

**AGENDA FOR
LICENSING AND SAFETY COMMITTEE**



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To: All Members of Licensing and Safety Committee

Councillors : I Rizvi (Chair), N Bayley, A Booth, R Brown, J Grimshaw, J Hook, B Ibrahim, G Marsden, G McGill, D Quinn and J Rydeheard

Dear Member/Colleague

Licensing and Safety Committee

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

Date:	Thursday, 3 October 2024
Place:	Council Chamber, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

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

3 MINUTES OF THE PREVIOUS MEETING *(Pages 5 - 10)*

The minutes of the meeting held on the 5th September 2024 are attached. Members of the Licensing and Safety Committee are asked to consider whether these are a correct record of the meeting, and if so, to formally approve them.

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 11 - 16)*

A report from the Executive Director (Operations) is attached.

6 REVIEW OF GAMBLING POLICY - STATEMENT OF PRINCIPLES *(Pages 17 - 74)*

A report from the Executive Director (Operations) is attached.

7 REVIEW OF THE CURRENT PROVISION OF A SECOND TESTING STATION DUE TO THE CURRENT CONTRACT EXPIRING ON 31 MARCH 2025 *(Pages 75 - 84)*

A report from the Executive Director (Operations) is attached.

8 URGENT BUSINESS

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

9 EXCLUSION OF PRESS AND PUBLIC

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

10 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER

LICENCES (*Pages 85 - 124*)

A report from the Executive Director (Operations) is attached.

11 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCE (*Pages 125 - 130*)

A report from the Executive Director (Operations) is attached.

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Minutes of:	LICENSING AND SAFETY COMMITTEE
Date of Meeting:	5 th September 2024
Present:	Councillor I Rizvi (in the Chair) Councillors N Bayley, A Booth, R Brown, J Grimshaw, J Hook, B Ibrahim, G Marsden, G McGill, D Quinn and J Rydeheard
Also in attendance:	M Bridge- Licensing Unit Manager M Cunliffe – Democratic Services C Riley – Legal Advisor C Smith- Head of Public Protection B Thomson- Assistant Director of Operations Strategy
Public Attendance:	No members of the public were present at the meeting.

LSP.1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

LSP.2 DECLARATIONS OF INTEREST

Councillor Rydeheard declared an interest that in his employment he had worked on a number of cases involving both Private Hire and Hackney Carriage drivers.

LSP.3 MINUTES OF THE PREVIOUS MEETING**Delegated decision:**

That the Minutes of the last meeting held on the 18th July 2024 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

No questions had been pre submitted to the meeting.
No members of the public were in attendance at the meeting.

LSP.5 OPERATIONAL REPORT

The Executive Director (Operations) submitted a report advising Members on operational issues within the Licensing Service.

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

The Licensing Service had dealt with a number of compliance and enforcement matters between the 1st July and the 18th August 2024.

LICENSING HEARINGS SUB-COMMITTEES

On the 5th August 2024, an application for the grant of a premises licence at Best Local, 62 Bolton Street, Bury BL0 0LL was due to be considered by the Licensing Hearings Sub-Committee. The application attracted a representation from Trading Standards in their capacity

as a Responsible Authority. Members of the Sub-Committee heard the evidence and resolved agreed unanimously that the Sub-Committee refuse the application for a Premises Licence.

The Sub-Committee was therefore satisfied that on the balance of probability there was sufficient evidence presented that had demonstrated the following licensing objectives had not been met and failed the licensing objective, the prevention of crime and disorder.

The reasons given by the sub-committee, included: -
Three failed Trading Standards test purchase operations in the store and an association with other stores that had also sold illegal vapes and cigarettes.

The Sub-Committee found the situation concerning with the premises operating in such a way to undermine the licensing objectives. The evidence and supporting documents presented were deemed sufficient evidence to refuse the licence.

On the 5th August 2024, an application for the grant of a premises licence at Asda PFS Blackford Bridge, Manchester Road, Bury, BL9 9ST was due to be considered by the Licensing Hearings Sub-Committee. The application attracted representations from Public Health in their capacity as a Responsible Authority and eight interested parties. Mediation had taken place prior to the Sub-Committee meeting between the applicant's representative and the Public Health Department, and it was agreed that the hours for the retail sale of alcohol off the premises would be reduced to Monday to Sunday– 06:00 till 00:00 rather than Monday to Sunday– 00:00 till 00:00 as applied for. Members of the Sub-Committee heard the evidence and unanimously that the Sub-Committee grant the application for a Premises Licence in the amended terms requested.

An application for an expedited review was received from GMP on the 24th June 2024 in respect of Sky Bar, Kay Gardens, Bury due to an incident of serious crime and disorder. A hearing was held on the 25th June 2024. The Sub-Committee resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that these would be to modify the conditions to state that SIA registered door staff to be on duty at the Premises from 20:00 every night. The full review hearing was held on the 19th July 2024.

The Sub-Committee resolved to modify the conditions of the licence and the interim steps were withdrawn. No appeal was made during the appeal period therefore the licence was issued with the modified conditions.

FEES AND CHARGES

Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976, gives authority to a District Council to set the fees in relation to the Licensing of Hackney Carriage and Private Hire vehicles and also for Private Hire Operator licences. Having varied the fees the Council is required to advertise them in a local newspaper so as to allow persons wishing to object to them a period of 28 days from the date of publication of the notice to object.

The Licensing Service can confirm that no objections have been received during the 28-day period, therefore the fees had been implemented from the 22nd August 2024.

Councillors McGill and Marsden along with the Chair placed on record a thank you to officers who had to deal with the expedited review case at Sky Bar which involved working alongside Greater Manchester Police.

Delegated decision:

It was agreed that the report be noted.

LSP.6 REVIEW OF TRANSITIONAL ARRANGEMENTS FOR EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES IN RESPECT OF EMISSIONS STANDARDS

The Executive Director (Operations) submitted a report outlining the proposal to amend the Council's current policy relating to the transitional arrangements to enable vehicle proprietors of non-compliant hackney carriage and private hire vehicles to make a renewal application after the 1st January 2025. The rationale for this relates to the recent submissions to Government with revised proposals around the GM Clean Air Plan and requirement from Government to ensure a GM agreed emissions standard for all Taxi and Private Hire vehicles by the 31st December 2025.

The Assistant Director Operations Strategy presented the report to the committee and provided Members with background information as per the report and highlighted a number of tables detailing the number of vehicles this would impact upon. Members were asked to note that the numbers of non-complaint vehicles had dropped from 225 in January 2024 to 160 in July 2024. This was a reduction of 65 vehicles, with 63 being Private Hire and 2 Hackney Carriages.

The Licensing Service had not undertaken an engagement exercise with the affected Hackney Carriage and Private Hire Trade vehicle proprietors. The reason for this was to enable this matter to be considered by Members given the emission standard is bound by the Councils requirement to comply with a Government Directive in relation to air quality.

If the recommendations contained within the report were not approved by the Committee, it would mean that vehicle proprietors of a non-compliant vehicle would not be able to access the potential Clean Taxi Fund and they would not be able to renew their vehicle licence after the 31st December 2024 and may prevent and/or disadvantage vehicle proprietors of non-compliant vehicles in Bury from accessing future potential GM clean taxi funding.

A number of Members asked questions and sought clarification for certain aspects of the report which the Assistant Director Operations Strategy provided answers to.

A question about the reaction from the Trade was asked and it was reported that an email had been received from the Trade in support of the amendments.

One question from a Member centred around delegation in amendment 3 of the report and following discussions by Members of the Committee, the Assistant Director Operations Strategy proposed a slightly amended version which the Committee were in agreement with.

Delegated decision:

It was agreed that the Licensing and Safety Committee considered and adopted the following amendment (1, 2 and 3) to the existing emission standard and recommended to Full Council that amendment (1, 2 and 3) be approved. Amendment 3 was slightly amended as to what had been proposed in the Licensing and Safety Committee report included in the agenda packs:-

For existing vehicle licence proprietors with a non-complaint vehicle:

- 1. A vehicle proprietor of a hackney carriage and private hire vehicle licence that is due for renewal after the 1 January 2025 which is non-compliant with emission standards (EURO 4 Petrol vehicles and EURO 6 diesel vehicles) is permitted to make an application to renew the vehicle licence and provided the vehicle passes its compliance test it will be issued with a 12-month vehicle licence. The vehicle licence would be*

granted subject to a condition that the non-compliant vehicle is removed from the fleet and replaced with a Euro 4 or 6 compliant vehicle by the 31 December 2025.

2. *To delegate powers to the Head of Public Protection/Licensing Unit Manager and/or the Deputy Licensing Officer to suspend any vehicle licence that has been issued after the 1 January 2025 where the vehicle proprietor(s) have not complied with the condition to replace the non-compliant vehicle with a compliant vehicle by the 31 December 2025.*
3. *In the event that a scheduled committee meeting of the Licensing & Safety Committee & Full Council would not permit a change. Delegation to the Assistant Director of Operations, Head of Public Protection/Licensing Unit Manager in written agreement with the Chair of the Licensing and Safety Committee to make amendments to Council Policy that relates to the transitional arrangements for existing vehicle proprietors who own non-compliant (emission standard) vehicles to enable expedient access to the clean taxi fund if it becomes available. Any decisions made would be reported in the Operational Report at the next meeting of the Licensing and Safety Committee.*

LSP.7 URGENT BUSINESS

No urgent business was reported at the meeting.

LSP.8 EXCLUSION OF 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.9 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES

Licence Holder 10/2024

The Executive Director (Operations) submitted a report relating to Licence Holder 10/2024 who was in attendance at the meeting alongside a family member. The Chair made introductions and alongside the legal advisor outlined the procedure to be followed and clarified that all those present had read the report. The report, which was accepted by the Licence Holder was presented by the Licensing Unit Manager and set out the reasons for the Licence Holder being before the Committee.

The Licensing Unit Manager reported that the Licence Holder had held a private hire driver's licence continually since February 2016. Their current driver's licence was due to expire in December 2025.

The Licence Holder addressed the committee and explained the background circumstances which were also detailed within appendix 1 of the private agenda pack.

This driver was before members for consideration to be given as to his suitability to be a private hire driver in Bury.

Delegated decision:

The Committee carefully considered the report and oral representations by the Licence Holder and his relative.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved **to admonish the licensee as to future conduct.**

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 7.05pm and ended at 8.50pm)

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Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	3 October 2024
Title of report:	Operational Report
Report by:	Executive Director (Operations)
Decision Type:	N/A Report for information only
Ward(s) to which report relates	All

Executive Summary:

A report to advise members on operational issues within the Licensing service.

Recommendation(s)

That the report be noted.

Key considerations

Not applicable

1.0 BACKGROUND

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

2.0 COMPLIANCE/ENFORCEMENT

2.1 The Licensing Service have dealt with the following compliance and enforcement matters for the following periods:-

2.2 **19 to 25 August**

Clients

Enforcement 4

Update 1

Vehicles

Enforcement 6

Compliance Check 1

Premise

Enforcement 5

Compliance Check 3

2.3 **26 August to 1 September**

Clients

Enforcement 6

Intelligence 1

Premises

Multi Agency 6

Vehicles

Enforcement 3

2.4 **2 to 8 September**

Clients

Complaint 4

Enforcement 3

Premises

Compliance 2

Enforcement 3

Multi Agency 2

Vehicles

Enforcement 9

2.5 **9 to 15 September**

Client

Complaint 4

Enforcement 2

Premises

Enforcement 11

Vehicle

Enforcement 3

2.6 **16 to 22 September**

Client

Complaint 5

Enforcement 1

Premises

Enforcement 3

Multi Agency 5

Vehicle

Enforcement 2

3.0 **Festwich**

3.1 Enforcement Officers worked during the Festwich event on Saturday 31 August 2024. One pedlar was spoken to. There were no other issues with traders found.

4.0 **Prosecution of a Private Hire Driver**

4.1 On 11 September 2024 a Private Hire Driver appeared before Stockport Magistrates and pleaded guilty to Fraud in a case relating to a private hire driver's licence being created which was not genuine. The case was adjourned until 31 October 2024 for a pre-sentence report to be prepared.

5.0 **Multi Agency Visits**

5.1 On 20 September 2024 Licensing Officers worked alongside the GMP Licensing Officer carrying out evening visits to licensed premises. Six premises were visited, one because of noise and anti-social behaviour complaints, two other premises were warned for carrying out unlicensed activity and made to cease.

