

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

GAMBLING ACT 2005

REVIEW OF STATEMENT OF PRINCIPLES

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To review the existing Gambling Act 2005 Statement of Principles for North Lincolnshire.
- 1.2 To agree to refer the reviewed Statement of Principles to Full Council for approval.

2. BACKGROUND INFORMATION

- 2.1 Section 349 of the Gambling Act 2005 requires the Council to have a Statement of Principles, which must be reviewed every three years.
- 2.2 The current Statement of Principles was approved in January 2013. It is a statutory requirement to review the Statement of Principles every three years and it must be approved by January 2016.
- 2.3 The review of the policy has been carried out. A copy of the policy is attached as Appendix A to this report. There were two responses to the consultation, which are attached as Appendix B and C.
- 2.4 In accordance with section 154(2)(c) of the Gambling Act 2005 the approval of the Statement of Principles must be authorised by a meeting of the Council and cannot be delegated by the authority.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – to approve the Statement of Principles, following the consultation; or
- 3.2 Option 2 – to make changes to the Statement of Principles before approval.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – The Statement of Principles has been reviewed and comments were received. The comments have been incorporated into the draft policy. Determination of the Policy must be made by a meeting of the Council as this function cannot be delegated.

4.2 Option 2 – The Statement of Principles could be amended, however this would mean that interested parties would not have the opportunity to make comment on any changes.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There will be no resource implications associated with this report.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 The Statement of Principles is a statutory requirement under the Gambling Act 2005 which must be approved by Council. No Integrated Impact Assessment has been carried out.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 Consultation on the Statement of Principles took place over a number of consecutive weeks. Comments were received which have been incorporated into the draft document.

8. RECOMMENDATIONS

8.1 That Option 1 be approved and the Statement of Principles be submitted to a meeting of the Council for approval.

DIRECTOR OF PLACES

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire
DN16 1AB

Author: Nick Bramhill
Date: 20 October 2015

Background Papers used in the preparation of this report: -
Gambling Act 2005 Statement of Principles
Gambling Commission Guidance to Licensing Authorities



Statement of Principles

Gambling

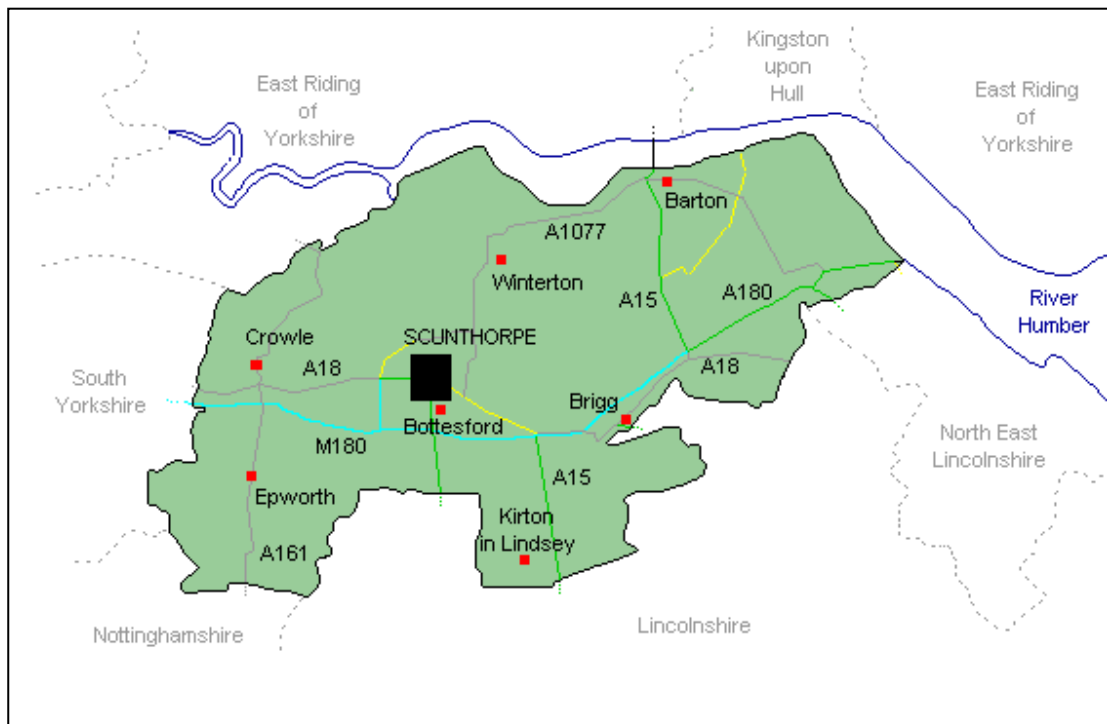
Revised January 2016

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Introduction

1 The Area of North Lincolnshire

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several other market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2011 Census said the population of North Lincolnshire was 167,446. Of these, 76,200 live in Scunthorpe and Bottesford. The other 91,246 people live in the rural areas. This includes the towns of Barton upon Humber and Brigg.
- (3) Below is a map of the area:



2 General Information

- (1) This statement of principles will help meet the Council's obligations under section 349 of the Gambling Act 2005 (referred to in this statement as "the Act").
- (2) Under the Act, the Council will aim to permit the use of premises for gambling. This is as long as it is considered to be:-

- in accordance with any relevant codes of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - in accordance with this statement of principles; and
 - consistent with the licensing objectives.
- (3) The Act provides for 3 categories of licence :
- operating licences
 - personal licences
 - premises licences
- (4) The Council is responsible for issuing premises licences. The Gambling Commission is responsible for issuing operating and personal licences. contact details are detailed in paragraph nine.

