

AGENDA FOR

LICENSING AND SAFETY PANEL

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To: All Members of Licensing and Safety Panel

Councillors : P Adams, N Bayley, R Caserta, D Cassidy, J Grimshaw, R Hodgkinson, T Holt, D Jones (Chair), J Kelly, N Parnell, Sarah Southworth, J Walker and M Wiseman

Dear Member/Colleague

Licensing and Safety Panel

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

Date:	Thursday, 3 December 2015
Place:	Meeting Rooms A & B - Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

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

3 MINUTES OF THE LAST MEETING *(Pages 1 - 8)*

To approve and sign as a correct record the minutes of the meeting held on 15 October 2015. A copy of the minutes is attached.

4 PUBLIC QUESTION TIME

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

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

5 OPERATIONAL REPORT *(Pages 9 - 10)*

A report by the Assistant Director (Localities) is attached.

6 OBJECTION TO PROPOSED VARIATION TO THE PRIVATE HIRE OPERATORS' FEES *(Pages 11 - 14)*

A report by the Assistant Director (Localities) is attached.

7 GAMBLING ACT 2005 - TRIENNIAL POLICY REVIEW *(Pages 15 - 70)*

A report by the Assistant Director (Localities) is attached.

8 URGENT BUSINESS

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

9 EXCLUSION OF PRESS AND PUBLIC

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

10 SUSPENSION/REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES *(Pages 71 - 78)*

A report by the Assistant Director (Localities) is attached.

11 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVERS' LICENCES
(Pages 79 - 88)

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Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	Thursday 15 October 2015
Present:	Councillor D Jones (in the Chair), Councillors: P Adams, N Bayley, R Caserta D M Cassidy, T Holt, J Kelly, N Parnell, Sarah Southworth and J Walker
Apologies for absence:	Councillors J Grimshaw, R Hodgkinson and M Wiseman
Public Attendance:	There were 5 members of the public in attendance

LSP.383 DECLARATIONS OF INTEREST

There were no declarations of interest raised in relation to any items on the agenda.

LSP.384 MINUTES**Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 3 September 2015, be approved as a correct record and signed by the Chair.

LSP.385 PUBLIC QUESTION TIME

Mr Charles Oakes of the Hackney Drivers' Association Ltd addressed the members of the Licensing and Safety Panel in relation to the proposed variation to the Private Hire Operator Fees. Mr Oakes stated that there has been no consultation over this proposal and the other proposals to raise fees for drivers' licences, and asked why this had not taken place.

The Licensing Unit Manager explained to the Panel the chronology of events since July 2104, when drivers were initially advised of the proposed changes in legislation and that a driver's badge would be valid for three years. It was explained that the Deregulation Act 2015 received Royal Assent on 26 March 2015 and that the draft report to go before the Licensing and Safety Panel had been prepared for consideration in August 2015.

On 25 August 2015 an email was sent to Mr Oakes with a copy of the report that was to be considered at the Panel on 3 September 2015. Mr Bridge also spoke with Mr Oakes and advised him that the fees, although not yet approved, would be in the region of £170 and Mr Oakes seemed agreeable with this. Mr Bridge further advised the Panel that on 27 August the operational decision for approval of the licence fees was sent to the Interim Executive Director of Resources and Regulation, and was signed off by him on 2 September 2015.

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The required statutory notice for operator's fees was published in the Bury times on 10 September 2015 and on 7 September 2015, a letter was sent to all drivers informing them of the fees and the proposals to deal with DBS matters which were also to be considered at the next Panel meeting.

The matter came before the Panel on 3 September and was approved and on 11 September all Operators were advised in writing of the notice in the Bury Times and the changes brought in by the legislation.

Mr Oakes then made an FOI request for justification of the fee of £170 and a response was sent to him on 5 October 2015.

Mr Rook, the temporary Chair to the Greater Manchester Private Hire Association then addressed the Panel and explained that Manchester and Salford Councils had come under the scrutiny of the Audit Commission, due to the number of the trade members opposing the proposed increase in fees and as a result the proposed increase in drivers' and Operators' fees had been rejected.

Mr Rook stated that Manchester Council has now proposed the Operator's license at £650 for 5 years and a driver's licence at £103, which are savings to the trade and offered to meet with Bury Council to discuss this issue.

The Licensing Unit Manager explained that the fees have generally not been raised by the Council for some time and it is national legislation affecting all local authorities that has led to their review. He went on to explain that he has contacted colleagues at other authorities in relation to their fees, and he set out some of the fees charged by others.

Mr Rook queried why the licence fees could not be consistent throughout all the AGMA Authorities and that it was important to discuss this issue with members of the trades and consultation was paramount.

LSP.386 OBJECTION TO PROPOSED VARIATION TO THE PRIVATE HIRE OPERATORS' FEES

The Assistant Director (Localities) submitted a report with regard to representations received in relation to the recently advertised proposed variation to the Private Hire Operators' Licence fees. The report is in accordance with the appropriate legislation, as amended by the Deregulation Act 2015.

The Licensing Unit Manager explained that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Clauses Act 1847, the Council is required to consider applications for Hackney Carriage/Private Hire Drivers' licences and Private Hire Operators' licences. Bury Council grants such licences for a 12 month period.

Section 10 of the Deregulation Act 2015 has amended both the 1976 and the 1847 Acts so that with effect from 1 October 2015, a District Council must grant driver licences for a period of 3 years and Operator Licences for a period of 5 years unless the Council thinks it appropriate in the circumstances of the case to grant for a lesser period. As a result in the change of the legislation, the current fees for Operator licences have been amended to reflect the longer duration of licences and the reduction of Officers' time which will no longer be required on an annual basis, so that the income is maintained for the duration of the licence with the Licensing Service.

There are currently 40 Private Hire Operators licensed with the Authority and objections have been received from 2 Private Hire Operators.

Members were requested to consider the objections and to determine if the proposed fees are to be applied.

Mr Palin, the licensed operator of Apple Cars, who had submitted a written representation, then addressed the Panel. Mr Palin explained that his objections to the proposal were mainly concerning the amount to pay upfront for the 5 year period, before the issue of the licence. He stated that the Private Hire industry consists of many different licensed Operators ranging in size and it was unreasonable to suggest that a company with only 3 vehicles pay the same as a company with 300 and it would be particularly disadvantageous to the smaller fleet.

Mr Palin requested that some other form of payment, rather than the full amount to be paid up front, could be considered. He also submitted two petitions signed by other operators who also objected to the proposals.