Community impact / links with Community Strategy

Not applicable

Equality Impact and considerations:

24. Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

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

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services.*

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.</i>	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
None	.

Consultation:

Not applicable

Legal Implications:

Not applicable

Financial Implications:

Not Applicable

Report Author and Contact Details:

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Licensing Unit Manager
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Duke Street
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BL9 0EJ Tel: 0161 253 5208 Email: m.bridge@bury.gov.uk

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
None	

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Classification	Item No.
Open / Closed	

Meeting:	Licensing & Safety Committee
Meeting date:	3 October 2024 - Licensing and Safety Committee 13 November 2024 – Full Council
Title of report:	Review of Gambling Policy - Statement of Principles
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary

The Gambling Act 2005 (Section 349) requires the Local Authority to review its Statement of Principles at least every three years. The statement can also be reviewed at any time during the three-year period, if any urgent matters were to arise. The existing Statement of Principles ceases to have effect on 31 January 2025.

The report contains the revised proposed Statement of Principles (attached at **Appendix 1**) and details the consultation process. Section 4 outlines the amendments to the statement following the responses to the consultation.

We have previously worked with our partners across Greater Manchester, which has resulted in the [Greater Manchester Gambling harm and reduction programme](#) being set up. The programme reflects this collaboration across Greater Manchester. The principles share our aims to prevent and reduce the negative impacts of gambling on individuals, families, and communities. The Statement of Principles appended to the report at **Appendix 1**.

The report contains the proposed Statement of Principles at **Appendix 1**.

Recommended Options

The proposed Statement of Principles, attached to the report at **Appendix 1**, can be accepted, amended or rejected. To comply with the statute, a revised Statement of Principles must be agreed by Council on 13 November 2024, for the proposed statement to be in place by 31 January 2025.

It is recommended that the proposed Statement of Principles is accepted without amendment. The statement has been widely consulted and any necessary amendments, as detailed in section 4 of the report, have been made.

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Committee by the Council's Constitution.

Community impact / Contribution to the Bury 2030 Strategy

The introduction of the Greater Manchester led policy and resultant statement of principles will assist individuals in Bury for whom gambling has a negative impact. This will not only have a positive impact within the community, but it also contributes to the Bury 2030 strategy vision to give everyone an equal chance in life and the opportunity to be the very best they can be.

Equality Impact and considerations:

An Equality Impact Assessment has been undertaken and a copy is available on request.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Risk – If the Statement of Principles is not adopted then any decisions made by the council will not be lawful.	Statement of Principles produced for adoption.

Consultation:

A consultation commenced on 24 July 2024 until 4 September 2024. The Consultation was available on the Council’s website and was sent to all current licence holders under the Gambling Act 2005.

Legal Implications:

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. To comply with the legislation the Statement of Principles must be published by the 31 January 2025, (28 days) before the current Statement ceases to have effect on the 31 January 2025.

Financial Implications:

If the Authority does not have a revised statement in place by the 31 January 2025 it will not be able to fulfil its duties under the Act. 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.

Report Author and Contact Details:

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Background papers:

Licensing and Safety Committee report and minute – 11 November 2021
 Full Council – 24 November 2021

Please include a glossary of terms, abbreviations and acronyms used in this report.

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 Statement must be reviewed at least every three years. The current Statement of Principles ceases to have effect on 31 January 2025.
- 1.2 The Act is based on the promotion of three 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
- 1.3 The Act provides that Authorities should aim to permit gambling in so far as they think it is:
- 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
- 1.4 In preparing the proposed Statement of Principles the Council has had regard to codes of practice guidance issued by the Gambling Commission.
- 1.5 In relation to this review, we previously worked with our partners across Greater Manchester with a shared aim to prevent and reduce the negative impacts of gambling on individuals, families and communities. As part of our innovative public service reform and population health agenda we are working with our partners to ensure that gambling is a safe and enjoyable activity for all those who choose to take part.
- Our priorities are:
- Developing our understanding of gambling related harms
 - High quality treatment and support
 - Supporting interventions to prevent gambling from becoming a harmful activity
 - Engaging with people and communities to co-design our work
- 1.6 The [Greater Manchester Gambling harm and reduction programme](#) reflects the collaboration across the Greater Manchester combined Authorities. The aim is to prevent harm from arising and to ensure that the individuals, families and communities experiencing harm as a result of gambling have access to the right treatment and support.
- 1.7 The proposed Statement of Principles (attached at **Appendix 1**).

2.0 Statement of Principles

- 2.1 The proposed document refers to the Greater Manchester harm and reduction programme and its aims.
- 2.2 The proposed document contains the relevant legislation and show how, as a Council we will deal with applications.
- 2.3 The geographical information currently in the Executive Summary is now contained in section 2 of the proposed statement. Wording and maps have been condensed and simplified to make the document easier to read.
- 2.4 The proposed document contains additional information, which can be seen in section 3 General Principles – Public Health (3.11-3.21) of the proposed statement. Whilst Public Health is not a 'responsible authority', within the legislation, it is recognised that Public Health offer insights into the impact of gambling in their respective local areas. As such the proposed statement of principles advises that Public Health will be consulted on all premise licence applications.

3.0 Consultation

- 3.1 The Act requires consultation with a number of statutory defined consultees as detailed in 2.13 and 3.7 of Appendix 1. Public Health are one of the defined consultees.
- 3.2 The consultation commenced on 24 July 2024 and asked for comments to be received by 4 September 2024. The Consultation has also been made available on the Council's website and has been sent to all current licence holders under the Gambling Act 2005.
- 3.3 From 26 July to 4 October 2023, Department of Culture Media and Sport conducted a public consultation on these measures. Following analysis of the evidence submitted, the government intends to implement the following measures:
 - **Relaxation on casino rules:** allowing 1968 Act casinos to increase the number of their gaming machines to 80 if they meet the size requirements of a Small 2005 Act casino and allowing smaller 1968 Act casinos more than 20 machines, on a pro rata basis commensurate to their size, and permitting betting in all casinos.
 - **Machines in arcades and bingo halls:** allowing a 2:1 ratio of Category B to Category C and D gaming machines in arcades and bingo halls, implemented on a device type basis.
 - **Cashless payments on gaming machines:** removing the prohibition on the direct use of debit cards on gaming machines, subject to the introduction of appropriate player protection measures.
 - **Introduction of a legal age limit of 18 for certain gaming machines:** protecting children and young people by banning anyone under the age of 18 from playing low stake Category D slot-style machines that pay out cash.

- **Licensing authority fees:** increasing the maximum chargeable premises licensing fees by 15%.

Central Government have not yet given any response to the consultation undertaken by the Department of Culture Media and Sport. This will be included in the Consultation conducted by the Licensing Service. No response has been received from Central Government at the time of writing the report.

4.0 Responses to the Consultation

4.1 The Licensing Service have received one response from the Public Health Department. The response is contained at Appendix 2.

5.0 Conclusion

5.1 The current Statement of Principles, which has been in existence for three years, has, to date, not been challenged either formally or informally.

5.2 The Licensing Service has received one response to the consultation relating to the proposed Statement of principles.

5.3 A policy statement can be reviewed at any time during the three-year cycle to take account of emerging issues.

5.4 The Authority is required to have a Statement of Principles and it must be published prior to the 03 January 2025 (28 days prior to the current statement expiry) otherwise the Council will be acting unlawfully.

5.5 For the Statement of Principles to be agreed by that date it will need to be placed before Council at the 13 November 2024 meeting if a special Council meeting is to be avoided.

Appendix 1 Proposed Statement of Principles 2024-2027



Statement of
Principles - Gamblin

Appendix 2 – Public Health Representation

We as Bury Public Health acknowledge the significant Public Health – Gambling Harm reduction emphasis within the proposed revised document, dated 2024-2027.

Central Government's policy changes referenced in the document also build on an ethos of reducing inequalities caused by gambling in Bury and the mention of neighbourhood's specific data being used to inform gambling licencing decisions is refreshing!

We at Public Health will build on the document and support its reach via Bury JSNA and the inclusion of gambling sites in a planning matrix that will help support local licencing decisions in partnership with a range of partners and stakeholders.

**Statement of Principles
under the Gambling Act
2005**

**Licensing and Safety
Committee - 3/10/24**

Council 14/11/24

**Comes into effect 3
January 2025**

Contents

1. Forward - Chair of Licensing and Safety Committee.....	Error! Bookmark not defined.
2. Introduction.....	Error! Bookmark not defined.
Publication of this Policy	Error! Bookmark not defined.
Responsible Authorities	Error! Bookmark not defined.
Public Health	Error! Bookmark not defined.
Determining whether a person is an interested part in relation to a premises licence, or an application for or in respect of a premises licence	Error! Bookmark not defined.
Exchange of information between the licensing authority and the Gambling Commission (s29 and s30 of GA2005), and the exchange of information between the licensing authority and other persons listed in Schedule 6 of the Act.....	Error! Bookmark not defined.
Functions of the licensing authority under Part 15 of the GA2005 with respect to the inspection of premises and the power under s346 of the Act to institute criminal proceedings in respect of the offences specified in that section.....	Error! Bookmark not defined.
Commenting on a licence application	Error! Bookmark not defined.
Factors that will not be relevant.....	Error! Bookmark not defined.
Split Premises	Error! Bookmark not defined.
Premises “ready for gambling”	Error! Bookmark not defined.
Applications and plans	Error! Bookmark not defined.
Tracks	Error! Bookmark not defined.
4. How the Licensing Authority decides whether to grant or refuse an application ...	Error! Bookmark not defined.
How the licensing committee decides what conditions to apply to premises licences.....	Error! Bookmark not defined.
Determining whether to review a licence.....	Error! Bookmark not defined.
5. Relevant factors when considering applications and reviews	Error! Bookmark not defined.
Location of the premises	Error! Bookmark not defined.
Gambling-related harm.....	Error! Bookmark not defined.
Local risk assessments.....	Error! Bookmark not defined.
Local Area Profile.....	Error! Bookmark not defined.
How the premises will operate consistent with the licensing objectives	Error! Bookmark not defined.
Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:.....	Error! Bookmark not defined.
Ensuring that gambling is conducted in a fair and open way	Error! Bookmark not defined.
Protecting children and other vulnerable persons from being harmed or exploited by gambling	Error! Bookmark not defined.

	Expectations of operators: Staffing provision.....	Error! Bookmark not defined.
	Expectations of operators: Data gathering and sharing	Error! Bookmark not defined.
	Expectation of applicants: Staff Training and Knowledge.....	Error! Bookmark not defined.
	Expectation of applicants: Gaming machines / layouts	Error! Bookmark not defined.
6	<i>Premises-specific considerations</i>	<i>Error! Bookmark not defined.</i>
	Adult Gaming Centres.....	Error! Bookmark not defined.
	Casinos.....	Error! Bookmark not defined.
	'No Casinos' resolution	Error! Bookmark not defined.
	Bingo premises.....	Error! Bookmark not defined.
	Electronic bingo gaming machines	Error! Bookmark not defined.
	Gaming machines at bingo premises	Error! Bookmark not defined.
	'Entertainment' Bingo.....	Error! Bookmark not defined.
	Betting Premises	Error! Bookmark not defined.
	(Licensed) Family Entertainment Centres	Error! Bookmark not defined.
	Occasional use notices.....	Error! Bookmark not defined.
7	<i>Permits and other permissions</i>	<i>Error! Bookmark not defined.</i>
	Alcohol Licensed Premises Gaming Machine Permits.....	Error! Bookmark not defined.
	Prize Gaming Machine Permits	Error! Bookmark not defined.
	Unlicensed FECs (uFEC)	Error! Bookmark not defined.
	Small Society Lotteries.....	Error! Bookmark not defined.
8	<i>Appendix 1 –Responsible Authorities.....</i>	<i>66</i>
	Licensing Authority.....	66
	Environmental Health.....	66
	Greater Manchester Police	66
	HM Revenue & Customs	66
	Planning.....	66
	Gambling Commission.....	66
	The Fire Safety	
	Manager.....	66
	Bury Safeguarding Children	
	Board.....	67
	Public	
	Protection.....	67
	Public	
	Health.....	67
	Immigration.....	67
	Neighbouring	
	Authorities.....	68
9	<i>Appendix 2 – Template for data collection.....</i>	<i>Error! Bookmark not defined.</i>

10 Appendix 3 - GlossaryError! Bookmark not defined.

1. Chair of Licensing and Safety Committee

- 1.1 Gambling as in the other Greater Manchester Districts provides jobs and leisure activity. Whilst this is good for the economy harmful gambling is increasingly cited as a public health issue because of the related problems affecting individuals, families and communities. The harmful effects of gambling is an issue that has been recognised by all the Authorities within Greater Manchester.
- 1.2 This gambling policy sets out the principles previously agreed by all Greater Manchester Authorities and determines how we will apply these when considering gambling in Bury.
- Developing our understanding of gambling related harms
 - Improving access to high quality treatment and support.
 - Supporting interventions to prevent gambling from becoming a harmful activity
 - Engaging with people and communities to co-design our work
- 1.3 The [Greater Manchester Gambling harm and reduction programme](#) reflects this collaboration across Greater Manchester. The aim is to prevent harm from arising and to ensure that the individuals, families and communities experiencing harm as a result of gambling have access to the right treatment and support.
- 1.4 The Greater Manchester model “doing things differently” means integrating revolves around people, places and their needs, focusing on prevention, developing new models of support and sharing information to design and deliver better services. Working across disciplines will provide the skills to understand gambling harm, recognise it and signpost specialists where required.
- 1.5 This Statement of Policy in relation to the Gambling functions that this Authority regulates sets out the approach that will be taken when dealing with permissions it grants and enforces thereafter.
- 1.6 It 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.

