



GENERAL PURPOSES COMMITTEE

Date: Wednesday, 5 June 2019

Time: 6.00pm

Location: Shimkent Room, Daneshill House, Danestrete

Contact: Ian Gourlay (01438) 242703

Members: Councillors: L Chester (Chair), D Bainbridge, S Barr, J Brown, M Downing, J Hanafin, L Harrington, R Henry, G Lawrence, J Lloyd, M McKay, A McGuinness, L Rossati and G Snell.

AGENDA

PART 1

1. **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

2. **ELECTION OF VICE-CHAIR**

To elect a Vice-Chair of the Committee for the remainder of the 2019/20 Municipal Year.

3. **MINUTES - 18 DECEMBER 2017**

To approve as a correct record the Minutes of the meeting of the General Purposes Committee held on 18 December 2017 for signature by the Chair.
Pages 3 – 6

4. **TERMS OF REFERENCE**

To note the Terms of Reference for the Committee, as agreed by Annual Council on 22 May 2019.
Pages 7 – 8

5. **GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES**

To consider the Council's draft Statement of Principles, as required under the Gambling Act 2005.
Pages 9 – 72

6. **URGENT PART I BUSINESS**

To consider any Part I business accepted by the Chair as urgent.

7. EXCLUSION OF PRESS AND PUBLIC

To consider the following motions –

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

8. URGENT PART II BUSINESS

To consider any Part II business accepted by the Chair as urgent.

STEVENAGE BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE MINUTES

Date: Monday 18 December 2017

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Members: L Chester (Chair), C Latif (Vice-Chair), L Harrington, J Lloyd and M Notley.

Start/End Time: Start Time: 10:00 am
End Time: 11.50 am

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors D Bainbridge, L Briscoe, H Burrell, E Connolly, A Farquharson, R Hearn, M McKay, C Saunders and G Snell.

There were no declarations of interest.

2. MINUTES - GENERAL PURPOSES COMMITTEE - 27 JUNE 2017

It was **RESOLVED** that the Minutes of the General Purposes Committee meeting of 27 June 2017 are approved as a correct record and signed by the Chair.

3. URGENT PART 1 BUSINESS

None.

4. EXCLUSION OF PUBLIC AND PRESS

It was **RESOLVED**:

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

5. REVIEW OF A DUAL (HACKNEY CARRIAGE / PRIVATE HIRE) DRIVER LICENCE - MR Z.K

The Commercial and Licensing Manager presented a report to the Committee and informed the Members that the purpose of the meeting was to consider whether the Licence Holder (Mr ZK) remained a fit and proper person to hold a Dual Driver's licence under section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 and what action, if any should result from that determination.

The Officer advised the Committee that the Licence Holder had been the subject of a report from Hertfordshire Constabulary regarding an alleged serious sexual offence. On 10th September 2017, the police visited the home of a woman who had made a report that she had been raped following a taxi ride home in the early hours of 10th September 2017.

The Licensing Officer advised Members that following an investigation by the police, Mr ZK was identified and invited to the police station where he was interviewed under caution. The police decided not to take further action against the taxi driver as the alleged victim's account was not consistent and Mr ZK's account could not be disproved.

On receipt of a police report, the licensing officers invited Mr Z.K. to the council offices to give an account of the incident with a view of assessing his fitness and propriety to hold a dual driver's licence.

The Licensing Officer referred Members to paragraph 5.1 of the report which set out the possible courses of action available to the Committee.

The Chair then invited the Applicant, Mr Z.K, to ask questions of the Licensing Officer. Mr Z.K. did not have any questions but sought to clarify that at no point was he aware that sex was on offer.

The Chair invited Mr ZK to address the Members. The Applicant started by stating that he did not take advantage of the customer and he agreed with the assessment of the police officers that the fare did not appear to be drunk. Mr ZK admitted that he had sex with the customer but that it was consensual. He pointed out that the incident happened on what was his last shift of the day and he believes at that time, she was no longer classified as a customer.

The Applicant informed the Committee that he voluntarily reported to the police station and he was neither arrested nor charged. Mr ZK stated that he has never been convicted. He maintained that he had a good reputation with customers and fellow drivers and he was always professional. Mr ZK was worried about the potential reputation damage, loss of income and restrictions on career choices should the Committee decide to revoke his licence.

Mr ZK stated that he did not believe the cases referred to in the background documents (Cherwell District Council v Anwar [2011] and Leeds City Council v Hussain [2002] were relevant to his case.

Mr ZK admitted that, in hindsight, his actions were foolish and that he would not repeat such behaviour again. The incident had embarrassed him and it had brought shame to his family.

With the Chair's permission, Mr ZK submitted to the Committee two character witness statements from regular customers, including a barrister.

The Chair then invited the Members to ask questions to the Applicant.

Following a question regarding the gravity of the allegations, the Applicant informed the Members that he believed he still met all the conditions set out in the Fit and Proper Test. He did not believe it fair for him to be judged on one incident.

In response to a question, Mr ZK confirmed that the customer had paid a fare for the ride. Mr ZK confirmed that there was a minor dispute about who was at the front of the queue. He decided to pick the female customer because he believed she was the first in the queue.

In his closing remarks, the Commercial and Licensing Manager stated that other than this incident, the Applicant had a clean record. He pointed out that contrary to Mr ZK's assertion, the Council considered him to be within the course of his duties throughout the incident. The cases that had been cited were relevant because the Fit and Proper test had been clarified and the case had been brought before the Committee because of the serious nature of the allegations.

The Applicant did not wish to make a closing statement. However, he informed the Members that he had received a letter from the police that the incident will be included on his Disclosure and Barring Service (DBS) profile. The Applicant was informed that the Committee process was not linked to DBS checks.

All parties, with the exception of the legal adviser to the Committee and the Committee Clerks, withdrew from the meeting and the Committee considered its decision.

The Licence Holder was recalled and asked to clarify how long it would take for a CCTV to be installed on the vehicle. The Applicant informed the Members that according to initial investigations, a CCTV could be fitted onto the taxi within 48 hours of being taken to a CCTV contractor.

The parties withdrew again while the Committee made a decision. Following full deliberations, the applicant, his representative and the Licensing Officers came back into the meeting to be advised of the Committee's decision.

It was **RESOLVED** that the Applicant, Mr ZK, could continue to hold a Dual Drivers Licence subject to the condition that he may only drive as a licensed taxi driver a vehicle which has been fitted with a working internal and external CCTV system with visible signage. The system should have 28 day storage facility which must be available to the Council's Licensing officers on request.

6. URGENT PART II BUSINESS

None.

