



## **Licensing Committee (SBDC)**

**Wednesday, 26 September 2018 at 6.00 pm**

**Room 6, Capswood, Oxford Road, Denham**

### **A G E N D A**

#### Item

1. Evacuation Procedure
2. Apologies for Absence
3. Minutes (*Pages 5 - 6*)

To approve the minutes of the Licensing Committee held on 21 June 2018.

4. Declarations of Interest
5. Review of Gambling Act 2005 Statement of Principles (*Pages 7 - 10*)

*Appendix 1 SBDC Statement 2018 (Pages 11 - 46)*

*Appendix 2 - Consultation Responses (Pages 47 - 56)*

6. Exclusion of the Public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in part 1 of Schedule 12A to the Act.

**Note:** All reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

**Membership: Licensing Committee (SBDC)**

Councillors: T Egleton (Chairman)  
M Lewis (Vice-Chairman)  
D Anthony  
P Griffin  
P Hogan  
J Jordan  
D Pepler  
G Sandy  
R Sangster  
D Smith

**Date of next meeting – Wednesday, 23 January 2019**

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**LICENSING COMMITTEE (SBDC)**

**Meeting - 21 June 2018**

Present: T Egleton (Chairman)  
D Anthony, J Jordan, M Lewis, D Pepler, R Sangster and D Smith

Apologies for absence: P Griffin, P Hogan and G Sandy

**19. MINUTES**

The minutes of the Licensing Committee held on 24 January 2018 and 16 May 2018 were approved and signed by the Chairman as a correct record.

**20. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**21. LICENSING ACT 2003 POLICY REVIEW: CONSULTATION OUTCOME**

The Committee considered the outcome of the consultation on the revised draft Licensing Act 2003 Policy Statement ("the draft policy") and discussed the responses received. It was noted that the Council had a statutory responsibility to review the Licensing Policy at least every 5 years and this would require adoption of the draft policy at Council on 14 November 2018 in order for the approved policy to come into effect from 10 December 2018.

Having considered the responses to the consultation, Councillor Pepler proposed that the draft policy with modifications as attached at Appendix 1 be recommended for adoption by Council on 14 November 2018 with effect from 10 December 2018. This proposal was seconded by Councillor Jordan and agreed at a vote.

**RESOLVED**

The draft policy with modifications as attached at Appendix 1 be recommended for adoption by Council on 14 November 2018 with effect from 10 December 2018.

*Note: Councillor R Sangster entered the meeting at 6.05 pm during the above item and did not take part in the debate or vote.*

**22. REVIEW OF THE COUNCIL'S GAMBLING ACT 2005 STATEMENT OF PRINCIPLES**

Members considered the revised draft Gambling Act 2005 Statement of Principles attached at Appendix 1 which had the proposed changes shown in red. It was noted that a consultation

**Licensing Committee (SBDC) - 21 June 2018**

period of 6 weeks was recommended by the Gambling Commission guidance and a revised Statement of Principles was required to be in place by 21 January 2019.

It was noted that there were only minor amendments being recommended since the last review and the Committee considered the more notable recommended changes as set out in the report. These included a change in the wording to allow the Head of Healthy Communities in consultation with the Chairman of the Licensing Committee to make minor amendments to the Statement of Principles including those related to legislation to make such amendments quicker and more straightforward.

With regard to the Casino Resolution made under Section 166 of the Act, it was noted that the Government had already issued the 17 permitted licences available under the Act and therefore there was no necessity to resolve not to issue casino premises licences in the District.

Members also considered that there was a trend currently for online betting rather than for betting premises and it was thought unlikely that there would be applications for more than the current 7 gambling licenced premises in the district.

The local area profile shown in Appendix 2 was intended to be a standalone document and would not need to go through the full review process in future. It had been recommended as part of the Gambling Commission guidance but was not a statutory requirement.

The officer recommendations set out in the report were put to the Committee by the Chairman and agreed at a vote.

**RESOLVED**

- 1.** That the draft Statement of Principles attached at Appendix 1 be approved for consultation for a period of 6 weeks.
- 2.** That the results of the consultation exercise be reported back to Licensing Committee at its meeting on 26 September 2018 for consideration.
- 3.** That it be stated in the draft Statement of Principles that there is no necessity for the Council to make a resolution under Section 166 of the Act not to issue a casino licence at this time.
- 4.** That Members note that it was intended to report to Cabinet on 17 October 2018 and then to Council on 14 November 2018 for adoption of the final Statement of Principles.