Mr McGlynn, the licensed operator of Radcliffe Walshaw who had also submitted a written representation, was asked if he wished to address the Panel. He indicated that Mr Palin had covered all the points he wished to raise.

Various discussions took place with the members of the Licensing and Safety Panel in relation to the way the fees could be paid. The Licensing Unit Manager explained that the fees must be paid in order to grant the licence and that the cost to the Licensing Service through the Civil Courts to recover the amount if the licence holder did not pay, could subsequently mean an increase to the fees in order to address the loss.

The Council Solicitor explained that the legislation states that a licence must be granted for 3 or 5 years unless the Council think it appropriate in the circumstances of the case to grant a lesser period. In this case Mr Palin was suggesting an alternative method of payment, rather than annual licences. The Chair, Councillor Jones, stated that this issue needed to be explored further. The Licensing Unit Manager reported that meetings are held with members from the Hackney Carriage/Private Hire Liaison Associations but the previous meeting on 22 September 2015 was cancelled due to lack of trade attendance, however, this would

now be re-scheduled and all persons present would be invited. This matter could be discussed then.

It was resolved that:

The matter regarding the approval of the advertised fees, with or without modifications, would be deferred until the next meeting of the Licensing and Safety Panel on 3 December 2015 with a further report on the issue of payment options to be included.

In the interim, as it had been agreed at the last meeting on 3 September 2015, that the Head of Trading Standards and Licensing or the Licensing Unit Manager be delegated to grant licences for a lesser period than 3 – 5 years, any drivers whose licence was due to be renewed imminently would be considered on their own merit and renewed as appropriate.

LSP.387 OPERATIONAL REPORT

The Assistant Director (Localities) submitted a report advising members on operational issues within the Licensing Service.

The Licensing Unit Manager informed members that a Licensing Hearings Panel had considered an application for the grant of a Premises Licence on 17 September 2015, in respect of the Lord Raglan, Radcliffe, following representations from Greater Manchester Police and local residents and the application had been refused.

Also, it was explained that following the lack of attendance from the trade, the Hackney carriage/Private Hire Liaison meeting scheduled for 22 September 2015 had been cancelled but would now be re-arranged in due course.

LSP.388 URGENT BUSINESS

There was no urgent business to report under this

LSP.389 EXCLUSION OF THE PRESS AND PUBLIC

Delegated decision:

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

LSP.390 APPLICATIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

(E)

The Licensing Unit Manager presented a report submitted by the Assistant Director (Localities) regarding applications for Public/Private Hire Vehicles Drivers' Licences.

The Applicants were invited to attend the meeting for separate hearings and the Chair outlined the procedure to be followed. The Applicants were invited to address the Panel separately on their applications and any matters referred to in the Officer's report. The Licensing Unit Manager read out the contents of each report which were accepted by each of the Applicants.

1. Applicant 13/2015 did not attend the meeting and no explanation was provided. The Applicant had also failed to attend the meeting on 3 September 2015 without explanation and the Panel had agreed to defer that hearing. The Licensing Unit Manager explained that he had tried to contact the Applicant on a number of occasions but to no avail.

Delegated decision:

After considering the report and noting the fact that the Applicant had been convicted at Birmingham and Solihull Magistrates' Court on 19 May 2014 for 2 counts of battery and then again on 20 August 2014 for failing to comply with the requirements of a Community order and taking into account the relevant policy and the Council's Conviction Guidelines, the Panel decided to proceed with the application and determined the Applicant not to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and therefore resolved that **the application for a Private Hire Driver's Licence by Applicant 13/2015 be refused.**

The Applicant would be informed in writing of their right to appeal to the Magistrates' Court within 21 days.

2. Applicant 15/2015 attended the meeting and was unaccompanied. The Applicant had appeared before the Panel on 3 September 2015 and the matter had been deferred as the Panel required more information.

The Licensing Unit Manager read the report which was accepted by the Applicant. He also advised the Panel for the sake of clarity that the DVLA will revoke a licence of someone who is awarded 6 penalty points during the first 24 months of holding a DVLA drivers licence.

The Applicant addressed the Licensing and Safety Panel and explained that he was an experienced, safe driver. In relation to the conviction for failing to provide the identity of a driver, he explained that he had driven in a bus lane in Bradford and been sent a fine for £35, however, due to family problems at the time, his wife had failed to give him the letter and therefore he had failed to respond to a written notice from the Police to provide the details of the driver at the time of the offence.

When questioned he confirmed that he wasn't living at the same address as his wife at the time and had given that address as he was not a permanent resident in the UK.

The Applicant was then asked about his current residence and confirmed he is now living in Bolton, however the address on his driving licence was noted as Luton. When questioned he stated he had applied for his

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licence there using that address but had not lived there. The Applicant stated that he will change it to his current address immediately.

Delegated Decision

The Panel considered the written report and the oral representations made by the Applicant. Taking into account the relevant policy and the Council's Conviction Guidelines, the Panel determined the Applicant not to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and therefore resolved that **the application for a Private Hire Driver's Licence by Applicant 15/2015 be refused.**

The Panel noted the Applicant's circumstances but found;

- That the Applicants conviction for a failure to provide information as to the identity of a driver, was a serious offence,
- That the Blackburn and Darwen Magistrates' Court had similarly viewed this as a serious matter and fined the Applicant £675 and his licence endorsed with 6 penalty points.
- As a result the DVLA had revoked the Applicants driving licence
- The Panel had further concerns regarding the Applicants use of various addresses.

The Applicant was informed of their right of appeal to the Magistrates' Court within 21 days.

2. Applicant 18/2015 attended the meeting and was unaccompanied. The Licensing Unit Manager read the report which was accepted by the Applicant. The Applicant addressed the Licensing and Safety Panel and explained that he had made a mistake. He stated that he had just passed his driving test and purchased a car but as he was returning home from the vendor, he was stopped by the Police who had found that the Applicant was not insured. The Applicant pleaded guilty to the offence as he acknowledged it was his mistake. He has no other convictions and he confirmed he would not make the same mistake again.

Delegated decision:

The Panel considered the written report and the oral representations made by the Applicant and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and taking into account the relevant policy and the Council's Conviction Guidelines, the Panel determined that Applicant 18/2015 was a fit and proper person and resolved to **grant the application for a Private Hire Driver's Licence.**

3. Applicant 19/2015 did not attend the meeting and had requested, through his Solicitor, that the hearing be deferred as he had been involved in an accident. The Applicant would provide a medical certificate at the next meeting to confirm this.