CHAIR

GENERAL PURPOSES COMMITTEE – TERMS OF REFERENCE

1. Membership - 14
2. Quorum – 4
3. Terms of Reference
 - 3.1 To consider matters in accordance with the Council's policies in respect of the following:
 - the grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence, registration, certificate, consent, permit, approval or permission, except where such function falls within the terms of reference of another committee or where the matter has been delegated to officers of the Council.
 - consideration and determination of such applications for licences, registration, certificates and consents that the Head of Leisure, Community and Children's Services feels necessary, owing to the nature of the application concerned.
 - 3.2 The designation of public places where the consumption of alcohol is to be prohibited.
 - 3.3 To consider and determine certain matters where a right of appeal exists against the decision of a Members body or an officer, including:
 - Further reviews under the relevant Regulations by applicants for Housing Benefit and Council Tax Benefits.
 - Appeals in relation to housing needs assessment.

These terms of reference shall exclude the hearing and determination of:-

 - appeals by officers against dismissal or disciplinary action;
 - grievances from Officers under the final state of the grievance procedure;

which shall be dealt with either in accordance with the terms of reference for the Appeals/Grievance Panel or in accordance with the delegations to Officers.
 - 3.4 Insofar as they are not already referred to in these terms of reference, those relevant powers set out in Schedule 1 of the Local Authorities (Functions & Responsibilities) (England) Regulations as amended (See Table 2 of Part 3 of the Constitution) (subject to them being dealt with as appropriate by Officers under delegated powers).
 - 3.5 Insofar as they are not already referred to in these terms of reference, those 'local choice' functions set out at Table 3 of Part 3 of the Constitution.

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Meeting General Purposes Committee
Portfolio Area Communities, Community Safety and Equalities
Date 5 June 2019



GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES

Authors Maurice Clay | 2175
Lead Officers Chris Berry | 2954
Contact Officer Frank Harrison | 2573

1 PURPOSE

- 1.1 To consider the Council's draft Statement of Principles as required under the Gambling Act 2005.

2 RECOMMENDATIONS

- 2.1 That the General Purposes Committee agrees the proposed Stevenage Borough Council Gambling Act Statement of Principles 2019-2022 (attached at Appendix A).
- 2.2 That the General Purposes Committee recommend the Stevenage Borough Council draft Statement of Principles to the Executive for onward recommendation to Council.

3 BACKGROUND

- 3.1 The Council is the licensing authority for the purposes of the Gambling Act and consequently is under a duty to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.
- 3.2 The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives:
- 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.
- 3.3 The Act was conceived as ‘light touch’ legislation, covering a wide range of licensable activities such as adult gaming centres and betting premises.
- 3.4 The Act specifies that Local Authorities should “aim to permit” gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by setting out to prevent it altogether.
- 3.5 The Policy seeks to strike a balance between the interests of licence holders, applicants and residents in the promotion of the licensing objectives defined by the Act. Additionally, it outlines the licensing authority’s expectations of licence holders in promoting the licensing objectives, whilst advising on the licensing authority’s obligations under the Act, including its interpretation of the Act and/or Statutory Guidance where necessary. The Statement is designed to offer appropriate protection for residents and a streamlined approach to regulation that eases unnecessary burdens on businesses.
- 3.6 The current Statement was adopted by full Council in December 2015 and must now be reviewed and, where necessary, revised.

Proposed changes

- 3.7 A limited number of additions and amendments to the extant Statement of Principles were consulted upon, to reflect the update in the Guidance published by the Gambling Commission (5th Edition, September 2015).

- 3.8 The draft policy can be found at Appendix A; all significant additions or variations from the 2016-2019 policy have been highlighted in grey. There are no changes to the intent or direction in the proposed 2019-2022 policy, which sets out how the Council seeks to regulate gambling activities under its control and provide a framework for consistent decision making.
- 3.9 From April 2016, all industry operators have had to undertake local area risk assessments to explore the risks that gambling venues pose to the licensing objectives, including the protection of young and vulnerable people. The Local Area Profile, which the draft policy commits the Council to provide, will act as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments.
- 3.10 The Statement includes a new section on the Council's expectations around operators' local risk assessments. This will enable the Council to regulate local gambling more effectively by being able to hold operators to account if their assessments fall short of the Council's expectations.

Consultation

- 3.11 In preparing the Policy, the licensing authority must publish any proposed policy before giving it effect and must consult with:
- the chief officer of police for the licensing authority's area;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.
- 3.12 To comply with this requirement, the licensing authority published the draft Policy on a dedicated webpage on the Council's website with details of the consultation period and an explanation of how to make a representation. The page was available between 5th March and 30th April 2019. All organisations listed in Appendix 2 of the Policy were sent a consultation email or letter directing them to the consultation page. Just two responses were received from GamCare and Gosschalks Solicitors, the latter acting on behalf of the Association of British Bookmakers.
- 3.13 GamCare is the leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. They operate the National Gambling Helpline, provide treatment for problem gamblers and their families, create awareness about responsible gambling and treatment, and encourage an effective approach to responsible gambling within the gambling industry. The organisation provided a generic response to the consultation, emphasising their support for local area profiles and risk assessments which are included in the Policy. A copy of the Gamcare response can be seen at Appendix B.

- 3.14 GamCare also suggested that the Council should primarily consider applications from GamCare certified operators. Whilst the draft Policy promotes the importance of organisations such as GamCare and their role in promoting responsible gambling, the principles of each application being determined on its own merits remains paramount. It is not proposed therefore to include this suggestion; however GamCare certification, where present, could be included by operators within individual risk assessments and in addressing the local area profile as part of an application.
- 3.15 Gosschalks Solicitors, acting on behalf of the Association of British Bookmakers (ABB), made a number of observations. In general terms, as part of a generic response, they made no adverse comments in relation to the draft Policy; indeed they offered support for the effective use of local area profiles and risk assessments. They also referred to the national decline of betting premises, low problem gambling rates and new planning controls from April 2015 affording local authorities additional controls through the planning process. Local decision-making should focus on the promotion of the licensing objectives and these issues should not unduly influence the determination of applications.
- 3.16 Gosschalks Solicitors made a number of specific comments on behalf of ABB; their full response is included at Appendix C. While a number of their comments suggested that the draft Policy should be revised to remove references to measures they believe are not directly linked to the licensing objectives, these changes have not been made as it is considered that these measures are in fact relevant considerations. For example, proximity to cashpoints and alcohol licensed premises is relevant when considering the potential harm to people with existing gambling problems.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 Section 349 of the Gambling Act 2005 requires licensing authorities to publish a statement of licensing principles every three years in accordance with prescribed requirements. The adoption of the statement of licensing principles is a non-executive function by virtue of the Act and Statutory Guidance and is reserved for Full Council.
- 4.2 The only alternative option would be to adopt a policy that differs in content and/or extent from the document proposed here. An alternative policy has not been considered as the one proposed achieves an effective balance between ensuring the promotion of the licensing objectives and avoiding being overly prescriptive or prohibitive to applicants and licence holders.