The meeting terminated at 6.20 pm

## Licensing Committee

<b>SUBJECT:</b>	Gambling Act 2005 Statement of Principles Review 2018 Consultation Outcome
<b>REPORT OF:</b>	Director of Services – Steve Bambrick
<b>RESPONSIBLE OFFICER</b>	Head of Healthy Communities – Martin Holt
<b>REPORT AUTHOR</b>	Charlie Robinson, 01494 732056, crobinson@southbucks.gov.uk
<b>WARD/S AFFECTED</b>	All

## 1. Purpose of Report

- 1.1 To advise members of the outcome of the consultation on the revised draft Gambling Act 2005 Statement of Principles (“the draft Statement of Principles”) and for members to consider the responses received so that the draft Statement of Principles can be recommended to Cabinet and Full Council for adoption.

### RECOMMENDATIONS

It is recommended that;

1. All responses to the consultation attached at Appendix 2 be considered by members.
2. Members approve the draft Statement of Principles attached at Appendix 1 with or without modification.
3. Members recommend to Council to adopt the approved draft Statement of Principles at its meeting on 14 November 2018 for publication at least 4 weeks prior to coming into effect for the period 31 January 2019 to 30 January 2022.
4. Members request Cabinet at its meeting on 17 October 2018 to consider the approved draft Statement of Principles and to recommend to Council as set out in 3 above.

## 2. Reasons for Recommendations.

- 2.1 It is important that the consultation responses are given due consideration by members and the draft Statement of Principles be amended if appropriate in light of those responses before recommending the draft Statement of Principles to Council for adoption.
- 2.2 The Council has a statutory responsibility to ensure that the Gambling Statement of Principles is reviewed at least every 3 years. For the draft Statement of Principles to be adopted within this statutory timescale, a report recommending its adoption must go to the meeting of the Cabinet on 17 October 2018 and then to Council on 14 November 2018 for adoption of the final draft Statement of Principles.
- 2.3 This is a shared function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and therefore Cabinet will be asked to consider the draft

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Statement of Principles and to recommend to Council to adopt the revised draft Statement of Principles with or without modification.

### 3. Background

- 3.1 Section 349 of the 2005 Act requires all licensing authorities to prepare and publish a statement of the principles that they intend to apply in exercising their functions under the 2005 Act. This statement of principles will last for a maximum of three years, but can be reviewed and revised by the authority at any time.
- 3.2 The Council published its first Statement of Principles in January 2007 and has subsequently published a revised Statement every three years since, the most recent of which covers the period 31 January 2016 to 30 January 2019. In accordance with the requirements of the 2005 Act a further revised Statement of Principles must now be adopted and published for the period 31 January 2019 to 30 January 2022.

### 4. Discussion

- 4.1 The Committee considered a revised draft Statement of Principles at its meeting on 21<sup>st</sup> June 2018 and agreed that the document for formal consultation. This consultation took place for 6 weeks and closed on Thursday 23<sup>rd</sup> August 2018.
- 4.2 Three responses were received during the consultation period attached as Appendix 2, the first of which was from GamCare advising that although they do not have the resources to comment on an individual Council's Statement of Principles, they have provided some general guidance and information to be considered. No changes are proposed as a result of the information provided by GamCare as the draft Statement of Principles already includes information in accordance with the guidance and information. It is also considered more appropriate to have information and web links on the Council's website to signpost members of the public to organisations such as GamCare.
- 4.3 The second response received was from The Bingo Association which raised concerns with Part B, section 6 of the draft Statement of Principles relating to the number of category B3 gaming machines on bingo premises. The Bingo Association's response is correct in that pursuant to The Gambling Act 2005 (Gaming Machines in Adult Gaming Centres and Bingo Premises) Order 2011, no numerical limit to B3 machines can be imposed. As such it is proposed to remove reference to this from the draft Statement of Principles.
- 4.4 The final response was from Gosschalks Solicitors on behalf of their client, the Association of British Bookmakers. The majority of the response provides some general guidance and information around Statements of Principles to be considered and no changes are proposed as a result of these as these are already adequately addressed in the draft Statement of Principles. The response then comments on some specific areas of the draft Statement of Principles that they feel should be reviewed which are as follows:
- 4.4.1 The response states that the Statement of Principles refers to the Council 'promoting' the licensing objectives, whereas there is no duty for the Council to do so under the Act. Having looked at the sections in which the promotion of the objectives is

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mentioned, it is not viewed as being inconsistent with the 2005 Act and as such no changes are proposed.