2. Introduction

- 2.1 As the licensing authority, we are required to perform the following functions under the Gambling Act:
- 1) Be responsible for licensing premises where gambling activities are to take place by issuing premises licences
 - 2) Issue provisional statements where it is proposed that gambling activities will take place, but a premises is not yet ready for use
 - 3) Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits
 - 4) Issue club machine permits to commercial clubs
 - 5) Issue permits for unlicensed Family Entertainment Centres where Category D machines may be used
 - 6) Receive notifications from premises licensed for on-sales of alcohol for use of two or fewer Category C or D gaming machines
 - 7) Issue licensed premises gaming machine permits for premises licensed for on-sales of alcohol for use of two or more Category C or D machines
 - 8) Register small society lotteries
 - 9) Issue prize gaming permits
 - 10) Receive and endorse Temporary Use Notices for temporary use of premises for gambling
 - 11) Receive Occasional Use Notices for betting at tracks
- 2.2 Gambling is defined in the Act as either gaming, betting or taking part in a lottery
- 2.3 Gaming' means playing a game for the chance to win a prize.
- 2.4 Betting' means making or accepting a bet on:
- the outcome of a race, competition, or other event
 - the likelihood of anything occurring or not occurring
 - whether anything is true or not.
- 2.5 A Lottery' is where participants are involved in an arrangement where prizes are allocated wholly by a process of chance.
- 2.6 The responsibility for regulating gambling is shared between the Gambling Commission and local authorities. The Gambling Commission is responsible for issuing operating licences to organisations and individuals who provide facilities for gambling and personal licences to persons working in the gambling industry. The Commission takes the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating and personal licence requirements. The Commission is also responsible for remote gambling activities such as facilities provided via the internet, television or radio.

2.7 We are also required to:

- Provide information to the Gambling Commission regarding details of licences issued
- Maintain a register of the permits and licences that are issued under the functions above.

2.8 The council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant. All decisions made by the licensing authority in relation to premises licences (and some other authorisations – see specific sections for details) are based on the Act, relevant guidance, Codes of Practice, our Gambling Policy and the three licensing objectives.

These 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

2.9 In the case of premises licences (and some other authorisations – see specific sections for details), the licensing committee will permit gambling only so far as it is reasonably consistent with these three objectives.

Publication of this Policy

2.10 Licensing authorities have a requirement to develop, consult on, and publish a statement of licensing policy every three years with regards to the principles they propose to apply in exercising functions under the Gambling Act 2005.

2.11 The policy statement forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.

2.12 The authority is one of the 10 Metropolitan Districts of Greater Manchester. In Greater Manchester we have previously shared aim reducing gambling related harms, our approach focuses on preventing gambling harms from occurring, as well as improving how we support our residents who are already experiencing harms, either directly or as a result of someone else's gambling. The renewal of licensing policies presents an opportunity for local authorities to embed these principles.

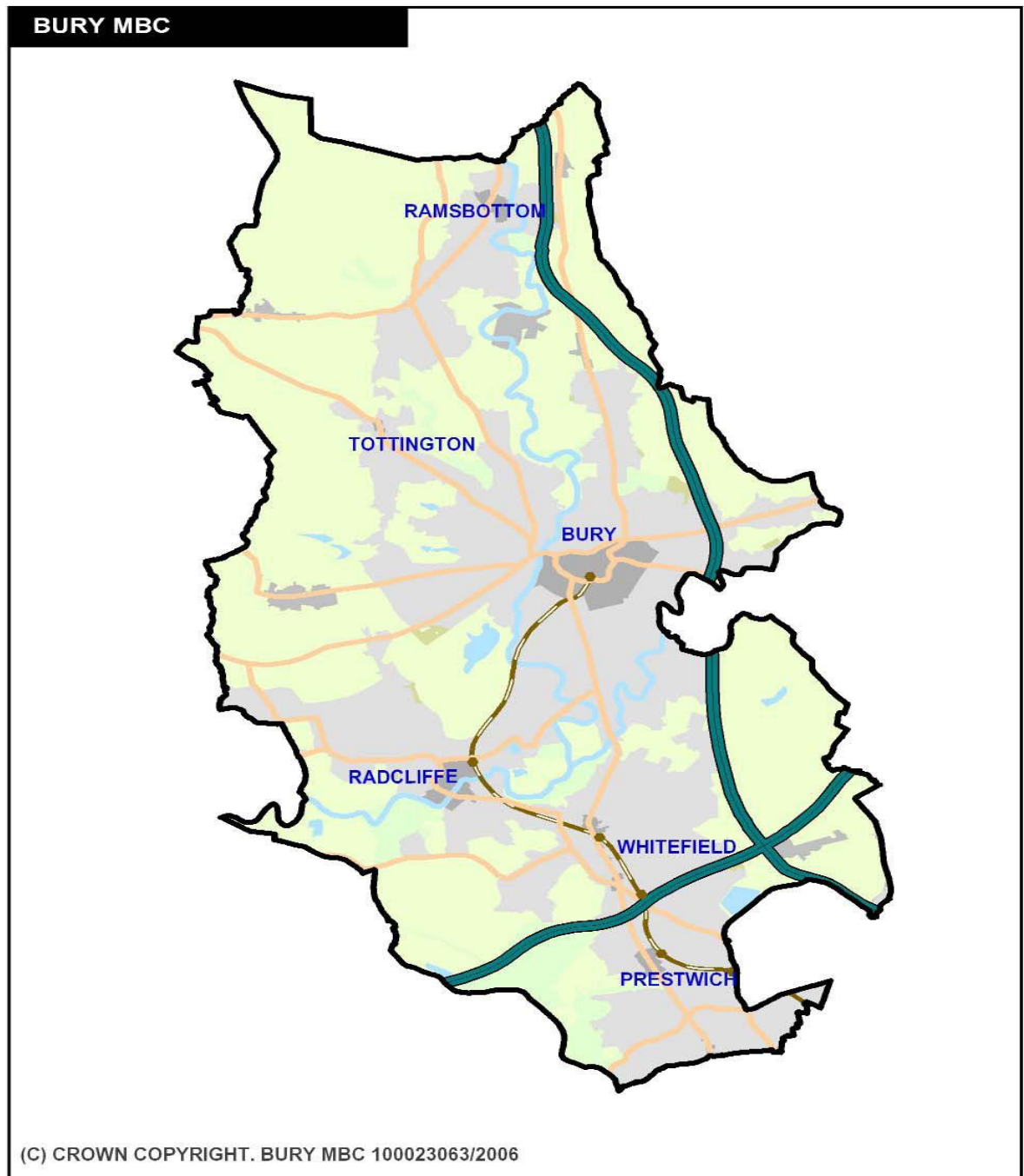
2.13 The following people and organisations have been consulted in preparing the statement:

British Beer & Pub Association	HM Customs & Excise
Gamblers Anonymous	
Greater Manchester Fire & Rescue Service	Chief Constable
The Lotteries Council	The Bingo Association
Association of British Bookmakers	Casino Operators
British Casino Association (BCA)	Responsibility in Gambling Trust
Gambling Commission	TOTE Ladbrokes Plc
William Hill	
Paul Deans Bookmakers Ltd	British Holiday and Home Parks Association
and Institute	Union
Society of Independent Brewers	Nobles Amusements
Leisure Link	Gala Coral Group Ltd
George Bet Centre's Ltd	Punch Taverns
Children's Safeguarding Board	Limelight Amusements
Salvation Army	Bury Housing Services
TRACC	Betfred
Holder's of existing licenses /registrations within the Borough of Bury	
Bury Council Planning, Environmental Health, Health & Safety,	
Pollution and Weights & Measures	
Representatives of Bury Faith Forum	

2.14 After the Authority have consulted on this Policy it will be finalised at a Licensing and Safety Committee held on 3 October 2024 and ratified, with or without amendments at a full Council meeting to be held on the 14 November 2024.

Description of the Area

Figure 1



2.15 Bury Council is one of the 10 Metropolitan Districts of Greater Manchester. With a population of 193,800 (as of 2024) it occupies an area of 9,919 hectares and consists of 6 towns of Ramsbottom, Tottington, Bury, Radcliffe, Whitefield and Prestwich.

2.16 Bury currently has 16 licensed premises distributed across the following wards, a reduction from the previous 1 licensed premises.

Figure 2.

Ward	Betting	Adult Gaming Centre	Bingo
East	3	3	0
Radcliffe East	1	0	0
Unsworth	1	0	0
St. Mary's	2	0	0
Ramsbottom	0	0	0
Redvales	1	0	0
Sedgley	2	0	0
Church	0	0	0
Besses	0	0	0
Radcliffe North	0	0	0
Holyrood	0	0	0
Elton	1	0	0
Moorside	0	0	0
North Manor	1	0	0
Pilkington Park	0	0	0
Radcliffe West	1	0	0
Tottington	0	0	0
Totals	13	3	0

3 General Principals

- 3.1 In making decisions on premises licences, the licensing authority shall 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
- 3.2 As the licensing authority, we will regulate gambling in the public interest, which will be reflected in this policy statement.
- 3.3 This policy statement does not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.
- 3.4 This policy does not override anybody's right to make an application, make representations about an application, or apply for a review of a licence.

- 3.5 Each application will be considered on its merits in accordance with the requirements of the Gambling Act and without regard to demand.

Other regulatory regimes

- 3.6 The licensing authority will avoid duplication with other regulatory regimes, so far as possible. A range of general duties are imposed on the self-employed, employers and operators of gambling premises, both in respect of employees and of the general public, by legislation governing health and safety at work and fire safety. Therefore, such requirements do not need to be included in the policy statement.