5 IMPLICATIONS

Financial Implications

- 5.1 Local authorities have the ability to set their own local fees in connection with the Act on a cost recovery only basis, subject to centrally prescribed maximum amounts. The administration and enforcement of the Act, including the adoption of a policy, places no additional financial burden on the Council as all costs are recovered through fees.

Legal Implications

- 5.2 The Licensing Authority has a statutory duty to produce a Statement of Principles under the Gambling Act 2005. Inadequate implementation of the Act would cause considerable difficulty to businesses and residents.

Community Safety Implications

- 5.3 The Act has a community safety implication arising from the licensing objectives. There are currently no local concerns regarding the impact of gambling on community safety, and it does not appear within the Council's community safety plan.

BACKGROUND DOCUMENTS

- BD1 Gambling Act 2005
- BD2 Gambling Act 2005 (Licensing Authorities Policy Statement) (England and Wales) Regulations 2006
- BD3 Guidance for Local Authorities, 5th Edition (Gambling Commission, March 2015)
- BD4 Gambling Act 2005; Stevenage Borough Council Statement of Policy 2016-2019

APPENDICES

- A Gambling Act 2005 - draft Statement of Principles
- B Consultation response from GamCare
- C Consultation response from Gosschalks Solicitors, acting on behalf of the Association of British Bookmakers (ABB)

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Approved and adopted by Stevenage Borough Council on [date]

Gambling Act 2005

Statement of Principles 2019 - 2022



Gambling Act 2005 Statement of Principles 2019-22

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PART A – INTRODUCTION

A1. Stevenage Borough

- A1.1 Stevenage Borough Council is situated in the County of Hertfordshire, which contains ten District Councils in total. Stevenage was designated as Britain's first new town in 1946 and the Council area has a population estimated to reach 89,000 during 2019 making it the smallest in the County in terms of population. In terms of area it is also the smallest, covering approximately 20 square miles and is surrounded by the districts of North Hertfordshire and East Hertfordshire. A map of the Council area is attached as appendix 1.
- A1.2 Set in the attractive countryside of north Hertfordshire, Stevenage is an urban authority, enjoying the amenities of a well-planned new town together with a history dating back to Roman times. The town is divided into distinct land use areas, the town centre, Old Town and railway station are the core of the town. They are surrounded by individual residential neighbourhoods containing around 38,000 homes. Local neighbourhood centres provide shops and community facilities for residents. There are two main employment areas, one to the west of the town centre at Gunnels Wood and one to the north-east at Pin Green.
- A1.3 There are a range of leisure facilities, retail parks and supermarkets. Open spaces and play areas are well spread throughout the town. Wide roads and a cycle and pedestrian network link all parts of the town. Stevenage's railway station is on the East Coast Main Line. There are long distance rail links between London and the north. Commuter services connect the town to Kings Cross, Cambridge and Peterborough as well as nearby towns including Hitchin, Letchworth and Welwyn Garden City. The town is connected to Junctions 7 and 8 of the A1(M) which links London, the midlands and the north. The A602 connects Stevenage to Hitchin and Ware while the nearby A505 provides connections between Luton Airport and Cambridgeshire. The urban road network of Stevenage comprises three main north-south routes and four main east-west routes.
- A1.4 Life expectancy is lower than the Hertfordshire average. There are higher than average levels of smoking, obesity, physical inactivity and premature deaths from heart disease and cancer. Stevenage residents have fewer qualifications than the Hertfordshire average. Less than one in every four Stevenage residents is qualified to NVQ Level 4 or above; this compares to one in three across the rest of Hertfordshire. Many pupils leave school at 16 and there are low levels of progression into higher education or higher earning jobs.
- A1.5 Licensing authorities are required by the Gambling Act 2005 (the Act) to publish a statement of the principles that they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.
- A1.6 Stevenage Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided in appendix 2. Our consultation took place between 5th March and 30th April 2019 and was carried out in accordance the Cabinet Office guidance on consultation principles (published March 2018) which is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

Two comments were received during the consultation period.

A1.7 *The policy, following consultation, went to Executive Committee on date C and then to Full Council on date D, at which date it received approval. This version will be published by date E, and will take effect from date F.*

A1.8 Should you have any comments as regards this policy statement please send them by e-mail or letter to the following contact:

Name: Licensing Team
Address: Stevenage Borough Council,
Daneshill House,
Danestrete,
Stevenage, SG1 1HN

email: licensing@stevenage.gov.uk

A1.9 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

A2. The Licensing Objectives

A2.1 In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

A2.2 It should be noted that the Gambling Commission (“the Commission”) has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

A2.3 This licensing authority is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority’s statement of principles

A3. Declaration

A3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Act, the guidance issued by the Commission (5th edition March 2015), and any responses from those consulted on the statement.

A4. Responsible Authorities

A4.1 Child Protection

A4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

A4.2 In accordance with the Commission's Guidance for local authorities, this authority designates the Hertfordshire Safeguarding Children Board for this purpose.

A4.3 Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally take into account representations that are deemed to be irrelevant, such as:

- There are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- The premises are likely to be a fire risk (because public safety is not a licensing objective)
- The location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- The premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. It should be noted that, unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws).

A4.4 The contact details of all the Responsible Authorities under the Act for applications in respect of premises within the Borough of Stevenage are included as appendix 3. This information is also available via the Council's website at: www.stevenage.gov.uk.

A5. Interested parties

A5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:

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

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

A5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are: Each case will be decided upon its own merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Commission’s Guidance for local authorities at 8.11 to 8.17. It will also consider the Commission’s Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

A5.3 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represent the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

A5.4 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing team by e-mail at licensing@stevenage.gov.uk or 01438 242242.

A5.5 In the absence of any regulations to the contrary, representations should ideally:

- be made in writing (letter, fax or e-mail);
- be in black ink on single sides of A4 paper;
- indicate the name and address of the person or organisation making the representation;
- indicate the premises to which the representation relates;
- Indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this;

- Clearly set out the reasons for making the representation, and which objective it refers to.

A6. Exchange of Information

A6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act. Those persons or bodies are listed in Schedule 6(1) as:

- a constable or police force
- an enforcement officer
- a licensing authority
- HMRC
- the First Tier Tribunal
- the Secretary of State.

A6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 or General Data Protection Regulation will not be contravened. The licensing authority will also have regard to any Guidance issued by the Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

A6.3 Details of applications and representations which are referred to a Licensing Committee for determination will be published in reports that are made publicly available. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so and is satisfied that it is appropriate to do so.

A6.4 The authority will ensure that the information on the returns is accurate and sent to the Commission within agreed timescales.

A6.5 We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to information governance, which will be considered when deciding what information to share and the process for doing so.

A6.6 Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or Subject Access Request.