Delegated decision:

It was agreed unanimously by the Licensing and Safety Panel to defer this hearing until the next meeting on 3 December 2015.

4. Applicant 20/2015 attended the meeting and was unaccompanied. The Licensing Unit Manager read the report which was accepted by the Applicant.

The Applicant addressed the Licensing and Safety Panel and explained that whilst he had worked for a friend who was a private car trader, he was insured to move cars under the Policy of his friend's insurance but did not have his own insurance. However, he presumed he would be covered under this insurance to drive his own car. The Applicant had only just bought a car and was the registered owner of the vehicle but his wife was insured to drive the car and he was not on the insurance as a named driver. He had driven the car on this basis and had been stopped by the police and subsequently convicted at Manchester Magistrates Court for having no insurance. He was fined £986 and awarded 6 penalty points. He further stated that he was convicted in his absence as he did not attend court due to personal circumstances at the time and so was ordered to pay the maximum fine. The Applicant stated that he has a young family and was not in work currently and having a licence this would give him the flexibility to work around the needs of his family.

Delegated Decision:

The Panel considered the written report and the oral representations made by the Applicant and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and taking into account the relevant Policy and the Council's Conviction Guidelines, the Panel determined that Applicant 20/2015 was a fit and proper person and resolved to **grant the application for a Private Hire Driver's Licence.**

5. Applicant 21/2015 attended the meeting and was unaccompanied. The Licensing Unit Manager read the report which was accepted by the Applicant.

The Applicant addressed the Panel and explained that he has been working for a relative as a radio operator for the last couple of years but would now like to be a driver for them. He informed the Panel that at the time of the conviction for driving without insurance at Rochdale Magistrates Court, for which he received a fine of £600 and 6 penalty points, he had been driving his Auntie's car following a family bereavement as his own car was in the garage. He was not insured, and he had been stopped by the Police.

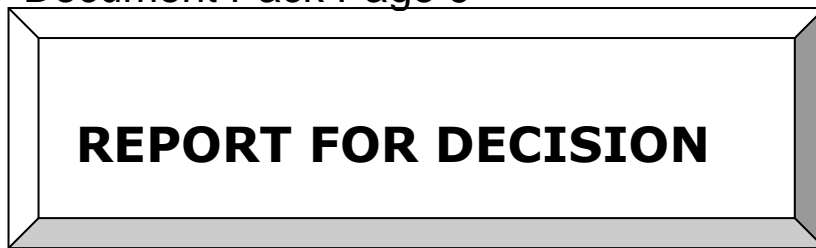
Delegated Decision:

The Panel considered the written report and the oral representations made by the Applicant and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and taking into account the relevant Policy and the Council's Conviction Guidelines, the Panel determined that Applicant 20/2015 was a fit and proper person and resolved to **grant the application for a Private Hire Driver's Licence for 6 months**. The Applicant would not need to appear before the Panel again after this time if there was no breach of the conviction guidelines or other complaints against him during that period.

The Applicant was advised of their right to appeal to Bury Magistrates' court within 21 days.

**COUNCILLOR D JONES
CHAIR**

(Note: The meeting started at 7.00 pm and finished at 8.55 pm)



DECISION OF:	LICENSING & SAFETY PANEL
DATE:	3rd December 2015
SUBJECT:	OPERATIONAL REPORT
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	M BRIDGE
TYPE OF DECISION:	N/A – Report for information only
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	A report to advise members on operational issues within the licensing service.
IMPLICATIONS:	
Wards Affected:	N/A
Scrutiny Interest:	Internal Scrutiny Panel

1.0 BACKGROUND

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

2.0 LICENSING HEARINGS PANEL

3.0 HACKNEY CARRIAGE/PRIVATE HIRE LIAISON MEETING

On the 13th November 2015, Councillor Jones, officers from the Licensing Service and the Council's solicitor attended the liaison meeting with representatives of the trade. Most of the items for the agenda were submitted by the Chairman of the Hackney Carriage Drivers Association. The agenda items discussed are below:-

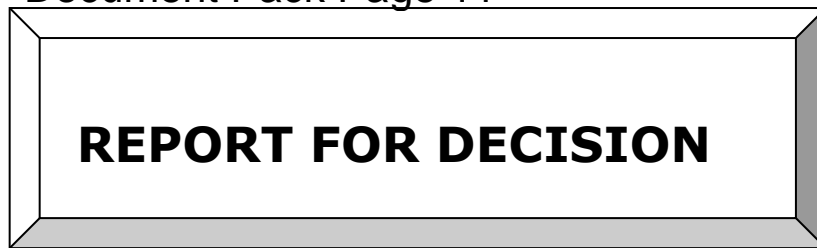
- The De-regulation Act
- Law Commission Report

Document Pack Page 10

- Fees
- Testing Station
- Vehicles with low emissions
- Potential training areas
 - Terrorism
 - Child Sexual Exploitation

Contact Details:

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DECISION OF:	LICENSING & SAFETY PANEL
DATE:	3rd December 2015
SUBJECT:	PRIVATE HIRE OPERATOR LICENCE FEES
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report relates to private hire operator fees.
OPTIONS	<ul style="list-style-type: none"> That the report be noted
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	Under the legislation the Council is required to determine applications. The report is in accordance with the appropriate legislation, as amended by the Deregulation Act 2015.

	Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1** Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847, the Council is required to consider applications for Hackney Carriage/Private Hire Driver licences and Private Hire Operator licences. Bury Council currently grants such licences for a 12 month period.
- 1.2** Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may charge such fees for the grant of vehicle and operator licences as may be resolved by them from time to time.
- 1.3** Section 10 of the Deregulation Act 2015, has amended both the 1976 and the 1847 Acts so that with effect from 1st October 2015, a District Council must grant driver licences for a period of 3 years and operator licences for a period of 5 years unless the Council thinks it appropriate 'in the circumstances of the case' to grant for a lesser period.
- 1.4** As a result of the above change in legislation, it is proposed that the current fees for operator licences be varied to reflect the longer duration of licences and the reduction of officer time which will no longer be required on an annual basis so that the income is maintained for the duration of these licences with the Licensing Service.