Responsible Authorities

- 3.7 Responsible Authorities are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to one or more of the licensing objectives.
- 3.8 Section 157 of the Act defines those authorities. For this area they are: -
- The Gambling Commission
 - Greater Manchester Police
 - Greater Manchester Fire and Rescue
 - The Planning Authority
 - The authority which has functions in relation to pollution to the environment or harm to human health
 - Bury Safeguarding Board
 - HM Revenue and Customs
 - The Licensing Authority.
- 3.9 The contact details of all the Responsible Authorities are available are set out in **Appendix 1**.
- 3.10 The licensing authority has designated the Bury Safeguarding Board as the body that is competent to advise it about the protection of children from harm. The principles that have been used in making this designation is that the board is:
- responsible for the whole of the licensing authority's area
 - answerable to democratically elected persons

Public Health

- 3.11 While gambling can be an enjoyable activity, it is a source of harm for many. [1]
- 3.12 Research suggests that in a city-region like Greater Manchester there are approximately 39,000 people living with a gambling disorder, with a further 118,000 at risk, however we know that self-reported surveys underestimate true prevalence of harm given the unfortunate shame and stigma associated with gambling

disorder. For every person who gambles, it is estimated that between six and ten people are 'affected others' and experience similar harms. These may be dependents, parents, partners, friends, or colleagues.[2]

Area	Estimate of Adult Population 2016	Estimated number of problem gamblers	Estimated number of 'at risk' gamblers
Greater Manchester	2,148,660	38,676	118,176
Bolton	216,920	3,905	11,931
Bury	145,880	2,626	8,023
Manchester	416,480	7,497	22,906
Oldham	173,900	3,130	9,565
Rochdale	164,820	2,967	9,065
Salford	192,840	3,471	10,606
Stockport	227,920	4,103	12,536
Tameside	173,960	3,131	9,568
Trafford	179,920	3,239	9,896
Wigan	256,020	4,608	14,081

- 3.13 Anyone who gambles is vulnerable to harm. Men, younger adults (aged 18-34) and adults from a lower socioeconomic or black and minority ethnic backgrounds are more likely to be classified as gamblers experiencing some level of harm. Gambling related harms are often described at an individual level, however these harms have a wider impact on communities and society with costs to the UK, as a whole, estimated at being between £260m and £1.16bn.[3]
- 3.14 People living with, or at risk of developing, a gambling disorder may experience stress, anxiety and depression, financial losses, debts and exhibit compulsive behaviours, such as chasing losses. Gambling related harms may accrue over a long period of time or very quickly at a time of crisis, many harms have a lasting legacy beyond initial recovery from gambling disorder. Harms associated with gambling include poor mental health and wellbeing, relationship breakdown, neglect of other priorities in life, poor performance at work or school and criminal activity. It is estimated that for every day of the year, one person takes their own life as a result of gambling disorder.
- 3.15 Awareness of gambling harms as an emerging public health problem has increased in recent years, however Public Health are not a responsible authority under the Gambling Act 2005. Nonetheless, the licensing authority will consult the Director of Public Health on all premises licence applications and will advise the Director of Public Health to consider the use of the Gambling Commission's toolkit for public health and safeguarding:

- 3.16 Greater Manchester has a gambling harms reduction programme (which aims to reduce the harms caused by gambling to the population. Licence applicants and holders will be expected to show how they are actively protecting the local population from gambling harms with their processes and operations, and consider how the location, opening hours and promotion of their activities can minimize opportunities for harm to the vulnerable groups listed above.
- 3.17 The licensing authority recognises that local authority public health teams can offer insights from those impacted by gambling harms and offer contextual information about treatment and support in the local area and can add value to the licensing application process where there are concerns raised about risk of harm to vulnerable groups locally.
- 3.18 Greater Manchester's gambling harms reduction programme is listening to residents with lived experience of gambling and is commissioning its own research to better understand problem gambling in the region. As findings from this research emerge, licence holders will be expected to support the delivery of recommendations to help minimize gambling harms to the local populations.
- ¹[Citizens Advice \(2018\) *An exploration of the causes and impacts of problem Gambling* IPPR \(2016\) *Cards on the Table: The cost to government associated with people who are problem gamblers in Britain*, IPPR.](#)
- ²[Kenyon \(2017\) *Problem Gambling in Leeds: Report to Leeds City Council*. Leeds Beckett](#)
- ³[Dinos, S. et al. \(2020\) '*Treatment Needs and Gap Analysis in Greater Britain*, GambleAware p45](#)

Gambling-related harm

- 3.19 Between 61 and 73 percent of British adults gamble to some extent each year. For the majority of these people, gambling is a harmless and sociable activity. However, between 0.4 and 1.1 percent of British adults are estimated to be 'problem gamblers' who experience harm as a consequence of their gambling. A further 4% are estimated to be 'at-risk gamblers' who may go on to become problem gamblers.[1]
- 3.20 Problem gambling has been defined as "gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits"[2]. Males are 5 times more likely than females to be problem gamblers. Problem gambling also varies by age with young people aged 16-24 the most likely to be affected. Problem gambling disproportionately affects people on low incomes and those from ethnic minorities. Individuals of Asian/Asian British heritage and Black/Black British heritage are more likely to be problem gamblers than people who identify as White/White British[3].
- 3.21 For problem gamblers, harms can include higher levels of physical and mental illness, debt problems, relationship breakdown and criminality. Problem gambling

is also associated with domestic violence and substance misuse. Harms from gambling affect far more people than just the problem gambler: it is estimated that for every harmful gambler, between 6 and 10 additional people are directly affected (such as friends, family or colleagues)[4]. Problem gambling also has a significant impact on public finances due to increased costs to the welfare, housing, health and criminal justice sectors. For these reasons, gambling-related harm is increasingly recognised as a public health issue.

¹ *Institute for Public Policy and Research (2016). Cards on the table. The cost to government associated with people who are problem gamblers in Britain.*

² *Lesieur, H. R. & Rosenthal, M. D. (1991). Pathological gambling: A review of the literature (prepared for the American Psychiatric Association Task Force on DSM-IV Committee on disorders of impulse control not elsewhere classified). Journal of Gambling Studies, 7 (1), 5-40.*

³ See 1 above.

⁴ *Local Government Association and Public Health England (2018). Tackling gambling related harm A whole council approach.*

Determining whether a person is an interested party in relation to a premises licence, or an application for or in respect of a premises licence

3.22 For the purposes of the Gambling Act, an 'interested party' is:

- a. Someone who lives sufficiently close to the premises to be likely to be affected by the gambling premises
- b. Has business interests that might be affected by the authorised activities
- c. Represents persons who satisfy paragraph (a) or (b)

3.23 Whether or not a person is an 'interested party' is ultimately the decision of the Licensing Authority which issues the licence or to which the application is made.

3.24 To determine who lives 'sufficiently close to the premises to be likely to be affected by the 'gambling premises', we will consider the following on a case-by-case basis:

- The size of the gambling premises
- The nature of the gambling premises
- The distance of the premises from the address of the person making the representation
- The potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
- The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises e.g. 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults

- The 'catchment' area of the premises (i.e. how far people travel to visit it).
- 3.25 Having a 'business interest' will be given the widest possible interpretation and include community and voluntary groups, schools, charities, faith groups and medical practices. The licensing authority will consider the following factors relevant when determining whether a person's business interests may be affected:
- The size of the premises
 - The 'catchment' area of the premises (i.e. how far people travel to visit it)
 - Whether the person making the representation has business interests in the affected catchment
- 3.26 In so far as who represents persons who satisfy paragraphs (a) or (b), this would include for example:
- i. Residents' associations and tenants' associations
 - ii. Trade associations and trade unions
 - iii. Any other person with written permission from somebody who satisfies paragraph (i) or (ii)
 - iv. Local councillors and MPs

Exchange of information between the licensing authority and the Gambling Commission (s29 and s30 of GA2005), and the exchange of information between the licensing authority and other persons listed in Schedule 6 of the Act

- 3.27 The licensing authority may share application information received in the course of processing applications with the Gambling Commission, a constable or police force, an enforcement officer, another Licensing Authority, Her Majesty's Commissioners of Customs & Excise, The Gambling Appeal Tribunal, The National Lottery Commission, The Secretary of State or Scottish Ministers.
- 3.28 We will abide by the Freedom of Information Act and the General Data Protection Regulation (GDPR) in its safeguarding/release of information or data.
- 3.29 In the context of the Gambling Act, we will retain only that information which relates to the processing of applications for licences, permits, permissions and representations. Applications and representations in respect of applications are both in the public domain and are therefore available on request and may be published as part of our web register. Personal addresses/contact numbers attached with representations may also be released. Information may also be shared with other Gambling Act regulators or other parties prescribed by the Secretary of State.
- 3.30 Licensing authorities have statutory duties to notify the Commission as well as the applicant and other responsible authorities of the grant/rejection of applications

(new, variations, transfers etc) as well as the revocation, surrender or lapse of a premises licence using the correct statutory forms.

- 3.31 We will inform the Gambling Commission without delay if:-
- The Licensing Authority receives information that causes it to question the suitability of the person holding/applying to hold an operating licence
 - There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an operating licence
 - If it comes to our attention that: alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes and makes it possible that the £2,000 in seven days is being exceeded.
- 3.32 The licensing authority will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation.

Functions of the licensing authority under Part 15 of the GA2005 with respect to the inspection of premises and the power under s346 of the Act to institute criminal proceedings in respect of the offences specified in that section

- 3.33 Our principal enforcement role under the Gambling Act is to ensure compliance with the conditions of the premises licence and legal requirements in respect of other permissions the licensing authority regulates. However, we will also ensure that any unlicensed premises which are operating illegally are dealt with appropriately to ensure compliance. Where appropriate, we will work with the Gambling Commission in our enforcement activity. The Council will adopt a risk-based inspection and enforcement programme, which will mean giving greater attention to high-risk premises and a lighter touch for low-risk premises. In all cases we will ensure our inspection and enforcement programme is operated in accordance with any codes of practice issued by the Gambling Commission, in accordance with the Government's Enforcement Concordat, the Compliance Code and Public Protection Enforcement Policy..
- 3.34 The Council will take account of the Gambling Commissions guidance document issued in February 2015 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.
- 3.35 This licensing authority will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

- 3.36 Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were seven Primary Authority arrangements with host local authorities:

Operator	Primary Authority local authority
BACTA	Reading
Coral Racing	Milton Keynes
Ladbrokes	Milton Keynes
Paddy Power	Reading
William Hill	Reading
MOTO	Reading

- 3.37 Further information, including an index of all Primary Authority arrangements can be found at <https://www.gamblingcommission.gov.uk/authorities/guide/page/list-of-primary-authority-gambling-agreements>

Commenting on a licence application

- 3.38 If 'interested parties' (see below for definition) or 'responsible authorities' wish to comment on an application for a premises licence relating to the licensing objectives, they can make a 'representation'. The Licensing Authority can only consider representations if made by either an 'interested party' or 'responsible authority'.
- 3.39 A representation is a statement that outlines any comments that the party making the representation wants to be taken into consideration by the Licensing Authority when determining the application. In all cases representations will need to be 'relevant'. The only representations likely to be relevant are those that meet one or more of the following criteria:
- Relate to the licensing objectives
 - Relate to relevant matters in our gambling policy
 - Relate to relevant matters in the Gambling Commission's Guidance to Local Authorities

- Relate to relevant matters in the Gambling Commission's Codes of Practice
- Relate to the premises that are the subject of the application
- Are neither frivolous nor vexatious nor will certainly not influence the authority's determination of the application.

Factors that will not be relevant

- 3.40 Any objections to new premises or requests for a review should be based on the licensing objectives of the Act. Unlike the Licensing Act 2003, the Act does not include the prevention of public nuisance as a specific licensing objective.
- 3.41 The licensing authority will not take into account representations that are:
- repetitive, vexatious or frivolous
 - from a rival gambling business where the basis of the representation is unwanted competition
 - moral objections to gambling
 - concerned with expected demand for gambling
 - anonymous
- 3.42 Details of applications and representations referred to a licensing sub- Committee for determination will be published in reports that are made publicly available and placed on the council's website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will however be removed from representations in the final website version of reports.
- 3.43 Names and addresses of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is specifically asked to do so.

Split Premises

- 3.44 The Licensing Authority will always give the closest consideration to whether a sub-division has created separate premises meriting a separate machine entitlement. The Authority will not automatically grant a licence for sub- divided premises even if the mandatory conditions are met, particularly where the Authority considers that this has been done in order to sidestep controls on the number of machines which can be provided in a single premise. The Authority will consider if the sub-division has harmed the licensing objective of protecting the vulnerable. The Authority may also take into account other relevant factors as they arise on a case-by-case basis.

Premises "ready for gambling"

- 3.45 A licence to use premises for gambling will only be issued in relation to premises:

- that the Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use
 - where they are expected to be used for the gambling activity named on the licence.
- 3.46 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.
- 3.47 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two-stage consideration process:
1. Whether the premises ought to be permitted to be used for gambling
 2. 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.
- 3.48 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 3.49 When dealing with a premises licence application for finished buildings, the licensing authority will not take into account:
- whether those buildings have to comply with the necessary planning or building consents;
 - fire or health and safety risks.
- 3.50 Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence.
- 3.51 It is noted that s.210 of the 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

Applications and plans

- 3.52 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Authority to plan future premises inspection activity.