- 4.4.2 The next comment relates to a new section of the draft Statement of Principles regarding local area risk assessments (Part B, section 2). The draft Statement of Principles proposes a list of factors that the Council expects operators to consider as part of the risk assessment process. The consultation response raises issue with the bullet points relating to areas of deprivation and levels of unemployment. It is suggested that the section of the report is reworded to remove direct references to these matters whilst retaining the essence of what was intended. It is therefore proposed that the bullet points are amended to read:

*'The demographics of the area in relation to all groups that could be deemed as vulnerable or more susceptible to problem gambling;'*

- 4.4.3 The response also mentions that some references to the Gambling Commission Guidance need amending following the most recent edition of the guidance being released. All references to the guidance have been checked and amended as required.
- 4.4.4 It is further proposed that the paragraph titled 'Location' under the premises section of the report is removed from the Draft Statement of Principles as a result of it no longer being necessary in light of the addition of Local Area Risk Assessments and the Local Area Profile.
- 4.4.5 The response refers to the Conditions and suggests that further information is added to the policy, however it is felt that the sections in the Draft Statement of Principles are sufficient and that any additions would be considered as duplication. This is also the case in relation to the reference to the "Betting premises – including tracks" section of the Draft Statement of Principles.

## 5. Options

- 5.1 Members can recommend adoption of the draft Statement of Principles with or without modification having duly considered the responses to the consultation and the recommended amendments to the draft Statement of Principles.

## 6. Corporate Implications

- 6.1 Legal and Financial.

The revision of the Statement of Principles is a statutory function and must be undertaken every 3 years. The costs in carrying out the revision, including the consultation process, will be covered by the Gambling Act 2005 fees. There will be no income generated by the revision of the existing Policy.

- 6.2 Equalities Act 2010

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An Equalities Impact Assessment (EIA), in accordance with the requirements of the Equality Act 2010, has been undertaken in connection with the review of the Statement of Principles. The EIA undertaken, a copy of which can be viewed by contacting the Licensing Team, did not identify any adverse equality issues and as a result no further action or mitigation is considered appropriate.

6.3 Other Implications

A robust Statement of Principles assists the Council in preventing Crime and Disorder, and minimising the negative impact of licensable activities on the local environment. It should encourage good partnership working with Responsible Authorities and other key stakeholders.

**7. Links to Council Policy Objectives**

The publication of an effective Licensing policy links to all 3 of the Council’s headline objectives:

1. Delivering cost- effective, customer- focused services.
2. Working towards safe and healthier local communities.
3. Striving to conserve the environment and promote sustainability.

**8. Next Steps**

The next steps will be as stated in the recommendations.

<b>Background Papers:</b>	None other than those referred to in this report.
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**SOUTH BUCKS DISTRICT COUNCIL**  
**ADOPTED BY FULL COUNCIL ON 12<sup>TH</sup> DECEMBER 2006**  
**STATEMENT OF GAMBLING PRINCIPLES**

**GAMBLING ACT 2005**

**1<sup>ST</sup> REVIEW - 15<sup>TH</sup> DECEMBER 2009.**

**2<sup>ND</sup> REVIEW - 30<sup>TH</sup> OCTOBER 2012**

**3<sup>RD</sup> REVIEW - 10<sup>TH</sup> November 2015**

**4<sup>TH</sup> REVIEW -**

**TO HAVE EFFECT 31 JANUARY 2019 TO 30 JANUARY 2022.**

**Part A**

1. Introduction
2. Summary and Declaration
3. Licensing Objectives
4. Licensing Authority Functions
5. Responsible Authorities
6. Interested Parties
7. Exchange of Information
8. Enforcement

**Part B - Premises Licences: consideration of applications**

1. General Principles
2. Premises Licences
3. Adult Gaming Centres
4. (Licensed) Family Entertainment Centres
5. Casinos
6. Bingo
7. Betting Premises including tracks
8. Lotteries
9. Travelling Fairs
10. Provisional Statements
11. Reviews

**Part C - Permits/Temporary and Occasional Use Notices**

1. Unlicensed Family Entertainment Centre gaming machine permits
2. (Alcohol) Licensed Premises gaming machine permits
3. Prize Gaming Permits
4. Club Gaming and Club Machine Permits
5. Temporary Use Notices
6. Occasional Use Notices

**Appendices**

- A. List of Consultees
- B. Glossary of Terms
- C. Category of machines

## **Part A**

### **1. Introduction**

Licensing authorities are required by Section 349 the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

South Bucks District Council consulted widely upon this Statement before it was finalised and published. **A full list of those persons/bodies consulted is provided at Appendix A.**

The consultation took place for 6 weeks between XXXXXX and X.

The full list of comments made and the consideration by the Council of those comments is available on request to: The Licensing Team, Council Offices, King George V Road, Amersham HP6 5AW - 01494 732063.

The Statement was approved at a meeting of the Full Council on 14<sup>th</sup> November 2018 and was published via the Councils website on 3<sup>rd</sup> January 2019 and shall take effect on 31 January 2019. Copies were made available at the Council Offices.

