid-19 the number of people receiving Council Tax Reduction has not reduced to pre pandemic levels and has been dropping at a rate of roughly 3% per year.

The proposed changes are intended in a balanced and proportionate way to help reduce the overall cost of the scheme as the unexpected increase in demand has put immense pressure on an already limited budget.

We propose to make the following changes to the criteria for working age households from April 2023:

- Increase the weekly non-dependant deduction
- Increase the minimum weekly award amount

The proposed changes will not affect applicants of pensionable age as they are protected by legislation.

A.2) Who are the service users or staff affected by what you are assessing? What is their equality profile?

### Total population of Council Tax Reduction Scheme claimants

As at October 2022 there were 116,422 properties within the borough with a Council Tax liability. At that time, Hillingdon had 17,883 households receiving CTR, showing that 15.47% of total households receive Council Tax Reduction.

Of the 17,833 households receiving CTR, the breakdown of impacted groups is as follows: 5,116 are pensioners; with 12,767 being working age (of which, 5,722 are classed as vulnerable).

The following tables show the equality data available for the customers receiving CTR and the number and percentage of those who will be affected by the proposals.

**Table 1: Disability**

Category of Customer	Number	% of Total	Number of claimants affected	% of claimants affected
Working Age – with a disability	5,722	44.82%	1,120	62.78%
Working Age – without a disability	7,045	55.7%	664	37.22%
	<b>12,767</b>	<b>100.0%</b>	<b>1,784</b>	<b>100%</b>

Our working age ‘with a disability’ category includes applicants or their partners or their children who are in receipt of Disability Living Allowance, Personal Independence Payments, Attendance Allowance, Employment and Support Allowance Support Component, the Disabled Child Element of Universal Credit or who are registered blind.

No non-dependant deduction is made in respect of any non-dependant if the applicant or their partner is blind or treated as blind, receiving attendance allowance or the daily living component of personal independence payments.

**Table 2: Age**

Age range	Claimant Count (working aged claimants)	Total % of Claimants	Number of claimants affected	% of claimants affected	% Difference
18-19	20	0.2%	0	0%	-0.2%
20-29	1280	10.03%	17	0.95%	-9.07%
30-39	3284	25.72%	77	4.32%	-21.41%
40-49	3453	27.05%	485	27.19%	0.14%
50-64	4402	34.48%	1135	63.62%	29.14%
65+	323	2.53%	70	3.92%	1.39%
<b>Grand Total</b>	<b>12767</b>	<b>100%</b>	<b>1784</b>	<b>100%</b>	

**Table 3: Ethnicity**

<b>Ethnicity</b>	<b>Claimant Count</b>	<b>% of Claimants</b>	<b>Number of claimants affected</b>	<b>% of claimants affected</b>	<b>% Difference</b>
Any other mixed background	48	0.37%	2	0.11%	-0.26%
Asian and White	46	0.36%	7	0.39%	0.03%
Asian/Asian British Bangladeshi	104	0.82%	25	1.4%	0.58%
Asian/Asian British Indian	314	2.46%	62	3.48%	1.02%
Asian/Asian British Pakistani	287	2.25%	63	3.53%	1.28%
Asian or British: Any other background	272	2.13%	44	2.47%	0.34%
Black African and Black British African	713	5.59%	125	7.01%	1.42%
Black African and White	35	0.27%	6	0.34%	0.07%
Black British other	103	0.81%	19	1.07%	0.26%
Black Caribbean and Black British Caribbean	157	1.23%	16	0.91%	-0.32%
Black Caribbean and White	76	0.6%	10	0.56%	-0.04%
British and White British	2,498	19.57%	338	18.95%	-0.62%
Chinese	16	0.18%	1	0.05%	-0.13%
Irish with White Irish	98	0.77%	25	1.4%	0.63%
Not completed	6,582	51.55%	739	41.42%	-10.13%
Other	619	4.84%	127	7.11%	2.27%
Traveller	7	0.05%	0	0%	-0.05%
White (including white other)	792	6.2%	175	9.81%	3.61%
<b>Grand Total</b>	<b>12,767</b>	<b>100%</b>	<b>1,784</b>	<b>100%</b>	

**Table 4: Sex**

Gender	Claimant Count	% of Claimants	Number of claimants affected	% of claimants affected	% Difference
Female	8,069	63.20%	1,360	76.23%	13.03%
Male	4,305	33.72%	358	20.07%	-13.65%
<b>Not known</b>	393	<b>3.08%</b>	66	<b>3.70%</b>	0.62%
<b>Grand Total</b>	<b>12,767</b>	<b>100%</b>	<b>1,784</b>	<b>100%</b>	

## A.3) Who are the stakeholders in this assessment and what is their interest in it?

Stakeholders	Interest
Council Tax Reduction Claimants	To ensure any changes to the scheme are applied in a fair and transparent manner following a full consultation process.
Local Interest Groups e.g., CAB, DASH, Hillingdon Carers	These groups may work with the affected claimants and will need to have the right information to provide support and advice.
Hillingdon Residents	Not making changes to the scheme may put increased financial pressures on other Council services which may have an impact on some Hillingdon residents.
<ul style="list-style-type: none"> <li>● Corporate Director of Finance</li> <li>● Chief Executive</li> <li>● Head of Benefits</li> <li>● Cabinet Member for Finance, Property and Business Services</li> <li>● Council Cabinet</li> <li>● Leader of the Council</li> </ul>	To ensure any changes to the scheme are applied in a lawful, fair and transparent manner following a full consultation process and that the administration of the scheme is providing value for money to the council and Hillingdon residents.
The Precepting Authorities	Legal requirement. We collect Council Tax on their behalf, with precepting authorities funding 21.95% of the scheme.

A.4) Which protected characteristics or community issues are relevant to the assessment? ✓ in the box.

Age	✓	Sex	✓
Disability	✓	Sexual Orientation	
Gender reassignment			
Marriage or civil partnership		Carers	
Pregnancy or maternity		Community Cohesion	
Race/Ethnicity	✓	Community Safety	
Religion or belief		Human Rights	

**STEP B) Consideration of information; data, research, consultation, engagement**

B.1) Consideration of information and data - what have you got and what is it telling you?

**Age** - The data shows that those claimants aged 50 to 64 (63.62% of claimants affected) are more likely to be affected by the proposals when compared to the working age caseload data (34.48% of claimants).

**Disability** - The data shows that 62.78% of working age claimants have a disability and have a non-dependant living with them. This shows a significant increase when compared with 44.82% of the total working aged caseload having a disability.

**Ethnicity/Race** - Data is available for 48.45% of working age claimants with 51.55% unknown, for this reason the Council has decided not to assess this characteristic in this Equalities Impact Assessment.

**Sex** - The data indicates that more women claim CTR than men.

## Consultation

B.2) Did you carry out any consultation or engagement as part of this assessment?

Please tick NO  YES

No specific consultation has been carried out as part of this assessment however a full public consultation on the changes to the scheme was undertaken.

Full details can be found in the Appendix attached.

B.3) Provide any other information to consider as part of the assessment

### **Proposed Scheme details**

#### **Proposal 1 – Increase the non-dependant deduction to £8.00 per week**

A non-dependant deduction is an amount that is deducted from the Council Tax Reduction entitlement in respect of a person aged over 18 living in the property. This is the non-dependant's indirect contribution to the Council Tax charge.

Currently, applicants who have non-dependants living with them who are working or claiming benefits have a flat rate non-dependant deduction of £5.00 per week applied to their Council Tax Reduction.

We propose to increase the flat rate non-dependant deduction to £8.00 per week.

There are very few councils that have a flat rate non-dependant charge. Most councils continue to operate a two-tier non-dependent charge with an 'out of work' and 'in work' charge. These charges can vary from no deduction up to £20 per week. The proposed increase up to £8.00 is considerably lower than the £20.00 that some councils apply to the 'in work' group and is affordable.

Pensioner Council Tax Reduction is still assessed under a protected scheme with varying amounts of non-dependant deduction depending on the non-dependant's income.

The average of the pensioner non-dependant deductions is £9.08 per week, our proposal of £8.00 per week is less than this average. Also, the pensioner non-dependant deductions are updated yearly and are likely to be increased in April 2023. We have not updated our non-dependant deduction since April 2020.

We will not be changing the criteria for the group of non-dependants for whom there is currently no non-dependant deduction.

No deduction is made in respect of any non-dependant if the applicant or their partner is blind or treated as blind, receiving attendance allowance or the daily living component of personal independence payments.

Also, no deduction is made in respect of any non-dependant if

- although they live with the applicant, it appears to the council that their normal home is elsewhere; or
- they are a full-time student or they are not living with the customer because they have been a patient for a period in excess of 52 weeks, or
- they have attained the qualifying age for a state pension

## **Proposal 2 – Increase the minimum award amount**

Under the current arrangements within the scheme, applicants who are entitled to receive less than £1.00 per week in Council Tax Reduction do not receive this amount as the minimum weekly award is £1.00.

We propose to increase the minimum award to £2.00 per week. This means that if the Council Tax Reduction is calculated at less than £2.00 no Council Tax Reduction will be awarded.

A number of other neighbouring Councils currently have this £2.00 per week minimum Council Tax Reduction award. This will reduce administration costs and provide greater stability for applicants.

### **National policy context**

From April 2013, local authorities across England were given the power to devise their own systems of Council Tax Support (CTS) for working-age adults. It replaced the national system of the Council Tax Benefit (CTB), which ensured that the poorest households did not have to pay council tax. Each year the local authority decides how CTR should work in their area. There is a legal requirement for the Secretary of State to carry out a review of all CTR schemes in England.

### **Legal context**

The council has a public duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations (Equality Act 2010).

### **Financial context**

Since 2010, the Business Improvement Delivery (BID) Programme has driven transformation across the Council, reducing costs and improving efficiency to ensure that in an environment of increased expenditure from population growth and inflationary uplifts we continue to deliver high quality services that put residents first.

Hillingdon's approach to maintaining sound financial management ensures that our finances are

in a robust position, and therefore the Council is well placed to respond to Government funding not increasing at the same pace as the combined impact of a growing demand for services and increased market forces. Our latest projections indicate that further savings of £35m will be required by 2026/27 to bridge the resulting budget gap.

### **CTR Scheme Funding**

The CTR Scheme forms part of the base budget within Council Tax as presented by the Council in the overall position of the Collection Fund, this is the name of the fund given to the Council's Tax raising activities including both Council Tax and Business Rates.

## **C) Assessment**

What did you find in B1? Who is affected? Is there, or likely to be, an impact on certain groups?