- 1.5** Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976, gives authority to a District Council to set the fees in relation to the Licensing of Hackney Carriage and Private Hire vehicles and also for Private Hire Operator licenses. When it proposes to vary the fees the Council is required to advertise them in a local newspaper so as to allow persons wishing to object to them a period of 28 days from the date of publication of the notice.
- 1.6** There are currently 40 private hire operators licensed with this Authority. In accordance with the legislation the proposed fees were published in the Bury Times on 10th September 2015. Objections have been received from two private hire operators
- 1.7** Members will recall that this matter was considered at the Licensing and Safety Panel meeting on the 15th October 2015 when Members decided that the matter regarding the approval of the advertised fees, with or without modifications, should be deferred to this meeting with a further report on the issue of payment options to be included.

2.0 INTRODUCTION

2.1 Following the meeting on the 15th October 2015, officers of the Licensing Service have considered the decision of the panel and they have investigated the issue of payment options. The findings are as follows:-

- The proposal of issuing a five year licence with a payment plan is not a viable option, this is based upon the additional administration that would be created both for the Council's finance and licensing services.
- A deferred payment plan requires the Council's Finance service to set up a facility whereby the full fee is payable on application and the recovery of the fee takes place over a number of instalments. This would involve setting up an account for each applicant, taking the initial instalment, monitoring the receipt of future instalments and setting up debt recovery processes in the absence of instalments being received. This function would require additional staffing and additional funding resources as both services are currently at capacity.
- Any additional costs associated with the above issues would have to be included within the licensing budget and may/would have a consequential impact on the cost of licences to all licence holders in the future.

2.2 The Local Government Association has issued guidance regarding the Deregulation Act 2015. It states that the Act provides for the removal or reduction of burdens on businesses, civil society, individuals, public sector bodies and in principle has the effect that it reduces the burdens for law abiding firms and drivers who provide a quality service"

The explanatory notes to the legislation detail that the law is changed in such a way as "to establish a standard duration of five years for a private hire vehicle operator licence." It states that a licence "may be granted for a period of less than five years but only in the circumstances of the individual case, not because of a blanket policy."

2.3 The Licensing Service has based upon legal advice, deemed that 'the circumstances of the case' will be where the conviction guidelines that have

been approved by this Authority have been applied and a matter having been referred to the Panel, the Panel decide to grant for a lesser period.

- 2.4** The Licensing Service had a Hackney Carriage and Private Hire Liaison meeting on the 13th November. Three Private Hire Operator's from the Private Hire trade commented that they were happy for a review of the cost of a five year licence to take place and in particular the fee structure relating to vehicles.
- 2.5** In addition to the above, the licensing service have identified that the fees relating to all aspects of Hackney Carriage/Private Hire licensing need to be reviewed to ensure that the Council is recovering it's costs for the issue of licences, administration associated to that issue and other costs in connection with the control and supervision of hackney carriage and private hire vehicles. Part of the review of fees would be to consider further cost saving benefits for the provision of a 5 year licence as well as a review of the banding charges for different numbers of vehicles.
- 2.6** In order for the review to take place, it is proposed that the status quo remains in respect of the private hire operators; therefore they will be granted/renewed on a 12 month basis under the current fee structure until the review has been completed.
- 2.7** Once the review has been completed, the licensing service will ensure that the requirements of section 70 of the Local Government (Miscellaneous Provisions) Act 1976 as amended will be complied with.

3.0 Conclusion

- 3.1** Members are requested to note this report.

List of Background Papers:-

Report –Representations received in respect of the proposed variation to the Private Hire Operator Fees – 15th October 2015

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REPORT FOR DECISION



Agenda Item

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	3rd December 2015
SUBJECT:	GAMBLING ACT 2005 – TRIENNIAL POLICY REVIEW
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The Gambling Act 2005 Section 349 requires the Local Authority to prepare and publish a Statement of Principles at least every three years. The existing statement was agreed by Council on 12 th December 2012
OPTIONS & RECOMMENDED OPTION	<p>The statement as presented can be accepted, amended or rejected but to comply with the statute a revised statement has to be agreed by Council on 9th December 2015.</p> <p>It is recommended that the statement be accepted without major amendment. Widespread consultation has not revealed any major problems with the existing statement.</p>
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	If the Authority does not have a revised statement in place by the 31 st January 2016 it will not be able to fulfil it's duties under the Act
Statement by Executive Director	The revenue budget includes provision for expenditure and income associated the

of Resources:	gambling activities covered by the statement. The proposed changes to the statement are not anticipated to result in any significant change to resource requirements
Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	The Council must comply with the Gambling Act 2005 and the guidance issued to Local Authorities which require the Council to have a Statement of Principles and to carry out a review of this policy at least every three years. Such a review has been carried out and the result of the review is that the policy has been amended.
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 The Gambling Act 2005 requires the Authority to prepare and publish a Statement of Principles prior to carrying out functions under the Act. The policy has to be reviewed at least every three years.
- 1.2 The Statement of Principles must be published by the 3 January 2016 being 28 days before the current Statement ceases to have effect on the 31 January 2016.
- 1.3 The Act is based on the promotion of 3 licensing objectives:
 - a) preventing gambling from being a source of crime and disorder
 - b) ensuring that gambling is conducted in a fair and open way and
 - c) protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 The Act provides that Authorities should aim to permit gambling in so far as they think it:
 - a) in accordance with issued codes of practice

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

2.0 ISSUES

- 2.1 In preparing the Statement of Principles the Authority has to have regard to codes of practice and guidance issued by the Gambling Commission
- 2.2 A copy of the amended Statement of Principles is attached at Appendix 1.
- 2.3 If the Statement of Principles is not agreed by Council and published by the 3 January 2016 the Authority will not have fulfilled the statutory requirements of the Act and Regulations.
- 2.4 An Equality Impact Assessment has been completed and the Statement of Principles is considered to be largely neutral in impact.

3.0 CONSULTATION

- 3.1 The consultation has been in accordance with Cabinet Office guidelines which require a twelve week period for public consultation.
- 3.2 The Act requires consultation with a number of statutory defined consultees.
- 3.3 The consultation has been also been made available on the Council's website.

