

## AGENDA FOR

### LICENSING AND SAFETY PANEL

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**To: All Members of Licensing and Safety Panel**

**Councillors :** N Bayley, P Cropper, J Grimshaw,  
R Hodgkinson, T Holt, D Jones (Chair), G Keeley, O Kersh,  
A McKay, Sarah Southworth, J Walker and S Wright

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:-

<b>Date:</b>	Thursday, 2 August 2018
<b>Place:</b>	Meeting Rooms A & B - Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	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.
<b>Notes:</b>	

## **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** *(Pages 1 - 6)*

The minutes of the last meeting, held on 14 June 2018, are 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 7 - 14)*

### **6 GAMBLING ACT 2005 -TRIENNIAL POLICY REVIEW** *(Pages 15 - 82)*

### **7 URGENT BUSINESS**

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

### **8 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.

### **9 SUSPENSION/REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCES** *(Pages 83 - 94)*

### **10 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES** *(Pages 95 - 108)*

<b>Minutes of:</b>	<b>LICENSING AND SAFETY PANEL</b>
<b>Date of Meeting:</b>	14 June 2018
<b>Present:</b>	Councillor D Jones (in the Chair), Councillors: P Cropper, J Grimshaw, T Holt, O Kersh, A McKay, Sarah Southworth and S Wright
<b>Apologies for absence:</b>	Councillor N Bayley, M James, R Hodgkinson and G Keeley
<b>Public Attendance:</b>	There were no members of the public in attendance

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**LSP.32      DECLARATIONS OF INTEREST**

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

**LSP.33      MINUTES**

Prior to consideration of the Minutes of the last meeting held on 26 April 2018, the Chair highlighted that it had been brought to his attention that Minute 437 of the meeting held on 20 March 2018 contained an incorrect statement. The Minute had been circulated and although previously approved the Panel were content to note for the record that the meeting referred to in the minute should state that it was attended by "upwards of 70 taxi drivers"

**Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 26 April 2018, be approved as a correct record and signed by the Chair.

**LSP.34      PUBLIC QUESTION TIME**

There were no members of the public present to ask questions under this item.

**LSP.35      OPERATIONAL REPORT**

The Assistant Director Legal and Democratic Services submitted a report advising Members on operational issues within the Licensing Service.

The report set out updates in respect of the following issues:

- **Gambling Act 2005** – A review of the current Statement of Principles is underway in line with the requirement to review every 3 years. Reports will be submitted to this Panel in due course.

Licensing and Safety Panel, 14 June 2018

- **Common Minimum Standards – Hackney Carriage and Private Hire Trade** – Consultation will be taking place on the issue across Greater Manchester
- **Appeal to Magistrates Court** – The Licensing Unit Manager reported on a recent appeal which was dismissed, resulting in the Council being awarded £2360 costs.

**It was agreed:**

That the report be noted.

**LSP.36 INTRODUCTION OF SAFEGUARDING TRAINING FOR APPLICANTS/LICENCE HOLDERS OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS BADGES**

The Licensing Unit Manager submitted report setting out a proposal to delay the introduction of safeguarding training for applicants/licence holders of Hackney Carriage/Private Hire Drivers badges.

It had been agreed at the meeting of this Panel held on 20 March 2018 that the requirement for training be introduced from 1 July 2018. The Licensing Unit Manager explained that it had since been identified via the Greater Manchester Wider Leadership Team that the training needed to cover a wider range of safeguarding issues including adult and child sexual exploitation, domestic violence, disability awareness and conflict management. It was reported that training providers to deliver all these elements was currently being sought.

**It was agreed:**

That the implementation of safeguarding training, as agreed on 20 March 2018, be delayed until further notice.

(**Note:** this item which did not appear on the published agenda was allowed to be considered as a matter of urgency due to further information being recently received on the issue by the Licensing Service).

**LSP.37 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.38 REQUEST TO REMOVE APPLICATION REQUIREMENTS FOR CHAUFFEURS UNDERTAKING PRIVATE HIRE WORK**

A report from the Assistant Director Legal and Democratic Services was submitted following receipt of a request from the owner of a Chauffeuring business to consider exempting the following pre-requisites for drivers wishing to be employed by a chauffeur firm:

- Chauffeurs to be exempt from taking the topographical test.
- Chauffeurs to be exempt from taking the driving assessment.
- Chauffeurs to be exempt from taking the English and Maths assessment.

The business owner explained to the Panel that the prerequisites were making it difficult for him to recruit drivers and gave an overview of the nature of the job and outlined his reasons why he believed the prerequisites were not relevant to chauffeuring.

Members of the Panel discussed the current relevant legislation and the rationale behind the current prerequisites. Discussion also took place in relation to the difference between the role of Chauffeuring and taxi driving and the impact of any decision to allow exemptions.

**Delegated Decision:**

1. That the request for exemptions be refused.
2. That a review of the current policy be undertaken.

**LSP.39 SUSPENSION/REVOCAION OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**  
**(E)**

1. Licence holder 01/2018 attended the meeting and was accompanied by his wife.

The Chair outlined the procedure to be followed and the Licensing Unit Manager presented a report submitted by the Assistant Director Legal and Democratic Services, which was accepted by the Licence Holder. This explained that the Licence Holder had been given a warning under the Police Reform Act 2002 for driving in excess of 70 mph in a 30 zone, whilst driving with a passenger through Bury Town Centre in the early hours of the morning in April 2018.

The Licence Holder's addressed the Panel and explained that he had been in desperate need of the toilet and had not realised the speed he was doing. Although he was unaware that he had been speeding he did accept the Police's warning and was apologetic for his actions. He also indicated that he has a hereditary condition that means he needs to urinate regularly.

**Delegated Decision:**

The Panel carefully considered the report and the oral representations provided by the Licence Holder 01/2018 and taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, **resolved not to revoke or suspend the drivers licence.**

The Panel noted that a section 59 Police Reform Act warning did not constitute a formal caution. The Panel acknowledged the driver's reason was the result of an inherited condition within his family and noted that he had no previous history of speeding. They also noted his apology and remorse and that the incident had taken place at a quiet time of the day.

The Chair reiterated to the Licence Holder his legal obligation to ensure the safety of passengers and instructed, on behalf of the Panel, that he **undertake a practical driving assessment for taxi drivers provided by one of the Council's approved driver training companies within the next 6 months.**

2. The Chair reported that following a request from the representative of driver 02/2018 the matter had been deferred to the next meeting of this Panel.
3. Licence holder 03/2018 attended the meeting and was accompanied by a friend.

The Chair outlined the procedure to be followed and the Licensing Unit Manager presented a report submitted by the Assistant Director Legal and Democratic Services, which was accepted by the Licence Holder. This explained that the Licence Holder had voluntarily advised the Licensing Service that he had received a disqualification from driving for speeding as a result of having accrued 12 penalty points. Further he had advised that he had appealed this decision and was awaiting the hearing but had had his licence returned in the meantime. Further enquiries were made but the Licensing Service which revealed that the Licence Holder also had a conviction in 2014 and two in 2015 for speeding. These latter convictions had not been disclosed by the Licence Holder.

The Licence Holder addressed the Panel and apologised for his actions. He explained that despite the speeding offences, he was a safe driver who never knowingly exceeded the speed limit. His friend who was in attendance confirmed this view that he was a safe driver. A number of personal references from customers was submitted to the Panel in support of the Licence Holder.

The report submitted to the Panel highlighted the number of undisclosed speeding convictions. In response to questions from the Panel, the Licence Holder was apologetic for the oversight but unable to give a reason why the offences had not been declared. His friend explained that the Licence Holder would not have deliberately tried to conceal the offences and stated that he was not great with paperwork.

**Delegated decision:**

The Panel carefully considered the report, oral representations and references submitted by the Licence Holder 03/2018 and taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, **resolved, unanimously, to suspend the driver's licence and operator's licence for a period of 2 months and instructed him to undertake the practical driving assessment for taxi drivers provided by one of the Council's approved driver training.**

The Panel found as follows;

- That public safety is paramount and that the Licence Holder had shown little contrition in respect of the seriousness of speeding.
- The Licence Holder had been a licenced private hire driver and licensed operator for 10 years and should be aware of the requirement to disclose any offences to the Licensing Department.
- The offences were of a serious nature and been committed within a short period of time.
- The Licence Holder had regularly ignored the requirement clearly set out in the documentation, to disclose convictions to the Council, as required by the renewal of both licences he held.

The Licence Holder was notified of the right to appeal to the Magistrates' Court within 21 days.

**LSP.40 APPLICATIONS FOR PRIVATE HIRE DRIVERS' LICENCES**

**(E)** The Licensing Unit Manager presented a report submitted by the Assistant Director Legal and Democratic Services regarding an application for Private Hire Vehicle Drivers' Licences.

1. Applicant 04/2018 attended the meeting and was accompanied by his wife. The Chair outlined the procedure to be followed and the Licensing Unit Manager read the report, which was accepted by the Applicant.

The report explained that the Applicant had been cautioned for carrying pepper spray in his vehicle.

The Applicant addressed the Panel and explained that the incident was a result of him not knowing that this was illegal as in his original country of residence, the Czech Republic, this would not constitute an offence.

The Applicant's explained that he had bought the spray for his wife in order for her to feel safe whilst out jogging on her own.

**Delegated Decision:**

The Panel carefully considered the report and the oral representations by the Applicant and his wife and after taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 resolved, unanimously, that **the application for a Private Hire Driver's Licence by Applicant 04/2018 be granted.**

The Panel noted that the offence, although of a serious nature, was the result of a genuine mistake for which the Applicant was very apologetic and remorseful.