3 Authorised Activities

- (1) Gambling is defined in the Act as either gaming, betting, or taking part in a lottery. These are defined as:
- 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 people need 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.
- (2) The Council's main functions are to:
- licence premises for gambling activities, including provisional statements;
 - issue permits for gambling and gaming machines in clubs, alcohol licensed premises and family entertainment centres;
 - issue permits for prize gaming;
 - consider notices given for the temporary use of premises for gaming;
 - consider occasional use notices for betting at tracks;
 - register small societies lotteries;
- (3) Spread betting is regulated by the financial services authority. Remote gambling is dealt with by the Gambling Commission and the national lottery is regulated by the national lottery commission. Spread betting is defined in section 11 of the Act. It is normally in the form of a prize competition. Remote betting is defined in section 67 of the Act. It is remote from the premises where the betting takes place and is by

means of remote communication, such as the internet. The FSA website address is at www.fsa.gov.uk.

4 The Licensing Objectives

- (1) There are three licensing objectives that are central to the regulatory regime created by the Act. These are:
 - preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- (2) More information on the licensing objectives is included in Part 6.

5 Consultation

- (1) We have consulted the following people and bodies to help determine this statement of principles:
 - The Gambling Commission
 - Chief Constable of Humberside Police
 - Chief Officer of Humberside Fire Brigade
 - North Lincolnshire Magistrates Court
 - North Lincolnshire NHS Trust
 - Director of Public Health
 - Child Protection team
 - Neighbouring Licensing Authorities, including:
 - East Riding of Yorkshire Council
 - Kingston upon Hull City Council
 - North East Lincolnshire Council
 - West Lindsey District Council
 - Doncaster Metropolitan Borough Council
 - North Lincolnshire Tourism
 - Security Industries Authority (SIA)
 - Federation of Small Businesses
 - Disabled access groups
 - Current licence and permit holders
 - Local and national licensing solicitors
 - Training providers (North Lindsey College)
 - Religious and ethnic groups
 - Residents Associations and Neighbourhood Watch groups
 - Scunthorpe Charter Trustees
 - Town and Parish councils

- (2) We have also consulted various other professional people within the Council. These include:
- Heads of service
 - Building Control
 - Environmental Health, including:
 - Environmental Protection
 - Food and Safety
 - Waste Management
 - Trading Standards
 - Legal and Democratic Services
 - Community Safety Partnership
 - Property Services
 - Highways
 - Town Centre Manager
 - Cultural Strategy Officer
 - Community Strategy Officer
 - The Mayor's office
 - Leader of the Conservative Group
 - Leader of the Labour Group
 - Chair of the Licensing Committee
 - Council Members
- (3) We have considered and taken into account the views of all the appropriate bodies and organisations.

6 Approval of the Statement of Principles

- (1) The initial statement of principles was approved by a meeting of the full Council on 22 November 2006. Copies were made available both via our website, in writing or by personal request.
- (2) The licensing authority, in developing this statement of principles has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and the responses made following the consultation.

7 Review of the Statement of Principles

- (1) The Gambling Act 2005 states that this statement should be reviewed every three years. At the time of the review, we will again consult all interested parties. As well as the three-yearly reviews, we will continue to evaluate the statement and reserve the right to update this statement at any time.
- (2) A full list of comments made about the review of this statement and how they were taken into consideration by the Council is available by contacting the Licensing Manager, North Lincolnshire Council, Church

Square House, Scunthorpe, DN15 6XQ. This information is also available via our website, www.northlincs.gov.uk

8 Explanations in the Statement

- (1) In preparing this statement, we have briefly explained the reasons for including each item and its relevance to the licensing objectives. The explanations, where necessary, are in italics (in red type) after the heading.

9 Contacts

- (1) The licensing function is part of the **Places Directorate**. Our address is:

Licensing Division
Church Square House
PO Box 42
Scunthorpe
North Lincolnshire
DN15 6XQ

Website: www.northlincs.gov.uk/jobs-business-regen/licensing

Email: licensing@northlincs.gov.uk

- (2) Any comments about this statement can be made in writing or be emailed to the email addresses above. To ask about any licensing issue, contact the licensing division on: (01724) **297751**.
- (3) You can contact the Gambling Commission at:

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Website: www.gamblingcommission.gov.uk

Email: info@gamblingcommission.gov.uk

Part 1 – Licensing Principles

Introduction

We are required under the Act to set out in a separate part of the Statement certain matters as specified in Statutory Instrument 2006, Number 636. These matters are:

- The body to be specified to advise the licensing authority about the protection of children from harm.
- The principles to determine if a person is an interested party in relation to a premises licence or application for a premises licence.
- The principles regarding the exchange of information with the Gambling Commission and other persons listed in schedule six of the Act.
- The principles to be adopted regarding the inspection of premises and to consider legal proceedings.

10 Body Specified to Advise on the Protection of Children From Harm

- (1) Under the Act, we need to designate, in writing, a body that is competent to advise the Council about the protection of children from harm. The principles are:
 - the need for the body to be responsible for 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.
- (2) In accordance with the guidance issued under section 25 of the Act, the Council has chosen the local safeguarding children board to advise for this purpose.

11 Interested Parties

- (1) The Act states that an interested party, for the purposes of determining an application, is a person:
 - a) who lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
 - b) has business interests that might be affected by the authorised activities; or
 - c) one who represents persons who satisfy (a) or (b), or both.
- (2) In determining if a person lives or has a business in the vicinity of the premises we will not apply a rigid rule. We will determine each case on its own merits. In doing so we will follow the guidance laid out in the Gambling Commissions guidance for local authorities. We will take into account:
 - the size of the premises
 - the nature of the premises
 - the nature of the authorised activities being proposed
 - the distance of the premises from the person making the representation
 - the characteristics of the complaint
 - the potential impact of the premises
- (3) Business interests will mean any business, including partnerships, charities, faith or religious groups and medical practices.
- (4) Interested parties may also include trade unions, trade associations and residents and tenants associations. In each of these cases, the interested party would normally be expected to represent people who live or work in the vicinity of the premises.

- (5) Interested parties can also include Councillors and MPs. MPs and Councillors can also represent interested persons, as long as they are representing persons in their own ward/constituency.