- 3.53 It is the local authority's policy that it will expect applicants for new premises licences and variations to provide a plan showing the indicative layout of the plan including, but not limited to:
- Machines, specified by category
 - Staff counters
- 3.54 We consider that this information is appropriate, in conjunction with the premises' risk assessment, to effectively assess the provision of gambling facilities at the premises. Where this information is not provided, it is more likely that a representation will be made in order to enable the licensing authority to accurately assess the likely effect of granting the application relative to the LCCP and licensing objectives.
- 3.55 The premises plan in itself is only one means by which the licensing authority may seek reassurance that the requirements will be met. It may be that conditions attached to the premises licence regarding lines of sight between the counter and the gaming machines, staffing arrangements or security devices are a more effective method of doing so. Local circumstances and concerns and the layout of a particular premises may well determine what is most appropriate for an individual application.

Tracks

- 3.56 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. 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, 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.
- 3.57 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.
- 3.58 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. Determining Premises Licence

4. How the Licensing Authority decides whether to grant or refuse an application

- 4.1 Where we receive an application for a gambling premises licence, we will aim to permit the use of premises for gambling where it is considered:
- a) In accordance with any relevant code of practice issued by the Gambling Commission
 - b) In accordance with any relevant guidance issued by the Gambling Commission
 - c) Reasonably consistent with the licensing objectives (subject to a and b) and
 - d) In accordance with this policy (subject to a – c).
- 4.2 The Licensing Authority has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g., the committee cannot reject applications on moral grounds.
- 4.3 Each case will be decided on its merits.
- 4.4 The Licensing Authority will not have regard to any demand issues for the premises.
- 4.5 Where an area has known high levels of organised crime the licensing 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.
- 4.6 Rather than reject applications outright, wherever possible the Licensing Authority will look to work with gambling premises and tackle concerns with licence conditions that uphold the licensing objectives. However, where there are reasons that granting a licence would not be consistent with (a) - (d) above, the application will normally be refused.
- 4.7 In accordance with the Guidance from the Gambling Commission, we will circulate 'clear and comprehensive' reasons for any decision to all parties. We will also cite the extent to which decisions have been made in accordance with the Council's gambling policy and the Guidance from the Gambling Commission.

How the licensing committee decides what conditions to apply to premises licences

- 4.8 Premises Licences may be subject to any or all of the following:
- Conditions specified in the Gambling Act 2005
 - Conditions specified in the regulations issued by the Secretary of State
 - Conditions attached by Bury Council

- Council's Licensing and safety Committee following a hearing (where necessary).
- 4.9 With respect to conditions, licensing authorities are able to:
- Issue licences without modifying conditions set out in the Act and by the Secretary of State
 - Exclude default conditions
 - Attach conditions where it is believed to be appropriate
 - Conditions may be general in nature (i.e. they attach to all licences of a particular premises type e.g. all casinos) or they may be specific to a particular licence.
- 4.10 We will ensure that any conditions we impose are:
- Proportionate to the circumstances which they are seeking to address
 - 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
 - Reasonable in all other respects.
- 4.11 There are also conditions, which the licensing authority cannot attach to premises licences:
- Conditions on a premises licence which make it impossible to comply with an operating licence condition
 - Conditions relating to gaming machine categories, numbers, or method of operation
 - Conditions that require membership of a club or body. (The Gambling Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
 - Conditions relating to stakes, fees, winnings or prizes
 - Conditions relating to demand for the premises.
- 4.12 Decisions about conditions will be taken on a case-by-case basis considering Gambling Commission guidance, Gambling Commission Codes of Practice, the Licensing Objectives and our policy.

Determining whether to review a licence

- 4.13 After a licence is granted, where the day-to-day operation of a gambling premises is not felt to be 'reasonably consistent with the licensing objectives', a review of the premises licence can be requested at any time.
- 4.13 A review may be initiated by the Licensing Authority or as a result of an application for review from an interested party or responsible authority. Where it is the

Licensing Authority that initiate the review, they may do this for a whole class of premises e.g. all Adult Gaming Centres or in relation to particular premises. The Licensing Authority can review a licence for any reason it thinks appropriate.

- 4.14 Where an application for review is received from an interested party or responsible authority, as a licensing authority we must decide whether to go ahead with the review. The application for review will be considered based on the following:
- Does the request raise issues other than those found under the Gambling Commission's Guidance, Codes of Practice, the Licensing Objectives or our gambling policy?
 - Is it irrelevant, frivolous or vexatious?
 - Is it so minor that the authority will certainly not wish to revoke or suspend the licence or remove, amend or attach conditions?
 - Is it substantially the same as a previous application for review relating to the same premises?
 - Is the application for review substantially the same as a representation made at the time the application for a premises licence was considered?
- 4.15 If the answer to ANY of the above questions is 'yes', the request for review may be rejected. The purpose of the review is to determine if the licensing committee should take any action in relation to the licence. If action is needed, the options are to either:
- Revoke the premises licence
 - Suspend the premises licence for a period not exceeding three months
 - Exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such an exclusion
 - Add, remove or amend a licence condition previously imposed by the Licensing Authority
- 4.16 To decide what action, if any, needs to be taken following an application for review, the licensing committee will make its determination:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with relevant guidance issued by the Gambling Commission
 - In so far as it is reasonably consistent with the licensing objectives
 - In accordance with the authority's statement of licensing policy
- 4.17 The committee will also consider any relevant representations and information given at the hearing. Codes of practice and the guidance referred to above may be obtained from the Gambling Commission.

5. Relevant factors when considering applications and reviews

5.1 In considering applications for new gambling licences, variations to existing licences and licence reviews the licensing authority will consider the following matters:

- the location of the premises
- the Local Area Profile
- the Local Risk Assessment (LRA)
- the views of responsible authorities
- the views of interested parties
- compliance history of current management
- the hours of operation
- the type of premises
- the operation of the premises in accordance with the expectations of the licensing authority, as set out in this policy
- the physical suitability of the premises
- the levels of crime and disorder in the area
- the level of deprivation and ill health in the area

5.2 The Licensing Authority believes that this list is not exhaustive and there may be other factors which may arise that could be considered relevant. The Licensing Authority will consider the relevance of any additional factors raised on a case-by-case basis.

Location of the premises

5.3 The location of the premises will be an important factor as it can impact on all three of the licensing objectives. The Licensing Authority will consider very carefully applications for premises licences that are located in close proximity to sensitive premises such as:

- Schools, including Bury College and universities
- Parks, stations, other transport hubs and places where large numbers of school children might be expected
- other premises licensed for gambling
- premises licensed for alcohol
- children's and vulnerable persons' centres and accommodation
- youth and community centres
- health and treatment centres
- leisure centres used for sporting and similar activities by young persons and/or vulnerable persons
- religious centres and public places of worship

- 5.4 The Licensing Authority expects each premises to produce and keep on the premises a local risk assessment, covering the areas set out in this policy.

Local risk assessments

- 5.5 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- when applying for a variation of a premises licence
 - to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 5.6 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must consider relevant matters identified in the licensing authority's policy statement.
- 5.7 In conducting their risk assessment, the Licensing Authority will expect operators to follow the general principles of risk assessment:
- 1) Identify hazards (think about what may cause harm using the information provided below as a guide and any other matters you consider relevant)
 - 2) Assess the risks (decide how likely it is that someone could be harmed and how serious it could be. This is assessing the level of risk). Decide:
 - i) Who might be harmed and how
 - ii) What you're already doing to control the risks
 - iii) What further action you need to take to control the risks
 - iv) Who needs to carry out the action
 - v) When the action is needed by
 - 3) Control the risks (Look at what you're already doing, and the controls you already have in place.) Ask yourself:
 - i) Can I get rid of the hazard altogether?
 - ii) If not, how can I control the risks so that harm is unlikely?
 - 4) Record your findings (record your significant findings), including:
 - i) the hazards (things that may cause harm)
 - ii) who might be harmed and how
 - iii) what you are doing to control the risks
 - 5) Review the controls. (You must review the controls you have put in place to make sure they are working.) You should also review them if:
 - i) they may no longer be effective
 - ii) Also consider a review if your workers have spotted any problems or there have been any accidents or near misses.

- iii) to take account of significant changes in local circumstances, including those identified in this policy statement
- iv) when there are significant changes at the premises that may affect your mitigation of local risks
- v) Update your risk assessment record with any changes you make.

- 5.8 The Licensing Authority considers the following as significant changes at the premises that may affect your mitigation of local risks:
- Staffing changes
 - Layout of the premises
 - Changes to gaming facilities provided
- 5.9 The Authority will expect the local risk assessment to consider the urban setting:
- The proximity of the premises to schools
 - The commercial environment
 - Factors affecting the footfall
 - Whether the premises is in an area of deprivation
 - Whether the premises is in an area subject to high levels of crime and/or disorder
 - The ethnic profile of residents in the area.
 - The demographics of the area in relation to vulnerable groups
 - The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
 - The range of facilities in the local area 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 activity, etc.
 - The proximity of churches, mosques, temples or any other place of worship
- 5.10 The local risk assessment must show how vulnerable people, including people with gambling dependencies, are protected through:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
 - Information held by the licensee regarding self-exclusions and incidences of underage gambling.
 - Arrangements in place for local exchange of anonymised information regarding self-exclusion and gaming trends.
 - Gaming trends that may mirror days for financial payments such as pay days or benefit payments.

- Arrangements for monitoring and dealing with underage people and vulnerable people, which may include:
- dedicated and trained personnel
- leaflets and posters
- self-exclusion schemes
- window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate

- 5.11 The local risk assessment should show how children are to be protected:
- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
 - The proximity of place where children congregate such as bus stops, cafes, shops.
 - Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.
- 5.12 Other matters that the assessment will include as appropriate: -
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
 - The layout of the premises so that staff have an unobstructed view of people using the premises.
 - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
 - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.
- 5.13 Such information may be used to inform the decision the Authority makes about whether to grant the licence, to grant the licence with special conditions, or to refuse the application.

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

Local Area Profile

- 5.15 The Greater Manchester Gambling Harms Reduction programme is listening to residents with lived experience of gambling and is commissioning its own research to better understand problem gambling in the region. As findings from this research emerge, license holders will be expected to support the delivery of recommendations to help minimize gambling harms to the local populations. This research and evidence will be available online at: <https://www.greatermanchester-ca.gov.uk/what-we-do/health/gambling/understanding-gambling-related-harms/> and should be referred to in Local Risk Assessments.

How the premises will operate consistent with the licensing objectives

- 5.16 We expect high standards from all gambling premises. Operators will be expected to demonstrate that they have given careful consideration to the licensing objectives and have appropriate measures in place to uphold them.
- 5.17 The following paragraphs indicate the physical and management factors that the licensing authority may take into account when considering applications for new, varied licence applications and reviews. These are not mandatory requirements but should be used as a guide to applicants and licensees as to the sort of arrangements that it should have in place and demonstrate these are in place through their bespoke risk assessment. Where an applicant or licensee can demonstrate that these factors are not relevant, or alternative arrangements are more appropriate, the licensing authority will take these into account.

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

- 5.18 The Gambling Commission play a leading role in preventing gambling from being a source of crime, through maintaining rigorous procedures that aim to prevent criminals from providing facilities for gambling, or being associated with doing so, as a result of the operating licence procedure.
- 5.19 However, as a Licensing Authority, we will take into account any local considerations that may impact with regard to this licensing objective, particularly in respect to the location of the premises, to ensure the suitability of the gambling premises. When considering whether a disturbance was serious enough to constitute disorder, we will have regard to the individual merits of the situation including, but not limited to, whether police assistance was required and how threatening the behaviour was to those who could see or hear it. We acknowledge that the Gambling Commission highlights in its guidance to local authorities that

“disorder is intended to mean activity that is more serious and disruptive than mere nuisance”.

- 5.20 Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences; if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.
- 5.21 Licensees and applicants will be expected to demonstrate that they have given careful consideration to preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- 5.22 In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police’s architectural liaison unit at the design stage to ensure crime prevention and detection.
- 5.23 We encourage that premises liaise with their Neighbourhood Policing Team to develop relationships at a local level and promote effective communication and co-operation. Additionally, operators are expected to actively support and participate in any local business partnership schemes, where any such schemes are in operation, and where such schemes are reasonably consistent with the licensing objectives.
- 5.24 The measures to be considered should include:
- The arrangements in place to control access (preventing unauthorised access shall not be limited to the provision of supervisory personnel; other options may include, but are not limited to, time-lock or maglock entrances)
 - The opening hours
 - The provision of registered door supervisors*
 - The provision of CCTV
 - The number of staff on duty and effective staff training, especially in relation to lone working
 - The provision of toilet facilities
 - Prevention of antisocial behaviour associated with the premises, such as street drinking, litter, activity outside the premises including the management of clients leaving the premises
 - Adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.