**COUNCILLOR D JONES  
CHAIR**

**Please note: The meeting started at 7.00 pm and finished at 9.45 pm**



# REPORT FOR DECISION

<b>Agenda Item</b>	
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<b>DECISION OF:</b>	<b>LICENSING &amp; SAFETY PANEL</b>
<b>DATE:</b>	<b>2<sup>nd</sup> AUGUST 2018</b>
<b>SUBJECT:</b>	<b>OPERATIONAL REPORT</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)</b>
<b>CONTACT OFFICER:</b>	<b>M BRIDGE</b>
<b>TYPE OF DECISION:</b>	N/A – Report for information only
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is in the public domain
<b>SUMMARY:</b>	A report to advise members on operational issues within the licensing service.
<b>IMPLICATIONS:</b>	
<b>Wards Affected:</b>	N/A
<b>Scrutiny Interest:</b>	Internal Scrutiny Panel

## 1.0 BACKGROUND

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

## 2.0 Enforcement Operation

2.1 The Deputy Licensing Officer and the Licensing Enforcement Officer on the 5<sup>th</sup> July 2018 took part in a multi-agency operation with the Police, DVSA and HMRC at Tops Park, Bolton Road West, Ramsbottom. There were 15 licensed vehicles stopped of which 14 were private hire and 1 Hackney carriage. One vehicle was prohibited by the DVSA due to the indicators on the vehicle not working, the licensing service suspended the vehicle and plates were removed following discussions with the driver. Three drivers were requested to present their vehicles to the Licensing Service with correct signage attached to the vehicle, however they are returned to the inspection site and presented their vehicles with all the correct signage on their vehicles. They were warned as about their obligations as a driver.

One private hire driver was not wearing his private hire drivers badge, he was warned about his obligations as a driver.

### **3.0 Common Minimum Standards – Hackney Carriage and Private Hire Trade**

- 3.1 On the 5<sup>th</sup> July 2018, Councillor Jones and the Licensing Unit Manager attended a meeting at the headquarters of the Greater Manchester Combined Authority. The meeting was attended by Andy Burnham, Mayor of Greater Manchester. Discussions were focused around the common minimum standards and issues that Local Authorities are currently experiencing in relation to out of town vehicles driving in their respective boroughs.

Following the meeting on the 5<sup>th</sup> July 2018, the Licensing Unit Manager attended a meeting of the Greater Manchester Licensing Managers group on the 11<sup>th</sup> July 2018 to have further discussions on the draft common minimum standards. Further updates will follow.

### **4.0 Trade Liaison Meeting**

- 4.1 On the 11<sup>th</sup> June 2018, a Taxi Trade Liaison meeting was held, it was attended by representatives of both the Hackney Carriage and Private Hire Trade were in attendance. A copy of the minutes of the meeting are attached at Appendix 1.

### **5.0 Multi Agency Visits – Gambling Commission**

- 5.1 The Deputy Licensing Officer and the Licensing Enforcement Officer on the on the 25<sup>th</sup> June 2018 took part in joint enforcement visits with the Gambling Commission. Two premises were visited, a betting shop and an Adult Gambling Centre. No issues were found.

### **6.0 Appeal to Crown Court**

- 6.1 The Licensing Service are currently defending an appeal at the Crown Court, following a decision of the Licensing and Safety Panel on the 19<sup>th</sup> October 2017 in respect of a revocation of a Hackney Carriage Drivers Licence. The matter was listed for the 19<sup>th</sup> July 2018 for consideration. The appeal is now listed for a full day on 13<sup>th</sup> September 2018.

### **7.0 Review Application**

- 7.1 The Licensing Service have received a review application from an interested party in respect of the Sir Robert Peel, 97 Sunnybank Road, Bury, BL9 8EB. This application is currently in the representation period and will be scheduled for a hearing before a Licensing Hearings Panel for consideration in due course.

### **8.0 Safeguarding Training**

- 8.1 The Licensing Service are currently in the process of reviewing the safeguarding training taking into account the common minimum standards. Further updates will be given to the panel in due course.

### **9.0 Application Process – Pre-requisites**

- 9.1 Further to the meeting of the Licensing and Safety Panel on the 14<sup>th</sup> June 2018, the Licensing Service are liaising with the National Private Hire and Taxi Association and Mr Hargreaves about the review of the pre-requisites required

## Document Pack Page 9

prior to making an application to become a licensed Hackney Carriage and Private Hire Driver.

**Contact Details:**

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Licensing Unit Manager

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# Minutes

## Hackney Carriage / Private Hire Liaison Meeting 12<sup>th</sup> July 2018

Attending: Chairman- Councillor Jones  
Head of Trading Standards & Licensing – Angela Lomax  
Licensing Unit Manager - Michael Bridge  
Deputy Licensing Officer - Laura Jones  
Magnum Whiteline – Damian Robinson  
Magnum Whiteline – Kirsty Wild  
Prestige Chauffeurs – Chris Hargreaves  
Uber – Tom Younger  
Hackney Carriage Driver Association – Charles Oakes  
Head of Legal Services - Janet Witkowski  
Ummrana Farooq – James Frith Office  
Chris Horth – Environmental Health

Apologies: Donna Short National Private Hire and Taxi Association  
Darren Smith – Workshop Manager Bradley Fold  
AH Travel

		Action
01	Councillor Jones opened the meeting and thanked everyone for their attendance. Attendees introduced themselves	
02	<p>Minutes of Last meeting – Agreed that they were correct.</p> <ul style="list-style-type: none"> <li>• MB updated the meeting that it was a poor response following the presentation regarding the PREVENT Agenda. Letters sent to all trade, one responded saying he would attend however he failed to attend.</li> <li>• Terms of Reference - MB agreed that these have now been approved and would be sent out with the next agenda.</li> <li>• MB informed the meeting that all calendar meters had been checked and updated. Mr Oakes queried if the meters could be manually changed</li> <li>• Medical Exemption policy now been approved by Licensing and Safety Panel – Have peripherals ready.</li> </ul>	MB
03	<p>Chris Horth – Electric Vehicles</p> <p>CH advised that Bury is one of 29 councils in the UK that have been identified as not meeting the air quality target. The target must be met by 2021. Currently working with Transport for Greater Manchester on Transport as this is the main polluter. Meeting has been held with a company</p>	

		Action
	called Electric Blue (Evolve Service) Representatives asked if any taxi drivers would be interested in having a device fitted to analyse journeys, where hot spots were infrastructure would be needed and would generate a report for the individual driver and the Licensing Authority for annual savings that could be achieved. Costs for this £3500 for 25 Taxis to take part in the study. CH indicated that he would be looking for funding from the Council but before he did this would there be any interest – representatives said yes.	
04	<p><b>Common Minimum Standards</b></p> <p>Councillor Jones addressed the meeting regarding the various meetings he had been to with MB regarding this subject. All Chief Executives and Leaders have agreed in principle that across Greater Manchester that a common minimum standard should be brought in across the whole of Greater Manchester for Drivers, Vehicles and Operators. Andy Burnham MP (GM Mayor) is fully backing this project and is looking for all ten GM Authorities to work together and to lobby Government and Local Authorities issuing licences to work elsewhere to try and get the legislation changed/updated and close the current loophole.</p> <p>Discussions took place about cross boarder matters, representatives were not happy that this is currently happening. Bury's PH Operators did for a period of time stand firm and did not employ drivers from outside the area, but some now have started to allow this. Concern is that those drivers who have obtained licences elsewhere may not be up to the standard expected by Bury Council.</p> <p>CO asked whether a perception survey had been carried out. MB advised that Transport for Greater Manchester were going to be holding a conversation with the travelling public within Greater Manchester.</p> <p>CH asked why couldn't the 10 GM Authorities couldn't consider looking at the Police Officer that has been employed by Birmingham Council to enforce against all taxis across Greater Manchester.</p> <p>MB informed the meeting that all GM Authorities are to look at their standards in line with the common minimum standards then do their own consultations at the appropriate time.</p>	
05	<p><b>Child Sexual Exploitation</b></p> <p>MB informed that CSE training had been finalised but due to common minimum standards there is more issues that need to be addressed CSE, disability, domestic abuse and conflict resolution. At the moment no other Council is doing this at the moment – Bury may need to take the lead on this matter. It was raised that if the training is</p>	

		Action
	<p>brought in then it needs to be portable across GM Authorities.</p> <p>Representatives advised that drivers would be willing to sit tests and pay more if they can get it done quickly within a sensible period of time.</p> <p>Operators to take more responsibility and have better conduct towards drivers.</p>	
06	<p>Signage</p> <p>MB Reminded everyone that private hire vehicles have to have correct signage on when presented for test otherwise the vehicle will fail.</p>	
07	<p>Request for Exemption for Chauffeurs</p> <p>MB informed the representatives that a report had been considered by the Licensing and Safety Panel in June 2018 for exemptions for chauffeurs. Members refused the request but requested a review to be undertaken by the licensing service.</p>	
08	<p>Options appraisal/Service level agreement</p> <p>MB working an options appraisals/service level agreement which will look at the current service provision, what other garages do and a decision will be taken on what is the best course of action. ASL admitted that certain things are not adequate and said that we will try and address.</p> <p>Recent challenges in court and ASL acknowledged that it was taking a long time, but a lot to do.</p> <p>CH asked for more openness i.e. trade figures, how many complaints. CH asked that the Government sets a maximum test fee for MOT's of £54.85 but the Council charge £55.00. MB advised that we do a compliance check not an MOT but agreed to take the matter up with Bradley Fold. Asked why we do not issue an MOT certificate.</p> <p>Meeting that was attended by Cllr Jones, at the Jinnah Centre, proprietor/drivers don't believe tests are being done fairly. The completion of the tests report needs to be clearer.</p> <p>MB indicated that vehicles are not being maintained and should be checked before test. This is not happening and then proprietors/drivers blame Bradley fold and do not accept it is their responsibility.</p> <p>NPHA indicated that the trade only have the Council's word for it., information needs to be made more public.</p> <p>Vehicles are being brought to Bradley fold with MOT certificates on dashboards/passenger seats that have been carried out before the test at Bradley Fold. This is not</p>	