Should you have any comments as regards this Statement please send them via e-mail or letter to the following contact:

Name: The Licensing Team

Address: Council Offices, King George V Road, Amersham HP6 5AW -

E-mail: [licensing@southbucks.gov.uk](mailto:licensing@southbucks.gov.uk) Tel: 01494 732063

The Policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the Head of Healthy Communities, in consultation with the Chairman of the Licensing Committee. The Council reserves the right to amend this Statement should it be necessary to do so following regulations issued by the Secretary of State or further guidance from the Gambling Commission.

### **2. Summary and Declaration**

This Statement of Principles sets out the Councils general approach as Licensing Authority to the exercise of its functions under the Gambling Act 2005. The Council will seek to regulate Gambling in the public interest. In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission from time to time and the 3 licensing objectives. The Council in undertaking its licensing functions will have due regard to the need to eliminate unlawful discrimination and will seek to promote equality and good relations between all persons having particular regard to their human rights.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

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

Demand and need are not considerations the Local Authority will take into account in relation to applications submitted to it for determination however the location of the premises, its size and layout can be relevant considerations to be taken into account on a case by case basis.

### **Declaration**

In producing this Statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement

### **3. The Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. The licensing objectives are:

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

Section 153 requires that the Licensing Authority, in making decisions about premises licences and temporary use notices, should aim to permit the use of premises for gambling in so far as it thinks it:

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

The Licensing Authority recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of the Local Authority, the Police, local business, local people and those involved in child protection.

### **4. Licensing Authority Functions**

‘Gambling’ is defined in the Act as either gaming, betting, or taking part in a lottery.

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

A “gaming machine” can cover all types of gambling activity which can take place on a machine, including betting on ‘virtual’ events.

The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

A machine is not a gaming machine if the winning of a prize is determined purely by the player’s skill. However, any element of ‘chance’ imparted by the action of the machine would cause it to be a gaming machine.

Licensing Authorities are required under the Gambling Act 2005 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 below on ‘information exchange’)
- Maintain registers of the permits and licences that are issued under these functions

There are a range of statutory application forms and notices that licensing authorities are required to use. The forms can be downloaded from the central government services website ([www.gov.uk](http://www.gov.uk)).

Certain activities are however exempt and these require no licence or permit i.e. incidental non-commercial lotteries - those run as an additional amusement at non commercial events with tickets sold on the premises and only during the event - such as a raffle at a dance or a church fete and promoted for a purposes other than private gain.

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences - the Gambling Commission will also be responsible for Personal Licences. The National Lottery is regulated by the National Lottery Commission which is part of the Gambling Commission.

The Council’s licensing functions under the Act will be carried out by the Licensing Committee, the Licensing sub-committee and/or by officers acting under the delegated authority of the Licensing Committee - see Appendix D.

Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

Where there are relevant representations in respect of an application the matter will be determined by the Licensing Sub-Committee, as will any application for the review of a licence.

The Council will, where appropriate, seek to encourage permit and premises licence holders to adopt any codes of practice which may be introduced by the amusement industry from time to time.

## 5. Responsible Authorities

Section 157 of the Act defines those authorities as:

- The Gambling Commission
- The Police
- The Fire Service

- The local planning authority
- Environmental Health
- Local Safeguarding Children Board (LSCB)
- HM revenue and Customs
- A licensing authority in whose area the premises is situated

This Authority designates the Local Safeguarding Children Board as the body which it considers competent to advise about the protection of children from harm.

The principles applied in this designation were

- 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.

**The contact details of all the Responsible Authorities under the Gambling Act 2005 is provided at Appendix B. Contact details of Responsible Authorities are also provided on the Council's website at: [www.southbucks.gov.uk](http://www.southbucks.gov.uk)**

## 6. Interested Parties

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

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

In deciding whether or not a person is an interested party, each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities, the size of the premises, the nature of the premises and the activities taking place i.e. larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities, the distance of the premises from the person making the representation - amongst other matters on a case by case basis - therefore this list is not exhaustive.

Business Interests will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an

interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

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 Sub-Committee dealing with the licence application.

South Bucks District Council will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively on a case by case basis and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be informed in writing and provided with sufficient reasoning behind the decision.

A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this statement of principles.

## **7. Exchange of Information**

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

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a Premises Licence will be informed that their details will be disclosed in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter as updated from time to time, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005 and guidance from LACORS.

Should any protocols be established as regards information exchange with other bodies then they will be considered and if applied, copies will be made available.

## 8. Enforcement

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

This Licensing Authority is a signatory to the Enforcement Concordat and the Regulators' Compliance Code and will follow the principles set out in these documents with a view to adopting a consistent, transparent and proportional approach.