* Only staff directly employed by Casinos and Bingo Clubs have an exemption from SIA registration. Where door supervisors are provided at these premises the

operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.

Ensuring that gambling is conducted in a fair and open way

5.25 Generally, this objective will be addressed by:

- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

5.26 Where we suspect that gambling is not being conducted in a fair and open way, we will bring this to the attention of the Gambling Commission, for their further consideration, and work in partnership with their officers. In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

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

5.27 The Gambling Act defines ‘children’ as those persons under 16 years of age and ‘young persons’ as those persons aged 16 or 17 years of age. The term ‘vulnerable persons’ is not defined and what constitutes harm or exploitation will have to be considered on a case-by-case basis.

5.28 Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society. These harms are diverse, affecting resources, relationships and health, and may reflect an interplay between individual, family and community processes. The harmful effects from gambling may be short-lived but can persist, having longer-term and enduring consequences that can exacerbate existing inequalities.

5.29 Regard will be had to current evidence in relation to vulnerability to gambling-related harm. In 2015, Manchester City Council in partnership with Westminster Council commissioned research into this issue and published a report: Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review by Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015. Similarly, In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling (Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016) looking specifically at identifying groups of the society that could be considered (more) vulnerable to problem gambling:

- Younger people, including students
- Those who are unemployed and/or with constrained financial circumstances
- Those from minority ethnic groups
- Those under the influence of alcohol or drugs
- Problem gamblers seeking treatment
- Homeless people
- Those living in areas of greater deprivation
- Those with other mental health issues and substance abuse/misuse disorders
- Those with poorer intellectual functioning
- Custodial and non-custodial offenders

5.30 Licensees and applicants will be expected to demonstrate they have carefully considered how to protect children and vulnerable persons from harm and have adequate arrangements for preventing underage gambling on their premises. The measures that should be considered where appropriate are:

- The provision of CCTV
- Location of entrances
- Restricted opening and closing times to protect residents vulnerable to harm
- Supervision of entrances
- Controlled access to the premises by children under the age of 18
- Dealing with pupils who are truanting, and policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays
- Design layout/lighting/fit out to not attract children or vulnerable persons having a nationally-recognised proof of age scheme – Think 21/25
- The provision of registered door supervisors
- Clear segregation between gaming and non-gaming areas in premises frequented by children
- The provision of adequate signage and notices
- Supervision of machine areas in premises, particularly areas to which children are admitted
- Controlled opening hours
- Effective self-barring schemes
- The provision of materials for GamCare, Betknowmore UK or similar, Citizens Advice Bureau information, local public and mental health and housing/homeless associations, printed in languages appropriate to the customer base.

- Advertising local support services in the area such as Beacon Counselling Trust or the NHS Gambling Clinic.
 - The number of staff on duty and effective staff training, especially in relation to the ability to effectively identify and engage with vulnerable persons, including primary intervention and escalation
 - A requirement that children must be accompanied by an adult (in premises where children are allowed)
 - Enhanced DBS checks of staff
 - Obscuring windows where appropriate and labelling premises so it is clear that they are gambling premises
 - Self-exclusion schemes
- 5.31 With reference to those persons with a mental impairment or mental health difficulties, operators would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling
- 5.32 For multi-occupied premises consideration should be given to the arrangements for controlling access to children and the compatibility of the different uses. Separate and identifiable entrances may be required to ensure that people do not drift inadvertently into a gambling area.
- 5.33 Children are not permitted to use Category C or above machines and in premises where these machines are available and children are permitted on the premises the licensing authority will require:
- all Category C and above machines to be located in an area of the premises which is separated from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance
 - adults only admitted to the area where these machines are located
 - adequate supervised access to the area where the machines are located
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder
 - prominent notices displayed at the entrance to, and inside, any such areas there indicating that access to the area is prohibited to persons under 18

Expectations of operators: Staffing provision

- 5.34 Staff in licensed gambling premises are recognised as being subject to risk in the workplace from violence and verbal abuse, especially if working alone. In addition, lone workers may not be able to sufficiently serve and supervise the customers, identify and prevent young people from gambling, protect vulnerable persons, deal with customers who may be consuming alcohol and prevent the premises being used as a source of crime or supporting crime.

- 5.35 We expect premises management to recognise and address this as part of their management arrangements, especially at times where it has been identified that there is a spike in crimes around the premises.
- 5.36 We expect there to be an adequate number of staff and managers on the premises to cover key points throughout the day, especially where premises are close to schools/colleges/universities, pubs, bars, shopping centres and stadia.

Expectations of operators: Data gathering and sharing

- 5.37 Keeping track of the incidence and handling of problem gambling in Bury is a key part of promoting the licensing objectives. We expect all gambling premises to maintain a log and share this and other information with the Licensing Unit upon request.
- 5.38 Data that we consider should be recorded and shared includes (but is not exclusive to the below list). We would expect that all records including time and date along with a short description of the incident and action taken:
- 1) Customer interventions
 - 2) Cases where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
 - 3) Mandatory exclusions needing enforcement
 - 4) Attempts to enter by those underage in a calendar month
 - 5) Attempts to enter by those underage in the company of adults
 - 6) Attempts to enter by those underage with complicit adults
 - 7) Incidents of 'at risk behaviour'
 - 8) Incidents of 'behaviour requiring immediate intervention'
- 5.39 We expect that this application will be provided to the licensing authority annually.
- 5.40 A template for this information to be provided is at Appendix 2.

Expectation of applicants: Staff Training and Knowledge

- 5.41 We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):
- 1) The importance of social responsibility (Premises may wish to seek an audit from GamCare in order to obtain a certificate of Social Responsibility)
 - 2) Causes and consequences of problem gambling
 - 3) Identifying and communicating with vulnerable persons: primary intervention and escalation, supported by high quality training given the challenging nature of these conversations.

- 4) Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment including local treatment providers
- 5) Refusal of entry (alcohol and drugs)
- 6) Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
- 7) Importance and enforcement of time/spend limits
- 8) The conditions of the licence
- 9) Maintaining an incident log
- 10) Offences under the Gambling Act
- 11) Categories of gaming machines and the stakes and odds associated with each machine
- 12) Types of gaming and the stakes and odds associated with each
- 13) Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
- 14) Safe cash-handling/payment of winnings
- 15) Identify forged ID and bar those using forged ID from the premises
- 16) Knowledge of a problem gambling helpline number (for their own use as well as that of customers)
- 17) The importance of not encouraging customers to:
 - (a) Increase the amount of money they have decided to gamble
 - (b) Enter into continuous gambling for a prolonged period
 - (c) Continue gambling when they have expressed a wish to stop
 - (d) Re-gamble winnings
 - (e) Chase losses.

5.42 Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling. In so far as training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

Expectation of applicants: Gaming machines / layouts

5.43 It is an operator's responsibility to ensure staff are able to effectively monitor gaming machine play for a number of reasons that are part of the operator's licence conditions. Age verification, customer interaction and self-exclusion policies all require operators to take into account the structure and layout of their gambling premises.

5.44 The Licence conditions and code of practice (LCCP) state: 'Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times'.

- 5.45 A screen or pod around a gaming machine, designed to increase the privacy of the player, could prevent staff in a gambling premises from effectively monitoring gaming machine play.
- 5.46 Operators will be expected to be able to evidence to the licensing authority how they have considered the risk to the licensing objectives and implemented effective controls, prior to the introduction of any new machine arrangements.
- 5.47 It will be important to consider the means by which gaming machines are supervised (e.g. line of sight to counter, effective CCTV, mirrors or floor staff) and consider whether that is appropriate for that premises.
- 5.48 Whether amendments to a premises amount to a 'material change' warranting an application to vary the premises licence under s.187 of the Gambling Act is a matter for local determination and the licensing authority will adopt a common-sense approach.

6. Premises-specific considerations

Adult Gaming Centres

- 6.1 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.
- 6.2 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 6.3 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. The council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

Casinos

- 6.4 Bury has no licensed casinos.
- 6.5 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

'No Casinos' resolution

6.6 This licensing authority 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 this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

Bingo premises

6.7 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 is won, not directly relating to the stakes panel

6.8 Subject to the rules of individual operators, 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.

6.9 Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one metre high
- only adults are admitted to the area where the 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
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
- children will not be admitted to bingo premises unless accompanied by an adult.

6.10 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.

6.11 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

Electronic bingo gaming machines

6.12 Where a premises intends on providing electronic terminals to play bingo, we will expect operators (as part of their application) to provide a breakdown of the number of electronic bingo terminals that will be provided at the premises

Gaming machines at bingo premises

6.13 In addition to bingo, this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act. Bingo premises licences authorise a maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4.

6.14 Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, where there are substantive facilities during the default hours for bingo, there are no restrictions on access to gaming machines in bingo premises outside of the default hours.

6.15 The LCCP requires (Social Responsibility Code Provision 9) that gaming machines are only made available in combination with the named non-remote activity of the operating licence. So, unless a bingo premises operator offers substantive facilities for non-remote bingo it should not make gaming machines available for use on the premises in question.

6.16 As the licensing authority, we will need to satisfy ourselves that a premises applying for or licensed for bingo is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo. Equally, we must ensure that a premises licensed for the purposes of providing facilities for bingo is operating as such and is not merely a vehicle to offer higher stake and prize gaming machines.

6.17 Therefore, we will expect operators (as part of their application) to provide information on:

- any times they intend to provide gaming machines at any times that bingo facilities are not provided
- how the premises will be recognised as a premises licensed for providing facilities for bingo
- A breakdown of gaming machine numbers (by category)

6.18 The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions. The licensing authority will expect applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.

- 6.19 The licensing authority will use their power to restrict the circumstances in which they are available for use when appropriate by way of conditions. When considering imposing conditions, the licensing authority will take into account, among other factors:
- the size and physical layout of the premises
 - the number of counter positions and staff on the premises
 - the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people
- 6.20 The licensing authority will not seek to limit the number of gambling machines by category as this entitled provision is defined in the Gambling Act. However, we will seek to ensure that the number and provision of gaming machines are only provided in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo.
- 6.21 To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.
- 6.22 The licensing authority will information required from an applicant for a new premises or for a variation to an existing premises in order to satisfy themselves as to the matters set out at s153 of the Act. This includes the codes of practice and the Gambling Commission's guidance to licensing authorities.

'Entertainment' Bingo

- 6.23 A phenomenon over recent years has been the evolution of businesses, such as Bongo's Bingo, providing facilities for high turnover bingo (the aggregate stakes or prizes for bingo in any seven day period may exceed £2,000); typically providing equal chance gaming at pubs and nightclubs, in reliance on the alcohol licence held by the premises, and therefore doing so under the rules for exempt gaming.
- 6.24 We note that it is a condition of some such companies' operator's licence that they must notify both the Commission and the relevant LA at least 28 days before any event takes place in new premises, by providing a description of the event taking place, a copy of the premises contract and any amendment to the rules of the bingo.
- 6.25 We would encourage venues hosting such events to promote responsible gambling messaging at them.

Betting Premises

- 6.26 We encourage operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises. Where an operator does not participate in the scheme, it is expected

that they can satisfactorily demonstrate the security measures they incorporate are adequate.

- 6.27 Licensed betting premises are only permitted to offer gambling facilities between 7am and 10pm, unless the licensing authority has granted a variation application to extend these hours. The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions.
- 6.28 The licensing authority also has concerns that licensed betting premises operators may seek to extend the permitted hours for the primary purpose of making gaming machines available to customers for longer.
- 6.29 As a consequence, the licensing authority is unlikely to grant variation of hours' applications unless applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.
- 6.30 The licensing authority will use their power to restrict the number of betting machines (bet receipt terminals), their nature and the circumstances in which they are available for use when appropriate by way of conditions. When considering imposing conditions, the licensing authority will take into account, among other factors:
- the size and physical layout of the premises
 - the number of counter positions and staff on the premises
 - the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people
- 6.31 Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It is noted that that children are not able to go into premises with the benefit of a Betting Premises Licence.

(Licensed) Family Entertainment Centres

- 6.32 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 are regulated through FEC gaming machine permits.
- 6.33 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will

expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machine areas. Operators should ensure that a proof of age scheme is in force.