A7. Enforcement

A7.1 Licensing authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

A7.2 This licensing authority's principles are that it will be guided by the Gambling Act 2005 Statement of Principles: Draft for consultation

Commission's Guidance for local authorities, and will endeavour to be;

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

A7.3 In accordance with the Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

A7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Commission, in particular at Part 36
- The council's local area profile
- The principles set out in this statement of licensing policy

A7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Act. When undertaking test purchasing activities, the licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

A7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions that it authorises. The Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines or concerns about online or remote gambling will not be dealt with by the licensing authority but will be notified to the Commission.

A7.7 This licensing authority will also keep itself informed of developments as regards the work of the Office for Product Safety and Standards in its consideration of the regulatory functions of local authorities, in particular, with regard to the Regulators' Code (April 2014) which provides a regulatory framework that supports compliance and growth while enabling resources to be focused where they are most needed. We will make available our enforcement and compliance protocols and written agreements upon request.

A7.8 Bearing in mind the principle of transparency, the Council has adopted an Enforcement Policy which sets out the Council's approach to securing compliance with regulatory requirements and applies to all our regulatory functions, including gambling. The Policy is available on the Council's website.

A8. Licensing Authority functions

A8.1 The Licensing Authority has delegated some of its functions to the Licensing Committee and to officers. An explanation of these arrangements is shown in appendix 6.

A8.2 Licensing Authorities are required under the Act to:

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

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

PART B – PROMOTION OF THE LICENSING OBJECTIVES

B1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

B1.1 The Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The licensing authority will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance, codes of practice and this policy statement.

B1.2 The licensing authority will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.

B1.3 Examples of the specific steps the licensing authority may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

B2. Ensuring that gambling is conducted in a fair and open way

B2.1 The Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.

B2.2 The licensing authority will notify the Commission of any concerns about misleading advertising, the absence of required game rules, or any other matters as set out in the Commission's Licence Conditions and Code of Practice.

B2.3 Examples of the specific steps the licensing authority may take to address this area can be found in the section covering specific premises in Part C, and in relation to permits and notices in Part D of this statement.

B3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

B3.1 Protection of Children: Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

B3.2 Section 45 of the Act provides the definition for child and young person:

Meaning of "child" and "young person"

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

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

B3.3 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
- clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

B3.4 The licensing authority will have regard to any code of practice which the Commission issues as regards this licensing objective in relation to specific premises.

B3.5 The licensing authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

B3.6 Where gambling premises are located in sensitive areas where young and/or vulnerable persons may be present, for example near schools, this licensing authority will consider imposing restrictions on advertising the gambling facilities on such premises where it is considered relevant and reasonably consistent with the Licensing Objectives.

B3.7 Protection of vulnerable people: It is difficult to define the term “vulnerable person”. The Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people: “who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”

B3.8 The Commission’s Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- combating problem gambling
- access to gambling by children and young persons
- information on how to gamble responsibly and help for problem gamblers
- customer interaction
- self-exclusion
- employment of children and young persons

- B3.9 The licensing authority may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:
- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
 - training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
 - self-exclusion schemes
 - operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
 - posters and leaflets with GamCare Helpline and website displayed in prominent locations
 - external advertising to be positioned or designed not to entice passers-by.
- B3.10 It is a requirement of the Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.
- B3.11 The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

PART C – PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

C1. General Principles

C1.1 The Act contains three licensing objectives. In this revision of its Statement of Policy, the Licensing Authority seeks to assist applicants by setting out the considerations we will apply when determining applications under the Act.

C1.2 The Council will issue premises licences to allow premises to be used for certain types of gambling. These are:

a) casino premises,

b) bingo premises,

c) betting premises including tracks and premises used by betting intermediaries,

d) adult gaming centre premises, or

e) family entertainment centre premises.

C1.3 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions, which the Secretary of State has detailed in regulations. The Council will exclude default conditions and attach others, where were considered appropriate due to evidence of a risk to the licensing objectives. Paragraph C9.1 below clarifies the position with respect to mandatory and default conditions.

C1.4 The Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

C2. Decision making

C2.1 When making decisions about premises licences the Council is under a statutory duty by virtue of s.153 of the Act to aim to permit the use of premises for gambling in so far it is considered to be:

- in accordance with any relevant code of practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with our Statement.

C2.2 The licensing authority will not accept moral objections to gambling as a valid reason to reject applications for premises licences (except with regard to any 'no casino resolution' - see section on Casinos). Issues of nuisance, planning permission and building regulation are not issues that can be taken into account when considering an application for a premises licence.

- C2.3 The licensing authority will not consider whether there is demand for gambling as valid criteria when deciding whether to grant or reject applications for premises licences. Each application must be considered on its merits without regard for demand, reflecting the statutory 'aim to permit' principle outlined above.
- C2.4 However, the authority will consider the location of a premises so far as it relates to the licensing objectives and whether there is need for condition(s) to mitigate risks in respect of gambling in a particular location.
- C2.5 The Council's Scheme of Delegation is reproduced at Appendix 6. The General Purposes Committee has been established to deal with licensing issues and the determination of applications in certain cases, i.e. those where representations have been made or where premises licences require review. Uncontentious applications (i.e. those where no representations have been made) will be delegated to officers.
- C2.6 Where representations are received the Council will consider whether they are vexatious, frivolous or if they would influence the Council's determination of the application.

C3. Definition of "premises"

- C3.1 Premises are defined in the Act as "any place". Section 152 therefore prevents more than one premises licence applying to any place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the authority will pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- C3.2 The Commission states in its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit. The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence - with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises."

C3.3 The licensing authority takes particular note of the Commission's Guidance, which states that licensing authorities should pay attention in considering applications for multiple licences for a building, and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular this Authority is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Additionally, the third licensing objective seeks to protect children from being harmed by gambling. In practice, this means not only preventing children from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, licence holders should configure premises so that they do not invite children to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

C3.4 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

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

C3.5 Clearly, there will be specific issues that the Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would be prohibited under the Act.

C3.6 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

C3.7 The Commission's relevant access provisions for each premises type are reproduced below:

C3.7.1 **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

C3.7.2 **Adult Gaming Centre**

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

licensed gambling premises

C3.7.3 Betting Shops

- Access must be from a street (as per Para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

C3.7.4 Tracks

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

C3.7.5 Bingo Premises

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

C3.7.6 Family Entertainment Centre

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

C3.8 Part 7 of the Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

C4. Premises "ready for gambling"

C4.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied 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.

C4.2 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.

C4.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

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

C4.4 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.

C4.5 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58-7.65 of the Guidance.

C5. Location

C5.1 The Council will not consider demand issues with regard to the location of premises but will consider the potential impact of the location on the licensing objectives in its decision-making. In line with the Commission's Guidance to Licensing Authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

C5.2 With regards to these licensing objectives it is the Council's policy, upon receipt of any relevant representation to look at specific location issues which include:

- the possible impact that a gambling premises may have on any sensitive premises that provide services to children, young people or vulnerable people; e.g. a school or vulnerable adult centre;
- the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;
- the nature and size of the gambling activities taking place;
- any levels of crime in the area.