12 Exchange of Information

- (1) The Council, is required under section 29 and 30 of the Act, to produce information that forms a public register and to exchange information with the Gambling Commission. This public register will be available on our website or by contacting the licensing division.
- (2) We have a duty under section 350 of the Act to exchange information with other persons listed in Schedule six of the Act.
- (3) In exercising our duties under sections 29, 30 and 350 we shall not contravene the provisions of the Data Protection Act 1998. We will also have regard to any guidance issued by the Gambling Commission and any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- (4) Details of applications and representations that are referred to the licensing sub-committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. The personal details of the persons making representations will be made known to applicants and only withheld from publication under exceptional circumstances on the grounds of personal safety.
- (5) Any protocols that are established on the sharing of information with other bodies will be made available on our website, or by contacting the licensing division. Contact details can be found in paragraph 9.

13 Inspection of Premises

- (1) The principles regarding the inspection of premises and considerations for legal action are contained in Part 7 (Enforcement) of this statement.
- (2) We will consider any relevant guidance issued by the Gambling Commission when dealing with the inspection of premises and enforcement.

Part 2 – Licensing Process and Delegation

Introduction

This part of the statement, is about the principles the Council will adopt when dealing with licence and permit applications. It explains the following:

- the roles and duties the licensing committee and officers carry out,
- how conditions will be attached to licences and by whom,
- how the Council will deal with objections and reviews, and
- how we will inform applicants, objectors and statutory bodies about our decisions, including any right of appeal.

14 General Statement

- (1) We recognise the wide variety of premises that will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.
- (2) In carrying out our licensing functions we will consider any guidance issued by the Gambling Commission.
- (3) We will not use the Act to resolve matters more readily dealt with under other legislation.
- (4) To ensure the licensing objectives are met we will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.
- (5) Where children and other vulnerable people are allowed access to premises where gambling takes place, we will take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling. To help protect vulnerable persons, applicants may wish to consider providing information leaflets or helpline numbers for organisations such as GamCare.
- (6) We will not normally seek to limit the access of children to any premises unless we receive representations to that effect or believe it is right to do so for the prevention of their physical, moral or psychological harm.
- (7) 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.
- (8) The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits.

15 Making an Application

- (1) When applying for a licence or a permit, applicants should consider the guidance issued by the Gambling Commission and this statement of principles.

16 Licence/Permit Fees

- (1) Where the Council is able to set the fees for licences and permits, they will be set by the licensing committee. This differs from the guidance issued by the Gambling Commission. We believe fees for these activities should be set by those members of the Council elected to represent the businesses and Council tax payers of the area rather than officers. The fees will be set to cover the cost of administration

and enforcement. We will not budget to make a profit from licensing and regulating gambling activities.

17 Responsible Authorities

- (1) The following are considered to be responsible authorities in accordance with section 157 of the Act:
 - a Council's licensing division where the premises is wholly or partly situated within the area it covers;
 - the Gambling Commission;
 - the chief constable for the area the premises is wholly or partly situated;
 - the fire and rescue authority for the same area;
 - the Council's planning service;
 - environmental health, for pollution to the environment or harm to health;
 - HM revenue and customs; and
 - any other person prescribed in regulations by the Secretary of State.
- (2) In addition, where an application is made for licensable activities in relation to a vessel, the following are be responsible authorities:
 - the Environment Agency;
 - the British Waterways Board; and
 - the Secretary of State for Transport.
- (3) Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives.
- (4) The contact details of all the responsible authorities are available via the Council's website, at: www.northlincs.gov.uk or by contacting the licensing division from the contacting details in paragraph nine.
- (5) The responsible authority specified to advise on the protection of children from harm can be found in paragraph 10 of this statement.

18 Notification on Applications for Premises Licences

- (1) When we receive an application for a premises licence or to vary a current premises licence, we will let the appropriate ward and town or parish Councillors know that an application has been received.

19 Relevant Representations

- (1) We will not consider representations that are irrelevant, frivolous or vexatious or which relate to the need or demand of gambling facilities. Officers will determine if an objection is irrelevant, vexatious, frivolous

or repetitious. Representations on moral grounds will not be taken into account.

- (2) Where an objection or irrelevant representation has been determined as irrelevant, vexatious or frivolous, the Council will write to the objector or person making the representation, providing the full reasons for the decision. Officers will also report to the licensing committee, giving full details of the decision and the reason the representation was rejected.
- (3) A vexatious representation is generally considered to be without foundation or made for some other reason, such as malice. A frivolous representation is generally considered to lack seriousness, or to be unrelated to the licensing objectives, the guidance issued by the Gambling Commission or this statement of principles.

20 Mediation

- (1) Where the licensing division receives an objection or relevant representation, officers will do their best to resolve the issue through mediation. Officers will invite all parties to meet at a neutral venue, to try and resolve the issues. Where such a meeting is not possible or a resolution is not forthcoming, they will refer the matter to the licensing sub-committee.

21 Licensing Committee and Sub-Committee

- (1) Under section 154 of the Act, the licensing committee will be responsible for determining applications. This is the same committee formulated under the provisions of the Licensing Act 2003. The sub-committee will determine most applications where a representation has been made. This is in accordance with the table in paragraph twenty two of this statement.
- (2) The licensing committee and sub-committee must act in a fair and reasonable manner at all times. Therefore, all members must have in-house training before they can sit on either the committee or sub-committee.
- (3) Members of the licensing committee should not hear or decide on any application for a premises licence in their own electoral ward. If a member of the committee has an interest in a premises or knows an applicant personally, they must declare an interest. They will then take no part in the decision. This reduces conflicts of interest and the perception of bias.

22 The Licensing Process and Delegation

- (1) The Council will delegate its licensing function either to the licensing committee, licensing sub-committee or to an authorised officer of the

Council. The approval of this statement and setting the policy not to permit casinos will remain the function of the full Council.

- (2) Delegation will follow the guidance issued by the Gambling Commission, as follows:

Matter to be dealt with	Full Council	Committee	Sub-Committee	Officers
Final approval of three year policy	X			
Policy not to permit Casinos	X			
Consider draft policy prior to approval		X		
Fee Setting (when appropriate)		X		
Application for a premises licence			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Application to vary a licence			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Application to transfer a licence			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Application for a provisional statement			If a representation is made and not withdrawn	If no representation is made or has been withdrawn
Review of a premises licence			X	
Application for club gaming/club machine permits			If an objection is made and not withdrawn	If no objection is made or has been withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to issue counter notice to temporary use notice			X	
Application for Small Society Lottery				If no representation is made or has been withdrawn
Application for Small Society Lottery			If a representation is made and not withdrawn	

- (3) Where applicable the fees for premises licences and permits will be determined by the licensing committee.