4.0 CONCLUSION

- 4.1 The Statement of Principles as been in existence for three years and to date has not been challenged formally or informally.
 - 4.2 Two responses have been received during the consultation from the Bingo Association and the Association of British Bookmakers. The responses and the table of replies are attached at Appendix 2.
 - 4.3 The policy statement can be reviewed at any time during the three year cycle to take account of emerging issues.
 - 4.4 The Authority is required to have a Statement of Principles and it must be published prior to the 3rd January 2016, otherwise the Council will be acting unlawfully.
 - 4.5 For the Statement of Principles to be agreed by that date it will need to be placed before Council at the 9th December 2015 meeting if a special Council meeting is to be avoided.
-

List of Background Papers:-

Appendix 1 – Copy of amended Statement of Principles

Contact Details:-

Mr M. Bridge

Licensing Unit Manager

3 Knowsley Place

Duke Street

Bury


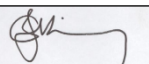
BL9 0EJ

Email: m.bridge@bury.gov.uk

Equality Analysis Form

The following questions will document the effect of your service or proposed policy, procedure, working practice, strategy or decision (hereafter referred to as 'policy') on equality, and demonstrate that you have paid due regard to the Public Sector Equality Duty.

1. RESPONSIBILITY

Department	Licensing	
Service	Resources and Regulation	
Proposed policy	Triennial Review of Statement of Principles – Gambling Act 2005	
Date		
Officer responsible for the 'policy' and for completing the equality analysis	Name	Michael Bridge
	Post Title	Licensing Unit Manager
	Contact Number	253 5209
	Signature	
	Date	17 July 2015
Equality officer consulted	Name	Catherine King
	Post Title	Principal Workforce Strategy Adviser
	Contact Number	0161 253 6371
	Signature	
	Date	17 July 2015

2. AIMS

What is the purpose of the policy/service and what is it intended to achieve?	<p>The Gambling Act 2005 requires the Authority to prepare and publish a Policy Statement of the principles that they propose to apply in exercising their functions.</p> <p>The Policy has to promote the licensing objectives as defined within the Act. The objectives are :-</p> <ol style="list-style-type: none"> a) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime b) ensuring gambling is conducted in a fair and open way; and (c) protecting children and other vulnerable persons being harmed or exploited by gambling <p>In carrying out the functions within the Act, through the Policy Statement we should ensure that the Authority's actions are consistent with the requirements of the legislation.</p> <p>General moral objections to gambling are not relevant considerations under the Act</p>
--	--

<p>Who are the main stakeholders?</p>	<p>The Act defines a number of responsible authorities and interested parties. Responsible bodies include :- the Council as licensing authority the Gambling Commission the Police the Fire and Rescue Service the Planning Authority the Environmental Health Service with regard to pollution control HM Custom's and Excise Local Safeguarding of Children Board</p> <p>Interested parties include :- persons living close to the premises likely to be affected by the activity persons with business interests that might be affected or persons representing the above</p>
--	---

3. ESTABLISHING RELEVANCE TO EQUALITY

3a. Using the drop down lists below, please advise whether the policy/service has either a positive or negative effect on any groups of people with protected equality characteristics. If you answer yes to any question, please also explain why and how that group of people will be affected.

Protected equality characteristic	Positive effect (Yes/No)	Negative effect (Yes/No)	Explanation
Race	No	No	Not applicable
Disability	No	No	As above
Gender	No	No	As above
Gender reassignment	No	No	As above
Age	Yes	No	The licensing objectives are: <ul style="list-style-type: none"> Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

			<ul style="list-style-type: none"> • Ensuring that gambling is conducted in a fair and open way • Protecting children and other vulnerable persons from being harmed or exploited by Gambling <p>It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".</p>
Sexual orientation	No	No	As above
Religion or belief	No	No	As above
Caring responsibilities	No	No	As above
Pregnancy or maternity	No	No	As above
Marriage or civil partnership	No	No	As above

3b. Using the drop down lists below, please advise whether or not our policy/service has relevance to the Public Sector Equality Duty. If you answer yes to any question, please explain why.

General Public Sector Equality Duties	Relevance (Yes/No)	Reason for the relevance
Need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	No	Not applicable <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Need to advance equality of opportunity between people who share a protected characteristic and those who do not (eg. by removing or minimising disadvantages or meeting needs)	No	As above
Need to foster good relations between people who share a protected characteristic and those who do not (eg. by tackling prejudice or promoting understanding)	No	As above

If you answered 'YES' to any of the questions in 3a and 3b

Go straight to Question 4

If you answered 'NO' to all of the questions in 3a and 3b

Go to Question 3c and do not answer questions 4-6

3c. If you have answered 'No' to all the questions in 3a and 3b please explain why you feel that your policy/service has no relevance to equality.

To amend the Policy statement of principles will impact the identified stakeholders, but does not impact on any aspect of protected equality characteristics.

4. EQUALITY INFORMATION AND ENGAGEMENT

4a. For a service plan, please list what equality information you currently have available, **OR** for a new/changed policy or practice please list what equality information you considered and engagement you have carried out in relation to it.

Please provide a link if the information is published on the web and advise when it was last updated?

(NB. Equality information can be both qualitative and quantitative. It includes knowledge of service users, satisfaction rates, compliments and complaints, the results of surveys or other engagement activities and should be broken down by equality characteristics where relevant.)

Details of the equality information or engagement	Internet link if published	Date last updated

4b. Are there any information gaps, and if so how do you plan to tackle them?

No information gaps identified.

5. CONCLUSIONS OF THE EQUALITY ANALYSIS

What will the likely overall effect of your policy/service plan be on equality?	None identified
If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?	None identified
Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.	No
What steps do you intend to take now in respect of the implementation of your policy/service plan?	Following the 12 week consultation, a report will be presented to the Councils' Licensing and Safety Panel for consideration. If agreed the matter will be placed before the meeting of Full Council on the 9 th December 2015 for ratification.

6. MONITORING AND REVIEW

If you intend to proceed with your policy/service plan, please detail what monitoring arrangements (if appropriate) you will put in place to monitor the ongoing effects. Please also state when the policy/service plan will be reviewed.

None required

COPIES OF THIS EQUALITY ANALYSIS FORM SHOULD BE ATTACHED TO ANY REPORTS/SERVICE PLANS AND ALSO SENT TO THE EQUALITY INBOX (equality@bury.gov.uk) FOR PUBLICATION.