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

Occasional use notices

- 6.35 Occasional Use Notices (OUN) are designed to allow licensed betting operators to provide betting facilities at genuine sporting events, such as point-to point racecourses and golf courses for major competitions, within the boundaries of the identified venue on a specific date.
- 6.36 An OUN must be submitted for EACH day that the betting activity will be conducted on the premises. For example, four notices for four consecutive days of betting and not one notice covering the four days.
- 6.37 We will liaise with the Gambling Commission should we receive an OUN that does not relate to a genuine recognised sporting event to ensure that OUN's are not misused, for example, venues seeking to become tracks through a contrived sporting event, utilising OUNs to solely or primarily facilitate betting taking place on events occurring away from the identified venue.

7 Permits and other permissions

Alcohol Licensed Premises Gaming Machine Permits

- 7.1 Premises licensed to sell alcohol that have a bar and the alcohol is not ancillary to food for consumption on the premises, having more than two gaming machines, will need to apply for a permit and must also notify the Licensing Authority if they have one or two machines. In considering whether to grant a permit, the licensing authority will have regard to the licensing objectives, guidance issued by the Gambling Commission and any other relevant matters. Permits will not be granted to licensees who have failed to demonstrate compliance with the Gambling Commission's Code of Practice.
- 7.2 In addition to the requirements of the Gambling Commission's Code of Practice, the Licensing Authority expects applicants to:
- display adequate notices and signs, advertising the relevant age restrictions
 - position machines within view of the bar in order for staff to be able to monitor the machines for use by under age or misuse of the machines
 - challenge anyone suspected of being under age and refuse access
 - provide information leaflets and / or help-line numbers for organisations such as GamCare and Betknowmore UK.

Prize Gaming Machine Permits

- 7.3 Prize gaming premises will appeal to children and young persons and weight will be given to child protection issues. Therefore, the licensing authority will expect the applicant to demonstrate that they are suitable to hold a permit (i.e. if the

applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises.

- 7.4 The licensing authority expects applicants to set out the types of gaming machines that they intend to offer and 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
- 7.5 The Gambling Commission website gives advice on types of permits, conditions, stakes and prizes. See www.gamblingcommission.gov.uk

Unlicensed FECs (uFEC)

- 7.6 Unlicensed family entertainment centres (FEC's) will perhaps be most commonly located at places such as airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. Unlicensed FEC's will be able to offer only category D machines in reliance on a gaming machine permit.
- 7.7 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238). As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.
- 7.8 Given that the premises is likely to appeal particularly to children and young persons, when considering applications for permits we will give weight to matters relating to protection of children from being harmed or exploited by gambling and are keen to ensure that staff supervision adequately reflects the level of risk to this group. Therefore, we will generally expect such risks to be addressed through effective:
- Staff supervision and training
 - Detailed plan
 - Social responsibility policies
 - Staff being easily identifiable
 - Clear signage
- 7.9 As part of an application for a uFEC, it is our policy that a plan for the uFEC must be submitted.

Small Society Lotteries

- 7.10 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 7.11 To be 'non-commercial' a society must be established and conducted:
- for charitable purposes,
 - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
 - for any other non-commercial purpose other than that of private gain.
- 7.12 This licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
 - Submission of incomplete or incorrect returns
 - Breaches of the limits for small society lotteries
 - The eligibility of society as 'non-commercial'

8 Appendix 1 –Responsible Authorities

Licensing Authority

3 Knowsley Place, Duke Street,
Bury, BL9 0EJ

Environmental Health

3 Knowsley Place, Duke Street,
Bury, BL9 0EJ

Greater Manchester Police

Dunster Rd,
Bury BL9 0RD

HM Revenue & Customs

Excise Processing Teams, BX9 1GL

Planning

3 Knowsley Place, Duke Street,
Bury, BL9 0EJ

Gambling Commission

Victoria Square House, Victoria Square,
Birmingham, B2 4BP

The Fire Safety Manager

Greater Manchester Fire & Rescue Service
Bury Fire Station
Magdalene Road
Bury, BL9 0ES
Tel Number: 0161 253 0313
Email: P&PAdminTeamBuryOldham@manchester.gov.uk

Bury Safeguarding Children Board

18-20 St Mary's Place
Bury, BL9 0DZ
Tel Number: 0161 253 5705
Email: safeguardingteam@bury.gov.uk

Public Protection

Health & Safety, Pollution and Weights & Measures Sections

3 Knowsley Place
Duke Street
Bury, BL9 0EJ
Tel Number: 0161 253 5353
Emails:
Pollution and Health & Safety: commercial@bury.gov.uk

Weights and Measures: tradingstandards@bury.gov.uk

Public Health

3 Knowsley Place
Duke Street
Bury, BL90EJ
Email: publichealth@bury.gov.uk

Immigration

Alcohol Licensing Team

Lunar House
40 Wellesley Road
Croydon, CR9 2BY
Email: Alcohol@homeoffice.gsi.gov.uk

Neighbouring Authorities

Bolton 01204 333333
Blackburn 01254 585585
Rochdale 01706 647474
Rossendale 01706 217777
Salford Council **0161 793 2500**

9 Appendix 2 – Template for data collection

The data collection template is available as an Excel file upon request from the Licensing Unit. The screenshots below demonstrate the information to be collected.

Gambling Premises - Data Collection Template												
Licence Holder												
Licence Type												
Named Person Responsible for Safeguarding Vulnerable and Children/Young Persons												
Licence Number												
Enter Calendar Year		2021										
Please return this template to XXXX@tameside.gov.uk within 10 working days of the start of each month with the previous month's data ⁱⁱ . Please start a new template for each calendar year.												
Data Metric	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
1. Licence Interventions												
1a. The number of gambler interventions (e.g. challenging excessive gambling, advising of gambling help services etc) that are made in a calendar month. Record a short description of the cause and effect in the second template.												
1b. From the interventions in 1a, the number of interventions that changed a customer's behaviour (e.g. onward referral to support services, limited spend for that session, registered for time/money limits etc).												
2. Self Exclusions												
2a. Provide information regarding the number of self-exclusions during the month (self-exclusion scheme only, not time/fund limits).												
2b. Number cases per month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry.												
2c. Record the number of individuals per month who have chosen to return to gambling once their self-exclusion period has ended.												
3. Time/Money Limits												
3. Record the number of times money/time limits are voluntarily set on B2 gaming machines per month.												
4. Incidents on the Premises												
4a. The number of licensee mandated exclusions made in the month.												
4b. The number of mandatory exclusions needing enforcement during the month due to the individual attempting to gain entry.												
4c. Incidents of behaviour requiring police assistance during the month (including those where the police have been unable to attend).												
5. Children and Young Persons												
5a. Attempts to enter the premises or gamble by those who are underage during the month.												
5b. Attempts to enter the premises or gamble by those who are underage accompanied by an adult during the month, along with a short description of the incident and action.												
5c. Record the number of people who, having gambled, were unable to prove they were 18 (or 16 for lotteries) when challenged during the month.												

Gambling Premises - Data Collection Template

Licence Interventions

Record a short description of the cause and effect of each intervention made (e.g. challenging excessive gambling, advising of gambling help services etc).

Time & Date of Intervention (DD/MM/YY)	Reason for Intervention	Outcome of Intervention

10 Appendix 3 - Glossary

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Authority.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.

Term	Description
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives. The licensing objectives are:</p> <ul style="list-style-type: none"> • Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. • Ensuring that gambling is conducted in a fair and open way. • Protecting children and other vulnerable people from being harmed or exploited by gambling.
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.

Term	Description
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations as such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the Authority which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.

Term	Description
Track	Tracks are sites (including horse tracks and dog tracks and stadia) where races or other sporting events take place



Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	3 October 2024 – Licensing and Safety Committee 14 November 2024 – Council
Title of report:	Review of the current provision of a Second Testing Station due to the current contract expiring on 31 March 2025
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report seeks permission to carry out a procurement exercise in relation to the approved independent licenced vehicle testing station as the current contract expires on the 31 March 2025.

Options

- Retain an independent testing station and to reprocure an independent testing station for a 2-year period with the option to extend of a further 1 + 1 years.
- To relinquish the current provision of an independent testing station and bring the compliance testing of hackney carriage/private hire vehicle testing back in house.

Recommended Option

- Retain an independent testing station and to reprocure an independent testing station for a 2-year period with the option to extend of a further 1 + 1 years.

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

This paper is in the public domain.

Community impact / Contribution to the Bury 2030 Strategy

Not applicable

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

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

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
--------------------	------------

<p>Option 1: Retain an independent testing station and commence a new procurement exercise to procure a new supplier.</p> <p>Continued loss of income to the Council's testing station at Bradley Fold.</p> <p>There may be TUPE implications which will need to be considered by any potential new supplier.</p>	<p>Responds to the views of the trade in Bury and continuity of exiting processes and procedures which are well recognised within the trade response to the engagement exercise.</p> <p>Maintain or increase the number of license applications and associated income within the Licensing service.</p> <p>Supports Bury business prosperity, growth and local skilled employment opportunities and aligns to the Council's social value and the LET's principles.</p>
<p>Option 2: To relinquish the independent testing station (Sunnybank) and bring the compliance testing of hackney carriage/private hire vehicle testing back in house.</p> <p>There may be TUPE implications which will need to be considered by the Council's Operations Department.</p>	<p>Potential backlash from the hackney carriage and private hire trade if the decision was to bring the testing of hackney carriage and private hire vehicles in house to Bradley Fold with no alternative provision. This could lead to reduced applications / renewals as current legislative regime permits licences to be obtained from other licensing authorities (who may have an independent testing station offer).</p> <p>Any potential reduction in fleet numbers will lead to a loss of income to the licensing service, which may exceed current losses in relation to the provision of an independent testing station.</p> <p>All income relating to licensed vehicle testing would be retained by the Council.</p>

Consultation:

The Licensing Service have conducted a survey between the 6 September until the 22 September 2024 with the Hackney Carriage and Private Hire Trade and trade representatives. The results of the survey are contained within the report.

Legal Implications:

The Licensing Service have sought the advice of the Head of Procurement and Legal Services and have been advised that there are possible TUPE implications for the Council or any successful bidder of the procurement exercise should the decision be to reprocur an independent testing station or to relinquish the independent testing station.

Financial Implications:

The Licensing Service have sought the advice of the Council's Head of Waste Management and Transport who has advised that since the second taxi testing was implemented, transport have seen a reduction in the number of checks and the income received has also declined.

There are no specific issues from the report other than potential costs/risks associated with legal appeals.

Report Author and Contact Details:

Mr M Bridge
Licensing Office
3 Knowsley Place
Duke Street
Bury
Telephone No: 0161 253 5209
Email: m.bridge@bury.gov.uk

Background papers:

Licensing and Safety Committee Report and minutes 22 July 2021
Licensing and Safety Committee Report and minutes 16 December 2021
Operational Decision 606 – dated 20 January 2022 to Award of a concessionary contract for the provision of a second testing station, based within the borough, to undertake the testing of licensed private hire and hackney carriage vehicles from 01 April 2022 to 31 March 2023, with options to extend for two further twelve-month periods until 31 March 2025

Please include a glossary of terms, abbreviations and acronyms used in this report.