- (4) The licensing committee will consider the draft statement prior to approval by a meeting of the full Council and any draft amendments to this statement.
- (5) Where an application is referred to the sub-committee, they will determine each application on its own merit. Members of the sub-committee will consider all information before coming to a decision.

23 Decisions

- (1) Following the determination of an application by the licensing committee or sub-committee, we will inform the applicant, and any objectors or people making the representation. We will then send confirmation in writing, as soon as possible after the decision, or in any case within seven days of the hearing. Along with the decision, we will inform the applicant about their right of appeal.

24 Appeals

- (1) The Council will inform the appropriate parties of their right of appeal in accordance with the Act, when confirming a decision of the licensing committee or sub-committee.
- (2) Anyone aggrieved with a decision has a right of appeal. People should lodge any appeal with the Magistrates' Court within 21 days of the notification of the decision provided at the end of the hearing.
- (3) On determining an appeal, the Magistrates' Court may:
 - a) Dismiss the appeal;
 - b) Replace the decision concerned by any other decision which could have been made by the licensing authority; or
 - c) Pass the case to the licensing authority to deal with in accordance with the direction of the court.
- (4) The court may order costs, as it sees fit.
- (5) Once the Magistrates' Court has determined an appeal, the Council will implement the decision within a reasonable time. The licensing authority appreciates that any delay could be construed as bringing the appeals system into disrepute.

25 Working in Partnership/Licensing Forum

- (1) The Council is committed to working closely with all interested parties within its area. We are committed to setting up licensing forums, which will include members and officers of the Council, other regulatory bodies and trade representatives.

- (2) Licensing officers aim to work in partnership with other enforcement agencies, such as the Gambling Commission, Humberside Police, Humberside Fire and Rescue Service, trading standards and environmental health with a view to supporting the licensing objectives.
- (3) When considering applications and advising applicants, licensing officers will aim to draw on the expertise of other bodies. We will set up joint site visits (where appropriate) to ensure that we give applicants clear, concise advice. The licensing division will normally act as a focal point in arranging these visits.
- (4) When making licensing decisions, the Council will take into account other regulatory regimes. We aim to work in conjunction with planning and building control, and the transport authority. The licensing committee will receive reports from planning, tourism, the transport authority and highways to try to avoid duplication of these roles.

26 Integrating Strategies

- (1) Where possible, we will integrate our statement with other policies and strategies. These need to be taken into consideration as follows:
- (2) **Cultural Strategy** – We need to look at the impact that our statement has in relation with gambling. Our aim is not to deter gambling, rather to ensure that the licensing objectives are being supported.
- (3) **Local Transport Plan** – We aim to work with the Council's transport service to develop the local transport plan. We will look at ways that local people can use public transport to access facilities.
- (4) **Racial Equality** – We live in a multi-cultural area. Therefore, we need to ensure that our policy does not exclude anyone. We will look at the impact our policy has, through consultation and amend it where necessary. We will also take notice of the provisions in the Race Relations Act 1976 and the Race Relations (Amendment) Act 2002.
- (5) **The Local Development Framework** – We will look to work with the Council's planning service to ensure as far as possible that all premises have the appropriate consent and to consider the regeneration of the area.
- (6) **Tourism and Town Centre Management** – Our aim is to have a thriving town centre and we see the licensed community as an integral part of that. We will look at the impact our policy has on the economy, through consultation and adjust it as appropriate, within the licensing objectives.

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- (7) **Crime Reduction Partnerships** – We will work very closely with our partners to reduce crime and disorder. We will actively look at ways in which we can reduce crime and disorder and the fear of crime.
 - (8) **Other Partnerships** – We will also work together with other bodies when needed to help support the licensing objectives.

Part 3 – Premises Licences

Introduction

Under the Gambling Act 2005 the Council is responsible for issuing licenses used for licensable activities. In this part of the statement we will set out our general principles for licensing premises within North Lincolnshire. We will also explain the types of activities where a premises licence is needed.

27 General Principles

- (1) In carrying out this function in relation to premises licences and temporary use notices, we will have due regard and act in accordance with:
 - a) any relevant codes of practice;
 - b) any guidance issued by the Gambling Commission;
 - c) the licensing objectives; and
 - d) this statement of principles.

28 Definition of a Premises

- (1) The Act defines a premises as “any place”. This includes a vessel and/or a vehicle.
- (2) Different premises licences cannot apply in respect of a single premises at different times. The Act does allow a single building to be subject to more than one premises licence, provided that the different parts of the building can be regarded as separate. This will include separate entry and exits.
- (3) When deciding to licence such premises, we will have due regard to the guidance issued by the Gambling Commission. This states:
 - We will 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 we are aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
 - We will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). There will be specific issues that we will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. However, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
 - We will consider the Commission Licence Conditions and Codes of Practice (Supplement 4) in relation to the primary gambling activity of licensed operators where gaming machines are made available for use. [currently para 7.6 - 3rd Edition of guidance]

- We will take regard of applications to “split” premises where the split is artificial or temporary, for example by ropes, or moveable partitions. Where this is the proposal, determination shall be on the basis that the split is ‘genuine’ and not created to increase the gaming machine entitlement.
- (4) An applicant cannot obtain a premises licence until the premises where it is proposed to offer the gambling are built. A licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Gambling Commission advises that it is a question of fact and degree whether premises are finished and that they can be considered for a premises licence. The need for the building to be complete will allow it to be inspected by the licensing authority and any other responsible authority as necessary.