The Enforcement Concordat proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain records, may be dealt with by way of written warning. More serious offences or repeated offences may result in a referral to the Licensing Committee, the issue of a Formal Caution or a referral for prosecution.

The Regulators' Compliance Code supports the Government's better regulation agenda and intends to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the district for unlicensed premises and activities.

The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with the Thames Valley Police, Buckinghamshire Trading Standards and Buckinghamshire Fire and Rescue on enforcement issues to ensure an efficient deployment of police and council officers.

Licence/Permit holders will be encouraged to give the Licensing Authority the name of the person responsible for the premises to be contacted in the first instance in relation to compliance issues/queries.

Any enforcement action will endeavour to be:

- **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.

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

The Licensing Authority has adopted and implemented a risk-based inspection programme, based on;

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

This Licensing Authority also keeps itself informed of developments as regards best practice in its consideration of the regulatory functions of local authorities.

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

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department (Council Offices, King George V House, King George V Road, Amersham, Buckinghamshire, HP6 5AW, telephone 01494 732063, e-mail [licensing@southbucks.gov.uk](mailto:licensing@southbucks.gov.uk)). Our risk methodology will also be available upon request when adopted/completed.

## **Part B - Premises Licences: consideration of applications**

### **1. General Principles**

In carrying out its licensing functions the Council will have regard to any guidance issued by the Gambling Commission from time to time and the 3 licensing objectives.

The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Council will maintain a close working relationship with the police, the Gambling Commission and other

responsible authorities.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Council may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect. Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits.

## 2. Premises Licence

A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting tracks and premises used by betting intermediaries
- adult gaming centre premises (for category B3, B4, C and D machines)
- family entertainment centre premises (for Category C and/or D machines)

The type of licence will dictate the type of gambling and the category of gaming machine that is allowed therein.

Other than an application for a betting premises licence in respect of a track (where the occupier of the track who gets the premises licence may not be the person who actually offers the gambling), the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

The Act provides that licensing authorities may attached conditions to premises licences and Gambling Commission guidance suggest what conditions might be considered appropriate in relation to each type of licence.

The Council will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

### **Local Risk Assessment**

From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstance, including those identified in this policy;
- 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.

The Council will expect the local risk assessment to consider as a minimum:

- The demographics of the area in relation to all groups that could be deemed as vulnerable or more susceptible to problem gambling;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- Significant presence of young children, both residents and visitors;
- Nearby homeless hostels;
- Nearby gambling, alcohol, drug or mental health support facility;

### **Local Area Profile**

Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council has published a local area profile. This profile, compiled in conjunction with the Public Health Intelligence Team, can be obtained from the Council's website [www.southbucks.gov.uk](http://www.southbucks.gov.uk).

The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

### **Decision-making**

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

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

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.

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

The Gambling Commission states in the fifth edition (para 7.6) of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to

or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

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

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

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

7.23:

### Casinos

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

### Adult Gaming Centre

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

### Betting Shops

- Access must be from a street (as per 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.

### Tracks

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

### Bingo Premises

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

### Family Entertainment Centre

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

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

### Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied 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.

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

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

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for

the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

Location - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

### **Planning:**

The Gambling Commission Guidance to Licensing Authorities states:

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

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

7.65 - 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.

Duplication with other regulatory regimes - This Licensing Authority seeks to avoid any duplication with other statutory / 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.

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.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

### **Preventing gambling from being a source of crime and disorder**

The Gambling Commission will play a leading role in preventing gambling from being a source of crime and disorder and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the Council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant but where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors.

As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can be dealt with using alternative powers.

Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance, and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

When making decisions in this regard the Council will give due weight to any comments made by the police.

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

The Gambling Commission does not generally expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate

to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.

Because betting track operators do not need an operating licence from the Commission the Council may, in certain circumstances impose conditions on the licence relating to the suitability of the environment in which betting takes place.

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

The Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling or being in close proximity to gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This statement will be applied to vulnerable persons on this basis or by way of any statutory definition in the future - as may then be amended from time to time. The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

### **Conditions**

Mandatory conditions will be imposed - otherwise the local authority has a discretion regarding default conditions and imposing other specific conditions. The local authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives and will be considered unnecessary if they are already adequately covered by other legislation.

Any conditions attached to licences by the local authority will be proportionate to the circumstances they are intended to address. The Council will endeavour to ensure they are

- 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.

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, age limits, posters re Gamcare contacts and Helpline information, opening hours, 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 the way in which the licensing objectives can be met effectively.

Conditions imposed by the Council may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence. Duplication with other statutory or regulatory regimes will be avoided so far as possible.

The Council will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

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

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the 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.
- age verification schemes are implemented.