		Action
	<p>acceptable and is seen as intimidation of the tested undertaking the test. Bradley Fold have been requested to make notes/take photographs of the test certificates with a view of any issues that the garage issuing the test certificate will be reported to VOSA.</p> <p>Guide for testing of vehicles:-</p> <p>Hackney Carriage Vehicles  <a href="https://www.bury.gov.uk/index.aspx?articleid=10982">https://www.bury.gov.uk/index.aspx?articleid=10982</a></p> <p>Private Hire Vehicles  <a href="https://www.bury.gov.uk/index.aspx?articleid=10999">https://www.bury.gov.uk/index.aspx?articleid=10999</a></p>	
09	Ummrana Farooq (Office of James Frith MP) asked if the trade could have a sticker/card saying that abuse would not be tolerated, non-paying passengers criminal offence. This sticker to have both the logos of GMP and Bury Council on it.	
	CO mentioned regarding meters being able to be changed manually.. ASL/MB indicated that meters shouldn't be able to be changed manually as sealed and should comply with Weight and Measures Legislation as with any meter. Possible further checks with Trading Standards Officer.	
10	The meeting was brought to a close, everyone thanked for their attendance and informed minutes will be sent out. Next meeting will be arranged in due course.	



## REPORT FOR DECISION



**Agenda  
Item**

<b>DECISION OF:</b>	<b>LICENSING &amp; SAFETY PANEL</b>
<b>DATE:</b>	<b>2<sup>nd</sup> AUGUST 2018</b>
<b>SUBJECT:</b>	<b>GAMBLING ACT 2005 – TRIENNIAL POLICY REVIEW</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	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 9 <sup>th</sup> December 2015.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<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 28<sup>th</sup> November 2018.</p> <p>The statement has been reviewed and updated in light of Gambling Commission guidance. It is recommended that approval be given for a consultation to be undertaken and a further report will be presented to the Licensing and Safety Panel in due course once the consultation has finished.</p>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	If the Authority does not have a revised statement in place by the 31 <sup>st</sup> January 2016 it will not be able to fulfil it's duties under the Act

<b>Statement by Executive Director of Resources:</b>	The revenue budget includes provision for expenditure and income associated the gambling activities covered by the statement. The proposed changes to the statement are not anticipated to result in any significant change to resource requirements
<b>Equality/Diversity implications:</b>	<b>Yes</b> No (see paragraph below)
<b>Considered by Monitoring Officer:</b>	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.
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	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<sup>rd</sup> January 2019 being 28 days before the current Statement ceases to have effect on the 31<sup>st</sup> January 2019.
- 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<sup>rd</sup> January 2019 the Authority will not have fulfilled the statutory requirements of the Act and Regulations, and is at risk of acting ultra vires.
- 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 public consultation will be for 9 weeks.
- 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 and in Public Libraries.

## **4.0 CONCLUSION**

- 4.1 The Statement of Principles has been in existence for three years and to date has not been challenged formally or informally.
  - 4.2 The policy statement can be reviewed at any time during the three year cycle to take account of emerging issues.
  - 4.3 The Authority is required to have a Statement of Principles and it must be published prior to the 3<sup>rd</sup> January 2019, otherwise the Council will be acting unlawfully.
  - 4.4 For the Statement of Principles to be agreed by that date it will need to be placed before Council at the 28<sup>th</sup> November 2018 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](mailto:m.bridge@bury.gov.uk)



**Statement of Principles**

**2019-2022**

**Gambling Act 2005**

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

**Contents**

<b>Executive Summary</b>	page 4
<b>Introduction</b>	page 5
<b>Gambling Prevalence and Problem Gambling</b>	page 9
<b>Part A: Policy Statement</b>	page 10
1. The licensing objectives	page 11
2. Declaration	page 11
3. Responsible Authorities	page 11
4. Interested parties	page 12
5. Exchange of information	page 14
6. Enforcement	page 14
7. Licensing Authority functions	page 16
<b>Part B: Premises licences</b>	
8. General Principles	page 23
9. Adult Gaming Centres	page 30
10. (Licensed) Family Entertainment Centres	page 31
11. Casinos	page 32
12. Bingo premises	page 32
13. Betting premises	page 33
14. Tracks	page 34
15. Travelling fairs	page 36
16. Provisional Statements	page 36
17. Reviews	page 37
<b>Part C: Permits / Temporary and Occasional Use Notices</b>	
18. Unlicensed Family Entertainment Centre gaming machine permits	page 39
19. (Alcohol) Licensed premises gaming machine permits	page 40
20. Prize Gaming Permits	page 41
21. Club Gaming and Club Machines Permits	page 42
22. Temporary Use Notices	page 44

Appendix A: List of consultees

page 49

Appendix B: Responsible authorities

page 50

Appendix C: Scheme of delegation

page 52

Appendix D: Bury Council's Position on Gambling

page 53

## Glossary

Any reference to we, this Authority, this licensing Authority, the Council, relates to Bury Council as a Licensing authority as defined in the Gambling Act 2005

Any reference to the Act relates to The Gambling Act 2005

Any reference to The Commission relates to The Gambling Commission

## **Executive Summary**

The Gambling Act 2005 received Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005, Bury Council as a Licensing Authority is required to publish a statement of principles that it proposes to apply when exercising its functions under the Act. This Statement must be published at least every 3 years starting from 31 January 2007. The statement must also be reviewed from time to time in response to emerging risks.

The purpose of the Statement of Principles is to set out the policy and principles that the Council proposes to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the council in regard to determination of premise licence applications including definitions of premises, location, duplication with other regulatory regimes, promotion of the licensing objectives, conditions, door supervision, layout of premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The council is responsible for issuing permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described along with other processes specified in legislation for example temporary use notices, occasional use notices and small society lottery registrations.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council in conjunction with the Gambling Commission. This policy describes the Council's enforcement principles and principles underpinning the right of review.

The Policy does not override the rights of any person to make an application and to have it considered on its individual merits.

The policy has 4 appendices, showing the list of Responsible Authorities under the Gambling Act 2005, List of consultees, Council Scheme of delegation and Bury Council's position on gambling.



## Introduction

This statement of Policy in relation to the Gambling functions that Bury Council as the licensing authority regulates, sets out the approach that will be taken when dealing with permissions its grants under the Gambling Act 2005 and enforces thereafter.

This Policy also identifies how the Authority will seek to promote the licensing objectives under the Act, namely:-

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

Partnerships are important to us and with this in mind we will be working closely with the Gambling Commission, the Police and the other responsible authorities named within the Act. We will also provide guidance and support, where possible, to the trade, residents and businesses.

All decisions that are made in relation to gambling will be made having taken into account the three objectives and each application will be dealt with on its merits.

This policy will come into effect on the 31<sup>st</sup> January 2019 and will be reviewed no later than the 31<sup>st</sup> January 2022.

In carrying out its gambling functions this Authority will have regard to this Policy and Guidance issued by the Gambling Commission.

An equalities impact assessment has been conducted in relation to this Policy and is available upon request.

Bury Council consulted widely upon this statement before finalising and publishing it. 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 XXXXX 2018 and XXXXX

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 at the Town Hall and 3 Knowsley Place.