C.1) Describe any **NEGATIVE** impacts (actual or potential):

<b>Equality Group</b>	<b>Impact on this group and actions you need to take</b>
Age	<p>The data shows that the age band 50-64 is more likely to be impacted by the proposals.</p> <p>This can be explained by the fact more people in this age group are likely to have an adult child living with them.</p> <p>If any claimant from this age group is adversely affected by the changes, then they would be able to approach the council for financial support.</p>
Sex	<p>The data shows that women are more likely to be impacted by the proposals</p> <p>This can be explained by the fact that more women head up single parent families with adult children living with them.</p> <p>If any claimant from this age group is adversely affected by the changes, then they would be able to approach the council for financial support.</p>

C.2) Describe any **POSITIVE** impacts

<b>Equality Group</b>	<b>Impact on this group and actions you need to take</b>
Disability	<p>We will not be changing the criteria for the group of non-dependants for whom there is currently no non-dependant deduction.</p> <p>This covers when an applicant or their partner is blind or treated as blind, receiving attendance allowance or the daily living component of personal independence payments.</p>
Those in receipt of state pension	Pensioners are protected from changes in support introduced as part of the Working age CTR Scheme.

**D) Conclusions**

The council has taken care to review and update the CTR Scheme to ensure that it is simple, efficient and meets the requirements made under the Government’s statement of intent.

The proposal to increase the non-dependant deduction has an indirect impact on the applicant as it is assumed that the non-dependant will increase their contribution towards the Council Tax bill. This proposal does not specifically impact upon a protected group.

The proposal to increase the minimum award amount has been developed to deliver a simpler, less administratively burdensome CTR scheme while reducing the overall cost of the scheme.

If anyone affected by the changes is struggling to afford the increase in their Council Tax charge, they would be able to approach the council for financial assistance.

The proposed changes will not affect pensioners. This is mandatory as legislation prescribes that CTR schemes in respect of pensioners must adhere to one national scheme.

The council is proposing to make these changes which will be adopted 1 April 2023 and will be in place for the duration of 2023/24, during which time its impact will be monitored.

**Signed and dated:** .....

**Name and position:** Sunita Ghudial - Head of Benefits

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## STATEMENT OF GAMBLING POLICY 2023-2025

*Reporting Officer: Head of Democratic Services*

### Summary

- 1.1 At a meeting on 15 December 2022, Cabinet recommended to Council the adoption of a revised Statement of Gambling Policy. The revised version has been subject to statutory consultation and includes minor updates based on changes in guidance and to reflect updated working practices. The document will provide local businesses and residents with an up-to-date and fit-for-purpose policy on gambling matters in the Borough.
- 1.2 This report, therefore, seeks Council's agreement to adopt the revised Policy, as one of the Council's policy framework documents and to amend the Constitution to reflect a minor change to the Ward Councillor Call-in procedure.

### RECOMMENDATIONS: That:

- a) the revised Statement of Gambling Policy be adopted as a policy framework document and,
- b) the change to the Ward Councillor Call-in procedure for gambling applications, be approved and included within the Constitution.

### SUPPORTING INFORMATION

- 2.1 During 2022, a review of the Council's Statement of Gambling Policy was undertaken, as required every 3 years under legislation. Cabinet on 1 September 2022 agreed to consult on a revised version. The formal consultation period commenced on 12 September 2022 and ended on 24 October 2022 and included responsible authorities, other stakeholders, the Licensing Committee and Residents' Services Select Committee.
- 2.2 There were no comments received from the public consultation and no significant responses from other bodies which have resulted in any changes being made to the revised Policy.
- 2.3 The revised Policy continues to provide the Council with a local licensing framework that is up-to-date and effective in ensuring a safe and regulated environment for service users of gambling establishments. It also ensures that there are methods for robust enforcement and review of problem gambling premises.

### Ward Councillor Call-in

- 3.1 Contained within the Policy is a minor change relating to the Ward Councillor call-in procedure on gambling applications received, clarifying that any representations made by Ward Councillors should also set out how the application affects the 4 licensing objectives (as it does already for applications under the Licensing Act in the Constitution and similarly for Planning Committees where valid planning reasons are required).
- 3.2 Council is asked to agree the amended wording below to replace the existing paragraph in the Constitution (Chapter 8) regarding this:

*‘Where a Ward Councillor makes representations upon an application within their ward, in writing, to the relevant Head of Service for Licensing, within the appropriate statutory period of consultation for the application, and this representation has been forwarded to the Licensing Authority, that application shall be scheduled to be heard by the Licensing Sub-Committee for determination. The Ward Councillor must include in their representations the reasons why they wish the application to be determined by the Sub- Committee and how the application adversely affects the licensing objectives.’*

- 3.3 The Cabinet report and Policy, setting out the rationale for the document’s adoption, is attached including the comments from the Licensing Committee and Select Committee.

### **Financial Implications**

The costs to the Council of implementing the Statement of Gambling Policy are met from gambling licence fees and contained within the existing revenue budgets. The Council’s Licensing Service is able to recover costs through fees and charges relating to gambling licences. The rates of Gambling Licences are defined by statute.

### **Legal Implications**

The consultation process followed by the Council has complied with section 349 of the Licensing Act 2003 and the Licensing Authority Policy Statement (England and Wales) Regulations 2006. There are no legal impediments to Full Council agreeing the recommendation set out in the report.

Background Papers: The Gambling Act 2005; Gambling Commission Guidance to Local Authorities

## STATEMENT OF GAMBLING POLICY

<b>Cabinet Member(s)</b>	Councillor Eddie Lavery
<b>Cabinet Portfolio(s)</b>	Residents' Services
<b>Officer Contact(s)</b>	Daniel Ferrer, Place Directorate
<b>Papers with report</b>	Appendix 1 – Draft Statement of Licensing Policy

### HEADLINE INFORMATION

<b>Summary</b>	<p>The Council's Statement of Gambling policy has been reviewed in accordance with legislative requirements and the Council's objectives.</p> <p>This report seeks a recommendation to be made to full Council for the adoption of the updated Statement of Gambling Policy which is a Policy Framework document.</p>
<b>Putting our Residents First</b>  <b>Delivery of the Council Strategy 2022-26</b>	<p>This report supports our ambition for residents of 'Be/feel safe from harm.'</p> <p>The report supports our commitment to residents of 'Safe &amp; Strong Communities'</p>
<b>Financial Cost</b>	<p>There are no additional costs to the Council in respect of approving the Statement of Gambling Policy.</p>
<b>Relevant Select Committee</b>	Residents' Services Select Committee
<b>Relevant Ward(s)</b>	All

## RECOMMENDATION

**That Cabinet, following consultation, recommends to Full Council the adoption of the updated Statement of Gambling Policy.**

### Reasons for recommendation

To ensure the Council has an up-to-date Gambling Policy, which has been subject to public consultation and views sought from relevant stakeholders.

The revised Statement of Gambling Policy has been drafted to include updates in legislation and reflect current working practices. This will provide residents and service users with up to date and fit for purpose policy document.

### Alternative options considered / risk management

To not make a recommendation for adoption of the Statement of Gambling Policy would mean the Council would not be able to meet its statutory obligations and legal challenges may follow.

## SUPPORTING INFORMATION

The Council is required to review its Statement of Gambling Policy at regular intervals to ensure it is carrying out licensing functions in accordance with current legislation. During this review, consideration has been given to how changes might improve the way in which services are being delivered, to make them more efficient and customer friendly and deliver upon the 4 Licensing Objectives.

Cabinet in September 2022 agreed to consult on an updated version. The formal consultation period commenced on 12<sup>th</sup> September 2022 and ended on 24<sup>th</sup> October 2022 which included responsible authorities, other stakeholders, the Licensing Committee and Select Committee.

There have been no significant responses during the consultation period which have resulted in any changes being made to the draft Policy.

The Statement of Gambling Policy is a Policy Framework document and, therefore, under the law and the Council's Constitution, it requires final approval by full Council.

The proposed Policy being recommended for approval is attached in Appendix 1.

## RESIDENT BENEFIT & CONSULTATION

### Consultation Carried Out or Required

The public consultation was carried out between 12 September 2022 to 24 October 2022. The consultees included statutory consultees, partner authorities and agencies, residents and businesses. The consultation was also featured on the Council's website. There were no comments received from the public consultation.

## Comments from the Licensing Committee

The Licensing Committee met on 4 October 2022 and noted that the updates were not major or significant changes to the Policy. Members raised comments regarding the references used in the Equality Impact Assessment that was carried out. The Committee also asked if figures could be requested from the trade sector in relation to self-exclusion records kept at gambling premises within the Borough and the Licensing Team are still awaiting this information. Members supported the inclusion of new sections in the Policy that had been added, including, 'Modern Day Slavery.' No material concerns were raised by the Licensing Committee.

## Select Committee comments

In accordance with the Council's Constitution, the Policy was also considered by the Residents' Services Select Committee on 19 October 2022. Members were pleased to see that equality and human rights had been included in the new policy and felt it was a good piece of work. It was confirmed that the Chairman of the Licensing Committee had requested further data in relation to age verification and self-exclusion. No further concerns were raised by the Select Committee Members

## CORPORATE CONSIDERATIONS

### Corporate Finance

Corporate Finance has reviewed this report and confirms that there are no direct financial implications associated with the recommendations within this report.

### Legal

Legal services confirm that there are no legal impediments to the Council adopting this Gambling Policy which is in accordance with the outcome of the consultation carried out pursuant to section 349 of the Gambling Act 2005.

## BACKGROUND PAPERS

- [Current Statement of Gambling Policy](#)
- [Gambling Commission - Guidance to Licensing Authorities last updated May 2021](#)
- [Gambling Commission – Licence Conditions & Codes of Practice last updated Oct 2020](#)
- [Policy Paper – Review of the Gambling Act 2005 Terms of Reference and Call for Evidence, published December 2020](#)
- [Gambling Act 2005](#)



# HILLINGDON

## LONDON

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### Statement of Gambling Policy The Gambling Act 2005

**Effective –2023-25**

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## PART 1 THE GAMBLING ACT 2005

### INTRODUCTION

1.1 The London Borough of Hillingdon Council is the Licensing Authority under the Gambling Act 2005. This means that the Council is responsible for granting Premises Licences in respect of betting premises, bingo premises, casino premises, adult gaming centres and family entertainment centres as well as issuing a range of gaming permits and other authorisations for gambling within the Borough. As a Licensing Authority, we are also empowered under the Act to impose conditions and review licences, as well as take enforcement action when an offence under the Act has been committed or when premises or activities are unlicensed, or licence conditions are not complied with. This is coupled with powers of entry and inspection to ensure compliance.

### The Licensing Framework

1.2 In exercising most of our decision-making functions we **must** have regard to the three Licensing Objectives set out in Section 1 of the Gambling Act, namely:

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

1.3 We are also bound by section 153 of the Act, which requires us, in making decisions concerning Premises Licences and Temporary Use Notices, to aim to permit the use of premises for gambling insofar as we think fit, subject to such decisions being:

- In accordance with any relevant code of practice under Section 24 of the Act, the Licence Conditions and Codes of Practice (LCCP)
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Licensing Principles

1.4 The effect of this duty is that the Licensing Authority must approach our functions in a way that seeks to regulate gambling by using our powers to moderate its impact on the licensing objectives rather than initially starting out to preventing it all together.