Statement of Principles

2016-2021

Gambling Act 2005

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

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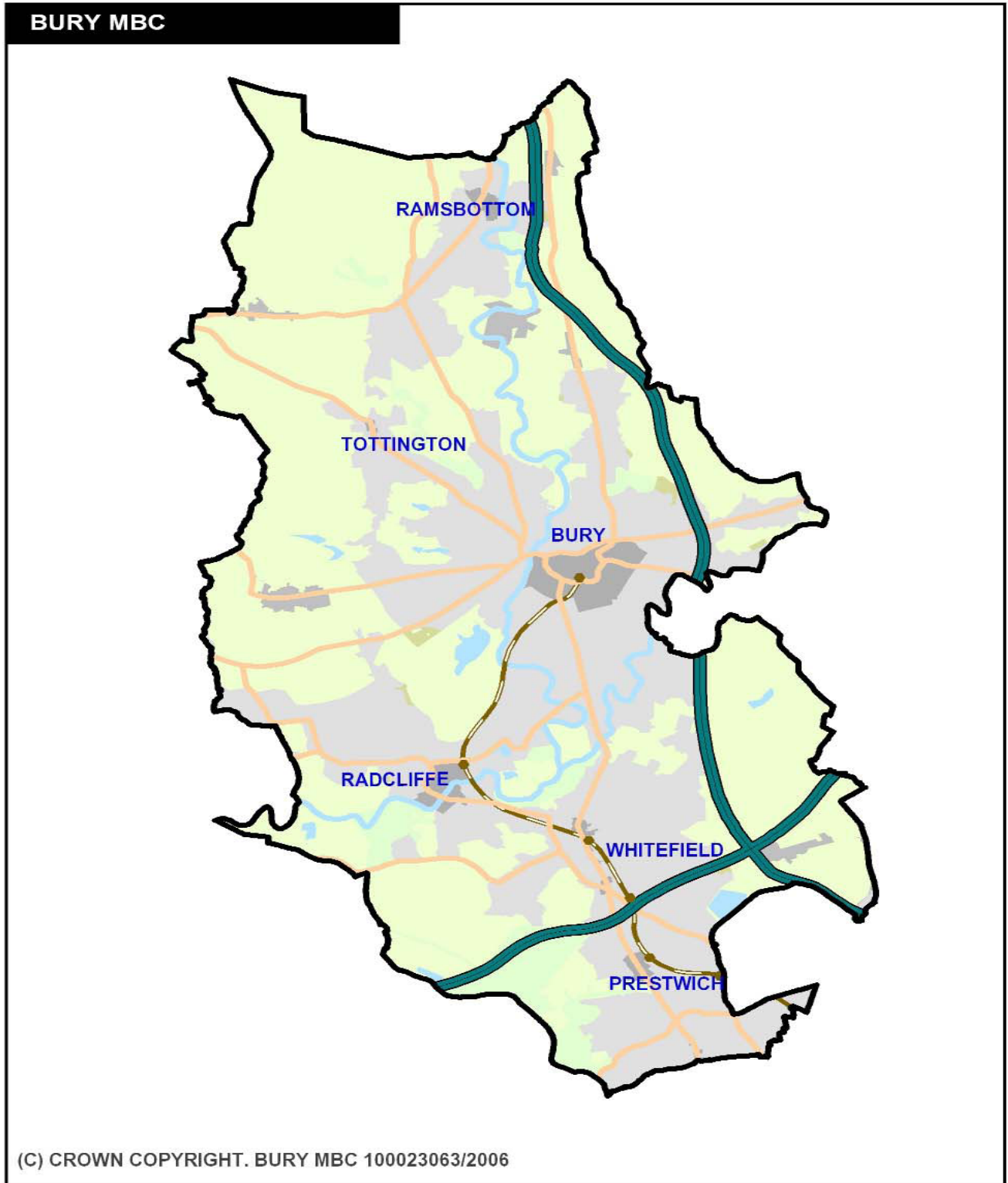
PART 1

POLICY STATEMENT

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by Gambling
- 1.2 It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licenses and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority's statement of licensing policy

INTRODUCTION



The Authority is one of the 10 Metropolitan Districts of Greater Manchester. With a population of 181,300 it occupies an area of 9,919 hectares and is based on the 6 towns of Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich.

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Bury was transformed with The Rock development in 2010/11. This major development based on Bury town centre doubled the retail floor space, delivering a broad mix of retail, leisure, tourism, offices and residential property. Of particular significance was an expansion of the retail sector in the daytime economy with an additional 52 new retail units. New food and drink outlets, plus a 10 screen Vue cinema, AMF bowling has supported a growth of the night time economy to the extent that during 2014 the Council applied for and gained the Purple Flag accreditation. The development also includes over 400 residential units offering a 'city centre living' concept. This development has considerably increased the number of new residents, shoppers and leisure consumers on weekdays as well as weekends.

Whilst the physical expansion of Bury Town Centre has created considerable opportunities and challenges, of equal or greater significance is its development from what was predominately a retail centre into one that has a mixed leisure and residential component.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

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

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

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

Our consultation took place between 20th July 2015 and 20th October 2015 and we followed the HM Government code of Practice on Consultation (published July 2008) which is available at:

<http://www.berr.gov.uk/files/file47158.pdf>

The policy was approved at a meeting of the Full Council on XXXX and was published via our website on XXXX. Copies were placed in the public libraries of the areas well as being available in the Town Hall.

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

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Should you have any comments as regards this policy statement please contact us as follows.

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

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

3. Declaration

3.1 In producing the final statement, this licensing authority will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

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

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

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

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

5. Interested parties

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

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

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

- b) has business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)”
- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- 5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities. It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. If in the particular circumstances of the application the licensing authority departs from the guidance it will explain its reasons for doing so.
- 5.4 Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.6 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing and Safety Panel dealing with the licence application. If there are any doubts then please contact the licensing section at 3 Knowsley Place, Duke Street, Bury, BL9 0EJ phone 0161 253 5208.

6. Exchange of Information

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

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

7. Enforcement

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

- 7.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

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

- 7.4 This licensing authority has adopted and implement a risk-based inspection program, based on;

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

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

- 7.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.7 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing section at 3 Knowsley Place, Duke Street Bury BL9 0EJ or e-mail: licensing@bury.gov.uk
- 7.8 Reference will also be made to the Council's Enforcement Policy when considering enforcement action.

8. Licensing Authority functions

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

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- 8.2 These functions will be carried out in accordance with the Scheme of Delegation. This is available at appendix C.
- 8.3 It should be noted that local licensing authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licenses.

PART B

PREMISES LICENCES

9. General Principles

9.1 Premises licenses are subject to the requirements 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. Licensing authorities are able to exclude default conditions and also attach others, where there is a risk to the licensing objectives.

Decision-making

9.2 This licensing authority is aware that in making decisions about premises licenses it should aim to permit the use of premises for gambling in so far as it thinks it:

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

9.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities, moral objections to gambling are not a valid reason to reject applications for premises licenses and also that unmet demand is not a criterion for a licensing authority. In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives

9.4 The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on code 8, the social responsibility code which will come into force on 6 April 2016.