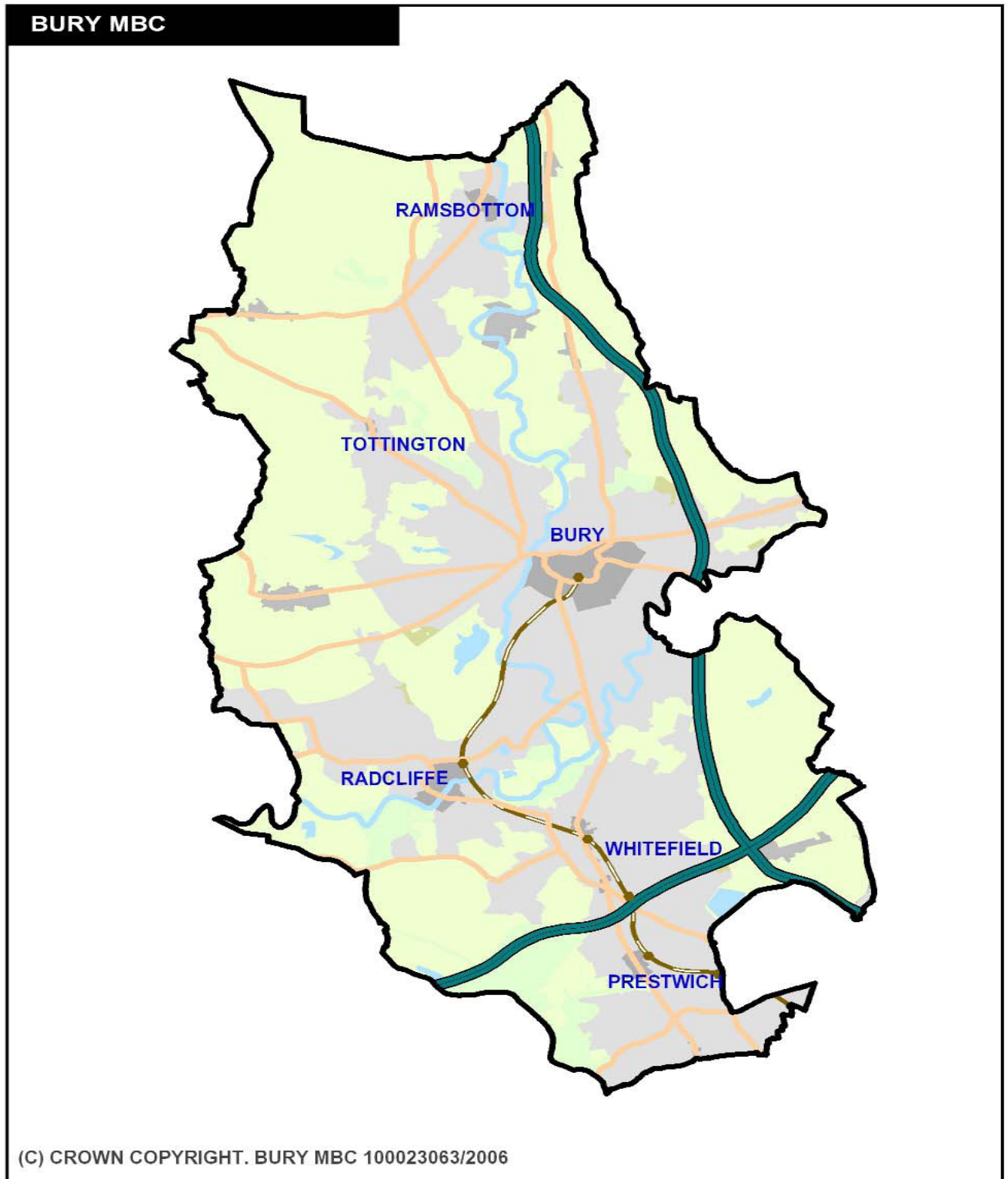
The full list of comments made and the consideration by the Council of those comments will be available by request to the address given below.

Should you have any comments as regards this policy statement please send them to us at:

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

## INTRODUCTION



Bury Council is one of the 10 Metropolitan Districts of Greater Manchester. With a population of 187,900 it occupies an area of 9,919 hectares and consists of 6 towns of Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich.

## Document Pack Page 26

Bury's town centres sit at the heart of our communities and provide a wide range of facilities such as shops, services, leisure, tourism, culture, health care, education and work places.

The Borough has four town centres with Bury being the principle centre offering an extensive range of shops services and cultural attractions. Ramsbottom, in the north of the borough has a focus on independent and specialist retailing, food and drink. The town centre is a popular stop on the East Lancashire Steam Railway making it a popular visitor destination.

Prestwich, known locally as 'The Village', is attracting a growing number of independent businesses and a recent regeneration scheme has enhanced the high street. Radcliffe is also seeing increasing investment through housing in development and the town centre retail offer.

The district centre of Whitefield has capitalised on its excellent transport links and mixes local retail with a strong food and drink offer, whilst Tottington is a thriving centre with independent shops and a strong community feel.

## **Gambling Prevalence and Problem Gambling**

The Health Survey England 2016 states that 56 % of people in England had gambled that year. Other notable statistics are 42% of people in England (excluding those who had only played National Lottery draws). 0.7% of people in England most identified as problem gamblers, 1.2% of gamblers in England identified as problem gamblers.

The Gamcare Annual Review for 2016/17 shows that advisers answered a total of 43,637 calls and web chats via the HelpLine and NetLine.

Gamcare delivered counselling to 8,044 clients nationwide in 2016/17, an increase of 18% compared to 6,832 in 2015/16. 90% of clients were problem gamblers.

Based on national projections showing that 3.6% of people aged 16 or over in England were at low or moderate risk of developing problems with their gambling in Bury this would equate to 5733 at risk gamblers.

In addition the 0.7 % figure suggests that 1056 people in Bury are identified as problem Gamblers.

Based on local postcode data, Gamcare recorded 45 callers from the Bury area to their helpline in 2016/17 and 31 in 2017/18. 74 % were male with the highest age group being 26-35 year olds. Of those disclosing their debts 1 recorded this as being over £100,000.

The types of gambling activity declared covered all modes of gambling including arcades, betting shops and casinos despite there being no casinos in Bury. The statistics show callers also may be undertaking more than one form of gambling. The Mode method of gambling is fixed odds betting terminals.

### **Fixed Odds Betting Terminals**

Fixed odds betting terminals (FOBTs) are electronic machines, mainly sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

The Gambling Act 2005 classifies FOBTs as B2 gaming machines. Up to four machines can be sited on betting premises. The maximum stake on a single bet is £100, the maximum prize is £500.

In October 2017, the Department for Digital, Culture, Media and Sport (DCMS) announced a range of proposals to strengthen protections around gambling. These included lowering the maximum stake on FOBTs to between £50 and £2. A consultation on the proposals, including the level of the new stake, closed on 23 January 2018.

On 17 May 2018, the Government announced that the maximum stake on FOBTs will be reduced to £2 from £100. This will require secondary legislation. No further details are available at this point, however, any changes to legislation or products on the market may not currently be reflected in this Policy and as such may be subject to change in light of such legal developments

Bury Council's position on gambling can be found at Appendix D

## **POLICY STATEMENT PART A**

### **1. The Licensing Objectives**

- 1.1 In exercising its functions under the Gambling Act 2005, Bury Council 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 We aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of licensing policy.

### **2 Declaration**

In producing the final statement, we will have regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses received from those consulted on the statement.

### **3 Responsible Authorities**

- 3.1 Responsible Authorities are public bodies that must be notified about applications and are entitled to make representations to the council in relation to applications for, and in relation to, premises licences.

3.2 We are required by regulations to state the principles we will apply in exercising our 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.

3.3 This authority designates the Bury Safeguarding Children's Board for this purpose.

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

#### **4. Interested parties**

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

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

4.2 We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party.

Interested Parties – Principles relating to determination

We will apply various principles to determine whether a person is an Interested Party.

The Licensing Authority will consider each case on its merits.

In determining whether a person lives "sufficiently close to the premises we will have regard to the following factors which we consider appropriate to the circumstances:

- the size of the premises;
- the nature of the premises;



- the distance of the premises from the location of the person making the representation;
- what might in our opinion be reasonably regarded as a potential impact of the premises (for example this might be influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc); and
- the circumstances of the complaint. This is not meant to cover the personal characteristics of the complainant, but the interests of the complainant where they may be relevant to the distance from the premises. For example we are likely to apply a wider interpretation to the meaning of "sufficiently close" where the complainant provides services attended by children or vulnerable adults; and such other factors we consider relevant.
- Each case will be determined on its merits.

In determining whether a business interest is "likely to be affected" we will have regard to the following factors that we consider appropriate to the circumstances:

- the size of the premises;
- the 'catchment' area of the premises (i.e. how far people travel to visit);
- whether the person making the representation has business interests in that catchment area that might be affected.

Interested parties with "business interests" will be given the widest possible interpretation and may include partnerships, charities, faith groups and medical practices.

If in the particular circumstances of the application we depart from the guidance, we will explain our reasons for doing so.

The Gambling Commission guidance states that interested parties can be people who are democratically elected such as councillors and MPs, as persons representing individuals in the other categories. This would include county, parish and town councillors. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

However, this authority emphasises that it will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

- 4.3 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. Other than these however, we 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.
- 4.4 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not a member of the Licensing and Safety Panel dealing with the licence application. If there are any doubts then the licensing section should be contacted at 3 Knowsley Place, Duke Street, Bury, BL9 0EJ phone 0161 253 5208.
- 4.5 It is important to note that in order for a representation to be considered as relevant, interested parties are required to demonstrate that granting a licence would undermine any of the three licensing objectives under the Gambling Act (preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime; ensuring that gambling is conducted in a fair and open way and protection of children and other vulnerable persons from being harmed or exploited by gambling) . It should be noted that unlike the Licensing Act 2003, the Gambling Act does not include the prevention of public nuisance as a licensing objective.

## **5 Exchange of Information**

- 5.1 We are required to include in our statement, the principles to be applied by us in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between us and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act.
- 5.2 The principle that we will apply, is that, we will act in accordance with the provisions of the Gambling Act 2005 in our exchange of information which includes the provision that the Data Protection Act 2018, The General Data Protection Regulations 2018 and the Freedom of Information Act 2000 will not be contravened. We will also have regard to any published guidance issued by the Gambling Commission to licensing authorities on this matter, as well as any relevant regulations issued by the Secretary of State.
- 5.3 Should any protocols be established regarding the exchange of information with other bodies then they will be made available from the licensing office.

## **6 Enforcement**

- 6.1 We are required by regulation under the Gambling Act 2005 to state the principles to be applied by us in exercising 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.

## 6.2 Our principles are that:

We will work closely with responsible authorities in accordance with locally established joint enforcement initiatives and will aim to promote the licensing objectives by targeting known high risk premises following government guidance on better regulation.

In carrying out our enforcement duties with regards to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, we will be guided by the Gambling Commission's Guidance for licensing 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.
- The Legislation and Regulatory Reform Act 2006 Part 2 requires us to have regard to the principles of good regulation. Regard has been had to the Regulators Code in the preparation of this policy.

6.3 As per the Gambling Commission's Guidance for licensing authorities we will endeavour to avoid duplication with other regulatory regimes so far as possible.