29 Provisional Statements

- (1) We note the Gambling Commissions guidance which states that:
- “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence”
- and that
- “Requiring the building to be complete ensures that the authority could, if necessary, inspect it full...”.
- (2) In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they are about matters that could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or
 - (b) which in the licensing authority’s opinion reflect a change in the operators circumstances.
- (2) We have noted the Gambling Commission’s guidance that
- “A licensing authority should not take into account irrelevant matters one example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.”

30 Demand

- (1) Although demand issues cannot be considered with regard to the location of premises, considerations in terms of the licensing objectives can.

31 Location of Licensed Premises

- (1) Under the Gambling Commission's guidance for local authorities, we will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder. If a specific policy is decided upon ~~regarding areas where gambling premises should not be located~~, we will update this statement. It should be noted that ~~any~~ such a policy does not stop an application being made. Each application will be decided on its own merits. ~~with the responsibility on the applicant showing how potential concerns can be overcome.~~

32 Local Area Profiles

- (1) At the time of preparing this Statement of Principles there has been no evidence presented to the Council to support the assertion that any part of the authority is experiencing problems from gambling activities. This will be kept under review, and in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare a Local Area Profile accordingly.

33 Local Risk Assessments

- (1) Operators are required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated. ~~For example the proximity of schools, churches, etc~~
- (2) The Gambling Commission issues codes of practice under section 24 of the Act about the manner in which facilities for gambling are provided. These are subject to change and the latest version can be found by going to the Gambling Commission website at www.gamblingcommission.gov.uk.

34 Conditions

- (1) Any conditions attached to licences will be proportionate and will be:
 - relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and

- reasonable in all other respects.
- (2) Decisions on individual conditions will be made on a case-by-case basis. There will be a number of control measures that we will consider using if there is an **evidenced perceived** need. These could include the use of door supervisors, supervision of adult gaming machines and appropriate signage for adult-only areas etc. There are specific comments made in this regard under each of the licence types below. We will also expect the licence applicant to offer their own suggestions as to how the licensing objectives can be met effectively.
- (3) There are some conditions that the licensing authority cannot attach to premises licences. These are:
- any condition on the premises licence that 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 is 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.

35 Duplication with other Regulatory Regimes

- (1) We will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, when considering it. We will though, listen to, and carefully consider, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

36 Door Supervision

- (1) The Gambling Commission advises in its guidance that 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 people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- (2) It is noted though that the Gambling Act 2005 has amended the Security Industry Act 2001 so that door supervisors at casinos or bingo premises do not need to be licensed by the security industry authority.

However, we believe it would be good practice for all door supervisors to be trained and licensed to Security Industry Authority standards.

- (3) We will only attach conditions requiring door supervisors where there is clear evidence that the premises cannot be adequately supervised and that a condition is both necessary and proportionate.

37 Credit

- (1) Section 177 of the Act does not prevent the licensees from allowing the installation of cash dispensers (ATMs) on the premises.
- (2) These machines may accept credit cards and debit cards providing the arrangement is subject to the licensee having no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines. This is relevant to casinos premises licences and bingo premises licences only.

38 Types of Premises Licence

- (1) The Council will be responsible for licensing premises for the following activities:
 - Adult gaming centres
 - Betting (including tracks)
 - Bingo
 - Casinos
 - Family entertainment centres (Licensed)

39 Adult Gaming Centres

- (1) Adult gaming centres (AGCs) are a new category of premises introduced by the Act. Persons operating an AGC must have a gaming machines general operating licence from the Gambling Commission and must get a premises licence from the licensing authority.
- (2) No-one under the age of 18 can enter an AGC. We will have particular regard to the location of and entry to AGC's to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as in a shopping centre.
- (3) We will expect applicants to offer their own measures to meet the licensing objectives to 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-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (4) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

40 Betting and Tracks

Betting

- (1) The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises that need licensing.

- (2) The Act also allows betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.
- (3) We are aware of our power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. We will only limit the number of machines where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives.
- (4) If we consider that we should impose such a condition on any particular licence, we may, among other things, take into account the size and layout of the premises. We may also look at the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines by children and young or vulnerable people. We appreciate that children are not lawfully allowed to enter where a betting premises licence is in force.
- (5) Each application will be determined on its own merits.

Tracks

- (6) We are aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, we will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not allowed to enter.
- (7) Track operators do not need to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the licensing authority are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- (8) Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence, in respect of a track, does not give an automatic entitlement to use gaming machines.

-
- (9) When looking at the number of betting machines at a track, we will consider the circumstances of each individual application. We will also consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children, young people and vulnerable people betting on the machines.
- (10) We are aware that the Gambling Commission may provide further specific guidance regarding tracks. We have taken note of the guidance from the Gambling Commission that tracks are different from other premises in that there may be more than one premises licence in effect. In addition the track operator may not need to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.
- (11) There may be some specific considerations regarding the protection of children and vulnerable people from being harmed or exploited by gambling. We will expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young people will be allowed to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still not allowed to enter areas where gaming machines (other than category D machines) are provided.
- (12) Appropriate licence conditions may be:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (13) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- (14) Measures such as the use of self-barring schemes, providing information leaflets, and helpline numbers for organisations such as GamCare will all be considered suitable in relation to the protection of children and vulnerable people.

Gaming machines (Tracks)

- (15) We are waiting for further guidance from the Gambling Commission as to where these machines may be located on tracks. We are also waiting for guidance as to any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. We note the commission's guidance that licensing authorities therefore need to consider the location of gaming machines at tracks. Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his/her entitlement to four gaming machines, these machines are located in areas where children are excluded. Children and young people are not prohibited from playing category D gaming machines on a track.