The council will have regard to this code when considering applications. This is covered in detail in Part 4 of this statement.

9.5 **Definition of premises** - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are

issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

- 9.6 The Gambling Commission states in the fourth edition (As amended) of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."
- 9.7 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
 - Customers should be able to participate in the activity named on the premises licence.
- 9.8 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
- Do the premises have a separate registration for business rates.
 - Is the premises' neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?
- 9.9 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

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

9.10.1:

Casinos

- The principal access entrance to the premises must be from a street (as defined in the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

9.12 Premises “ready for gambling”

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

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

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

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

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

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

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

9.14 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives is relevant to it’s decision making. As per the Gambling Commission’s Guidance to local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being

made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

9.15 **Planning:**

The Gambling Commission's Guidance to Licensing Authorities states:

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

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

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

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

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

9.18 ***Licensing objectives*** - Premises licenses granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

9.19 ***Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*** - This licensing authority is aware that the Gambling Commission takes a

leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.

Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was to those who could see it or hear it, so as to make that distinction. Issues of mere nuisance cannot be addressed via the Gambling Act provisions.

- 9.20 ***Ensuring that gambling is conducted in a fair and open way*** - This licensing authority has noted that the Gambling Commission states that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licenses. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.
- 9.21 ***Protecting children and other vulnerable persons from being harmed or exploited by gambling*** - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 9.22 This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 9.23 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 9.24 Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

In particular operators must ensure that;

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

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

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

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

9.27 **Conditions** - Any conditions attached to licenses will be proportionate and will be:

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

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

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

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

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier

which is effective to prevent access other than through a designated entrance;

- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the license holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- physical barriers to segregate areas should not impede the escape routes from that or other areas

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

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

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

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

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

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

10. Adult Gaming Centre's

- 10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 10.2 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls. The council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.
- 10.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes.
 - CCTV.
 - Supervision of entrances / machine areas.
 - Physical separation of areas.
 - Location of entry.
 - Notices / signage.
 - Specific opening hours.
 - Self-barring schemes.
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

11. (Licensed) Family Entertainment Centre's

- 11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 11.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / license conditions may cover issues such as:
- CCTV.
 - Supervision of entrances / machine areas.

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

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

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

12. Bingo premises

12.1 This licensing authority notes that the Gambling Commission's Guidance states at paragraph 12.1:

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

This authority also notes the Guidance at paragraph 18.8 regarding the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises.

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

13. Betting premises

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

when considering the number/nature/circumstances of betting machines an operator wants to offer.

- 13.2 The authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.
- 13.3 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 13.4 This authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.”

14. Tracks

- 14.1 This licensing authority is aware that tracks may be subject to one or more than one premises license, provided each license relates to a specified area of the track. As per the Gambling Commission’s Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 14.2 This authority will therefore expect the premises license applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 14.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures / license conditions may cover issues such as:
- Proof of age schemes.
 - CCTV.
 - Supervision of entrances / machine areas.
 - Physical separation of areas.

- Location of entry.
- Notices / signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

- 14.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 14.5 *Betting machines* - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 14.6 *Applications and plans* - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities.).
- 14.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities).
- 14.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities).
- 14.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities).
- 14.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where

betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities).

15. Travelling Fairs

- 15.1 This licensing authority is responsible for deciding whether, where category D machines and /or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 15.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 15.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighboring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded. In any event neighboring authorities will be consulted to ensure best practice and consistency is applied.

16. Provisional Statements

- 16.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 16.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
 - expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 16.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 16.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

- 16.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 16.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

17. Reviews

- 17.1 Requests for a review of a premises license can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 17.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the license or whether it is substantially the same as previous representations or requests for review.
- 17.3 The licensing authority can also initiate a review of a particular premises license on the basis of any reason which it thinks is appropriate.
- 17.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the

application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

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

PERMITS/TEMPORARY & OCCASIONAL USE NOTICES

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

- 18.1 Where a premise does not hold a premises license but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 18.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues." (24.6)
- 18.3 Guidance also states:..."An application for a permit may be granted only if the licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - That the applicant has no relevant convictions (those set out in schedule 7 of the Act; and
 - That staff are trained to have a full understanding of the maximum stakes and prizes (24.7)

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

- 18.3 **Statement of Principles** This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of

the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

Automatic entitlement: 2 machines

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

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

It is important that Operators are aware of the rules concerning exempt gaming on their premises. A clear understanding of limits on stakes and prizes and record keeping together with age verification and supervision can be found via the Gambling Commissions Code of Practice for Equal Chance Gaming.

Permit 3 or more machines

19.2 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."*

19.3 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. Measures which will satisfy the authority that there will be no access, may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

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- 19.4 It is recognised that some alcohol licensed premises may apply for a premises license for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises license.
- 19.5 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 19.6 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.

20 Prize Gaming Permits

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

21. Club Gaming and Club Machines Permits

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

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

21.2 Members Clubs and Miner's welfare institutes (But not commercial clubs) may apply for a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Equal chance gaming and games of chance as set out in forthcoming regulations.

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

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

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

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

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

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

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

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

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

22. Temporary Use Notices

22.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

22.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

22.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

22.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

22.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

23. Occasional Use Notices

23.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

24. Small Society Lotteries

24.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

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

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

Charities and community groups should contact this licensing authority on 0161 253 5208 within working hours to see further advice.

PART 4 Licence Conditions & Codes of Practice (LCCP)

25 The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk

The code requires operators;

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.

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- With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

26 Risk Assessments (these will be required from the 6th April 2016)

- 26.1 Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.
- 26.2 Operators are required by the Social Responsibility code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.
- 26.3 The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
 - Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- 26.4 The council expects the following matters to be considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

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

Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,

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

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

27.0 **Local Area Profile**

The Council has considered the local area profile and feels the main issues will be covered by the risk assessments required under the LCCP.