### The Policy

1.5 Section 349 of the Act requires us to publish a *Statement of Principles* (or policy) that we will apply when exercising our various functions under the Act. This Statement of Principles fulfils that statutory requirement and details throughout the document the Council's general approach to the making of licensing decisions.

- 1.6 Nothing in this policy will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in this policy will undermine the right of any person to make representations on an application or seek a review of a licence where there is a legal power to do so.
- 1.7 This document should be read in conjunction with the Act, Regulations made under the Act and Guidance issued by the Gambling Commission. Our Statement of Principles is designed to be a strategic (Gambling) Licensing Policy, not an operational guide to the Gambling Act or a guide to the application process.
- 1.8 This policy is supplemented by guidance documents for residents and the trade on the application and licensing process. These documents will assist applicants and objectors in understanding their rights and responsibilities under the Act in respect of:
- Applying for licenses and other gambling permissions.
  - Making representations.
  - Complaints about a premises licensed under the Act and review rights.
  - Committee hearings and the decision making process.
  - The information is available on the Council's website or on request by contacting the Licensing Authority.
- 1.9 The licensing authority's policy will have effect for a maximum of three years and must be reviewed thereafter, but the licensing may review and alter the Policy at any time during the three-year period. Where the Policy is reviewed and changes proposed the licensing authority must consult on any revision.

## CONSULTATION

- 1.10 The Council has, in accordance with the section 349(3) of the Gambling Act, consulted with:
- a. London Borough of Hillingdon Council Licensing Authority
  - b. The Gambling Commission
  - c. The Chief Officer of Police for the London Borough of Hillingdon
  - d. London Fire & Emergency Planning Authority, Hillingdon Fire Station
  - e. London Borough of Hillingdon Council Planning Authority
  - f. Hillingdon Local Safeguarding Board
  - g. HM Revenue and Customs
  - h. Authority for Vulnerable Adults
  - i. A Licensing Authority in whose area the premises are situated (*i.e. the Council itself and also any adjoining Council where premises straddle the boundaries between the two*).
  - j. Persons who appear to this authority to represent the interests of persons carrying on gambling businesses in the borough of Hillingdon and neighbouring boroughs

- k. Persons who appear to us to represent the interests of persons who are likely to be affected by the exercise of this authority's functions under the Gambling Act 2005.
- l. A comprehensive list of the persons and/or bodies we have consulted is attached at Annex A. A summary of the consultation responses can be found on the Council's website. The full list of comments made and consideration given to those responses is available on request by contacting the Authority's Licensing Service.

1.11 Our consultation took place between 12<sup>th</sup> September and 24<sup>th</sup> October 2022

## **DECLARATION**

1.12 In producing the final Statement of Principles, this Licensing Authority declares that it has had regard to the Licensing Objectives, the Gambling Act 2005, the Guidance issued by the Gambling Commission and responses from those consulted on the policy statement.

## **AUTHORISED ACTIVITIES**

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

- Gaming means playing a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true
- A Lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process that relies wholly on chance.

1.14 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

1.15 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Team where appropriate.

## LICENSING AUTHORITY FUNCTIONS

1.16 Under the Act, the Council will be responsible for

- Licensing of premises where gambling activities are to take place by issuing premises licences.
- Issuing Provisional Statements.
- Regulating Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits.
- Issuing Club Machine Permits to commercial clubs.
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.
- Receiving Notifications from Alcohol Licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines.
- Granting licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.
- Registering Small Society Lotteries below prescribed thresholds.
- Issuing Prize Gaming Permits.
- Receiving and endorsing Temporary Use Notices.
- Receiving Occasional Use Notices.
- Providing information to Gambling Commission regarding details of Licenses issued (see section on Information Exchange).
- Maintaining Register of Licenses and Permits issued under these functions.
- Exercising its powers of enforcement under the Act in partnership with the Gambling Commission and other relevant responsible Authorities.

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

## RESPONSIBLE AUTHORITIES

1.18 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

1.19 Within the meaning of Section 157 of the Act, those authorities are:

- a) London Borough of Hillingdon Council Licensing Authority.
- b) The Gambling Commission.
- c) The Chief Officer of Police for the London Borough of Hillingdon (where relevant, Chief Officer of Police for Heathrow).
- d) London Fire & Emergency Planning Authority, Hillingdon Fire Station.
- e) London Borough of Hillingdon Council Planning Authority.
- f) London Borough of Hillingdon Council Environmental Protection Unit (*i.e., authority responsible for pollution and harm to human health*).
- g) Hillingdon Local Safeguarding Board.

- h) HM Revenue and Customs.
- i) Authority for Vulnerable Adults
- j) A Licensing Authority in whose area the premises are situated (*i.e. the Council itself and also any adjoining Council where premises straddle the boundaries between the two*).

For Vessels only:

Section 211(4) of the Act provides that the following are Responsible Authorities in addition to the authorities listed under section 157 of the Act:

- A. The Navigation Authority (*whose statutory functions are in relation to waters where the vessel is usually moored or berthed*)
- B. The Environment Agency,
- C. British Waterways and
- D. The Secretary of State for Digital, Culture, Media and Sport (DDCMS).

- 1.20 Subject to any other person being prescribed in Regulations by the Secretary of State. The contact addresses for these authorities are illustrated at Annex B, or available via the Council's website.

## **DESIGNATED BODY PROTECTING CHILDREN FROM HARM**

- 1.21 The Council 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 Licensing Authority about the protection of children from harm.
- 1.22 The principles are that:
- The designated body must be responsible for an area covering the whole of the Licensing Authority's area.
  - The designated body must be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 1.23 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose.
- 1.24 The remit of the Board is to co-ordinate and scrutinise arrangements for safeguarding and promoting the welfare of Hillingdon's children. It operates throughout the Borough, is responsible for the area covered by the Licensing Authority and this Policy; and has specialist knowledge and experience in the protection of children to fulfil this role.

## INTERESTED PARTIES

1.25 Interested parties can make representations about licence applications or apply for a review of an existing licence. (see annex A with regard to Councillors making representations). For the purposes of the Gambling Act 2005 interested parties will include persons who:

- Live sufficiently close to premises carrying out gambling activities.
- Have business interests that might be affected; and
- Represent persons listed above.

1.26 We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. This Licensing Authority's principles are set out in the following paragraphs:

1.27 Each case will be decided upon its merits. We will not apply a rigid rule to our decision-making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.

1.28 Interested parties can include trade associations and unions; and residents' or tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Within the meaning of the Act, interested parties can also be persons who are democratically elected such as Councillors and MPs.

1.29 Generally, the principles we will apply when deciding whether or not a person is an interested party will include looking at the size of the premises where larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities and the nature of the activities being conducted on the premises. As to the different elements of the definition of "Interested Party", the Licensing Authority will take into account the following specific matters of principle:

### 1.30 **Persons living "Sufficiently Close"**

The Licensing Authority recognises "sufficiently close to be likely to be affected" could have a different meaning for, for instance, a private resident, a residential school for children with problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its individual merits.

1.31 In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities the Council may take account of the:

- Size of the premises.
- Nature of the premises.
- Nature of the authorised activities being proposed.

- Distance of the premises from the person making the representation.
- Characteristics of the complainant.
- Potential impact of the premises.

### 1.32 **Persons with business interests likely to be affected**

With regard to those persons with business interests that could be affected, the Licensing Authority will (in addition to the factors set out in paragraph 1.38 above) need to be satisfied that the relevant business is indeed likely to be affected and the following factors will therefore be taken into account:

- i) The 'catchment' area of the premises (i.e. how far people travel to visit);
- ii) Whether the person making the representation has business interests in that catchment area that might be affected.
- iii) Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation.

### 1.33 **Persons/bodies representing persons named above**

With regard to persons representing persons living sufficiently close and persons having business interests that may be affected, the Licensing Authority will include trade associations and unions.

1.34 Where a Councillor represents an interested party, in order to avoid conflict of interest, the Councillor cannot be part of the Licensing Committee dealing with the licence application. When in doubt, Councillors are asked to contact the Council's Legal Services to gain further advice.

1.35 Other than Councillors and MPs, this authority will require written evidence that a person represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be likewise affected. A letter from one of these persons confirming their wish to be represented will be sufficient.

## **Exchange of Information**

1.36 Under the Gambling Act, we will have a key role in providing information to the Gambling Commission to assist it in carrying out its functions. This Licensing Authority recognises the need to work closely with the Gambling Commission in exchanging information as and when required.

1.37 As Licensing Authority, we are required to include in our policy statement the principles we intend to apply in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between us and the Gambling Commission, and the functions under section 350 of the Act with

respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act.

## **Statement of Principles**

- 1.38 This Licensing Authority 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 Regulations 2018 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, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 1.39 Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.
- 1.40 The Licensing Authority will normally share the information it holds about licensed premises with the Gambling Commission, Local Police Enforcement in Hillingdon; and with other Responsible Authorities where there is a need for exchange of information on specific premises.
- 1.41 We are aware that the Gambling Commission recommends in its Guidance to Local Authorities that a Protocol for the sharing of such information should be established between, us, the Licensing Authority, the Gambling Commission itself and relevant Responsible Authorities in order to target agreed problem and high-risk premises that require greater attention while providing a lighter touch in respect of well-run, low risk premises.

### **Partnership Working**

- 1.42 The local authority shall work in partnership with the Gambling Commission to regulate gambling. In doing so the Commission will tend to focus on operators and issues of national or regional significance whilst the Licensing Authority will take the lead on regulating gambling locally.
- 1.43 The Commission and licensing authorities may work directly together on particular issues. By working in collaboration jointly we are able to prevent such risks growing into a more widespread problem and to ensure that both the Commission and Licensing Authority resources are used efficiently.
- 1.44 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.

## Enforcement

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

1.46 This Licensing Authority's principles are that:

- It will be guided by the Gambling Commission's Guidance for local authorities and it will endeavour to be:
  - Proportionate: we will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised.
  - Accountable, with decisions being justifiable, and be subject to public scrutiny.
  - Consistent: rules and standards will be joined up and implemented fairly.
  - Transparent and Open: Licence conditions will be kept simple and user friendly.
  - Targeted: regulation will be focused on the problem and minimise side effects.
- The Council will avoid duplication with other regulatory regimes so far as possible.
- 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. Furthermore, the licensing authority will take into account any guidance issued by the Better Regulation Executive.
- We note the Gambling Commission's guidance that: in order to ensure compliance with the law, this Licensing Authority must prepare a Risk - based Inspection Programme and that we carry out regular 'routine' daytime programmed inspections, based on risk assessment in the categories High, Medium and Low; and that we also carry out 'non routine' evening programmed inspections. Where one-off events are taking place under a Temporary Use Notice or Occasional Use Notice, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.
- High-risk premises are those premises that require greater attention with low-risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

1.47 Enforcement may include test purchasing activities to measure compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchase activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an

operator on their overall estate, test purchasing may be deemed an appropriate course of action.