C5.3 A local area profile will be produced by the authority and published on its website. This will highlight areas, if any, within the District which the licensing authority, in consultation with the responsible authorities and other partner agencies (in particular, the Public Health unit of Hertfordshire County Council), considers to present higher than normal risks for the location of a gambling premises. This may be due to large levels of vulnerable persons living in a particular locality, the proximity of a school, youth centre or medical facility, a high level of deprivation, or other factors which the authority believes should be taken into consideration.

C5.4 We expect operators, both when applying for new premises licences and when reviewing their existing premises, to take account of our local area profile within their own local risk assessments (described below), and to implement suitable and sufficient measures to mitigate any risks identified which may arise as a result of the opening or continuation of trade at those premises.

C5.5 We will use the local area profile in assessing premises licence applications and the risk assessments supplied by the applicant or existing licence holders.

C5.6 The Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives before the location can be considered as inappropriate for a licenced premises. It is a requirement of the LCCP, under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

- C5.7 The LCCP say that licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstances, including those identified in this policy statement;
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - when applying for a variation of a premises licence; and
 - in any case, undertake a local risk assessment when applying for a new premises licence.
- C5.8 This authority will expect the local risk assessment to consider as a minimum:
- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
 - the demographics of the area in relation to vulnerable groups;
 - whether the premises is in an area subject to high levels of crime and/or disorder.
- C5.9 Local risk assessments should show how all vulnerable people, including people with gambling dependencies are protected.
- C5.10 This authority would also strongly recommend that the following matters are considered by operators when making their risk assessment, and they have taken action, in the form of conditions, where the operators have not demonstrated that they are sufficiently mitigating the risks. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration:
- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
 - Gaming trends that may reflect benefit payments;
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
 - Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
 - Assessing staffing levels when a local college or similar establishment closes for the day, and the students begin to vacate the grounds;
 - Proximity of machines to the entrance door ;
 - Age verification policies including 'Think 21' and 'Think 25';
 - Consideration of line of sight from the counter to gambling machines;
 - Larger operators (e.g. William Hill, Coral, Ladbrokes, Betfred, and Paddy Power) are responsible for conducting/taking part in underage testing, the results of which are shared with the Gambling Commission. However, operators are urged to also make the results available to licensing authorities. Where the licensing authority receives intelligence in relation to failed 'Think 21' or similar test purchases, the licensing authority would encourage the consideration of additional tasking over the standard once a year visits as a means of assessing risk;
 - Providing the licensing authority with details when a child or young person repeatedly attempts to gamble on their premises. This may provide the Licensing Authority with an opportunity to consider safeguarding concerns.
 - Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
 - Known problems in the area, street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

- C5.11 The authority would expect a risk assessment to be tailored to each premises and not solely based on a 'standard' template. The Council would also expect that each assessment is completed by a suitably competent person.
- C5.12 It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The Commission has not produced any guidance on the competencies of assessors, however the Council would expect the assessor to understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area. The assessor should also be suitably experienced in assessing gambling related risk and identification of appropriate controls.
- C5.13 The authority expects that local risk assessments are kept on the individual premises and are available for inspection.
- C5.14 It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.
- C5.15 This authority expects that local risk assessments and any supplementary information, such as plans, local statistical data, etc., would be presented to this authority as part of any application for a new or variation of a licence.

C6. Planning

- C6.1 The Commission's Guidance to Licensing Authorities states:
(Para. 7.56) – "In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal".
- C6.2 This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:
(Para. 7.63) – "When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building".

C7. Duplication with other regulatory regimes

- C7.1 This licensing authority seeks to avoid any duplication with other statutory or regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise
- C7.2 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

C8. Licensing objectives

- C8.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Commission's Guidance and have set out our policy in Part B.

C9. Conditions

- C9.1 The Secretary of State has set mandatory and default conditions and the Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.
- C9.2 If the licensing authority is minded to impose conditions because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.
- C9.3 Any conditions attached to licences will be proportionate and will be:
- Relevant to the need to make the proposed building suitable as a gambling facility;
 - Directly related to the premises and the type of licence applied for;
 - Fairly and reasonably related to the scale and type of premises; and
 - Reasonable in all other respects.
- C9.4 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the

licensing objectives can be met effectively.

C9.5 This licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's Guidance.

C9.6 This authority will also consider whether additional safeguards are necessary in premises where category C or above machines are on offer and children are admitted. Each premise will be considered individually and additional safeguards may include:

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

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

C9.7 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

C9.8 It is noted that there are conditions that the licensing authority cannot attach to premises licences, which are:

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

C10. Door Supervisors

- C10.1 The Commission advises in its Guidance for licensing authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require entrances to the premises are controlled by door supervisors in order to protect of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. The licensing authority is entitled, under those circumstances, to impose a premises licence condition to this effect.
- C10.2 Where operators and licensing authorities decide that supervision of entrances/machines is appropriate for particular cases it will need to be decided whether these supervisors need to be SIA licensed or not. It will not be automatically assumed that they need to be, as the statutory requirements for different types of premises vary (as per Guidance, Part 33)

C11 Adult Gaming Centres

- C11.1 An Adult Gaming Centre (AGC) is one of three types of amusement arcade. This type of arcade can provide higher pay-out gaming machines (Category B3 and B4) and access is restricted to persons who are aged 18 years or over.
- C11.2 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.
- C11.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

C12. Licensed Family Entertainment Centres

- C12.1 A Licensed family entertainment centre (LFEC) is the second type of amusement arcade. This type of arcade can provide the lowest two categories of gaming machine (category C and D). Children can enter an LFEC but they can only gamble on category D machines. All category C machines must be located in a separate area, which can only be accessed by persons who are aged 18 years or over.

C12.2 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, 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.

C12.3 This licensing authority may consider measures to meet the licensing objectives such as:

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

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

C12.4 This licensing authority will, as per the 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.

C13. Casinos

C13.1 The Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. 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. Large and small casinos can also provide betting machines.

C13.2 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.

C14. Bingo premises

C14.1 A Bingo Hall is a place in which Bingo is played. There is no legal definition of Bingo but it is a game in which players mark off numbers on cards as the numbers are drawn randomly by the caller, the winner being the first person to mark off all the numbers on their card.

C14.2 The Commission's Guidance states at paragraph 18.5: "Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence." This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

C14.3 This authority notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

C14.4 The authority also notes the Guidance at paragraph 18.7 that 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.

C15. Betting premises

C15.1 The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at racecourses as well as the general betting premises licences that track operators will require.

C15.2 With regard to betting machines, Section 181 of the Act states:
"A condition of a betting premises licence may relate to –
a) the number of machines used on the premises for the purpose of making or accepting bets;
b) the nature of those machines;
c) the circumstances in which those machines are made available for use."