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

It is noted that there are conditions, which 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 Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

### **Door Supervisors**

The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. The Local Authority will however only make a door supervision requirement if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

It is noted though that the door supervisors at casinos or bingo premises are not licensed by the Security Industry Authority (SIA). This Licensing Authority however reserves the right to attach a condition(s) to a licence when requesting door supervisors to be employed requiring that they are licensed by the SIA and are adequately vetted. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

### **3. Adult Gaming Centres**

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

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage

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

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

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

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 and may request plans of the premises to be submitted.

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for 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.

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

#### **5. Casinos**

No Casinos resolution - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 as it is not currently anticipated there will be any casinos in this area hence a no casino resolution is not considered necessary at this time - the Local Authority is however 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 statement with details of that resolution. Any such decision will be made by the Full Council.

In determining any application for a Casino regard will be had to relevant regulations and guidance issued from time to time under the Act.

## **6. Bingo premises**

The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

Commercial bingo halls will require a bingo premises licence from the Council.

Amusement arcades providing prize bingo will require a prize gaming permit from the Council

In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game other than category D machines. When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

A limited number of gaming machines may also be made available at bingo licensed premises.

Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

This Licensing Authority notes that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This Authority will consider any further guidance issued by the Gambling Commission from time to time in relation to Bingo in particular but not limited to matters relating to the suitability and layout of premises.

## **7. Betting premises - including tracks**

Anyone wishing to operate a betting office will require a betting premises licence from the Council - although betting is permitted under a Casino Premises Licence without a separate betting premises licence - and special rules apply in relation to

tracks. Children and young persons under 18 will not be able to enter premises with a betting premises licence.

Betting premises will be able to provide a limited number of gaming machines and some betting machines.

The Council has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.

Each application will be considered on its own individual merits.

Applicants will however be encouraged to locate/relocate machines to enhance the quality of the facility provided.

Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'.

### Tracks

A track is a site where races or other sporting events take place.

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 Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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.

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.

Gaming machines -Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This Licensing Authority will, as per of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### **Applications and plans**

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.43).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.44).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.46).

This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place.

### **8. Lotteries**

All "lotteries" are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined

by the Act.

One of those exemptions is in respect of what are termed “small societies lotteries” and the Council is responsible for registering these ‘small’ lotteries.

A society will be allowed to register with the Council if it is a ‘non-commercial’ lottery, in other words, it is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain.

The Council will maintain a public register of small societies lotteries which it has registered.

## **9. Travelling Fairs**

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are 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 - see Sections 286 and 287 of the Act although “Ancillary Amusement” is not defined in the Act.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

The 27-day statutory maximum for the land being used as a fair, is per calendar year, and 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.

## **10. Provisional Statements**

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.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

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.

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.

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.

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

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

## 11. Reviews

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, as well as consideration as to whether the request is frivolous and/or vexatious, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission;

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

The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

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

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

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

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

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.

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.

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
- 

## **Part C - Permits / Temporary and Occasional Use Notices**

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

Where a premises does not hold a premises licence - or an Alcohol 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). No operating licence is required.

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and **shall** have regard to any relevant guidance issued by the Commission under section 25.

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications 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.

### **Statement of Principles**

South Bucks District Council 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 i.e. how to deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); that relevant insurance is in place and that staff are trained to have a full understanding of the maximum stakes and prizes.

Matters raised by the Police will also be a determining factor in the Councils decision as will the suitability of the premises re location, history of disorder, etc.

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

### Automatic Entitlement: 2 Machines

There is provision in the Act for alcohol licence holders to automatically make available for use in alcohol licensed premises 2 gaming machines, of categories C and/or D. This entitlement relates only to premises that are licensed for consumption of alcohol on the premises, there is no entitlement in premises licensed only for consumption off the premises. This entitlement does not require an authorisation as licensing authorities have no discretion regarding this matter. The premises merely need to notify the Licensing Authority, pay the prescribed fee and comply with any Gambling Commission Code of Practice. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

### Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

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

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.

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. This Authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Conditions (other than these) cannot be attached.

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

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

A Prize Gaming Permit is a permit issued by the Local Authority to authorize the provision of facilities for gaming with prizes on specific premises. Certain premises can offer prize gaming without a Prize Gaming Permit i.e. Bingo Premises.

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming being offered is within the law.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance - and the police must be consulted. Relevant considerations for the Local Authority include the suitability of the applicant i.e. relevant convictions; location of the premises and issues of disorder.

It should be noted that there are conditions in the Gambling Act 2005 to which the permit holder must comply, but that the Licensing Authority cannot attach its own further 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.