- 1.48 should consult with operators in the first instance where they have concerns about the underage access and age verification policies or whose they plan to test purchase. This will enable the Licensing Authority to identify what programmes are in place to manage the business risk and take these into account in planning a test purchase exercise.
- 1.49 The Licensing Authority should consult with the Gambling Commission before undertaking any test purchasing operations. This is to ensure that there is no conflict between any ongoing investigation or enforcement activity related to either the premises or the operator. Furthermore, the Licensing Authority shall share any test purchasing results with the Gambling Commission.
- 1.50 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 is authorises.
- 1.51 Authorised persons of the licensing authority exercise their inspection powers in accordance with the Act, the guidance and the principles set out in the licensing authority's policy.
- 1.52 Any enforcement action taken in relation to the duties of this Licensing Authority under the Gambling Act 2005 will comply with the London Borough of Hillingdon Council's current 'Prosecutions and Sanctions Policy'
- 1.53 Enforcement Officers will also comply with 'The Code for Crown Prosecutors published by the Crown Prosecution Service which can be accessed at:

<https://www.cps.gov.uk/publication/code-crown-prosecutors>

- 1.54 The Gambling Commission will be the enforcement body for the Operator and Personal Licences. 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 authority also understands that the Gambling Commission will be responsible for compliance as regards unlicensed premises.
- 1.55 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act 1998, in particular:
  - i) Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
  - ii) Article 6: that in the determination of civil rights and obligations everyone is entitled to a fair hearing within a reasonable time by an independent and impartial tribunal established by law.

- iii) Article 8: that everyone has the right to respect for his or her home and private family life.
- iv) Article 10: that everyone has the right to freedom of expression within the law.

## Equality Duty

1.56 The Licensing Authority have a public sector equality duty to the following protected characteristics:

- Age
- Disability
- Sex, gender reassignment, sexual orientation
- Pregnancy and maternity
- Race, religion or belief
- Marriage and civil partnership

1.57 Under the Equality Act 2010 (S.149) a Public Authority must, in the exercise of its functions, have due regard to the need to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the 2010 Act
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

1.58 The Licensing Authority has considered the Equality and Diversity issues that may arise from the Policy. The Local Authority considers that this policy does not raise any concerns with regards to equality and diversity.

## Modern Day Slavery

1.59 The Licensing Authority acknowledges the implementation of the Modern Day Slavery Act 2015 and will therefore fully take on their responsibilities and statutory duties under the Act.

1.60 This Licensing Authority recognises the role it can play in proactively preventing modern slavery, which includes consideration of:-

- Identification and referral of victims during inspections and visits
- Reporting and referring for investigation via the National Crime Agency's national referral mechanism any of its licence holders or managers of premises as a cause for concern

- Assisting partners with Community safety services and disruption activities.

## Primary Authority

- 1.61 The Primary Authority (PA) scheme, administered by the Office for Product Safety and Standards provides for a statutory partnership to be formed between a business and a single authority. That single authority, the PA, can provide a national inspection strategy within which other local regulators can operate (Primary Authority statutory guidance), to improve the effectiveness of visits by local regulators and enable better sharing of information between them. The PA scheme therefore aims to ensure that local regulation is consistent at the national level.
- 1.62 Since October 2013, the PA scheme has been extended to include age-restricted sales of gambling in England and Wales .It does not apply to any other aspect of the Act. This means that the Licensing Authority must follow any age restricted sales of gambling national inspection plans and strategies that are published on the PA register when considering proactive age restricted sales (gambling) activity including testing.

## Advertising

- 1.63 The Act permits the advertising of gambling in all forms, provided that it is legal and there are adequate protections in place to prevent such advertisements undermining the licensing objectives. The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising. It enforces the UK Advertising Codes (the Codes), written by the Committees of Advertising Practice. The Codes cover the content and placement of advertising and are designed to ensure that advertisements for gambling products are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited. The Codes also require that advertisements for gambling products or services do not mislead. Any complaint about the content and placement of advertising or marketing communications should be sent directly to the ASA.

## Human Rights

- 1.64 When considering applications and taking enforcement action, the Licensing Authority will be subject to the Human Rights Act 1998 and should bear in mind:
- Article 1 – peaceful enjoyment of possessions.
  - Article 6 – right to a fair hearing
  - Article 8 – respect for private and family life
  - Article 10 – right to freedom of expression

## **PART 2 PROMOTING THE LICENSING OBJECTIVES**

- 2.1 In exercising its functions under the Gambling Act 2005, London Borough of Hillingdon Council will have regard to the three statutory licensing objectives, which are:
- (i) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - (ii) Ensuring that gambling is conducted in a fair and open way.
  - (iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 In promoting these objectives, the Council has considered the Gambling Commission's Guidance to Local Authorities and makes the following observations as to the principles it intends to apply when considering the three objectives:

### **PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER, BEING ASSOCIATED WITH CRIME OR DISORDER OR BEING USED TO SUPPORT CRIME.**

- 2.3 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 2.4 Anyone applying to the Council for a Premises Licence will have to hold an Operating Licence from the Gambling Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant. However, if during the course of considering a Premises Licence application or at any other time, the Licensing Authority receives such information that causes it to question the suitability of the applicant; those concerns will be brought to the immediate attention of the Gambling Commission.
- 2.5 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime or crime directly associated with gambling premises, the Council will, in consultation with the Police and other relevant Responsible Authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. In appropriate circumstances, the Licensing Authority may consider appropriate conditions to be attached to the Licence, such as Door Supervisors.
- 2.6 Issues of disorder should only be dealt with under the Act if the disorder amounts to a form of activity, which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. A disturbance

might be serious enough to constitute disorder if police or ambulance assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

- 2.7 The Licensing Authority recognises that disorder may be focused on premises and therefore recommends an applicant takes such controls as necessary to prevent such disorder and nuisance. Examples may include thought given to the way that gambling is conducted on the premises, sighting of large payout machines, levels of noise from public address systems that should ideally be sited at the back of the premises away from residential areas.
- 2.8 Where there are persistent levels of disorder, the Licensing Authority will liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.

## **ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY**

- 2.9 All gambling should be fair in the way it is played with transparent rules such that players know what to expect. Examples may include easily understandable information being made available on the rules and probability of winning/losing, ensuring the rules are fair and that advertising is not misleading. Further recommendations would be to ensure that the results of competitions/events are made public; and that machines, equipment and software meet the required standards set by the Gambling Commission.
- 2.10 Generally, it is for the Gambling Commission to ensure this Licensing Objective is complied with through the Operating and Personal Licence regime covering the management of a gambling business and the suitability and actions of an individual.
- 2.11 However, with regard to Race Tracks, where Betting Track Operators do not need an Operator's Licence from the Gambling Commission, the role of the Licensing Authority is more significant. The Licensing Authority, in certain circumstances, may seek to impose conditions to ensure that the environment in which betting takes place is suitable. The Licensing Authority may wish to know the nature of the venue, have sight of a plan of the track which would include access to the tent where gambling is to take place, where the operators will conduct on course betting and whether or not there are any off-course betting operators.

## **PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS FROM BEING HARMED OR EXPLOITED BY GAMBLING**

- 2.12 part from one or two limited exceptions, the intention of the Act is that children and young person's should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 2.13 This Authority notes and endorses the Gambling Commission statement that: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".
- 2.14 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling, where they are not legally permitted to do so, especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. The advertising of Gambling services is regulated by the Gambling Commission under the Gambling (Licensing and Advertising) Act 2014. In relation to casinos only, the Gambling Commission will be issuing a code of practice about access to casino premises for children and young persons.
- 2.15 When considering whether to grant a premises licence or permit the Council will consider whether any measures are necessary to protect children or vulnerable young persons from being harmed or exploited by gambling, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc. These measures will be particularly relevant on mixed use premises, tracks where children have freedom of movement in betting areas on race days and in particular to the non-gambling areas of casinos. Other such measures may include appropriate signage, location of machines and numbers of staff on duty.
- 2.16 Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling; each application will be treated on its own merit. The term "vulnerable persons" has not been defined under the Act, but in seeking to protect vulnerable people the Council will consider that "vulnerable persons" include (but not limited to):
- (i) People who gamble more than they want to.
  - (ii) People who gamble beyond their means, and
  - (iii) People who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.
- 2.17 Gambling operators will be expected to demonstrate that they have adequate training and staffing procedures in place to ensure that vulnerable persons are

protected from gambling related harm. Staff working at gambling premises will also need to be aware of challenges present in the local area and vicinity of the licensed premises which may impact on the protection of children and vulnerable persons.

- 2.18 Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:
- i) Betting Shops cannot admit anyone under the age of 18.
  - ii) Bingo Clubs may admit those under the age of 18 but must have policies to ensure they do not gamble, except on category D machines.
  - iii) Adult Entertainment Centres cannot admit those under the age of 18.
  - iv) Family Entertainment Centres and premises with an alcohol premises licence such as pubs) can admit under-18s, but they may not play category C machines which are restricted to those over the age of 18.
  - v) Clubs with a Club Premises Certificate can admit under-18s, but they must have policies to ensure those under the age of 18 do not play machines other than category D machines.
  - vi) Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- 2.19 With this Licensing Objective in mind, the Licensing Authority will take particular care when considering applications for more than one licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping malls or airport terminals. Where relevant, applicants will be expected to take measures to ensure young persons, and children are not in close proximity to gambling. Such measures could include sighting machines at the back of a premises so as to ensure young children do not have sight of such machines, not advertising gambling so as to encourage children and ensuring there is no accidental access to observe or enter premises used for gambling.
- 2.20 The Licensing Authority recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, physically separating Family Entertainment Centres and Adult Gaming Centres, and supervision of entrances.
- 2.21 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through another premises and will consider whether or not children can gain access; the compatibility of the two establishments and its ability to comply with the requirements of the Gambling Act. The Licensing Authority will also consider whether the co-location of the licensed premises with

other facilities will create an arrangement that is likely to be prohibited under the Act.

- 2.22 The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings carefully if they seek to develop multipurpose developments and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling. Applicants are also requested to consider entrances and exits from parts of the building covered by one or more licences. These exits and entrances should be separate and identifiable to ensure children do not 'drift' into a gambling area.
- 2.23 The Licensing Authority recommends that all staff are suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines. Appropriate measures should be taken to prevent under age use of such machines, including clear and appropriate signage, an approved Proof of Age scheme, a requirement for staff to be vigilant and aware at all times and ensuring the Adult Gaming area is not visible from the street.
- 2.24 The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people it will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.
- 2.25 When determining the location of proposed gambling facilities, this Licensing Authority in appropriate circumstances, will have regard to any Local Risk Assessment detailed in this policy and will consider very carefully the following factors when considering applications for Premises Licences, permits and other permissions:
- i) Proximity of premises to local schools.
  - ii) Proximity of premises to centres that pose a high risk to vulnerable and young persons.
  - iii) Proximity of premises to residential areas where there is a high concentration of children and young people.