C15.3 When considering whether to impose a condition on a licence the council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

C15.4 Where certain measures are not already addressed by the mandatory and default conditions and the Commission's Codes of Practice or by the applicant, the council may consider licence conditions to address such issues.

C16. Gaming machines in gambling premises

C16.1 The Social responsibility code provisions 9.1.1 and 9.1.2 deal with the provision of gaming machines in betting and bingo premises respectively.

C16.2 Both provisions state that:
Gaming machines may be made available for use on licensed betting/bingo premises only where there are also substantive facilities for non-remote betting/bingo, provided in reliance on this licence, available at the premises.

C16.3 In both cases the provisions require:

- facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times; and
- the license must ensure that the function along with the internal and/or external presentation of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purpose of providing betting/bingo facilities.

C17. Tracks

C17.1 There are no, or very few, opportunities for betting at tracks within the Borough. Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.

C17.2 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

C17.3 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

C17.4 This licensing authority may consider measures to meet the licensing objectives such as:

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

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

C17.5 Gaming machines - Where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

- C17.6 Betting machines - This licensing authority will, as per Part 6 of the Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- C17.7 Applications and plans - The Act 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 judgment about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.
- C17.8 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.
- C17.9 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.
- C17.10 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.
- C17.11 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of betting facilities is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

C18. Travelling Fairs

- C18.1 It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- C18.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- C18.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to

ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

C19. Provisional Statements

C19.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

C19.2 Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

C19.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

C19.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

C19.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

C19.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with

the applicant before making a decision.

C20. Reviews

C20.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

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

C20.2 The licensing authority will consider whether the request is frivolous, vexatious, or whether it will cause it to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

C20.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence based on any reason, which is considered appropriate.

C20.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, which will publish notice of the application within 7 days of receipt.

C20.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

C20.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- add, remove or amend a licence condition imposed by the licensing authority;
- exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

C20.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

C20.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a

speculative manner without intending to use them.

C20.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

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PART D – PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

D1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- D1.1 An unlicensed family entertainment centre (FEC) is the third type of amusement arcade. The category of machine in this type of arcade is restricted to the lowest category D and children can enter and gamble.
- D1.2 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).
- D1.3 The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.8)
- D1.4 Guidance further states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - That staff are trained to have a full understanding of the maximum stakes and prizes. (24.9)

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

D2. Statement of Principles – Permits on unlicensed FECs

- D2.1 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
- Appropriate measures/training for staff as regards suspected truant school children on the premises;
 - Measures/training covering how staff would deal with unsupervised very young

children being on the premises;

- Measures/training covering how staff would deal with children causing perceived problems on/around the premises.
- Demonstrate an awareness of local school holiday times and how to contact the local education office should truants be identified.

D2.2 This licensing authority will also expect, as per Commission Guidance, that applicants:

- Demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- Have no relevant convictions (those that are set out in Schedule 7 of the Act), and in addition that any management and staff who will be working at the unlicensed FEC have no relevant convictions; and
- Have staff that are trained to have a full understanding of the maximum stakes and prizes.

D2.3 Compliance with any relevant industry Code of Practice for FECs issued by BACTA or other trade associations may be taken by the licensing authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.

D2.4 Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines.

D2.5 The licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

D3. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

D3.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

D3.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has

been complied with);

- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

D3.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon: the licensing objectives; any guidance issued by the Commission issued under Section 25 of the Act, and any “such matters” considered relevant.

D3.4 This licensing authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling. Stevenage Borough Council will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under-18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

D3.5 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

D3.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions other than these cannot be attached.

D3.7 Notifications and applications for any number of machines will be dealt with by licensing authority officers.

D3.8 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

D4. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

D4.1 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

D4.2 This authority has not prepared a statement of principles. Should it decide to do so, details will be included in a revised version of the Statement.

D4.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Commission guidance.

D4.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

D5. Club Gaming and Club Machine Permits

D5.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

D5.2 This licensing authority acknowledges the following guidance from the Commission:

"The Act states that members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and whist). Members' club must be permanent in nature, but there is no need for a club to have an alcohol licence." Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

D5.3 The Guidance goes on to state that "licensing authorities may only refuse an application on the grounds that:

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

e) An objection has been lodged by the Commission or the police.”

D5.4 There is also a ‘fast-track’ procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Commission’s Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

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

D5.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

D6. Temporary Use Notices

D6.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Commission, would include hotels, conference centres and sporting venues.

D6.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

D6.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

D6.4 There are a number of statutory limits as regards temporary use notices. Discussion of the meaning of "premises" can be found in Part 7 of the Commission’s Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. The Act defines "premises" as including "any place".

D6.5 In considering whether a place falls within the definition of "a set of premises", the Council will look at, amongst other things, the ownership/occupation and control of the premises.

D6.6 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Commission's Guidance to Licensing Authorities.

D7. Occasional Use Notices

D7.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

D8. Small Society Lotteries

D8.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

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

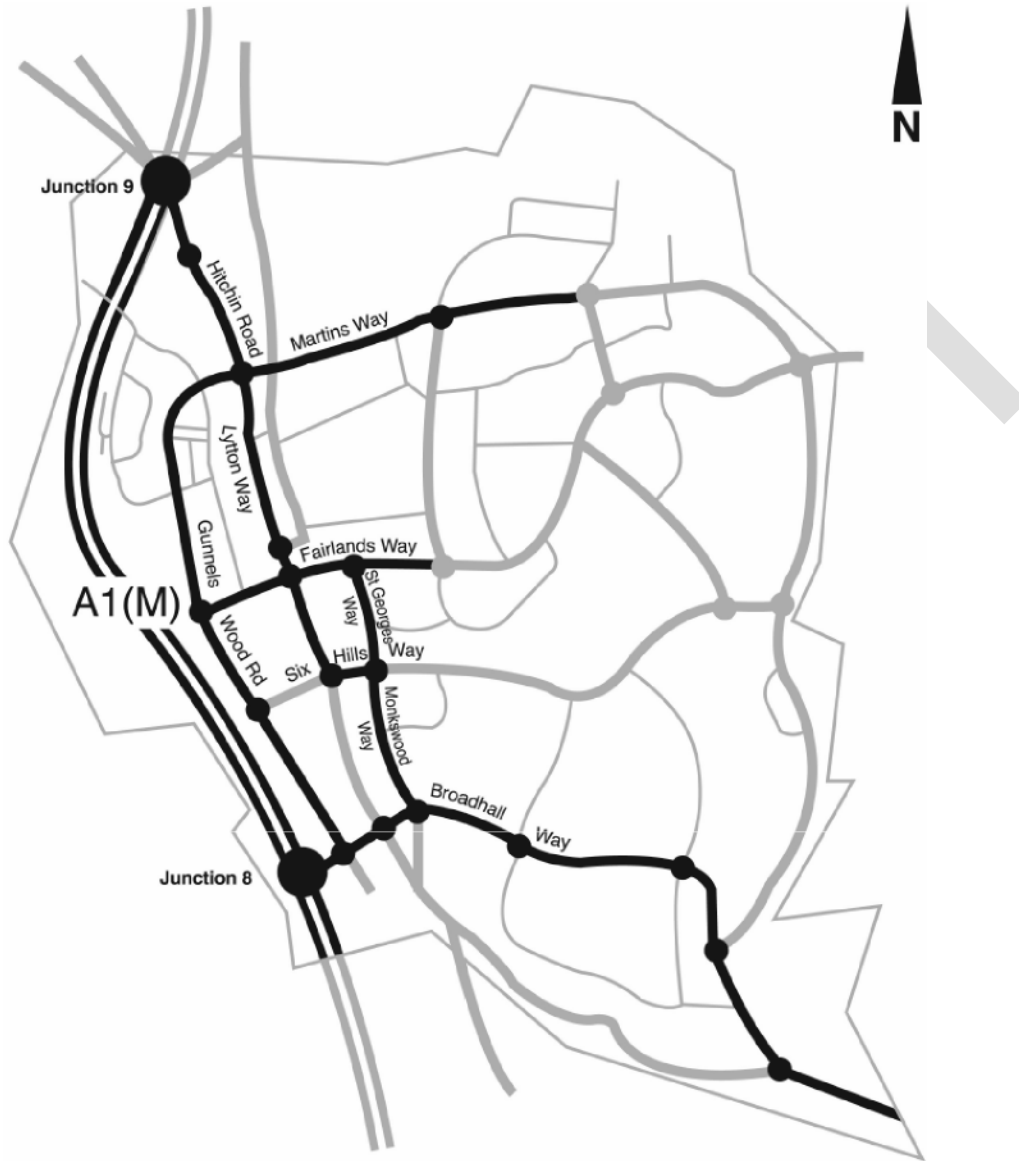
D8.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