Betting machines (Tracks)

- (16) We will, as per 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 people (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number, nature, circumstances of betting machines that an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed (Tracks)

- (17) Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances that they are made available. This can be done by attaching a licence condition to a betting premises licence.
- (18) In addition to the comments above at betting machines in betting premises, similar considerations apply in relation to tracks. The potential space for such machines may be considerable, bringing with it significant problems in relation to the increase in numbers, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines. We may restrict the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.
- (19) We note the Commission's view, that it is preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Applications and plans (Tracks)

- (20) We await regulations setting-out any specific requirements for applications for premises licences. However, the Gambling Commission's guidance states, that the application should include a detailed plan for the track itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring"). In the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities, should be made clear on the plan. Applicants should make clear what is being sought for under the track betting premises licence. They should also make clear what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- (21) We also note that in the Gambling Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

41 Bingo

- (1) Bingo is a class of equal chance gaming and will be allowed in alcohol licensed premises and in clubs provided that it remains below a certain threshold (where the aggregate stakes or prizes are less than £2,000 in any seven day period). Otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.
- (2) The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- (3) Commercial bingo halls will require a bingo premises licence from the Council.
- (4) Amusement arcades providing prize bingo will need a prize gaming permit from the Council.
- (5) It is important that if children are allowed to enter premises licensed for bingo that they do not take part in gambling, other than on category D machines. If category C or above machines are available in premises where children are admitted Licensing Authorities should ensure that:
- all such machines are located in an area of the premises separate from the rest of the premises by a physical barrier. This must be effective to prevent access other than through a designated entrance;
 - only adults are allowed in the area where the machines are located;

- access to the area where the machines are located must be supervised;
 - the area where the machines are located is arranged so that it can be seen by staff of the operator or the licence holder; and
 - at the entrance to, and inside the area there are prominently displayed notices indicating that access to the area is prohibited to people under 18.
- (6) The Gambling Commission is going to issue more guidance on issues that the licensing authorities should take into account in relation to the suitability and layout of bingo premises. The Council will consider this guidance once it is made available.
- (7) We will expect applicants to offer their own measures to meet the licensing objectives to 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-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (8) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- (9) **Members' clubs and commercial clubs** – Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000. The commission must be notified as soon as is reasonably practicable if the limit is breached. Stakes or prizes above that limit will need a bingo operators licence and the corresponding personal and premises licences.

42 Casinos

- (1) There are currently no casinos operating within North Lincolnshire.
- (2) There is no resolution to prohibit casinos in the area at present. However, we reserve the right to review this situation and may, at some time in the future, resolve not to permit casinos.

- (3) If we choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

43 Licensed Family Entertainment Centre

- (1) The Act creates two classes of family entertainment centre (FEC). Licensed FEC's, which provide category C and D machines and require a premises licence. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.
- (2) Children and young persons will be allowed to enter an FEC and may play on the category D machines. They will not be allowed to play on category C machines. It will be a requirement that there must be clear segregation between the two types of machine, so that children do not have access to category C machines.
- (3) We will expect applicants to offer their own measures to meet the licensing objectives to 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-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.
- (4) This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

44 Reviews

- (1) Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried out. This decision will be on the basis of whether the request for the review is relevant, frivolous or vexatious. Where the representation is deemed relevant we would first try to mediate.
- (2) See paragraphs eleven and seventeen of this statement for the list of responsible authorities and interested parties.
- (3) Licensing officers may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute

resolution before a full review is conducted. Unlike the Licensing Act 2003, the licensing authority may review premises licences. A referral to a licensing sub-committee of a premises for a review will be first approved by the Head or Assistant Head of Neighbourhood and Environmental Services.

- (4) The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate. This can extend to a review of a class of licences where it thinks particular issues have arisen. Reviews of a class of premises will be first agreed to by the Head or Assistant Head of Neighbourhood and Environmental Services in consultation with the chair of the licensing committee.
- (5) The Gambling Commission will be a responsible authority in premises licence reviews.

Part 4 – Gaming Machine/Prize Gaming Permits

Introduction

This part of the statement looks at permits. In addition to issuing premises licences, the Council will be responsible for issuing permissions to use premises for other activities.

These include:

- Family entertainment centres
- Travelling fairs
- Premises licensed to sell alcohol
- Club gaming
- Prize gaming and prize gaming permits

45 General Principles

- (1) When considering issuing gaming machine permits, we will consider applications in accordance with our statement. However, we appreciate that this Statement cannot cover all eventualities.

46 Alcohol Licensed Premises

- (1) There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. Under section 284 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, (for example, that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- (2) If it is necessary to issue section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order. This will also let them consider any representations that might be made. The licensing authority will hold a hearing if the licensee requests.
- (3) If a premises wishes to have more than two machines it needs to apply for a permit. The licensing authority must consider the application based on the licensing objectives. It must also consider any guidance issued by the Gambling Commission issued under section 25 of the Gambling Act 2005, and such matters we think relevant.
- (4) We consider that 'such matters' will be decided on a case-by-case basis but generally we will take into account the need to protect children and vulnerable people from harm or being exploited by gambling. We will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- (5) Measures that will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of

staff that will monitor that people under 18 are not using the machines. Notices and signs may also help. As regards the protection of vulnerable people, applicants could consider providing information leaflets or helpline numbers for organisations such as GamCare.

- (6) We recommend attaching a plan to applications indicating where, and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.
- (7) We recognise 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.
- (8) It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- (9) 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.
- (10) We will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access. These would include take-away premises, taxi offices and supermarkets.
- (11) Notifications and applications for up to four machines will generally be dealt with by licensing officers. Applications for five or more machines will be referred to a licensing sub-committee. Machines should be sited in accordance with any Gambling Commissions code of practice.

47 Club Gaming Permits

- (1) We may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.
- (2) We can only refuse an application on the grounds that:
 - (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;

- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Gambling Commission or the police.
- (3) Club gaming permits allow the provision of up to three gaming machines. These may be from categories B, C or D. The club can choose the combination of machines on its premises. We may grant or refuse a permit, but we cannot attach any conditions to a permit.

48 Prize Gaming and Prize Gaming Permits

- (1) Prize gaming is where the prize is determined by the operator before play starts and it is not dependant on the number of people playing.
- (2) A prize gaming permit is issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- (3) An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises. The applicant must be an individual, and must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.