## **PART 3 INTEGRATING STRATEGIES AND OTHER REGULATORY REGIMES**

### **INTEGRATING STRATEGIES**

- 3.1 The Council considers that the Licensing Statement of Principles should provide clear indications of how we, as Licensing Authority, will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, equalities and diversity schemes together with other Council plans introduced for the management of town centres and the night-time leisure economy. Many of these strategies are not directly related to the promotion of the three licensing objectives, but indirectly impact upon them. Coordination and integration of such policies, strategies and initiatives, so far as is possible and consistent with the licensing objectives, is therefore important to us. We will liaise with the relevant authorities or its directorates with regard to this and in doing so adopt a multi-disciplinary approach to ensure proper integration of local and national strategies to promote the licensing objectives, including making arrangements for the Council's Licensing Committee to receive reports from time to time on the:
- i) Needs of the local tourist economy;
  - ii) Cultural strategy for the area;
  - iii) Employment situation in the area and the need for new investment and employment where appropriate;
  - iv) Local Crime Prevention Strategies;
  - v) Race Equality Schemes;
  - vi) Enforcement Policy.
- 3.2 Reports to the Licensing Committee from other relevant departments should enable the various agencies or departments with their own strategies, aims and objectives to keep the Licensing Committee aware of the wider picture in pursuance of the licensing objectives. It is our intention that we will, through the Council's Licensing Committee, monitor how the matters above set out impact on the licensing of gambling activities and facilities and other functions in order to achieve seamless integration of our licensing function with other relevant strategies and initiatives.
- 3.3 In order to avoid duplication with other statutory regimes, the Licensing Authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 3.4 Similarly, where other legislation confers powers on inspection and enforcement agencies in relation to separate activities and concerns relating to licensed premises, this policy does not affect the continued use of such powers by the relevant agency.

- 3.5 This authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including the statutory planning regime.
- 3.6 We emphasise that under section 210 of the Act this Licensing Authority is not entitled to have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building control.
- 3.7 The Planning Department are a Responsible Authority under this Act and have the opportunity to make representations should they desire so to do. The Licensing Authority will therefore consider relevant representations from the local planning authority about the effect of the grant of a premises licence on an extant planning permission where this relates to the licensing objectives, a Commission code of practice, or this Statement of Policy. This authority will also listen to, and consider carefully, any concerns about conditions that cannot be met by licensees due to planning restrictions, should such a situation arise. Otherwise the two regimes will be treated as completely separate.

## PART 4

### LOCAL RISK ASSESSMENTS AND LOCAL AREA PROFILE

#### Local Risk Assessments

- 4.1 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in October 2020 formalised the need for operators to consider local risks.
- 4.2 Social Responsibility (SR) code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate the risks. In undertaking the risk assessments, they must take into account the relevant matters identified in this policy statement.
- 4.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
  - When applying for the variation of a premises licence.
  - To take account of significant changes in local circumstances, including those identified in this policy statement.
  - Where there are significant changes licensee's premises that may affect their mitigation of local risks.
- 4.4 The SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.
- 4.5 Where concerns do exist, perhaps prompted by new or existing risks, the licensing authority will request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce occasions on which a premises review and the imposition of licence conditions are required.
- 4.6 Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

## Local Area Profile

- 4.7 The licensing authority can complete their own assessment of the local environment as a means of 'mapping out' local areas of concern, which will be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the licensing authority to complete a local area profile; however benefits for both the licensing authority and operators would be in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.
- 4.8 There is no mandatory requirement to have a local area profile and the licensing authority will, where appropriate, engage with responsible authorities ensure any new or variation application assessed taking the local area profile and any risks into account.

## **PART 5 PREMISES LICENCES**

### **GENERAL PRINCIPLES**

5.1 Premises Licences authorise the provision of gambling facilities on the following:

- i) Casino Premises.
- ii) Bingo Premises.
- iii) Betting Premises, including race tracks used by betting intermediaries
- iv) Adult Gaming Centres.
- v) Family Entertainment Centres.

5.2 Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be issued to people with the relevant Operating Licences.

5.3 Premises Licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State.

5.4 We as the Licensing Authority will be able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.

5.5 Under the Act Hillingdon Council has no discretion to grant Premises Licences in circumstances where that would mean departing from the Gambling Commission Guidance and Codes of Practice and this Licensing Authority's own Statement of Licensing Principles. Therefore, our primary focus shall be to aim to permit the use of premises for gambling in so far as we think it is:

- i) In accordance with the 'Licence Conditions and Codes of Practice', issued by the Gambling Commission.
- ii) In accordance with the 'Guidance to Licensing Authorities' issued by the Gambling Commission.
- iii) Consistent with the Licensing Objectives.
- iv) In accordance with this Statement of Licensing Principles.

5.6 The Council appreciates that gambling can be an emotive subject but acknowledges and endorses the Gambling Commission Guidance that "moral objections to gambling are not a valid reason to reject applications for premises licences " (except as regards any "no casino resolution") and also that unmet demand is not a criterion for a Licensing Authority.

5.7 We recognise that the responsibility for an individual's gambling is his or her own and that the responsibility to exercise a duty of care lies with the site operator.

However, the Licensing Authority recommend applicants for Adult Gaming and Family Entertainment Centres to consider adopting relevant guidance published by the British Amusement Catering Trade Association. (BACTA)

## Definition of Premises

- 5.8 The Council will act in accordance with the gambling commission guidance on ensuring the primary activity of the licensed premises. Gaming machines may be available in licensed betting premises only at times when there are also sufficient facilities or betting operators. They will also need to demonstrate that betting will continue to be the primary activity of a premise when seeking variations to licences.

In making this determination, the licensing authority will have regard to the six indicators on betting as a primary gambling activity:

- The offer of established core product (including live events pictures and its range).
- The provision of information on products and events.
- The promotion of gambling opportunities and products.
- The actual use made of inspecting facilities.
- The size of premises.
- The delivery of betting facilities.

- 5.9 Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premise at different times. It is however possible for a single building to be subject to more than one premises licence, providing that each licence is for a different part of the building and such different parts can reasonably be regarded as different premises.

- 5.10 The Council will judge each case on its individual merits to decide as a matter of fact, whether different parts of a building can be properly regarded as being separate premises.

In addition to other relevant factors, the Council will have regard to the Gambling Commission guidance which lists the following factors which may be taken into account:

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

- 5.11 We note that the Gambling Commission, in their guidance, do not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. We support this view.

- 5.12 This licensing authority takes particular note of the Gambling Commission's Guidance for Local Authorities, which states that:
- i) 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.
  - ii) 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 the 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.

### **Provisional Statement**

- 5.13 Under the Act an applicant may apply for a Provisional Statement where a premises is under construction. The Gambling Commission has advised that reference to the term, "the premises" are to the premises in which gambling may now take place. Therefore, a licence to use premises for gambling will be issued in relation to premises that are ready to be used for gambling **or are intended to be used for gambling.**
- 5.14 It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the Licensing Authority can, if necessary, inspect it fully, as can other responsible authorities, with inspection rights under the Act.
- 5.15 In deciding whether a premises licence can be granted where there are construction works, at existing premises, the Council will determine applications on their merits, applying a two-stage consideration process:
- First, whether the premises ought to be permitted to be used for gambling.
  - Second, whether appropriate conditions can be put in place to cater for that situation.

- 5.16 Applicants should note that the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

### **Location**

- 5.17 The Gambling Commission Guidance stipulates that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the licensing objectives can.
- 5.18 In accordance with the Gambling Commission's Guidance for Local Authorities, this Licensing 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.
- 5.19 This authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon, this policy statement will be updated accordingly. It should be noted that any such future policy will not preclude any application being made with the onus upon the applicant showing how any potential concerns can be overcome.
- 5.20 Each case will be decided on its merits and will depend, to a large extent, on the type of gambling that it is proposed will be offered on the premises.
- 5.21 If an applicant can demonstrate appropriate measures to overcome concerns, that will be taken into account by the Council.

### **Conditions**

- 5.22 Any conditions attached to licences will be proportionate and will be:
- i) Relevant to the need to make the proposed building suitable as a gambling facility.
  - ii) Directly related to the premises and the type of licence applied for;
  - iii) Fairly and reasonably related to the scale and type of premises: and
  - iv) Reasonable in all other respects.
- 5.23 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult-only areas etc. There are specific comments made in this regard under each of the licence types below.
- 5.24 This policy acknowledges that there are conditions that the licensing authority cannot attach to premises licences:

- i) Any condition on the premises licence which makes it impossible to comply with an operating licence condition.
- ii) Conditions relating to gaming machine categories, numbers, or method of operation.
- iii) 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).
- iv) Conditions in relation to stakes, fees, winning or prizes.

### **Door Supervisors**

- 5.25 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.
- 5.26 This policy recognises that door supervisors at bingo or casino premises cannot be licensed by the Security Industry Authority (SIA). This Licensing Authority does not have specific requirements for door supervisors working at bingo or casino premises. Each case will be determined on its individual merits.
- 5.27 It is noted that for premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances or 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.

### **CASINO PREMISES**

- 5.28 To date, the Licensing Authority has chosen not to pass a resolution under section 166 (5) of the Gambling Act to prohibit casinos in the Borough.
- 5.29 Should the Council choose to make such a resolution, this will be a resolution of full Council following considered debate and the reasons for making the resolution will be given.

### **BINGO PREMISES**

- 5.30 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.
- 5.31 The holder of a Bingo Operating Licence will be able to provide any type of bingo

game including cash and prize bingo. Where bingo is permitted in alcohol licensed and non-gambling premises, this must not become a predominant commercial activity; otherwise a bingo operating licence will be required.

- 5.32 Commercial bingo halls will require a bingo premises licence from the Council. Amusement arcades providing prize bingo will require a prize gaming permit from the Council.
- 5.33 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on category D machines. When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.
- 5.34 The Licensing Authority recognises that there is no ban on children or young people having access to Bingo premises, that it is illegal for Under 18s to play or use Category B and C machines and that they cannot be employed in providing facilities for gambling or bingo premises. In any event, children under 16 cannot be employed in any capacity at a time when facilities for playing bingo are being offered. 16 and 17 year olds may be employed while bingo is taking place provided the activities on which they are employed are not connected with the gaming or gaming machines. Where children aged 16 and 17 are employed in bingo premises, the Licensing Authority would expect to see sufficient controls restricting access to Category B and C machines.
- 5.35 A limited number of gaming machines may also be made available at Bingo licensed premises. A list of categories of gaming machines is on page 43. Category C or above machines are available in premises to which children are admitted, the licensing authority will seek to ensure that:
- i) All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
  - ii) Only adults are admitted to the area where these machines are located.
  - iii) Access to the area where the machines are located is supervised.
  - iv) 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
  - v) At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18.
- 5.36 The Council will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licensing conditions may cover issues such as:

- Proof of age schemes.
- CCTV – this should be of sufficient quality that it will use evidence.
- the provision of entrances/machine areas
- physical separation areas
- location of entry
- notices/signage
- specific opening hours
- self-exclusion schemes - these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises
- 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 that the Council can consider implementing.