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

D8.3 Charities and community groups should contact this licensing authority on **01438 242724** to seek further advice.

APPENDICES

Appendix 1 – Map of Stevenage Borough Council area



Appendix 2 – Consultees

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

- 1) The Chief Officer of Police.

The authority has therefore consulted:

- a) Hertfordshire Constabulary
- 2) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

- a) British Amusement Catering Trade Association
- b) British Casino Association
- c) British Association of Leisure Parks, Piers and Attractions Ltd
- d) Business in Sport and Leisure
- e) British Beer and Pub Association
- f) Association of British Bookmakers
- g) The Bingo Association
- h) National Casino Forum
- i) Ladbrokes Coral Group
- j) Mecca Bingo Ltd
- k) William Hill Organisation Ltd
- l) Paddy Power Betfair
- m) Betfred
- n) Admiral Casino
- o) Future Machines Ltd

- 3) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005. The authority has therefore consulted:

- a) Gambling Commission
- b) Licensing Authority
- c) Planning and Development, Stevenage Borough Council
- d) Hertfordshire Fire and Rescue Service
- e) Environmental Health
- f) HM Revenues and Customs
- g) Local Safeguarding Children Board
- h) Community Safety/Development Stevenage Borough Council
- i) Stevenage Town Centre Manager
- j) Stevenage Community Safety Partnership
- k) Clubs with club premises certificates under the Licensing Act 2003
- l) Premises with licences permitting the sale of alcohol on the premises under the Licensing Act 2003
- m) Stevenage PubWatch
- n) Existing Gambling Permit holders

- o) Residents and local media
- p) East and North Herts NHS Trust
- q) North Herts Council for Voluntary Services
- r) Stevenage Citizen's Advice Bureau
- s) Stevenage Community Trust
- t) North Hertfordshire College
- u) Hertfordshire Chamber of Commerce
- v) GamCare

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Appendix 3 – Responsible Authorities

Responsible Authority	Contact Details
Gambling Commission	Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Fax: 0121 233 1096 www.gamblingcommission.gov.uk
Licensing Authority	Licensing Team Stevenage Borough Council Daneshill House Danestrete Stevenage Herts. SG1 1HN Tel: 01438 242259 Fax: 01438 242142 www.stevenage.gov.uk licensing@stevenage.gov.uk
Hertfordshire Constabulary	Licensing Team Stevenage Police Station Lytton Way Stevenage HertsSG1 1HF Tel: 01438 757367 Fax: 01438 757373 LicensingEasternArea@herts.pnn.police.uk
Hertfordshire Fire and Rescue Service	District Fire Safety Manager Community Fire Safety Dept Longfields Hitchin Road Stevenage Herts. SG1 4AE Tel: 01438 847352 licensingactnorth.fire@hertscc.gov.uk
Planning	Development Control Manager Stevenage Borough Council Daneshill House Danestrete Stevenage Herts. SG1 1HN Tel: 01438 242838 plan.devcon@stevenage.gov.uk
Environmental Health	Environmental Health Manager Stevenage Borough Council Daneshill House Danestrete Stevenage Herts. SG1 1HN Tel: 01438 242908 envhealth@stevenage.gov.uk

Safeguarding Children Board	Angela Hickin, Safeguarding Manager Tel: 01992 588285 Hertfordshire Safeguarding Children Board Room 173, County Hall Pegs Lane Hertford SG13 8DF
Customs & Excise	HM Revenue & Customs Tel: 0161 827 0333 Excise and Stamp Taxes Gambling Duties Team 4W Ralli Quays Stanley Street Salford M60 9LA www.hmrc.gov.uk

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Appendix 4 – Categories of gaming machine

Summary of current gaming machine categories as updated January 2014

CATEGORY	MAXIMUM STAKE	MAXIMUM PRIZE
A	Unlimited	Unlimited
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£21	£500
B4	£2	£400
C	£1	£100
D	30p non monetary prize (other than a crane grab Machine or coin pusher or penny falls machine)	£8
D	£1 non monetary prize (crane grab machine)	£50
D	10p (money prize other than a coin pusher or penny falls machine)	£5
D	10p (combined money and non-money prize other than a coin pusher or penny falls machine)	£8 (of which no more than £5 may be a money prize)
D	10p (combined money and non – money prize coin pusher or penny falls machine)	£20 (of which no more than £10 may be a money prize)

* with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo premises		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**			No limit on category C or D machines		
Adult gaming centre		Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**			No limit on category C or D machines		
Family entertainment centre (with premises licence)					No limit on category C or D machines		
Family entertainment centre (with permit)					No limit on category D machines		
Clubs or miners' welfare institute (with permits)		Maximum of 3 machines in categories B3A or B4 to D*					
Qualifying alcohol-licensed premises		1 or 2 machines of category C or D automatic upon notification					
Qualifying alcohol-licensed premises (with gaming machine permit)	Number of category C-D machines as specified on permit						

Travelling fair						No limit on category D machines
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* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only [not B3A machines].