#### 4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide up to three gaming machines (from specified categories), equal chance gaming and games of chance as set-out in regulations. A Club Gaming machine permit will enable the premises to provide up to three gaming machines (from specified categories), but not equal chance gaming or games of chance. Commercial Clubs are not permitted to provide non-machine gaming, but can apply for a club machines permit permitting up to three machines. The machines permitted in Commercial Clubs differ from those permitted in Members Clubs and Miners' welfare institutes.

When considering whether to grant a club gaming permit or club machine permit (and monitoring those that have been issued) the Council will have regard to guidance issued by the Gambling Commission regarding the factors that ought to be considered in making such determinations.

The Commission Guidance notes 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; (If (a) or (b) apply then the local authority must refuse the permit)
- (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".

If c), d) or e) apply, then the local authority can refuse but will first have regard to relevant guidance and the licensing objectives.

**Fast Track Procedure** - There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." "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."

There are mandatory conditions on club gaming/machine permits including 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 - no other conditions can be imposed.

## 5. Temporary Use Notices

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

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.

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 for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

## 6. Occasional Use Notices

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.

These are only available for betting at tracks - see section 39 of the Act. This Licensing Authority will however consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

**Appendix A - List of consultees.**

**LIST OF CONSULTTEES**

The Chief Officer of Police for the Council's area  
Bodies representing the interests of persons carrying on gambling businesses within Chiltern District  
Bodies representing the interests of persons who are likely to be affected by the exercise of the authority's function under this Act  
The local Planning Authority  
The local Health and Safety Authority  
The Authority responsible for Control of Pollution  
Bucks Fire and Rescue  
Buckinghamshire Safeguarding Children Board  
Local Primary Care Trusts  
Bodies dealing with mental health issues  
Citizens Advice Bureau  
GamCare  
Gamblers Anonymous  
Bodies representing businesses and residents in the area  
Parish Councils within the District  
Other Councils, including Wycombe DC, South Bucks DC, Aylesbury Vale DC, Milton Keynes Council, Dacorum Borough Council, Three Rivers District Council and Buckinghamshire County Council

Wycombe and  
Beaconsfield

Magistrates Court  
Central Buckinghamshire Magistrates' Court (Aylesbury)

Note: - This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Copies of the draft Gambling Statement of Principles were also available at the Council Offices and on the Council's website.

## Appendix B. Glossary of Terms

Within this draft Statement of Policy, the following words and terms are defined as stated: Licensing Objectives: As set out in Section 1 of the Gambling Act 2005:

- 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 Council: South Bucks District Council District: The area of Buckinghamshire administered by South Bucks District Council (Map at Appendix A) Licenses: As defined under section 4 of this statement

Applications: Applications for licenses and permits as defined under Parts B and C of this statement.

Notifications: A notification of Temporary and Occasional use Notices

Act: The Gambling Act 2005, a new regulatory system to govern the provision of all gambling in Great Britain other than the National Lottery and Spread Betting.

Regulations: Regulations made under the Gambling Act 2005 to ensure smooth transition from the old regime for gambling regulation to the new regime established by the Act.

Premises: Any place including a vehicle, vessel or moveable structure.

Code of Practice: Any Code of Practice issued under section 24 of the Gambling Act 2005.

Mandatory Condition: Conditions which are specified in regulations by the Secretary of State and **must** be applied to all premises licences for England and Wales and Scotland respectively.

Default Condition: Conditions which are specified in regulations by the Secretary of State for England and Wales and Scotland respectively. Local Authorities have powers to exclude default conditions.

Responsible Authority:	Bodies who have rights to be involved/consulted in relation to applications for Premises Licenses and other procedures under the Act (List of Responsible Authorities attached at Appendix C)
Interested Party:	defined as <ul style="list-style-type: none"><li>• People who live sufficiently close to premises in respect of which a premises licence has been granted or applied for, that they are likely to be affected by activities authorised by the licence; and</li><li>• those with business interests who might be affected by the authorised activities; or representatives of either of these groups</li></ul>

## Appendix C. Category of Machines

Category of Machine	Maximum Stake from July 2011	Maximum Prize
A	No category A Gaming machines are currently permitted	
B1	£5	£10,000 or £20,000 if linked to other B1 machines
B2	£100 (in multiples of £10)	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D	Various 10p to £1	£5 to £50 (max relates to non-money prizes only)

NB Stakes and prizes for different categories of gaming machine are updated from time to time. For the most recent information please refer to the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

The number of different categories of machines in different types of premises are often subject to limits on numbers or percentages of machines available for use. For the most recent information please refer to the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## Consultation Responses

1.

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/](http://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](mailto:mike.kenward@gamcare.org.uk)

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

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

Kind regards,  
Catherine

**Catherine Sweet**  
**Head of Marketing and Communications**

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2.