6.4 We will implement a risk-based inspection program, based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission;
- The principles set out in this policy;
- Bury Council's enforcement policy, and
- Recorded intelligence.

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

- 6.6 We may undertake test purchasing activities to measure compliance of licensed operators with aspects of the Gambling Act. When carrying out test purchase activities we will undertake to liaise with the Gambling Commission and operator to determine what other, if any test purchasing schemes may have already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed an appropriate course of action.

We will follow the Gambling Commission's guidance document issued in February 2015 (and any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. This guidance ensures that test purchasing is conducted by the Council in accordance with the Better Regulation Delivery Offices Code of Practice on Age Related Products.

- 6.7 We will also keep ourselves informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 6.8 Our Enforcement Policy will be available upon request by contacting the licensing section at 3 Knowsley Place, Duke Street Bury BL9 0EJ or e-mail: [licensing@bury.gov.uk](mailto:licensing@bury.gov.uk)
- 6.9 Reference will also be made to our Enforcement Policy and the Code for Crown Prosecutors when considering enforcement action.
- 6.10 Where there is a Primary Authority Partnership in place, the Council will seek guidance from a premises' Primary Authority before taking any enforcement action. Further information, including an index of all Primary Authority Partnership arrangements can be found at:

<https://primary-authority.beis.gov.uk/par>

## **7 Licensing Authority functions**

- 7.1 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 Licences;
  - Issue Provisional Statements;
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine 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 licences issued (see section above on 'information exchange');
  - Maintain registers of the permits and licences that are issued under these functions.
- 7.2 These functions will be carried out in accordance with the Council's Scheme of Delegation. This is available at Appendix C.
- 7.3 It should be noted that local licensing authorities are not to be involved in licensing remote gambling at all, this is regulated by the Gambling Commission via operating licences.

## Part B Promotion of the Licensing Objectives

### Licensing Objectives

8.1 Premise licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Gambling Commission's Guidance for Licensing Authorities and some comments are made below.

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

8.2.1 We are 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.

8.2.2 We are aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

8.2.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in **Part C** of this document and also in **Part D** which covers permits and notices.

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

8.3.1 We are aware that except in the case of tracks, generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. However, the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice

8.3.2 Examples of the specific steps the licensing authority may take to address this area can be found in the various sections covering specific premises types in **Part C** of this document and also in **Part D** which covers permits and notices.

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

### **8.4.1 Protection of children**

We have noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as the restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

#### **8.4.2 The Act provides the following definition for child and young person in Section 45:**

Meaning of "child" and "young person"

(a) In this Act "child" means an individual who is less than 16 years old.

(b) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

#### **8.4.3 For the purpose of this section protection of children will encompass both child and young person as defined by the Act.**

#### **8.4.4 We 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.**

#### **8.4.5 We are also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.**

Examples of the specific steps the licensing authority may take to address this area can be found in the various sections covering specific premises types in **Part C** of this document and also in **Part D** which covers permits and notices.

### **Protection of vulnerable people**

#### **8.4.6 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."**

We will consider this licensing objective on a case by case basis.

#### **8.4.7 The Department of Health document "No Secrets" offers a definition of a vulnerable adult as a person:**

"who is or may be in need of community care services by reason of mental or other

disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

8.4.8 In the case of premises licences we are aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice.

8.4.9 In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

Combating problem gambling;  
Access to gambling by children and young persons;  
Information on how to gamble responsibly and help for problem gamblers;  
Customer interaction;  
Self exclusion;  
Employment of children and young persons.

8.4.10 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. We will communicate any concerns to the Gambling Commission about any absence of this required information.

8.4.11 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on
- gambling premises in a location that is both prominent and discreet, such as toilets;
- training for staff members which focuses on building an employee’s ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable;
- trained personnel for the purpose of identifying and providing support to vulnerable persons;
- self-exclusion schemes;
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people;
- posters with GamCare Helpline and website in prominent locations;
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

8.4.12 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

8.4.13 The licensing authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant



## **Selling of Lottery tickets and Scratchard games**

8.5 We recognise that the National Lottery Commission regulates all aspects of the operation of the National Lottery, including the draw-based games, scratchcards and what are known as the Instant Win Games (which are referred to as the 'virtual cards' on the internet); the Gambling Commission regulates other forms of gambling in the UK. Further information regarding the role of the National Lottery Commission can be found on our website [www.natlotcomm.gov.uk](http://www.natlotcomm.gov.uk).

8.5.1 Shops and supermarkets are the most popular places for children to get tickets for National Lottery games and scratchcards. It is important to note that it is an offence to sell a lottery tickets or scratchcards to children and young people under the age of 16. The penalty for selling to an underage person is a fine of up to £5,000 and/or 2 years imprisonment

8.5.2 Should we receive any complaints of irresponsible retailing from operators on lottery tickets or scratchcards, we will look to work collaboratively with the, Gambling Commission, the Licensing Enforcement Team, Trading Standards and the Police Authority to carry out enforcement practices.

### **How should operators protect themselves?**

8.5.3 Lottery and scratchcards are age-restricted products.

There are several checks and measures that operators can put into place to protect themselves from enforcement action:

Consider introducing an age verification policy such as Challenge 21/25 whereby anyone under the age of 21/25 is asked to prove their age.

If you are in doubt as to a customer's age you should always ask for proof of age

You should always ask them to produce a reliable form of proof of age; such as passport or driving licence with a photograph or a Proof of Age Standards Scheme (PASS) ID Card. The PASS scheme is the UK's national Proof of Age Standards Scheme and all cards meeting this standard bear an accredited hologram.

Never accept a birth certificate or National Insurance card as proof of age. National Insurance cards are issued before a person has reached their sixteenth birthday

Keep a refusals register. This is a record of all the times that you refuse to sell an age-restricted product. Details kept in the register should be a description of the person, their name and address (if you know it), their age, the date and time of the attempted purchase and the type of product that was requested.

Display any age restriction notices prominently. You may get these from the Trading Standards Team (e-mail [tradingstandards@bury.gov.uk](mailto:tradingstandards@bury.gov.uk))

Train all of your staff on the law and hand out written instructions on the checks that should be carried out.

Keep a training register for each member of staff and keep it up to date. Ask staff to sign a copy of the instructions that they receive, to show that they have understood. Ask them to sign their training record as well. Regularly check your systems and procedures to ensure staff are following them.

8.5.4 We also operate, a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Gambling Commission, Police Authority, or any of the other responsible authorities under the Gambling Act 2005, or working with colleagues from other council departments or outside agencies.

## **PART C**

### **PREMISES LICENCES**

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

- 9.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 9.2 In accordance with s153 of the Act, when considering any application (save for Casino premises as per s166), we will 'aim to permit' licence applications (subject to the mandatory and default conditions) unless there is evidence of a particular risk to the licensing objectives thereby either requiring the imposition of additional conditions, or that the application be refused.

#### **Decision-making**

- 9.3 We are aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of licensing policy.
- 9.4 It is appreciated that as per the Gambling Commission's Guide to Licensing Authorities the following are not valid reasons for rejection:-
- Moral objections;
  - Unmet demand;
  - Any irrelevant matters.
- 9.5 We will also have regard to the Gambling Commission's guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licences.
- 9.6 In making this determination, we will have regard to the six indicators of betting as a primary gambling activity:

The offer of established core products (including live event pictures and bet

range);

- The provision of information on products and events;
- The promotion of gambling opportunities and products;
- The actual use made of betting facilities;
- The size of premises;
- The delivery of betting facilities.

9.7 **Definition of premises** - In the Act, "premises" is defined as including "any place". 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 subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed. The Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example, by ropes or moveable partitions, can be properly regarded as different premises.

9.8 When considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, we will expect to see the following:

- 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.
- 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
- Particular attention will be paid to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Specific issues that we will consider before granting such applications, are whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. In addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- Customers should be able to participate in the activity named on the premises licence.

- 9.9 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?
- 9.10 We will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.
- 9.11 **The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

### **9.11.1:**

#### **Casinos**

- The principal access entrance to the premises must be from a street defined as any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not.
- 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 defined above or from another premises with a betting premises licence
- There must be 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

9.12 The Gambling Commission provides further guidance on this issue, which we will also take into account in its decision-making.

### **9.13 Premises “ready for gambling”**

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, we 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 we are entitled to decide that it is appropriate to grant a licence subject to conditions, but we are not obliged to grant such a licence.

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

9.14 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. We agree 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.

- 9.15 **Location** – we are 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 our decision making. As per the Gambling Commission’s Guidance to licensing authorities, we 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.

9.16 **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.

We will not take into account irrelevant matters as per the above guidance. In addition we note 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.

- 9.17 **Duplication with other regulatory regimes** – We will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning and the fire service. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in our consideration of it. We 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.
- 9.18 When dealing with a premises licence application for finished buildings, we 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.

- 9.22 Section 7 of the Gambling Commission Guidance to Licensing 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) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

A number of matters should be considered 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.

- 9.26 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.

- 9.27 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.

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

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

- 9.29 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures we will consider, such as the use of supervisors, appropriate signage for adult only areas, supervision of adult gaming machines etc.

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

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



- 9.31 We will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
  - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
  - physical barriers to segregate areas should not impede the escape routes from that or other areas
- 9.32 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 9.33 We are aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, we 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.
- 9.34 It is noted that there are conditions which we cannot attach to premises licences these are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
  - conditions relating to gaming machine categories, numbers, or method of operation;
  - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
  - conditions in relation to stakes, fees, winning or prizes.
  - All premises licences shall by virtue of section 183 of the Act be subject to the condition that premises shall not be used to provide facilities for gambling on Christmas Day.