49 Travelling Fairs

- (1) It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- (2) We will also consider whether the applicant falls within the statutory definition of a travelling fair.
- (3) It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

50 Unlicensed Family Entertainment Centres

- (1) Family entertainment centres are often found at seaside resorts, in airports and at motorway service centres. They will cater for families, including unaccompanied children and young people. Unlicensed family entertainment centres will only be able to offer category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with this permit (subject to other considerations, such as fire regulations and health and safety, which will not be issues for the licensing authority under the Gambling Act). Permits cannot be issued to vessels or vehicles.

- (2) We may wish to include a statement of principles in relation to applications for unlicensed family entertainment centres, in particular the matters to be taken into account when determining the suitability of the applicant.

Part 5 – Miscellaneous Activities

Introduction

This part of the statement deals with both temporary and occasional use notices and registrations for small lotteries.

51 Temporary Use Notices

- (1) The Act sets out the position on temporary use notices. These 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 include hotels, conference centres, and sporting venues.
- (2) A temporary use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.
- (3) The Secretary of State will prescribe in regulations the gambling activities that may be specified in a temporary use notice, as well as combinations of activities that may not be specified, and activities that may not be combined with any other.

52 Occasional Use Notices

- (1) The licensing authority has very little discretion regarding these notices, apart from ensuring that the statutory limit of eight days in a calendar year is not exceeded. We will consider the definition of a 'track' and whether the applicant is allowed to avail him/herself of the notice.

53 Registration of Small Society Lotteries

- (1) When carrying out our functions in relation to lotteries we will consider the Act, the guidance issued by the Gambling Commission and any regulations issued by the Secretary of State.

Part 6 – The Licensing Objectives

Introduction

This part of the statement looks at the three licensing objectives as stated in paragraph four. Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Gambling Commission's guidance to local authorities. The outcome of these considerations can be found in this part of the statement.

**Preventing gambling from being a source of crime or and disorder;
being associated with crime or and disorder or being used to
support crime**

54 The Gambling Commissions Role

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

55 Crime and Disorder Act 1998

- (1) We have a duty under section 17 of the Crime and Disorder Act 1998 to do all we reasonably can to prevent crime and disorder in the area. A high standard of control therefore needs to be exercised over licensed premises.

56 Suitability of Persons Holding a Licence

- (1) Anyone applying to the licensing authority for a premises licence will have to hold an operating licence from the Gambling Commission before a licence can be issued. We will not be concerned with the suitability of an applicant, however where concerns about a person's suitability arise we will bring those concerns to the attention of the Gambling Commission.

57 Disorder

- (1) 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. We do not intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers.
- (2) We will only seek to address issues of disorder under the Act if the disorder amounts to an activity, which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance was needed to deal with it. Another factor we are likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live close enough to be affected or have business interests that might be affected.

58 Determining Applications

- (1) We will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder.
- (2) Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's licensing officers and Humberside police before making an application.
- (3) When considering licence applications, we will particularly take into account:
 - the design and layout of the premises;
 - the training given to staff in crime prevention measures appropriate to those premises;
 - physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - where premises are subject to age restrictions, the procedures in place to check peoples age;
 - the likelihood of any violence, public order or policing problem if the licence is granted.
- (2) Where an application for a premises licence is for a re-site (within the vicinity of the original premises), which enables better facilities, then we will normally look at this sympathetically.

Ensuring gambling is conducted in a fair and open way

59 Gambling Commissions Role

- (1) Generally, the Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the operating licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the personal licence). Both of these options are the responsibility of the Gambling Commission.

60 Suitability of Betting Tracks

- (1) Because betting track operators do not need an operating licence from the Gambling Commission, we may, in certain circumstances, require conditions on a licence to ensure that the environment in which betting takes place in is suitable.

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

61 Access to Licensed Premises

- (1) With limited exceptions, the access of children and young people to those gambling premises that are adult only environments will not be permitted.
- ~~(2) We will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them attractive to children.~~
- (2) We will consult with Humberside police and the local child protection board on any application that indicates there may be concerns over access for children or vulnerable people.
- (3) We will judge the individual merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include:
 - supervision of entrances;
 - segregation of gambling areas from areas frequented by children;
 - supervision of gaming machines in non-adult gambling specific premises.

62 Vulnerable Persons

- (1) The term ‘vulnerable persons’ has not been defined. In seeking to protect vulnerable people we will class as ‘vulnerable’ those 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, perhaps due to a mental impairment, alcohol or drugs.

63 Social Responsibility and Self-Exclusion

- ~~(1) We shall work in partnership with operators to look at social responsibility and methods to help with self-exclusion.~~

Part 7 – Enforcement

Introduction

This part of the statement details the Council's commitment to enforcing the provisions contained within the Gambling Act 2005. The Council has signed up to the enforcement concordat.

It also highlights our commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.

64 General

- (1) The Council has adopted the concordat relating to enforcement. When dealing with enforcement issues, we will act in a fair and consistent manner and will treat all cases and people with consideration and empathy. Our Licensing Enforcement Policy is available on our website, www.northlincs.gov.uk, or by contacting the licensing division at the address at paragraph nine.
- (2) When enforcing the provisions of the Gambling Act 2005 we will endeavour to be:
 - Proportionate – intervening only where necessary;
 - Accountable – be able to fully justify the actions we take;
 - Consistent – treat all premises equally while determining each case on an individual basis;
 - Transparent – publish clear guidelines as to how we will operate; and
 - Targeted – target only those premises that cause problems.

65 Licensing Authority Responsibilities

- (1) Our responsibility under the Act is to ensure compliance with premises licences and the conditions attached to the licence and to ensure that businesses have the necessary permissions.
- (2) The Gambling Commission will be the enforcement body responsible for operating licences and personal licences.

66 Enforcement Protocols

- (1) We will work very closely with other enforcement agencies. We will develop enforcement protocols during the period of this statement. The protocols will be referred to the licensing committee for approval.

67 Avoiding Duplication

- (1) When enforcing the provisions of the Act we will endeavour to avoid duplication with other regulatory regimes.

68 Complaints

- (1) We will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

-
- (2) Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, we will initially arrange a mediation meeting to address and clarify the issues of concern.
 - (3) This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting. Due consideration will be given to all relevant representations.