- 5.37 With regard to segregation of Category B and C machines from Category D machines, there is a requirement that there must be clear segregation between these types of machine so that children do not have access to Category B or C machines and the Licensing Authority will take into account any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.

### **Members' Clubs and Commercial Clubs**

- 5.38 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a Bingo Operators Licence and the corresponding Personal and Premises licences.
- 5.39 With regard to turnover, where the Licensing Authority is suspicious that a licensee or club exceeds the turnover in the required 7-day period, the Licensing Authority will inform the Gambling Commission accordingly.
- 5.40 The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

### **BETTING PREMISES**

- 5.41 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Anyone wishing to operate a betting office will require a Betting Premises Licence from the Council.
- 5.42 Children and young people will not be able to enter premises with a betting

premises licence.

- 5.43 Betting premises will be able to provide a limited number of gaming machines and some betting machines. A table showing the number and category of gaming machines permitted in betting premises is on page 44
- 5.44 In premises licensed for alcohol consumption, the Council has the power to restrict the number of gaming machines, their nature and the circumstances in which they are made available. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things: the size of the premises, the level of management, supervision and ability of staff to monitor the use of machines especially where children and young or vulnerable people are concerned; and the number of counter positions available for person-to-person transactions.
- 5.45 The Council will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licensing conditions may cover issues such as:
- i) Proof of age schemes.
  - ii) CCTV – this should be of sufficient quality that it will use evidence.
  - iii) the provision of entrances/machine areas
  - iv) physical separation areas
  - v) location of entry
  - vi) notices/signage
  - vii) specific opening hours
  - viii) self-exclusion schemes - these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises
  - ix) 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 that the Council can consider implementing.

## **TRACKS**

- 5.46 Only one Premises Licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 5.49 Track operators are not required to hold an 'Operators Licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Track operators will

have an important role to play, for example in ensuring that betting areas are properly administered and supervised.

- 5.50 Although there will primarily be a betting premises licence for the track, there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 5.51 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
- 5.52 This Licensing Authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.
- 5.53 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young person's will be permitted to enter track areas where facilities for betting are provided on days when dog- racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 5.54 Measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare will be considered suitable in relation to the protection of children and vulnerable people.
- 5.55 Where appropriate, in order for the Licensing Authority to gain a proper understanding of what it is being asked to licence, applicants will be asked to:
- i) Provide a detailed plan of the grounds indicating where the betting is to take place and the location of the race track;
  - ii) In the case of dog tracks and horse racecourses, indicate the location of any fixed and mobile pool betting facilities operated by the Tote or track

- operator as well as any other proposed gambling facilities;
  - iii) Evidence measures taken to ensure the third Licensing Objective will be complied with;
  - iv) Indicate what arrangements are being proposed for the administration of the betting; the Gambling Commission and Licensing Authority recommend that betting takes place in areas reserved for, and identified as being for that purpose.
  - v) Define the areas of the track that will be used by on course operators visiting the track on race days.
  - vi) Define any temporary structures erected on the track for providing facilities for betting.
  - vii) Define the location of any gaming machines (if any).
- 5.56 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.

### **Betting Machines at Tracks**

- 5.57 In addition to the comments above at betting machines in betting premises, similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. The licensing authority may consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.
- 5.58 This licensing authority notes the Commission's view, that it would be preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

### **Condition on rules being displayed**

- 5.59 In line with guidance from the Gambling Commission the Council will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

### **ADULT GAMING CENTRES**

- 5.60 As no one under the age of 18 is permitted to enter an Adult Gaming Centre, 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 Licensing Authority that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises. Applicants are recommended to consider this Licensing Objective very carefully when applying for an Adult Gaming Centre.

5.61 The Council will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licensing conditions may cover issues such as:

- Proof of age schemes.
- CCTV – this should be of sufficient quality that it will use evidence.
- the provision of entrances/machine areas
- physical separation areas
- location of entry
- notices/signage
- specific opening hours
- self-exclusion schemes - these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises
- 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 that the Council can consider implementing.

5.62 Where the Adult Gaming Centre is situated in a complex such as an airport, shopping area or motorway service station, the Licensing Authority will pay particular attention to the location of entry so as to minimise opportunities for children gaining access.

5.63 A table showing the number and category of gaming machines permitted in adult gaming centres is on page44

### **FAMILY ENTERTAINMENT CENTRES (FECs)**

5.64 There are two classes of family entertainment Centres. Licensed FECs provide Category C and D machines and require a Premises Licence. Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits.

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

5.65 Children and young persons may enter FECs but are not permitted to play Category C machines. 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 ensure that there will be sufficient measures to prevent under

18 year olds having access to the adult only gaming machine areas.

- 5.66 With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/help line numbers for organizations such as GamCare as appropriate measures.
- 5.67 With regard to segregation of Category C machines in licensed FECs, there is a requirement that there must be clear segregation between the two types of machine so that children do not have access to Category C machines and the Licensing Authority will take into account any guidance issued by the Gambling Commission in the light of any regulations made by the Secretary of State.
- 5.68 Applicants are recommended to visit the Gambling Commission's website in order to familiarise themselves with the conditions applicable to these premises.

### **Statement of Principles**

- 5.69 As these premises are open to children and young persons, the Licensing Authority will wish to see additional information, such as:
- i) A plan of the premises showing clear segregation of Category C and D machines.
  - ii) Clear Notices excluding under 18 year olds from the designated areas where Category C machines are located;
  - iii) Age Restriction Policy;
  - iv) Evidence of ongoing staff training in administering all aspects of age restriction policy;
  - v) Solid physical barriers separating adult gaming area from the main floor, i.e. the barriers to be a min. of 1 metre in height from the floor;
  - vi) Completion of a training programme in social awareness in respect of gambling
  - vii) Evidence of compliance with BACTA's Code of Practice

### **TRAVELLING FAIRS**

- 5.70 Travelling fairs do not require any permit to provide gaming machines but must comply with the legal requirements on the way the machine operates. They may provide an unlimited number of Category D gaming machines and it will fall to the licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 5.71 The Licensing Authority will consider whether or not a travelling fair falls within the statutory definition of a travelling fair and recognises that the 27-day statutory

maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will work with neighbouring authorities to ensure that land that crosses joint boundaries is monitored so that the statutory limits are not exceeded.

## **REVIEW OF PREMISES LICENCES**

- 5.72 A premises licence may be reviewed by the Licensing Authority of its own volition or following receipt of an application for a review, which is essentially a request by a third party to the Licensing Authority to review a particular licence.
- 5.73 However, it is for the Licensing Authority to decide whether or not 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 the Authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous requests for review.
- 5.74 The review will be:
- i) In accordance with any relevant Code of Practice issued by the Gambling Commission.
  - ii) In accordance with any relevant Guidance issued by the Gambling Commission.
  - iii) Reasonably consistent with the Licensing Objectives and
  - iv) In accordance with the Licensing Policy Statement.
- 5.75 Licensing Authority officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution before a full review is conducted. An application for review must be granted, unless it decides to reject the application in accordance with the act.
- 5.76 The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate with regard to the licensing objectives. This can extend to a review of a class of licences where it considers particular issues have arisen.

## **PART 6 GAMING PERMITS**

### **INTRODUCTION TO PERMITS**

- 6.1 Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
- 6.2 The Licensing Authority is responsible for issuing the following permits:
- Family Entertainment Centre (FEC) Gaming Permits
  - Club Gaming Permits and Club Machine Permits
  - Alcohol –licensed Premises Gaming Machine Permits
  - Prize Gaming permits
- 6.3 The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.
- 6.4 There are different considerations to be taken into account when considering the different types of permit applications. Please refer to the relevant parts of this below.

### **GAMING MACHINES**

- 6.5 A gaming machine can cover all types of gambling activity, which can take place on a machine, including betting on virtual events. A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of chance imparted by the action of the machine would cause it to be a gaming machine.
- 6.6 Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.
- 6.7 There are four classes of gaming machines: Categories A, B, C and D, with category B further divided into sub-categories B1, B2, B3, B3A and B4. The table below sets out the current maximum stakes and prizes that apply to each category:

## CATEGORIES OF GAMING MACHINES

CATEGORY	MAXIMUM STAKE	MAXIMUM PRIZE
<b>A</b>	Unlimited	Unlimited
<b>B1</b>	£5	£10,000*
<b>B2</b>	£100 (in multiples of £10) £2 effective April 2019	£500
<b>B3</b>	£2	£500
<b>B3A</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D**</b>	-	-
<b>D</b> non-money prize (other than crane grab machine)	30p	£8
<b>D</b> non-money prize (crane grab machine)	£1	£50
<b>D</b> money prize (other than a coin pusher or penny falls machine)	10p	£5
<b>D</b> combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
<b>D</b> combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

*\* Category B1 where the prize value available through its use is wholly or partly determined by reference to use made of one or more other subcategory B1 machines, no more than £20,000*

*\*\* Category D machines with a 10p stake are entitled to offer prizes of up to £5 in cash, or up to £5 in cash and £3 in non-monetary prizes. Category D machines with a 30p stake can offer £8 in non-monetary prizes only.*

- 6.8 The Gambling Act also prescribes the maximum number and category of gaming machines that are permitted in each type of gambling premises. This includes premises with permit entitlements, as well as licensed premises (see table on page 35):

## NUMBER OF GAMING MACHINES BY PREMISES TYPE

TYPE	GAMING MACHINES
BINGO PREMISES	<p>MAXIMUM OF 20% OF THE TOTAL NUMBER OF GAMING MACHINES WHICH ARE AVAILABLE FOR USE ON THE PREMISES FOR CATEGORIES B3 AND B4.</p> <p>NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES</p>
BETTING PREMISES	<p>MAXIMUM OF 4 GAMING MACHINES CATEGORIES B2 TO D (EXCEPT B3A MACHINES)</p>
TRACK BETTING PREMISES WHERE POOL BETTING LICENCE HELD	<p>MAXIMUM OF 4 GAMING MACHINES CATEGORIES B2 TO D (EXCEPT B3A MACHINES)</p>
ADULT GAMING CENTRE	<p>MAXIMUM OF 20% OF THE TOTAL NUMBER OF GAMING MACHINES WHICH ARE AVAILABLE FOR USE ON THE PREMISES FOR CATEGORIES B3 AND B4.</p> <p>NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES</p>
FAMILY ENTERTAINMENT CENTRE WITH PREMISES LICENCE	<p>NO LIMIT ON CATEGORY C AND CATEGORY D MACHINES</p>
FAMILY ENTERTAINMENT CENTRE WITH GAMING PERMIT	<p>NO LIMIT ON CATEGORY D MACHINES</p>
MEMBERS CLUB PREMISES	<p>MAXIMUM OF 3 GAMING MACHINES IN CATEGORIES B3A OR B4 TO D (ONLY ONE B3A MACHINE CAN BE SITED AS PART OF THIS ENTITLEMENT)</p>
COMMERCIAL CLUBS	<p>MAXIMUM OF THREE GAMING MACHINES IN CATEGORIES B4 TO D</p>
ON SALES ALCOHOL LICENSED PREMISES	<p>MAXIMUM OF 2 GAMING MACHINES IN CATEGORIES C TO D BY NOTIFICATION NUMBER OF</p>
ON SALES ALCOHOL LICENSED PREMISES WITH GAMING MACHINE PERMIT	<p>CATEGORY C TO D MACHINES AS SPECIFIED ON PERMIT</p>

## **(UNLICENSED) FEC GAMING MACHINE PERMITS**

- 6.9 Where Premises do 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 under section 238 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 6.10 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. In preparing that 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.
- 6.11 A FEC gaming machine permit may be granted only satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application. The Licensing Authority may grant or refuse a permit but cannot impose conditions upon the grant of a permit. Therefore, the licensing authority will wish to be satisfied as to the applicant's suitability before granting a permit. Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.