- 9.35 **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 premise licence condition 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.

It is noted that door supervisors at casinos and bingo premises are not required to be licensed by the SIA. where door supervisors are provided at such premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties . Possible ways to achieve this could be by carrying out criminal record checks (DBS checks) and for such staff to receive recognised training.

Only staff directly employed by Casinos and Bingo Clubs have an exemption from SIA registration.

## 10. Adult Gaming Centre's

- 10.1 Adult gaming centres (AGCs) are premises able to make category B, C and D gaming machines available to their customers. Persons operating an AGC must hold a gaming machines general operating licence from the Commission as well as a premises licence from the Council.
- 10.2 We 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.
- 10.3 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, we 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.
- 10.4 We 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 Licensed Family Entertainment Centres (FEC) are those premises which usually provide a range of amusements such as computer/video games, penny pushers etc which may have a separate section set aside for adult only gaming machines with higher stakes.
- 11.2 The Act creates two classes of family entertainment centre (FEC). Licensed FEC's provide category C and D machines and require a premises licence. Unlicensed FEC's provide category D machines only and are regulated through FEC gaming machine permits.
- 11.3 We 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.
- 11.4 Where category C or above machines are available in premises to which children are admitted then we will expect operators to ensure that:

All such machines are located in an area of the premises separate from the remainder of the premises by physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar will not suffice and we may insist on a permanent barrier of at least 1 metre high;

Only adults are admitted to the area where the Category C machines are located;

Access to the area where the machines are located is supervised at all times;

The area where the machines are located is arranged so that it can be observed by staff and

At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18.

- 11.5 We will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence 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.

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

11.7 We will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. We will have regard to any published mandatory or default conditions on these premises licences.

## 12. **Casinos**

12.1 Section 7 (1) if the Act states that "a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games". Casino games are a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.

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

## 13. **Bingo premises**

13.1 The Gambling Act 2005 does not contain a definition of Bingo. It is to have its ordinary and natural meaning and the Act does stipulate that "bingo" means any version of that game, irrespective of how it is described. Two types of bingo may be offered:

- Cash bingo, where the stakes panel made up the cash prize that's won; or
- Prize bingo, where various forms of prizes are won, not directly relating to the stakes placed.

Under the Act, the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. Therefore, a premises with a bingo premises licence, or a casino premises licence (where the operator holds bingo as well as a casino operating licence) will be able to offer bingo in all its forms.

13.2 We note that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises

applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

We also note the Guidance 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 category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

We also note the Guidance 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.

The Code of Practice for Equal Chance Gaming in Clubs and premises with an alcohol licence can be found on the Gambling Commission website. This details specific provisions for bingo relating to maximum stakes and prizes without the need for a commercial Bingo Operators Licence.

### **14. Betting premises**

14.1 Betting Premises are premises such as bookmakers where various types of gambling are authorised to take place.

14.2 The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises which require licensing, for instance – off course betting (i.e. licensed betting offices) and betting offices on tracks.

We 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 us, for example that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

14.3 *Betting machines* – We will, 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.

14.4 We have discretion as to the number, nature and circumstances of the use of betting machines, we 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, we may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

- 14.5 We 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.
- 14.6 We recognise 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 us a single named point of contact, who should be a senior individual, and whom we will contact first should any compliance queries or issues arise."

### **15. Tracks**

- 15.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (i.e.: "totalisator" or "tote") and also general betting (i.e.: "fixed odds" betting).
- 15.2 We are aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, we 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.
- 15.3 We will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 15.4 We will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures / licence 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;
  - Requirements that children must be accompanied by an adult.

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

- 15.5 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to have four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 15.6 *Betting machines* – We will, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 15.7 Condition on rules being displayed –We will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in a leaflet from the track office.

### **Applications and plans**

- 15.8 The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that we have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for us to plan future premises inspection activity.
- 15.9 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.
- 15.10 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.
- 15.11 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.
- 15.12 We appreciate 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.

## **16. Travelling Fairs**

- 16.1 The Act defines a travelling fair as “a fair consisting wholly or principally” of the provision of amusements and a fair held on a day in a calendar year is a travelling fair” if provided—
- (i)wholly or principally by persons who travel from place to place for the purpose of providing fairs, and
  - (ii)at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.
- 16.2 We are 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 to be met.
- 16.3 We will also consider whether the application falls within the statutory definition of a travelling fair.
- 16.4 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. We will work with 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.

## **17. Provisional Statements**

- 17.1 Developers may wish to apply to 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.
- 17.2 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.
- 17.3 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.
- 17.4 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.

17.5 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.

17.6 In addition, we 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 we note that we can discuss any concerns we have with the applicant before making a decision.

## **18. Reviews**

18.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing and Safety Panel with the possibility that the licence may be revoked, suspended or conditions be amended or new conditions added.

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

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

18.3 The request for the review will also be subject to the consideration by us as to whether the request is frivolous, vexatious, or whether it will certainly not cause us to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous representations or requests for review.

- 18.4 We can also initiate a review of a particular premises licence on the basis of any reason which we think is appropriate.
- 18.5 Once a valid application for a review has been received by us , 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 us, and we will publish notice of the application within 7 days of receipt.
- 18.6 We must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 18.7 The purpose of the review will be to determine whether we should take any action in relation to the licence. If action is justified, the options open to the us 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.
- 18.8 In determining what action, if any, should be taken following a review, we must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 18.9 In particular, we 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.
- 18.10 Once the review has been completed, we must, as soon as possible, notify our 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****19. Permits**

Permits regulate gambling and the use of gaming machines in a premise which does not hold a premises licence. They are required when a premise provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises

We are responsible for issuing the following permits:

- Unlicensed family entertainment centre gaming machine permits;
- Alcohol-licensed premises gaming machine permits;
- Prize gaming permits;
- Club gaming permits and club machine permits.

We can only grant or reject an application for a permit and cannot attach conditions. Therefore we will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

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

- 20.1 The term unlicensed family entertainment centre is defined in the Act and refers to a premise which provides category D gaming machines along with various other amusements such as compute games and "penny pushers". The premise is unlicensed in that it does not require a premises licence but does require a permit to be able to provide category D machines.
- 20.2 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 20.3 In determining the suitability of an applicant for a permit we may have regard to the licensing objectives and we shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for licensing 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."
- 20.4 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 (24.9)

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

- 20.5 We 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 its 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.

**21. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**  
**Automatic entitlement: 2 machines**

- 21.1 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.

- 21.2 We will expect operators to :

- Be aware of the rules concerning exempt gaming on their premises;
- Have a clear understanding of limits on stakes and prizes;
- To keep records of age verification procedures;
- Supervise areas where gaming machines are sited.

For more details see the Gambling Commissions Code of Practice for Equal Chance Gaming in clubs and premises with an alcohol licence .

21.3 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."*

21.4 We 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 us are that there will be no access to the machines by under 18 year olds, 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.

Where premises are applying for additional machines these would normally be granted where the premises comply with the Gambling Commission's Code of Practice. An application for a permit for up to four machines would normally be considered by Officers without the need for a hearing.

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

21.6 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.

21.7 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.

It should be noted that the Gambling Commission Guidance to Licensing Authorities explains that low level gaming is lawful in alcohol licensed premises within defined limits.

## **22. Prize Gaming Permits**

22.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Prizes are determined by the operator before play commences.

22.2 A prize gaming permit is a permit issued by the Council to authorise the provision of facilities for gaming with prizes on specified premises.

## Document Pack Page 60

- 22.3 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”.
- 22.4 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 are in place that outline the steps to be taken to protect children from harm.
- 22.5 In making its decision on an application for this permit, the licensing authority does not need but may have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 22.6 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.

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

- 23.1 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.

- 23.2 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.

We note that the Gambling Commission's Guidance states:

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.

23.3 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.

23.4 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 procedure.

As the Gambling Commission's Guidance for licensing 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." "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."

23.5 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.

- 24.1 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.
- 24.2 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.
- 24.3 Gambling Act 2005 (Temporary Use Notices) Regulations 2007 (SI 2007/3157) – sets out the restrictions on the type of gambling to be offered under a TUN. These restrictions are:
- it can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both;
  - gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises;
  - it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner;
  - gaming machines may not be made available under a TUN..
- 24.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises". As with "premises", the definition of 24.4 "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".
- 24.5 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.
- 24.6 We expect 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.

**25. Occasional Use Notices (OUN)**

- 25.1 The intention behind occasional use notices is to permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting where the event upon which the betting is to take place is of a temporary, infrequent nature. The occasional use notice dispenses with the need for betting premises licences for the track in these circumstances.



25.2 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. We will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. We will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## **26. Small Society Lotteries**

26.1 We will adopt a risk based approach towards enforcement regarding responsibilities for small society lotteries. We consider 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 us on 0161 253 5208 within working hours to seek further advice.

## **PART 4**

### **Licence Conditions & Codes of Practice (LCCP)**

**27.** The Gambling Commission Licence Conditions and Codes of Practice (LCCP) were updated in January 2018 with the changes effected from 4 April 2018.

This version of the LCCP includes changes relating to society lotteries and information requirements consulted on in 2017.

Full details of the LCCP can be found at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

The LCCP contains two types of code provision:

Social Responsibility Code Provisions: Compliance with these is a condition of licences

Ordinary Code Provisions: these do not have the status of operator licence conditions but set out good practice.