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

**APPENDIX B
RESPONSIBLE AUTHORITIES**

Any application must be sent to:

**Licensing Unit Manager
Bury MBC
Licensing Office
3 Knowlsey Place
Duke Street
Bury BL9 0EJ**

Copies of the application must also be sent to the following responsible authorities:

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

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

**Bury Safeguarding of Children Board
18-20 St Mary's Place
Bury, BL9 0DZ**

**Development Manager
Planning Division
Knowsley Place
Duke Street
Bury
BL9 0EJ**

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

**Planning, Environmental and Regulatory Services
Health & Safety, Pollution and Weights & Measures Sections
Knowsley Place
Duke Street
Bury
BL9 0EJ**

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

APPENDIX C
BURY METROPOLITAN BOROUGH COUNCIL SCHEME OF DELEGATION

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

Gambling Act 2005

Table of Replies

Date Received	Who from	Comments	Where relates to in Policy
11 th August 2015	Bingo Association	<p>I note that the section below, copied from 12.1 of the draft policy purports to refer to paragraph 18.5 of the fifth edition of the Gambling Commission’s guidance to LAs. However, the wording below comes from the third edition of this advice and this particular section was deleted in the GC’s e-bulletin to LAs dated 7th September 2012.</p> <p>This authority also notes the Guidance at paragraph 18.5 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight categories B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.</p>	<p>Paragraph 12.1 has been amended Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities</p>

Gambling Act 2005

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		<p>The entitlement to category B3 machines was increased in 2011 to 20% of the total machine estate in both bingo licensed premises and AGCs. Please see attached S.I. and explanatory letter from DCMS setting out the particular circumstances for businesses licensed after the introduction of this change in 2011.</p>	<p>need to consider whether bingo can be played at each of those new premises</p> <p>Paragraph 12.1 has been amended.</p> <p>This authority also notes the Guidance at paragraph 18.8 regarding the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises.</p>
14 th October 2015	Gosschalks – Association of British Bookmakers (ABB)	<p>Paragraph 9.1 of part B deals with general principles and indicates in the final sentence that licensing authorities are able to exclude default conditions and attach others where it is believed to be appropriate. The statement of principles needs to be very clear that conditions beyond the mandatory and default conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires the mandatory and default conditions to be supplemented.</p>	<p>Paragraph 9.1 has been amended</p> <p>Premises licenses are subject to the requirements 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. Licensing authorities</p>

Gambling Act 2005

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		<p>Paragraph 9.3 of part B indicates that moral objections and demand are not criteria for the licensing authority when considering applications. It is respectfully submitted that this paragraph be expanded to state that issues of nuisance and the likelihood of planning permission or building regulation are not issues that can be taken into account when considering an application for a premises licence.</p> <p>Paragraph 9.14 deals with location. The final two sentences of this paragraph cause the ABB concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licensing regime under Licensing Act 2003. Such a policy is contrary to the overriding principles of "aim to permit" contained with s153 Gambling Act 2005.</p>	<p>are able to exclude default conditions and also attach others, where there is a risk to the licensing objectives.</p> <p>Paragraph 9.3 has been amended It is appreciated that as per the Gambling Commission's Guidance for local authorities, moral objections to gambling are not a valid reason to reject applications for premises licenses and also that unmet demand is not a criterion for a licensing authority. In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives.</p> <p>No amendments to be made.</p>
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Gambling Act 2005

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		<p>Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two sentences should be removed and replaced with the reiteration of the principle earlier in the policy that each case will be determined on its own merits.</p> <p>Paragraph 9.19 deals with the first licensing objective – preventing gambling from being a source of crime or disorder, being associated with a crime or disorder or being used to support crime. This paragraph should be expanded to make it clear that issues of nuisance are not relevant considerations and that the gambling commission has defined disorder as intending to mean activity that is more serious and disruptive than mere nuisance.</p>	<p>Paragraph 9.19 has been amended Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission’s Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.</p> <p>Thus, where an area has known high levels of</p>
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Gambling Act 2005

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		<p>Paragraph 9.27 deals with conditions. The statement of principles would be assisted by an indication that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft statement of principles should make it clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that</p>	<p>organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was to those who could see it or hear it, so as to make that distinction. Issues of mere nuisance cannot be addressed via the Gambling Act provisions.</p> <p>No amendments required to paragraph 9.27. Paragraph 9.28 has been amended Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing</p>
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Gambling Act 2005

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		<p>requires the mandatory and default conditions be supplemented. The statement of principles should be clear that conditions will only be imposed where there is evidence of a need to do so and that conditions will not be imposed where there is a "perceived need" (paragraph 9.28) or where there are "concerns" (paragraph 9.34). The statement of principles notes at paragraph 13.2 and 13.3 that conditions will only be imposed where there is clear evidence.</p>	<p>authority will consider utilising should there be a need to do so, such as the use of supervisors, appropriate signage for adult only areas etc.</p> <p>Condition 9.34 has been amended.</p> <p>Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect</p>
		<p>Paragraph 26 deals with risk assessments. Those risk assessments will be submitted from 6th April 2016 following the implementation of the new social responsibility and ordinary code provisions. The provisions require that licensees "assess the local risks</p>	<p>No amendments to paragraphs 13.2 and 13.3.</p>

Gambling Act 2005

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		<p>to the licensing objectives posed by the provision of gambling facilities at each of their premises” The risk assessment, must relate to the licensing objectives. Therefore, issues such as gaming trends that may reflect benefit payments are irrelevant considerations. This appears to assume that people in receipt of benefits must be vulnerable. This cannot follow. The statement of principles recognises at paragraph 9.23 the vulnerable persons include those who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balancing decisions about gambling due to mental impairment, alcohol or drugs. The statement of principles should be amended so that it is clear that only matters relevant to the licensing objectives will be included within the risk assessment.</p> <p>The proximity of premises to other licensed premises, banks, post offices, refreshment and entertainment facilities cannot be relevant and these references should be removed from the statement of principles. Similarly issues such as known problems in the area arising from street drinkers, youths participating in anti-social behaviour and areas that are prone to graffiti/tagging/under-age drinking cannot be relevant as far as a local risk assessment is concerned as these have nothing to do with the licensing objectives. The statement of principles needs to be amended to reflect this.</p>	<p>Gaming trends that may reflect benefit payments – This has been removed from the policy.</p> <p>Paragraph 26.1 deals with this issue</p> <p>Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities – this has been removed</p> <p>Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc. This has been</p>
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Gambling Act 2005

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		<p>Finally, this section indicates that issues that should be considered include matters of faith. The Gambling Commission guidance is clear. Paragraph 5.34 of the fifth edition of the Guidance to Licensing Authorities indicates "licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licenses". It is impossible to see how the proximity of a place of worship could pose a risk the licensing objectives and therefore this part of the policy should be removed.</p>	<p>removed</p> <p>Paragraph 26.5 Other issues that may be considered could include:</p> <p>Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship - This has been removed</p>
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