### **Statement of Principles**

- 6.12 Applicants will be expected 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 background checks on staff, training for staff in dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.
- 6.13 Applicants will be expected to demonstrate:
- i) A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
  - ii) That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act).
  - iii) That staff are trained to have a full understanding of the maximum stakes and prizes; and
  - iv) An awareness of local school holiday times and how to identify the local education office should truants be identified.
- 6.14 Compliance with the Code of Practice in relation to FECs, issued by BACTA, will be taken by the Licensing Authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.

As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:

- (i) A plan of the premises to a scale of 1:100. If a 1:100 scaled plan cannot be submitted the plans must be clear and legible in all material respects. All plans must show the exits/entrances to the premises, location of gaming machines, and the location of safety equipment such as fire extinguishers and indicating the location of appropriate clear and prominent notices and barriers, such Notices to state:
  - (a) That no unaccompanied child will be permitted to remain on the premises if that person is required by law to attend school;
  - (b) Highlighting the need to play responsibly;
  - (c) The number and location of Category D machines;
- (ii) Evidence of staff training by way of a Premises Log Book, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises;
- (iii) The amount of space around gaming machines to prevent jostling of players or intimidation;
- (iv) Location and supervision of Automated Teller Machines;
- (v) Proof of Age scheme;
- (vi) Evidence that the applicant has complied with Health and Safety and Fire Safety legislation;
- (vii) Details of opening hours;
- (viii) Details of external appearance of premises;
- (ix) Numbers of staff employed;
- (x) Insurance documents and any other such information the Licensing Authority will from time to time require;
- (xi) Any other policies or procedures in place to protect children from harm.

6.15 The above statement of principles will apply in relation to initial applications only and not renewals.

6.16 With regard to renewals, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

6.17 Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.

- 6.18 Where the Permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed.
- 6.19 As these premises particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues and will also consider an applicant's suitability for FEC permits and factors taken into account will include the Applicant's criminal record and previous history and experience of running similar premises, if any.

### **CLUB GAMING AND CLUB MACHINES PERMITS**

- 6.20 Members Clubs and Miners' Welfare Institutes (not Commercial Clubs) may apply for a Club Gaming Permit or Club Gaming Machine Permit.

6.21 **Club Gaming Permit**

Club gaming permits allow the premises to provide:

- i) Up to three machines of categories B, C or D.
- ii) Equal chance gaming; and
- iii) Games of chance as set out in regulations.

6.22 **Club Gaming Machine Permit**

A club gaming machine permit will enable the premises to provide up to three machines of categories B, C or D.

- 6.23 Before granting a permit, the Licensing Authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Gambling Act and may grant the permit provided the majority of members are over 18 years of age.

- 6.24 The Licensing Authority recognises that there is a 'fast track' procedure for premises holding a Club Premises Certificate under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which the Licensing Authority can refuse a permit are reduced.

### **ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS**

- 6.25 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises licence holders merely need to notify the Licensing Authority that they intend to exercise their automatic entitlement to gaming machines in their premises.

- 6.26 Under section 284 the Licensing Authority can remove the automatic authorisation in respect of any particular premises if:
- i) Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.
  - ii) 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).
  - iii) The premises are mainly used for gaming; or
  - iv) An offence under the Gambling Act has been committed on the premises.
- 6.27 Should it necessary to issue section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order, and consider any representations which might be made. The authority will hold a hearing if the licensee requests it.
- 6.28 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."

### **Statement of Principles**

- 6.29 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 harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to the adult-only gaming machines.
- 6.30 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 that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 6.31 The Licensing Authority will usually expect holders of gaming machine permits to ensure that the gaming machines are sited in accordance with any relevant code of practice issued by the Gambling Commission and to ensure that they can be adequately supervised whilst in use.

- 6.32 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an adult entertainment centre premises licence.
- 6.33 It should be noted that the Licensing Authority is empowered to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than those restricting the number or category of machines) cannot be attached.
- 6.34 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.

### **PRIZE GAMING PERMITS**

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

- 6.37 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs providing none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.
- 6.38 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.
- 6.39 Applicant should set out the types of gaming they are intending to offer and should be able to demonstrate:
- i) That they understand the limits to stakes and prizes that are set out in Regulations; and
  - ii) That the gaming offered is within the law.
- 6.40 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:
- i) The limits on participation fees, as set out in regulations, must be complied with.

- ii) 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.
- iii) 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
- iv) Participation in the gaming must not entitle the player to take part in any other gambling.

6.41 Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under the Gambling Act 2005 may be in force.

### **Statement of Principles**

6.42 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 harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to unequal chances prize gaming.

6.43 A plan must accompany applications indicating where, and what type, of prize gaming is to be provided.

6.44 The grounds for decision making as regards renewals are the same as for initial applications.

6.45 Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and offering the applicant an opportunity to make representations orally or in writing or both.

**PART 7**  
**TEMPORARY AND OCCASIONAL USE NOTICES**

**TEMPORARY USE NOTICES (TUN)**

- 7.1 A Temporary Use Notice (“TUN”) is a notice which authorises a person or an organisation to conduct gaming activities for a temporary period of time, at a particular premises. However, a TUN may only be granted if the premises user is already in possession of a relevant Operating Licence. The London Borough of Hillingdon is bound by a number of statutory limits as regards TUNs. Section 218 of the Act refers to a ‘set of premises’ and provides that a set of premises is the subject of a temporary use notice if ‘any part’ of the premises is the subject of a TUN.
- 7.2 The reference to a ‘set of premises’ prevents one large premise from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.
- 7.3 The Licensing Authority will decide what constitutes a ‘set of premises’ where Temporary Use Notices are received relating to the same building/site.
- 7.4 In considering whether a place falls within the definition of a ‘set of premises’ the Licensing Authority will look at the ownership/occupation and control of the premises and the Licensing Authority will consider whether different units are in fact different ‘sets of premises’. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as one premise and would not be granted a temporary use notice for each of its exhibition halls.
- 7.5 A TUN must be lodged with the Licensing Authority not less than three (3) months and one (1) day before the day on which the gambling event will begin. The person who is giving the TUN must ensure that the notice and copies are with the Licensing Authority and named responsible authorities within seven (7) days of the date of the notice.
- 7.6 On receipt of a TUN the Licensing Authority will send a written acknowledgement as soon as is reasonably practicable and this may be by way of email.
- 7.7 If no objections are made within 14 days of the date of the temporary use notice, the Licensing Authority will grant and return the notice with an endorsement of validity.
- 7.8 If objections are received within 14 days of the date of notice, a hearing will be held to consider the issue of a TUN. Those who raise objections may offer modifications to the notice that will resolve their objections. If all participants to a hearing agree that a hearing is unnecessary, the hearing may be dispensed with.

- 7.9 The Licensing Authority may 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. The Licensing Authority and other bodies to which the notice is copied may give notice of objection but they must have regard to the Licensing Objectives and where there are such objections, they must give a notice of objection to the person who gave the TUN, such notice will be copied to the Licensing Authority.

### **OCCASIONAL USE NOTICES (OUN)**

- 7.10 An Occasional Use Notice may be used where there is betting on a track on 8 days or less in a calendar year. The OUN dispenses with the need for a Betting Premises Licence for a track and the Licensing Authority will maintain a register of all applications.
- 7.11 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. The licensing authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.
- 7.12 Tracks are normally thought of as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify.

## **PART 8 REGISTRATION OF SMALL SOCIETY LOTTERIES**

### **DEFINITION OF SMALL SOCIETY LOTTERY**

- 8.1 The Gambling Act repeals the Lotteries and Amusements Act 1976. The Licensing Authority will register and administer smaller non-commercial lotteries. Promoting or facilitating a lottery will fall within 2 categories:
- i) Licensed Lotteries (requiring an Operating Licence from the Gambling Commission); and
  - ii) Exempt Lotteries (registered by the Licensing Authority).
- 8.2 Exempt Lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:
- i) Small Society Lotteries;
  - ii) Incidental Non-Commercial Lotteries;
  - iii) Private Lotteries;
  - iv) Private Society Lottery;
  - v) Work Lottery;
  - vi) Residents' Lottery;
  - vii) Customer Lotteries.
- 8.3 Societies may organise lotteries if they are licensed by the Gambling Commission or fall within the exempt category, and therefore registered by the Licensing Authority, because their proceeds are below specified levels. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits will be made available on the Council's website or by contacting the Licensing Authority.

### **THE LICENSING AND REGISTRATION SCHEME**

- 8.4 Applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 8.5 Lotteries will be regulated through a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, Codes of Practice and any Guidance issued by the Gambling Commission. In exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the Gambling Commission's Guidance.

- 8.6 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of his registration. In addition, the Licensing Authority will make available for inspection by the public; the financial statements/returns submitted by societies in the preceding 18 months and will monitor the cumulative totals for each society to ensure the annual monetary limit is not breached. If there is any doubt, the Licensing Authority will notify the Gambling Commission in writing, copying this to the Society concerned.
- 8.7 The Licensing Authority will refuse applications for registration if in the previous five years, either an Operating Licence held by the applicant for registration has been revoked, or an application for an Operating Licence made by the applicant for registration has been refused. Where the Licensing Authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.
- 8.8 The Licensing Authority may refuse an application for registration if in their opinion:
- i) The applicant is not a non-commercial society;
  - ii) A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
  - iii) Information provided in or with the application for registration is false or misleading.
- 8.9 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society.
- 8.10 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Licensing Authority will make available on its website its procedures on how it handles representations.
- 8.11 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

- 8.12 Where a Society employs an external lottery manager, they will need to satisfy themselves that they hold an Operator's Licence issued by the Gambling Commission and the Licensing Authority will expect this to be verified by the Society.
- 8.13 The Licensing Authority will expect registered small society lottery societies to renew their registrations each year. It is not the responsibility of the Licensing Authority to issue reminders to small society lottery societies to advice of renewals. Registrations will expire if they are not renewed in a timely way. Cancellation of a small society lottery will be confirmed in writing by the Licensing Authority.