Society Lottery Changes – Overview

## Document Pack Page 64

Societies and External Lottery Managers (ELMs) should do more to provide consumers with more information on the lottery they are participating in, and how much of their stake is returned to support the aims and objectives of the promoting society.

<b>Topic</b>	<b>Code provision number</b>	<b>Change</b>	<b>Summary of change please refer to LCCP for the full provision</b>	<b>Comments</b>
<b>Low frequency lotteries</b>	<b>SR 3.2.13</b>	Amended provision	We are updating the definition of 'low frequency lottery', which already appeared in this code provision to make clear that it includes those lotteries offered by local authorities.	Includes a <b>summary</b> of the operators to which the provisions apply – consult LCCP for the full explanation Applies to all remote lotteries
<b>Publication of lottery proceeds</b>	<b>SR 4.3.1</b>	New provision	We have added a new social responsibility code provision to require operators to publish the proportion of lottery proceeds returned to the purposes of the society or local authority.	Applies to all lotteries

**27.1** We will expect external lottery managers to provide consumers with clear information as detailed in the LCCP

## **28. Risk Assessments**

28.1 Such risk assessments are required from new applicants, and from existing premises licences 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.

28.2 Operators are required by the SR 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.

28..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;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

28.4 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;
- 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.

28.5 Other issues that may be considered could include:

## Document Pack Page 66

Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

- 28.6 We will expect all risk assessments to be kept on site on the premises and available for inspection upon request

### 29. **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 however should we produce a Local Area Profile this will be a separate document to this Policy as it will need to be regularly reviewed in light of changes.

**British Beer & Pub Association  
HM Customs & Excise  
Gamblers Anonymous  
Be Gamble Aware  
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 Health, 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 Partnership  
18-20 St Mary's Place  
Bury, BL9 0DZ**

**Head of Service  
Planning Division  
Knowsley Place  
Duke Street  
Bury  
BL9 0EJ**

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

**Environmental Health  
Health & Safety, Pollution  
Knowsley Place  
Duke Street  
Bury  
BL9 0EJ**

**Head of Service  
Trading Standards and Licensing  
Knowsley Place**

Document Pack Page 69  
**Duke Street**  
**Bury**  
**BL9 0EJ**

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

**APPENDIX C**  
**BURY METROPOLITAN BOROUGH COUNCIL SCHEME OF DELEGATION**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of licensing committee</b>	<b>Officers</b>
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
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	

**Title:** Bury position statement on gambling



## Background

There is increasing awareness about harmful gambling and its impact on families and local communities, as well as the individuals directly harmed by it. The prevalence of high stakes betting machines on high streets; the significant increase in gambling advertising since the introduction of the Gambling Act over a decade ago; and the rise in online gambling have all contributed to societal concern about gambling in the UK and the harm that can be associated with it. The recent Government announcement that it proposes to reduce maximum stakes on Fixed Odds Betting Terminal (FOBT) machines to £2 is extremely welcome news, with the LGA and others having long argued that the £100 stake was too high. But it is just one step among many more that need to be taken to prevent and address harmful gambling.

Harmful gambling is increasingly cited as a public health issue which requires a broad response; that is to say, traditional approaches that focus on single interventions do not tend to work at a population level. Harmful gambling is a complex problem with a large number of different but often interlinked factors - no single measure is likely to be effective on its own in addressing it.

Councils will be coming into contact with people impacted by problem gambling through a range of services, including housing and homelessness, financial inclusion, children's services and addiction services. Yet few, if any, councils have data on where problem gambling has been a contributory or additional factor in these cases, and we are only just starting to take full advantage of the support that is currently available for problem gambling through the third sector-led treatment system.

Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues and wider local communities.

Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas.

## Council's responsibilities

Councils are not responsible for providing treatment for harmful gambling, but there is a range of ways in which different services can seek to support local residents and families who are affected by it. District and unitary (licensing) authorities have a statutory role regulating local gambling premises and various tools to try to prevent gambling related harm occurring in premises: developing maps highlighting locally specific gambling risks; reparing local licensing policies setting out expectations of gambling businesses, and undertaking

## Document Pack Page 72

compliance visits to assess whether they are meeting these expectations. Planning teams may also be able to play a role in relation to local gambling premises.

Beyond licensing and planning teams, many council service areas will be coming into contact with people experiencing or impacted by harmful gambling, including children's, family and adult services, treatment services, homelessness and wider housing services and financial inclusion services.

Councils should ensure that frontline staff are provided with training on harmful gambling so they recognise potential cases: there is a significant opportunity for these staff to help local residents access support by signposting to the national treatment network via the National Gambling Helpline. Councils can also seek to work with local partners and build links with support organisations to help develop specific local referral pathways and ensure these can be accessed from across the full range of local services. As frontline awareness and identification of harmful gambling develops, councils should ensure they capture data about it, to help understand the extent of harmful gambling, impacts and costs associated with it.

The research found evidence that the following groups are more vulnerable:

- Children, adolescents and young adults (including students)
- People with mental health issues, including those experiencing substance abuse issues (problem gambling is often 'co-morbid' with these substance addictions<sup>8</sup>)
- Individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
- The unemployed
- The homeless
- Those with low intellectual functioning
- Problem gamblers seeking treatment
- People with financially constrained circumstances
- Those living in deprived areas.

A range of issues can be associated with being a problem gambler these include:

- Unexplained joint / muscle pains
- Heart palpitations
- Breathing difficulties
- Sleep disturbances/ insomnia
- Increased blood pressure
- Headaches
- Anxiety / depression
- Narcissistic presentations
- Self harm and suicidality
- Confusion
- Substance misuse
- Feelings of stigma/shame
- Domestic violence/ abuse
- Relationship difficulties and breakdown
- Loss of trust

## Document Pack Page 73

- Loneliness
- Social isolation
- Neglect / abandonment
- Anti-social behaviour
- Poor concentration
- Money/debts
- Housing issues
- Work / school problems
- Reduced productivity
- Criminality
- Use of food banks

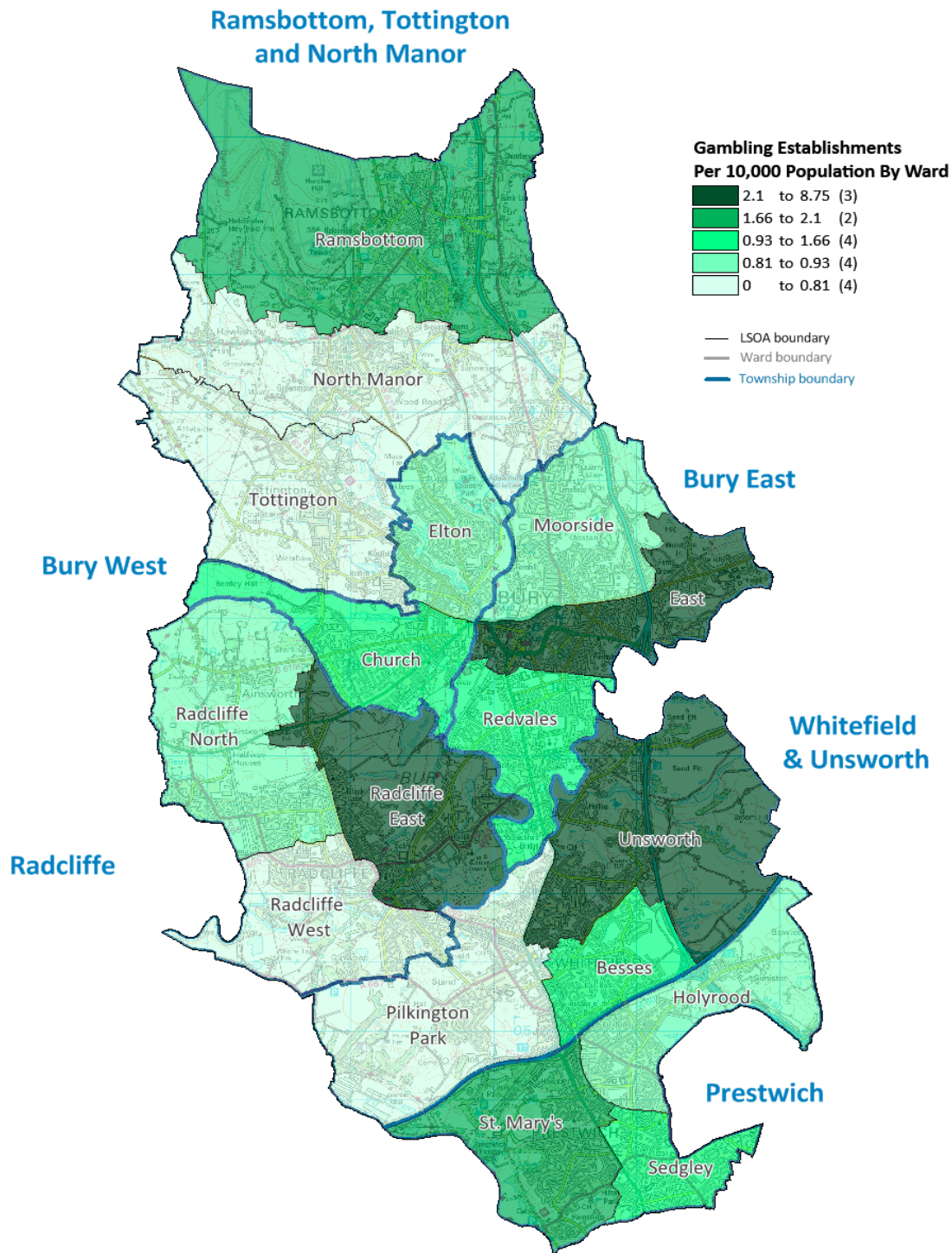
### The position in Bury

Bury has 30 licensed premises distributed across the following wards

Ward	No of Premises
East	10
Radcliffe East	4
Unsworth	2
St. Marys	2
Ramsbottom	2
Redvales	2
Sedgley	2
Church	1
Besses	1
Radcliffe North	1
Holyrood	1
Elton	1
Moorside	1
North Manor	0
Pilkington Park	0
Radcliffe West	0
Tottington	0
<b>Total</b>	<b>30</b>