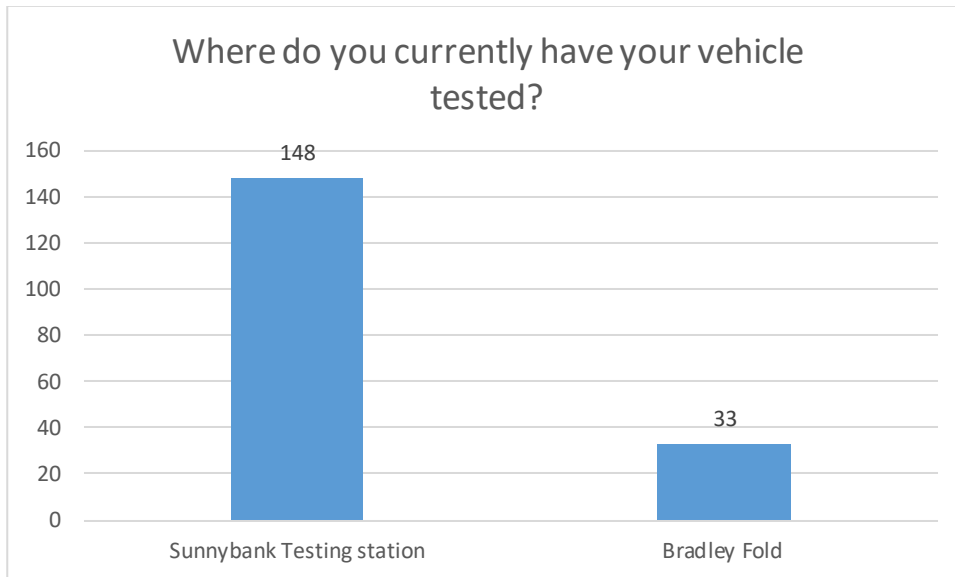
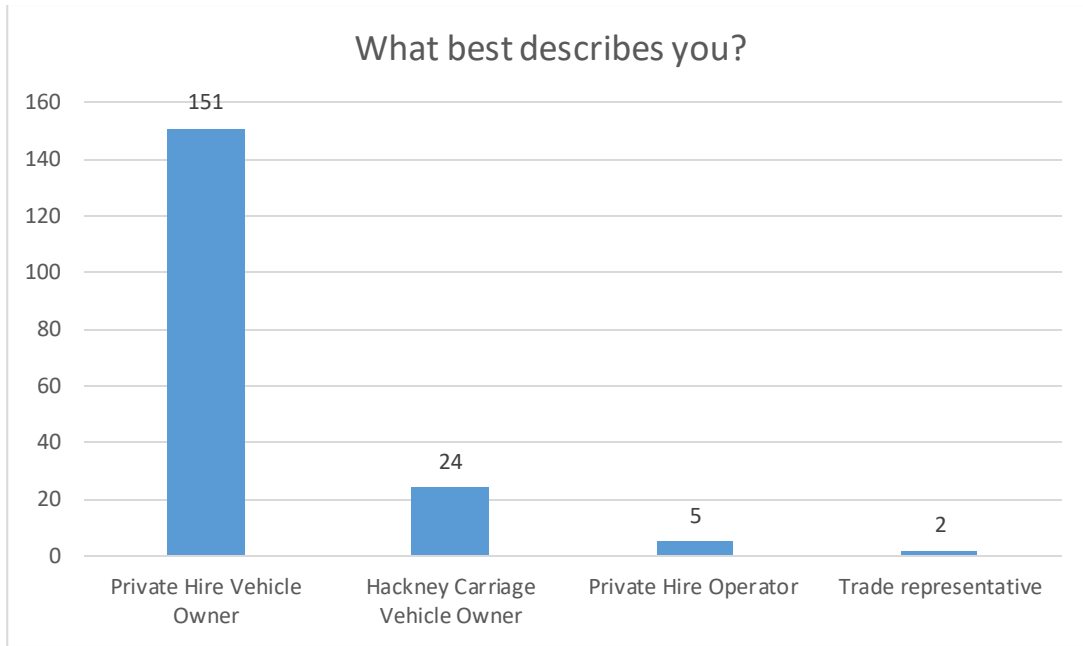
Term	Meaning
HCV	Hackney Carriage Vehicle
PHV	Private Hire Vehicle
MOT	Ministry of Transport

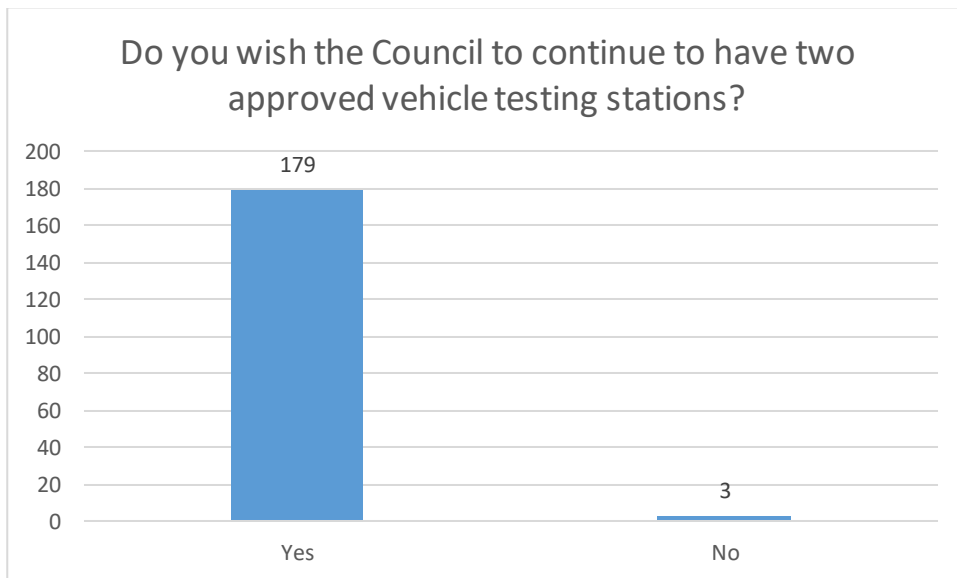
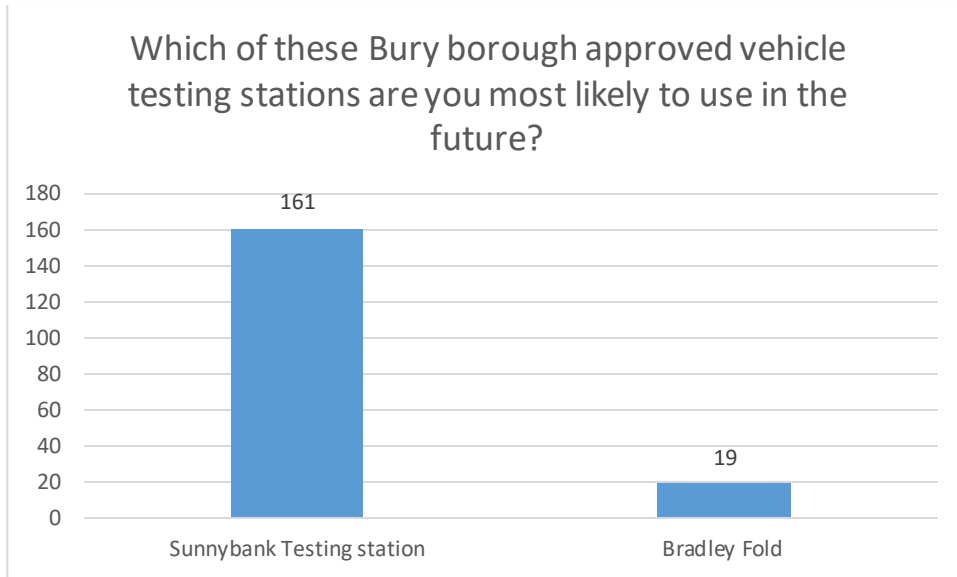
1.0 Background

- 1.1 Bury Council licensing policy requires all licensed vehicles to be tested at the Council's vehicle workshop and MOT testing station at Bradley Fold industrial estate or the approved independent testing station following the decision of the Licensing and Safety Committee.
- 1.2 The testing regime consists of a compliance check, which incorporates the safety elements of an MOT along with other checks relating to customer safety, comfort and aesthetic appearance of the vehicle including general bodywork, interior and paintwork etc. to ensure public safety is maintained in accordance with the approved vehicle testing manual.
- 1.3 Following the decision of the Licensing and Safety Committee, the Licensing Service were required to carry out an Invitation to Tender for a Concessionary Contract for the Provision of Private Hire and Hackney Carriage Vehicle (HCV/PHV) Testing in 2021.
- 1.4 The tendering process took place between the 19 November and 22 December 2021, and a contract was awarded to Sunnybank Service Station. The contract length was for the period between the 01 April 2022 to 31 March 2023 with options to extend for two further twelve-month periods until 31 March 2025. The options to extend for a further two periods were implemented. The contract is due to end on the 31 March 2025.
- 1.5 The number of tests undertaken by the Sunnybank Service Station has increased during the duration of the contract. This indicates that the hackney carriage and private hire trade select Sunnybank rather than the Council's testing station at Bradley Fold as their preferred choice.

2.0 Issues

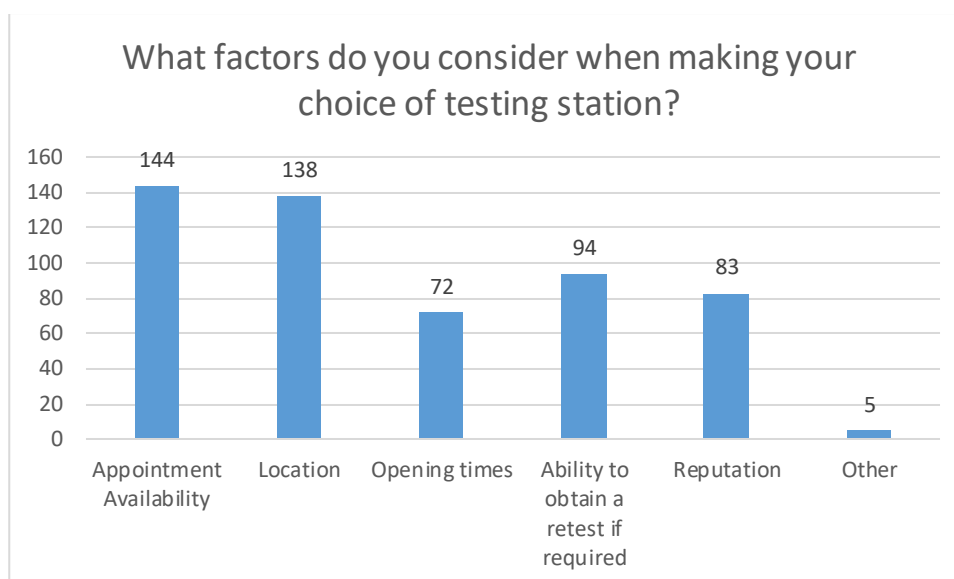
- 2.1 Due to the current contract coming to an end on the 31 March 2025, The Council must now decide on whether to continue to offer (and procure) an additional independent testing station which was highly demanded by the licensed trade or whether to bring the service back in house.
- 2.2 The Licensing Service have conducted an engagement exercise with licensed drivers of both hackney carriages and private hire vehicles, private hire operators and trade representatives which attracted 187 responses. The responses are as follows:





The responses to this question who answered Yes stated the following reasons: -

- Friendly service
- Easier for drivers
- Easy to get appointment
- Convenient
- Customer service/Good service



3.0 Impact on Income

- 3.1 Records show that since the implementation of the existing contract the Council has received a significant reduction in income within Operations Bradley Fold Testing station over the 3 years of the contract as shown below:

Year	Independent station (Test plus interim)	Bradley Fold (Test plus Interim)	Loss to Council (Test and interim test)
2022/2023	726	946	-£60,984
2023/2024	976	698	-£86,376
April 2024 to Aug 2024	422	234	-£35,448

*Please note the above figures have worked on the assumption that all vehicles have had two vehicle compliance tests.

- 3.2 When an application is submitted for a grant or renewal of a hackney carriage/private hire vehicle licence, the applicant/licence holder is required at the point of application to request which authorised testing station they would like their vehicle to undertake a vehicle compliance test. When an application is submitted the application fee is paid and the cost of two compliance tests is also paid if the vehicle proprietor wishes to have his /her vehicle tested at Bradley Fold.
- 3.3 The process when a vehicle proprietor chooses Sunnybank Service Station the applicant/licence holder would pay the application fee but would pay the cost of the vehicle compliance tests to Sunnybank Service Station. It is policy that whichever authorised testing station is chosen it is a requirement that both the grant/renewal and interim vehicle compliance test are undertaken by the same testing station.

Please note that vehicles under the age of 3 year from date of registration will only be required to have one vehicle compliance test.

The number of tests undertaken by the Sunnybank Service Station has increased during the duration of the contract. This indicates that the hackney carriage and private hire trade select Sunnybank rather than the Council's testing station at Bradley Fold as their preferred choice.

4.0 Staffing

4.1 Members need to be aware that there are potential TUPE implications should the decision be to reprocure an independent testing station or to relinquish the independent testing station. Advice on this matter has been sought from the Council's Head of Procurement and Legal Services.

5.0 Options

- Retain an independent testing station and to reprocure an independent testing station for a 2-year period with the option to extend of a further 1 + 1 years.
- To relinquish the current provision of an independent testing station and bring the compliance testing of hackney carriage/private hire vehicle testing back in house.

5.1 Recommended Option

- Retain an independent testing station and to reprocure an independent testing station for a 2-year period with the option to extend of a further 1 + 1 years.

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of the Local Government Act 1972.

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