Dear Licensing Team

I note that in section 6 relating to Bingo Premises, the paragraph discussing splitting premises states: " it is not permissible to locate 16 Category B3 gaming machines in one of the resulting premises as the gaming machine entitlement for that premises would be exceeded." Since 2011, (SI 2011 1710) there has been no numerical limit on the number of Category B3 machines (unless a premises licence was acquired after that date). The limit for B3 gaming machines in licensed bingo premises was increased to 20% of the available machine estate and therefore reference to a number in the Policy document is misleading.

I hope that this is useful.

With kind regards

Cherry

**Cherry Hosking**  
Company Secretary

---

3.



Licensing Team Leader  
 South Buck District Council  
 King George V Road  
 Amersham  
 Bucks, HP6 5AW

Please ask for: Richard Taylor  
 Direct Tel: 01482 590216  
 Email: [rjt@gosschalks.co.uk](mailto:rjt@gosschalks.co.uk)  
 Our ref: RJT / LHF / 097505.00005  
 #GS1770714  
 Your ref:  
 Date: 15 August 2018

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, Ladbrokes Coral and Paddy Power, 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.

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 for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also

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 E [info@gosschalks.co.uk](mailto:info@gosschalks.co.uk) W [www.gosschalks.co.uk](http://www.gosschalks.co.uk) DX 11902 - Hull

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believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

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 numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- 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.
- 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.

#### **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and

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socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

#### **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.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

#### **Local area risk assessments**

Since April 2016, under new Gambling Commission LCCP provisions, 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 new requirements build on measures the industry has 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.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

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

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recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 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

#### **Other concerns**

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

#### **Considerations specific to the Draft Gambling Act 2005 Statement of Principles**

Throughout the draft Statement of Principles, there are a number of references to the "promoting" and an intention "to promote" the licensing objectives. Whilst the promotion of the licensing objectives is fundamental as far as Licensing Act 2003 applications are concerned, under the Gambling Act 2005 there is no duty on any body other than the Gambling Commission to promote the licensing objectives. In the circumstances, you may determine that these references should be amended.

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E [info@gosschalks.co.uk](mailto:info@gosschalks.co.uk) W [www.gosschalks.co.uk](http://www.gosschalks.co.uk) DX 11902 - Hull

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Within paragraph 2 of Part B, there is a list of bullet points outlining the council's expectations with regard to the content of risk assessments. This list needs to be redrafted as it contains matters that are irrelevant as far as an assessment of risk to the licensing objectives is concerned.

The purpose of a local risk assessment is to assess the risks to the licensing objectives posed by the provision of gambling facilities at premises and to outline policies, procedures and control measures to mitigate those risks. The first bullet point requires the consideration of whether the premises is in an area of deprivation. The relative affluence of an area can have no bearing on a risk to the licensing objectives unless the licensing authority has predetermined that persons of a particular income group are more likely to commit crime or are automatically vulnerable. We are certain that this predetermination will not have taken place and therefore this reference should be deleted. Similarly, the reference to high unemployment should be deleted as the employment status of an individual cannot be relevant to an assessment of the licensing objectives unless the predetermination outlined has already been made.

Throughout the draft Statement of Gambling Principles, there are references to the Gambling Commission Guidance and references to paragraph numbers. The Gambling Commission Guidance referred to is the Fourth Edition but this has now been superseded by the Fifth Edition (September 2015 with Parts 17, 18 & 19 updated in 2016). The paragraph numbers in the updated guidance do not accord with the paragraph numbers given within the Statement of Principles. These should be amended.

Under the heading "Location" within Part B, there is reference to a potential policy with regard to areas where gambling premises should not be located. This reference should be deleted as any such policy is likely to be unlawful and is certainly contrary to the overriding principle contained within S153 Gambling Act 2005 that licensing authorities must aim to permit the use of premises for gambling.

The section on conditions within Part B would be assisted by a clear explanation that Gambling Act 2005 premises licences are subject to mandatory and default conditions that are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.

The draft statement of principles should also be clear that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case such that the mandatory and default conditions need to be supplemented.

The evidential basis upon which additional conditions will be imposed is important and should be maintained throughout the Statement of Principles.

Under the heading "Betting premises – including tracks" there is an explanation that the licensing authority has the power to restrict the number of betting machines, The draft Statement of Principles would be assisted if a clear distinction was made between betting machines and gaming machines where, of course, there is no power for the licensing authority to restrict numbers. By virtue of Section 172(8) Gambling Act 2005, the holder of a betting premises licence may make available for use up to 4 gaming machines of categories B, C or D.

**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, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through 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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Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984  
E [info@gosschalks.co.uk](mailto:info@gosschalks.co.uk) W [www.gosschalks.co.uk](http://www.gosschalks.co.uk) DX 11902 – Hull

A list of partners is available for inspection of the above address.  
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