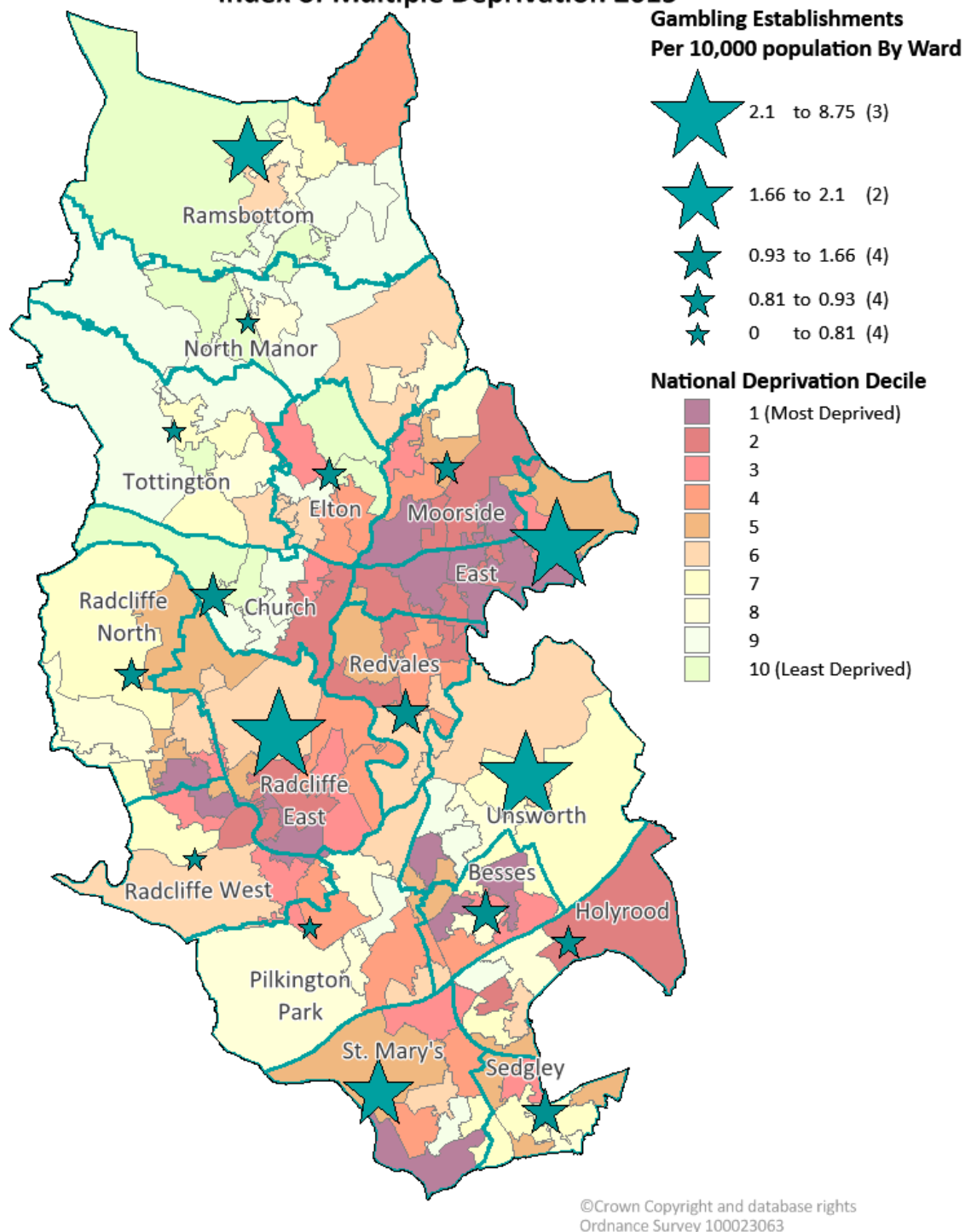
Figure 1

## Gambling Establishments per 10,000 population By Ward



Data Source: IMD 2015, DCLG  
©Crown Copyright and database rights  
Ordnance Survey 100023063

# Gambling Establishments per 10,000 population By Ward And Deprivation in Bury Index of Multiple Deprivation 2015



As can be seen by the map the rate of gambling establishments in each ward directly correlates to the level of deprivation (i.e. the rate of gambling establishments are highest in the most deprived areas).

## Numbers of problem gamblers in Bury Council

Based on national projections **3.6%** of the over 16 population are at low or moderate risk based on their gambling this is equivalent to **5733** at risk gamblers.

In addition national evidence suggests **0.7%** of the population over 16 are identified as problem gamblers which equates to **1056** people in Bury.

## Local Support Services

### Gamblers Anonymous Manchester

Offers help and support in the diagnosis and the recovery from gambling. Also offers a Gamron service that holds meetings for partners of gamblers.

Bank Street, Bolton, BL1 1TS

[Website](#)

[Remove from My Shortlist](#)

### Ocean Recovery Centre

Ocean Recovery is an alcohol and drug rehabilitation centre. We provide services to addicts wishing to attain recovery. Services we provide are divided into two areas: detoxification and rehabilitation. Rehabilitation typically includes counselling and therapy sessions. We are qualified to treat behavioural addictions such as...

94, Queens Promenade, Lancashire, FY2 9NS

0125 353 0553



[Email](#)

[Website](#)

[Remove from My Shortlist](#)

### Rehab - The Priory Highbank Centre - Bury

The Priory Group of Companies has established an unrivalled reputation for delivering a real and lasting difference for its service users. Priory currently treats more than 70 different conditions through a nationwide network of over 450 facilities.

The Priory Group is made up of a comprehensive...

Walmersley House, Walmersley Road, Lancashire, BL9 5LX

01706 829 540

[Email](#)

[Website](#)

[Remove from My Shortlist](#)

## Recommendations

Any application for new gambling establishments should be considered based on the current distribution of gambling venues across Bury and what is known about groups which are at increased risk (i.e. the more deprived).

## 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

<b>Department</b>	Licensing	
<b>Service</b>	Resources and Regulation	
<b>Proposed policy</b>	Triennial Review of Statement of Principles – Gambling Act 2005	
<b>Date</b>	23/07/18	
<b>Officer responsible for the 'policy' and for completing the equality analysis</b>	<b>Name</b>	Michael Bridge
	<b>Post Title</b>	Licensing Unit Manager
	<b>Contact Number</b>	253 5209
	<b>Signature</b>	
	<b>Date</b>	
<b>Equality officer consulted</b>	<b>Name</b>	
	<b>Post Title</b>	
	<b>Contact Number</b>	
	<b>Signature</b>	
	<b>Date</b>	

### 2. AIMS

<b>What is the purpose of the policy/service and what is it intended to achieve?</b>	<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> <ul style="list-style-type: none"> <li>a) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime</li> <li>b) ensuring gambling is conducted in a fair and open way; and</li> <li>(c) protecting children and other vulnerable persons being harmed or exploited by gambling</li> </ul> <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>
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<b>Who are the main stakeholders?</b>	<p>The Act defines a number of responsible authorities and interested parties.</p> <p>Rd July 2 Responsible bodies include :-</p> <p>the Council as licensing authority</p> <p>the Gambling Commission</p> <p>the Police</p> <p>the Fire and Rescue Service</p> <p>the Planning Authority</p> <p>the Environmental Health Service with regard to pollution control</p> <p>HM Custom's and Excise</p> <p>Local Safeguarding of Children Board</p> <p>Interested parties include :-</p> <p>persons living close to the premises likely to be affected by the activity</p> <p>persons with business interests that might be affected</p> <p>or persons representing the above</p>
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### 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.**

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



			<ul style="list-style-type: none"> <li>• Ensuring that gambling is conducted in a fair and open way</li> <li>• Protecting children and other vulnerable persons from being harmed or exploited by Gambling</li> </ul> <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.**

<b>General Public Sector Equality Duties</b>	<b>Relevance (Yes/No)</b>	<b>Reason for the relevance</b>
Need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010	No	Not applicable□□□□
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.)

<b>Details of the equality information or engagement</b>	<b>Internet link if published</b>	<b>Date last updated</b>
Consultation	Will be published from the 3 <sup>rd</sup> August 2018 until the 5 <sup>th</sup> October 2018	

**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**

<b>What will the likely overall effect of your policy/service plan be on equality?</b>	None identified
<b>If you identified any negative effects (see questions 3a) or discrimination what measures have you put in place to remove or mitigate them?</b>	None identified
<b>Have you identified any further ways that you can advance equality of opportunity and/or foster good relations? If so, please give details.</b>	No
<b>What steps do you intend to take now in respect of the implementation of your policy/service plan?</b>	Following the 9 week consultation, a report will be presented to the Councils' Licensing and Safety Panel in October 2018 for consideration. If agreed the matter will be placed before the meeting of Full Council on the 28 <sup>th</sup> November 2018 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
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**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](mailto:equality@bury.gov.uk)) FOR PUBLICATION.**

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