69 Single Point of Contact

- (2) Where an operator has more than one premises in our area we would request a single point of contact. The contact should be at a senior level within the business. We will then contact this named person regarding compliance issues.

Glossary of Terms

- “we” - means North Lincolnshire Council
- “the Act” - means the Gambling Act 2005
- “Consent of the Council” - means written consent or approval by the Council
- “Council” - means North Lincolnshire Council
- “Licensing Committee” - means a group of fifteen members of North Lincolnshire Council
- “Licensing Sub-Committee” - means a group of three members of North Lincolnshire Council who will deal with licence applications where there is a representation or an application for a review
- “Magistrates Court” - means North Lincolnshire Magistrates Court
- “policy” - means this statement of principles
- “Statement” - means this statement of principles
- “vessel” - means any boat or ship
- “vicinity” - means the area surrounding the premises. This area will differ depending on the size and type of the licensable activity taking place

No English?

For information please call:

08000 193530 للحصول على المزيد من المعلومات اتصل بـ: (Arabic)

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For information in large print, audio, Braille or to request a signer to speak to us please contact 01724 296296

Licensing Division
Church Square House
PO Box 42
Scunthorpe
North Lincolnshire
DN15 6XQ

23rd October 2015

Dear Sir,

Consultation on North Lincolnshire Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of any moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and are pleased to see this information included briefly within your statement at Section 34.

Whilst each application will be judged on its merits as mentioned at several points within your statement, in order to clarify, Coral knows of no evidence that the location of a licensed betting office within the proximity of schools & churches causes harm to the licensing objectives. We appreciate that such locations are included within Gambling Commission guidance to councils but wish to ensure that by inclusion in the risk assessment, there is no inference that such locations in close proximity to the licensed premises, are at greater risk of causing harm to the licensing objectives.

Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and no evidence whatsoever that they cause problems.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541600
Tel: 020 3288 7000 Fax: 020 3288 7050

A number of Council's have created long lists of locations which by inclusion are required to be risk assessed & often with strict templates to be completed. We are pleased to recognise that North Lincolnshire Council have not progressed that route which we deem is correct as Coral are also of the opinion that as there is no evidence that the proximity of such locations causes harm to the licensing objectives, it is best left to the operators to provide their own risk assessments. Naturally, if these do not meet the level desired by the Council, we would adjust to suit.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Little
Director of Development – Coral Retail



GOSSCHALKS
SOLICITORS

North Lincolnshire Council
Licensing Department
PO Box 42
Church Square House
Scunthorpe
DN15 6XQ

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / JULIEGA /
097505.00004
#GS419855
Your ref:
Date: 22 October 2015

Dear Sirs,

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 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.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal 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 we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and 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 built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks 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

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are 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 local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency 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 uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that 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.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes 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.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. 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 statements as to the need for evidence.

This would further 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.

Specific Policy Comments

27. General Principles

This paragraph indicates that in carrying out its functions the authority will “have due regard” and act in accordance with any relevant codes of practice, any guidance issued by the Gambling Commission, the licensing objectives and the council’s own statement of principles. It is respectfully submitted that the words “will have due regard” should be replaced by the words “aim to permit” as the licensing authority is required to aim to permit the use of premises for gambling in so far as any application in accordance with the relative codes of practice, guidance issued by the Gambling Commission, the local authorities statements of principle and in so far as the application is reasonably consistent with the licensing objectives. The licensing authority is always required to “have regard” to the licensing objective but the requirement is to “aim to permit the use of premises for gambling”.

31. Location of Licensed Premises

The final 2 sentences of this paragraph cause the ABB significant concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licensing regime under Licensing Act 2003. Such a policy is contrary to the overriding principles of “aim to permit” contained within Section 153 Gambling Act 2005. Similarly, the reversal of the burden of proof in the final sentence that requires the Applicants to demonstrate why an application should be granted is contrary to that principle. This paragraph should be redrafted and replaced simply with the statement that each case will be determined on its own merits.

33. Local Area Profiles

The ABB welcomes the statement that there is no evidence presented to the council to support the assertion that any part of the authority's area is experiencing problems from gambling activities.

34. Local Risk Assessments

Local risk assessments will need to be submitted with applications for new licences and variations from 6th April 2016 following the implementation of the new social and responsibility and ordinary code provisions. The provisions require that licensees "assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises". The example given in paragraph 34 (1) refers to the proximity of churches. The Gambling Commission Guidance is clear. Paragraph 5.34 of the fifth edition of the guidance to licensing authorities indicates "licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licenses." It is impossible to equate the proximity of a church to inconsistency with the licensing objectives. This reference, therefore, should be deleted.

35. Conditions

The statement of principles would be assisted by an indication the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft statement of principles should make it clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. The statement of principles should be clear that conditions will only be imposed where there is evidence of a need to do so and decisions will not be made on the basis of a "perceived need" (as in paragraph 35 (2)) or mere concerns. The statement in paragraph 37 (3) that "we will only attach conditions requiring door supervisors where there is clear evidence that the premises cannot be adequately supervised ..." is the correct starting point for the imposition of conditions.

54 to 57. Preventing gambling from being a site of crime or disorder being associated with crime or disorder or being used to support crime

The licensing objective is incorrectly stated within the gambling statement of principles. In the draft statement of principles references are to "crime and disorder" when they should be to "crime or disorder". The draft statement of principles should be amended to reflect this.

Thereafter, there should be a clear statement that issues of nuisance are not relevant for the purposes of Gambling Act 2005 applications.

61. Protecting Children and other vulnerable persons from being harmed or exploited by gambling

At paragraph 61 (2) there is a statement that the council will seek to limit the advertising of premises so that gambling products are not aimed at children or advertised in such a way that makes them attractive to children. This paragraph should be removed from the draft policy. The

regulation of advertising gambling premises is already heavily regulated and covered by the LCCP. Ordinary code provision 5.1.6 requires socially responsible advertising, compliance with the CAP codes of practice and the gambling industry code for socially responsible advertising. The advertising of gambling premises is not therefore an issue for consideration by the licensing authority.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

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, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our 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.

Yours faithfully,



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