## **PART 9 DECISION MAKING**

### **THE LICENSING COMMITTEE**

- 9.1 The Licensing Committee will consist of at least 10 Members. Licensing Sub-committees consisting of 3 Committee Members will hear any relevant representations from Responsible Authorities and interested parties. Any of these individuals or groups may specifically request a representative to make representations on the applicant's behalf. This could be a legal representative, a friend, an MP or a Ward Councillor.
- 9.2 Where a Councillor who is a member of the Licensing Sub-Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.
- 9.3 Licensing Authorities must have regard to the licensing objectives when exercising their functions in relation to premises licences, temporary use notices and some permits.
- 9.4 The decision determined by the Sub-Committee will be accompanied with clear, cogent reasons for that decision, having had due regard to being reasonably consistent with the Licensing Objectives; the Human Rights Act 1998; any relevant code of practice under Section 24 of the Gambling Act 2005; any relevant guidance issued by the Commission under Section 25 of the Gambling Act 2005; and this Statement of Policy. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable.

### **DELEGATION OF DECISION MAKING RESPONSIBILITIES**

- 9.5 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 9.6 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at Annex C.
- 9.7 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, will be delegated to Council Officers.

## PART 10

### ANNEX A

#### SCHEDULE OF CONSULTEES TO DRAFT POLICY

PERSONS OR BODIES  
REPRESENTING THE INTERESTS  
OF THOSE CARRYING ON  
GAMBLING BUSINESSES IN THE  
BOROUGH

Association of British Bookmakers  
Association of Licensed Multiple  
Retailers  
British Amusement Catering  
Association  
British Beer and Pub Association  
National Casino Industry Forum  
British Holiday & Home Parks  
Association  
Greyhound Board of Great Britain  
British Institute of Inn keeping  
Business in Sport and Leisure Ltd  
Casino Operators Association, UK  
Community Trade Union  
Federation of Licensed Victuallers  
Gamcare  
AGE UK  
Hillingdon Chamber of Commerce  
Remote Gambling Association  
Responsibility in Gambling Trust  
Rugby Football Union  
The Bingo Association  
The Football Association  
The Lotteries Council  
The Working Men's Club & Institute  
Union

PERSONS OR BODIES  
REPRESENTING THE INTERESTS  
OF THOSE WHO ARE LIKELY TO  
BE AFFECTED BY THE EXERCISE

OF THE AUTHORITY'S  
FUNCTIONS

All Elected (Ward) Councillors,  
London Borough of Hillingdon  
Council  
All "Responsible Authorities" as  
defined under the Gambling Act (*see  
Appendix C for list and contact  
details*)  
Alcoholics Anonymous (AA)  
Gamblers Anonymous  
Government Organisations: (LGA,  
ODPM, LACORS)  
Hillingdon Action Group for Addiction  
Management (HAGAM)  
Hillingdon Association of Voluntary  
Services  
Hillingdon's Children and Young  
People's Partnership Board  
(CYPSPB)  
Hillingdon Community and Police  
Consultative Group  
Hillingdon Drug and Alcohol Services  
Hillingdon Law Centre  
Hillingdon Mind  
Hillingdon NHS  
Hillingdon Salvation Army  
Hillingdon Samaritans  
Hillingdon Youth Offending Service  
Hillingdon Tenants and Residents  
Associations  
Hillingdon Federation of Community  
Associations & similar bodies  
Local Licensing Solicitors in  
Hillingdon  
Local Strategic Partnership Uxbridge  
Initiative  
Uxbridge Magistrates Court

NEIGHBOURING LONDON,  
COUNTY AND DISTRICT  
COUNCIL'S

London Boroughs of: Brent, Ealing,  
Hammersmith & Fulham, Harrow  
and Hounslow  
(*West London Alliance Members*)

And:  
Slough Borough Council  
Spelthorne Borough Council  
Hertfordshire County Council  
South Bucks District Council  
Three Rivers District Council

Note: This list was not intended to be exhaustive. Comments and observations were welcomed from anyone affected by this policy.

## ANNEX B

### SCHEDULE OF RESPONSIBLE AUTHORITIES

*For the purposes of the Act, Responsible Authorities are public bodies that must be notified of all applications and who are entitled to make representation in relation to Premises*

Hillingdon Licensing Authority  
The Licensing Service  
London Borough of Hillingdon  
Civic Centre, Uxbridge  
UB8 1UW  
[licensing@hillingdon.gov.uk](mailto:licensing@hillingdon.gov.uk)

The Gambling Commission  
4<sup>th</sup> Floor  
Victoria Square House  
Birmingham  
B2 4BP

Police Licensing Uxbridge  
Police Station 1 Warwick  
Place  
Uxbridge  
UB8 1PG  
[xh@met.pnn.police.uk](mailto:xh@met.pnn.police.uk)

London Fire Brigade 1 6 9  
Union Street London  
SE1 0LL  
Attn: North West Area Team

[FSR-AdminSupport@london-fire.gov.uk](mailto:FSR-AdminSupport@london-fire.gov.uk)

**Head of Development Planning**  
London Borough Of Hillingdon  
Civic Centre  
Uxbridge  
UB8 1UW

[Planning@hillingdon.gov.uk](mailto:Planning@hillingdon.gov.uk)

Authority for Pollution & Harm to  
Human Health  
c/o Antisocial Behaviour &  
Environment Team  
London Borough of Hillingdon Civic  
Centre, Uxbridge  
UB8 1UW  
[asbinvestigations@hillingdon.gov.uk](mailto:asbinvestigations@hillingdon.gov.uk)

Local Safeguarding Children Board  
c/o Director of Childrens Services  
London Borough of Hillingdon Civic  
Centre, Uxbridge  
UB8 1UW  
[safeguardingchildrenadmin@hillingdon.gov.uk](mailto:safeguardingchildrenadmin@hillingdon.gov.uk)

HM Revenue & Customs  
Betting and Gambling Department Portcullis  
House  
21 India Street Glasgow  
G2 4PZ

## ANNEX C

### SUMMARY OF DELEGATION OF POWERS AS ALSO SET OUT IN THE COUNCIL'S CONSTITUTION

FUNCTION	COUNCIL / CABINET	SUB-COMMITTEE	OFFICER
Approval of the three year Statement of Gambling Policy	Cabinet and Full Council		
Policy not to permit casinos	Full Council		
Fee Setting - when appropriate	Cabinet		
Application for premises licences		If representation made	If no representation made
Application for a variation to a licence		If representation made	If no representation made
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		If representation made	If no representation made
Review of a premises licence		X	
Application for club gaming /club machine permits		If representation made	If no representation made
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X

Notifications and applications for two or three gaming machines			X
	<b>COUNCIL / CABINET</b>	<b>SUB-COMMITTEE</b>	<b>OFFICER</b>
Applications for four to five gaming machines			Officers in consultation with the Chairman of the Licensing Sub-Committee
Applications for more than five gaming machines		By way of a report	
Decision to give a counter notice to a temporary use notice		X	
Section 284 Order to revoke the automatic entitlement for 2 gaming machine notifications		X	

## **ANNEX D**

### **Ward Councillor Call-in**

Where a Ward Councillor makes representations upon an application within their ward, in writing, to the relevant Head of Service for Licensing, within the appropriate statutory period of consultation for the application, and this representation has been forwarded to the Licensing Authority, that application shall be scheduled to be heard by the Licensing Sub-Committee for determination. The Ward Councillor must include in their representations the reasons why they wish the application to be determined by the Sub-Committee and how the application adversely affects the licensing objectives.

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## QUESTIONS FROM MEMBERS

### **8.1 QUESTION SUBMITTED BY COUNCILLOR GARDNER TO THE CABINET MEMBER FOR RESIDENTS' SERVICES - COUNCILLOR LAVERY:**

In view of the tragic death of two-year-old Awaab Ishak through living in a home riddled with damp and mould, and the justifiable national criticism of Rochdale Boroughwide Housing, could the Cabinet Member please tell the Council what steps have been taken to review the adequacy of Hillingdon's arrangements to deal urgently and efficiently with the constant stream of complaints received by us as councillors, on behalf of tenants living in:

- a. its own properties
- b. those owned by housing associations.
- c. those used by the Council for the temporary housing of people for which it has a legal responsibility, including those placed by the Council 'out of Borough'
- d. private rented homes in general?

### **8.2 QUESTION SUBMITTED BY COUNCILLOR CURLING TO THE LEADER OF THE COUNCIL - COUNCILLOR EDWARDS:**

Does the Leader agree with me, that whilst on-line self-service can be quick and efficient, there are times, especially in emergencies, that the only way of getting the service residents need, is by talking to a person on the 'phone and can he therefore inform Council of the telephone waiting times that residents should expect when calling the Council or its service partners, especially out of hours?

### **8.3 QUESTION SUBMITTED BY COUNCILLOR DENYS TO THE CABINET MEMBER FOR HEALTH AND SOCIAL CARE - COUNCILLOR PALMER:**

Can the Cabinet Member please advise how Hillingdon Hospital is currently managing its discharge of patients back into our community?

### **8.4 QUESTION SUBMITTED BY COUNCILLOR MATHERS TO THE CABINET MEMBER FOR FINANCE - COUNCILLOR GODDARD:**

Can the Cabinet Member please provide an update on the impact of inflation and other budgetary pressures on capital projects such as leisure facilities and house building?

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## MOTIONS

### 9.1 MOTION FROM COUNCILLOR CURLING

That this Council notes the adverse impact that tax avoidance has on the public purse, and thereby the damaging effect that it has on the services that we can provide for the residents of Hillingdon. This Council also notes that a significant element of such tax avoidance is that of “Corporate tax avoidance”.

This Council believes that, as recipients of significant public funding, local authorities, such as Hillingdon, should take the lead in the promotion of exemplary tax conduct. However, we also recognise that UK procurement law restricts councils’ ability to either penalise poor tax conduct, or reward good tax conduct, when buying goods or services.

This Council therefore requests the Finance and Corporate Services Select Committee to consider conducting a review into how we can ensure that Hillingdon is a Fair Tax borough.

### 9.2 MOTION FROM COUNCILLOR FARLEY

That this Council, as part of Hillingdon Council’s strategy of creating a green and sustainable borough, requests the Cabinet to conduct feasibility studies into the use of further innovative technological solutions as additional ways to reduce London Borough of Hillingdon’s carbon footprint and improve air quality, such as city trees, aquamation and water reclamation, to complement existing schemes.

### 9.3 MOTION FROM COUNCILLOR D.MILLS

That this Council opposes the Mayor of London's decision to expand the ULEZ restrictions to outer London as it is wrong on several fronts, not least that it fails to put our residents first and will most adversely impact those on low incomes, at a time when they can least cope with additional expenditure, by being unfairly taxed in the use of their own vehicles and in going about their normal daily business.

This Council therefore requests Cabinet to formalise a plan of action to implement this policy of opposition to the ULEZ decision and to establish an appropriate budget to do so. The authority to spend against this budget to be granted to the Leader in consultation with appropriate Cabinet members.

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