DRAFT

Appendix 5 – Delegations

The licensing authority will delegate its functions under the Gambling Act 2005 as follows:

Matter to be dealt with	Full Council	Licensing Committee	Officers
Final Approval of 3 year Gambling Statement of Principles	X		
Policy not to permit Casinos	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Application for permits in alcohol licensed premises (for any number of machines)			X
Cancellation of licensed premises gaming machine permits			X

Matter to be dealt with	Full Council	Licensing Committee	Officers
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice			X
Determination as to whether a representation is relevant.			X
Fee Setting (within bands)			X
Small society lottery registration			X

Appendix 6 – Glossary of Terms

Term	Definition
Act	Gambling Act 2005
Adult Gaming Centres	Commercial premises offering a variety of games and gaming machines. Category B, C and D gaming machines available.
Betting Premises	Currently known as a betting office
Bingo Premises	A commercial club which promotes equal chance gaming in the form of cash or prize bingo.
Casino	A commercial gaming club whereby people are given an opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming.
Club gaming permits	Members club (not commercial clubs) permits which authorise the establishment to provide gaming machines, equal chance gaming and games of chance.
Code of Practice	Any code of practice under section 24 of the Gambling Act 2005
Default condition	A specified condition provided by regulations to be attached to a licence, unless excluded by Stevenage Borough Council
Family entertainment centres (FEC)	A centre with a variety of rides and games including amusement machines and skills games. Licensed FECs provide category C and D machines. Unlicensed FECs provide category D machines only, and are regulated through FEC gaming machine permits.
Gaming Machine	A game of chance machine which requires coins or tokens to be activated
Interested Party	Defined by the Act as a person who: <ul style="list-style-type: none"> 1) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; 2) Has business interests that might be affected by the authorised activities; 3) Represents persons who satisfy a) or b) above
Licensing Authority	Stevenage Borough Council
Licensing Committee	This term shall include any duly constituted Licensing Sub-Committee.
Licensing objectives	There are 3 licensing objectives defined in the Gambling Act as: <ul style="list-style-type: none"> 1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. 2) Ensuring that gambling is conducted in a fair and open way 3) Protecting children and other vulnerable persons from being harmed or exploited by gambling
Mandatory Condition	A specified condition provided by regulations to be attached to the license

Premises	Any place
Prize gaming permits	A permit issued to authorise the provision of facilities for gaming with prizes
Regulations	Regulations made under the Gambling Act 2005
Responsible Authority	Defined by the Act as: 1) Licensing Authority 2) Gambling Commission 3) Police 4) Fire Service 5) Planning 6) Environmental Health 7) Child Protection Committee 8) HM Revenue and Customs
Small Society Lottery	A lottery promoted on behalf of a non-commercial society that is registered by the licensing Authority
Temporary Use Notices	These allow use of a premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling
Tracks	Tracks are sites that include horse racecourses and dog tracks
Travelling Fair	A fair consisting wholly or principally of the provision of amusements, provided by people who travel from place to place providing fairs AND in a place which has been used for no more than 27 days in that calendar year
Vulnerable persons	This group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

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CONSULTATION RESPONSE FROM GAMCARE

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

If there is anything else we can assist with please do let us know.

Kind regards,

Head of Marketing and Communications
GamCAre



BY EMAIL ONLY
Licensing Section
Stevenage Borough Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 097505.00005
#GS2470900
Your ref:
Date: 14 March 2019

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, GVC (Ladbrokes Coral), and Paddy Power Betfair, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital. For the vast majority, betting is an enjoyable leisure activity which generates income, employment and tax revenue for the economy.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take with regard to the requirements for local area risk assessments. It is important, however, that the gambling policy statement maintains the "aim to permit" structure and does not import additional requirements from other licensing regimes such as Licensing Act 2003 for example by requiring operators to suggest premises licence conditions or to impose requirements beyond those required by statute or the LCCP simply because it may be felt to be desirable or to address a perceived need.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of September 2018) was 8406. This is reducing every year and has fallen from a figure of 9137 in March 2014. This decline is expected to continue. Ladbrokes Coral and William Hill have forecast significant shop closures in the months ahead following several smaller operators who have already closed shops or gone out of business entirely
- the overall number of betting office operators is similarly declining. In September 2018 there were 210 operators licensed for the activity of non-remote general betting. This constitutes a reduction of more than 10% since March 2017
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- A maximum stake of £2 is shortly to be applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

Local area risk assessments

Since April 2016, when new LCCP provisions came into force, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The requirements build on measures the industry had already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly. This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to stakes on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the Draft Gambling Act 2005 Statement of Principles 2019-2022

The heading to part B is “Promotion of the licensing objectives” and paragraph B1.2 beneath it indicates that “...the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.” The references to promotion/promote the licensing objectives should be amended. Whilst it is a fundamental principle of Licensing Act 2003 applications that applicants promote the licensing objectives, the requirement under Gambling Act 2005 is that applications and the operation of licensed premises are “reasonably consistent” with the licensing objectives.

Paragraph B 3.6 refers to “sensitive areas where young/or vulnerable persons may be present”. It is accepted that these areas may be considered sensitive but from the perspective of betting offices, this potential sensitivity needs to be viewed in context. Betting Offices have, for the last 50 years, operated in densely populated areas and areas of high footfall. Consequently betting offices have always been situated in areas where children are present and for the purposes of paragraph B 3.6, there would need to be evidence of risk to the licensing objectives if the Licensing Authority was to consider imposing restrictions on advertising. This is of course already covered by the LCCP and it is therefore highly unlikely that any restrictions would need to be considered. In the circumstances paragraph B 3.6 should be re-drafted.

Paragraph C 1.3 refers to the mandatory and default conditions. This paragraph would be assisted by a reference to paragraph C 9.1 which makes it clear that the mandatory and default conditions are intended to be sufficient to ensure the good operation of premises and it is unlikely, therefore that additional conditions will need to be considered.

Paragraph C 5.10 contains a list of bullet points that the Licensing Authority recommend be considered by applicants when conducting a risk assessment. This list of bullet points needs to be re-drafted as it contains references to matters that have no relevance to any assessment of risk to the licensing objectives. For example, the proximity of other licensed premises, gambling outlets, banks, post offices, refreshment and entertainment type facilities has no bearing on any assessment of risk to the licensing objectives. Issues of known problems in the area, street drinking and antisocial behaviour are issues of nuisance and therefore cannot be considered and “gaming trends that reflect benefit payments” cannot be relevant unless the Licensing Authority has pre-determined that those in receipt of benefits are automatically vulnerable or likely to commit crime as a result of gambling. We are certain that this pre-determination has not taken place and accordingly, this list of bullet points should be re-drafted.

We welcome the repeated statements that additional premises licence conditions will be considered only where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable. Indeed, the ABB and its members already do this successfully in partnership with

local authorities through the adoption of the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,

GOSSCHALKS

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