

BLACKPOOL COUNCIL: DRAFT STATEMENT OF LICENSING POLICY UNDER THE GAMBLING ACT 2005

1. PREFACE

- 1.1 The Gambling Act 2005 repeals the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976. The Gambling Commission will act as a unified regulator for gambling in Great Britain and will remove from licensing justices all responsibility for granting gaming and betting permissions. The Gambling Commission and licensing authorities will share between them responsibility for all matters previously regulated by licensing justices. Licensing authorities are required to prepare, every three years, a statement of the principles, which they propose to apply when exercising their functions, and they must publish the statement and consult upon it. The statement will last for a maximum of three years, but can be reviewed and revised by the authority at any time.
- 1.2 The Gambling Commission Guidance to Local Authorities issued on the 28th April 2006, has been used in formulating this draft statement of licensing policy.
- 1.3 The Gambling Act will not fully come into force until 1st September 2007, however, in drawing together this draft Statement Blackpool is stating its willingness and readiness to license new venues for gambling under the Act.
- 1.4 The Gambling Commission will have responsibility for issuing operating licences and personal licences.
- 1.5 The Council will have an obligation to provide information to the Gambling Commission, including details of licences, permits and registrations issued.

2. INTRODUCTION

- 2.1 This Statement of Licensing Policy sets out how Blackpool Council intends to exercise its functions under the Gambling Act and the principles that it intends to apply. This policy takes effect on XXXXX and will remain in force for three years. The policy will be subject to periodic reviews and further consultation
- 2.2 In preparing this Statement of Licensing Policy, the Licensing Authority has consulted with the following:
 - 2.2.1 the Chief Officer of Police for the Licensing Authority's area;
 - 2.2.2 one or more persons who appear to the authority to represent the interest of persons carrying on gambling businesses in the authority's area; and
 - 2.2.3 one or more persons who appear to the Licensing Authority to represent the interest of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Gambling Act.

A full list of persons consulted and representations received can be found at Annexe 1.

2.3 This policy covers the administrative area of Blackpool (see attached map)

3. **FUNDAMENTAL PRINCIPLES**

3.1 There are three licensing objectives set out in the Gambling Act which the Council endorses and will promote in the following ways:

3.1.1 preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

3.1.2 ensuring that gambling is conducted in a fair and open way;

3.1.3 protecting Children and other vulnerable persons from being harmed or exploited by gambling.

4. **GAMBLING AND BLACKPOOL**

4.1 The deregulation of gambling and the location of new casinos in the town would have the potential to transform Blackpool. Gambling will occur within the context of a rejuvenated, high quality entertainment resort destination, where operators and regulators work together to provide the visitor with a safe and secure environment in which to enjoy their visit experience. The Council will give effect to this principle by:

4.1.1 establishing a Gambling Forum comprising operators of casinos, bingo halls, Adult Gaming Centres and Family Entertainment Centres together with the Council, Police, PCT, other public authorities and representatives of the public;

4.1.2 working with the Police, the Gambling Academy at Blackpool & Fylde College, Lancaster University and operators to assist the carrying out of research and investigation on patterns of crime and disorder associated with gambling;

4.1.3 working with casino operators and other gambling venues through the Gambling Forum to contribute to services aimed at reducing crime and disorder;

4.1.4 monitoring conditions imposed on licences for compliance and deal with non-compliance in accordance with enforcement policies.

4.2 The Gambling Commission has the responsibility for overseeing that gambling is conducted in a fair and open way. Local residents and visitors will be kept informed about the way that casinos and other gambling venues operate in the town and the impacts (both negative and positive) that they have on the community.

5. LICENSABLE ACTIVITIES COVERED

5.1 The main functions of the Council as licensing authority are to:

- 5.1.1 license premises for gambling activities;
- 5.1.2 consider notices for the temporary use of premises for gambling;
- 5.1.3 grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- 5.1.4 regulate gaming and gaming machines in alcohol licensed premises;
- 5.1.5 grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- 5.1.6 grant permits for prize gaming;
- 5.1.7 consider occasional use notices for betting at tracks; and
- 5.1.8 register small societies' lotteries.

6. CHILDREN'S BOARD

6.1 The body advising the Council about the protection of children from harm will be the Local Safeguarding Children Board.

6.2 In determining the Local Safeguarding Children Board as the body competent to advise the authority about the protection of children from harm, the following principles were applied - *to be inserted*

7. CHILDREN AND VULNERABLE PEOPLE

7.1 We will place high priority on social responsibility and take a public health approach¹ to dealing with problems. In exercising its statutory powers, the Council will have due regard where relevant to its statutory functions to the need to:

- 7.1.1 prevent gambling related problems in individuals and groups at risk of gambling addiction;
- 7.1.2 promote informed and balanced attitudes, behaviours and policies towards gambling and gamblers by both individuals and by communities; and
- 7.1.3 protect vulnerable groups from gambling related harm.

7.2 The Council will work with operators and other public agencies through the Gambling Forum to encourage a commitment to social responsibility including responsible design, delivery, promotion and use of the product. The end goal will be to reduce the incidence of high-risk and problem gambling.

¹ Based on the work of David Korn in: Examining Gambling Issues From a Public Health Perspective, 2005 published in e-Gambling issues

- 7.3 The Licensing Authority will consider, in relation to any particular premises whether any special considerations apply to the protection of vulnerable persons. Such considerations need to be balanced by the Licensing Authority's objective to aim to permit the use of premises for gambling.
- 7.4 Casino operators in particular would be expected to show that all staff coming into contact with the public has received suitable training to identify and deal with those people who could be classed as vulnerable.
- 7.5 The Council will require the holder of a casino premises licence to take specified steps to ensure that no child or young person enters premises or part of premise where an offence under section 47 of the Gambling Act would be committed. *[Expand and take account of considerations in Guidance para 5.17]*

8. INTERESTED PARTIES

- 8.1 The Gambling Act defines as an interested person in relation to an application or in respect of a premises licence, the person who:
- 8.1.1 lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - 8.1.2 has business interests that might be affected by the authorised activities; or
 - 8.1.3 represents persons who satisfy paragraphs (a) or (b).
- 8.2 The Licensing Authority, in determining whether a person is an interested party, will consider each case on its merits. In reaching its decision, the Licensing Authority will consider factors such as the likelihood of the person/business being affected by the licensable activities at the premises as well as the geographical proximity.

9. DEALING WITH RESPONSIBLE AUTHORITIES

- 9.1 Section 157 of the Gambling Act lists those bodies designated as Responsible Authorities. A full list can be found in our supplementary publication – “advertising and submitting applications”.
- 9.2 In due course information on how to make representations to such bodies and what happens thereafter will be made available at Council offices and on the web site.

10. EXCHANGE OF INFORMATION

The Licensing Authority will consult with the other regulatory bodies under the Gambling Act when considering their procedures relating to information exchange. *This section will be updated in due course.*

11. INSPECTIONS AND ENFORCEMENT

- 11.1 Gambling in the town will be regulated by the Gambling Commission and through its powers as Licensing Authority by the Council. As a Licensing Authority, the Council is committed to facilitating the provision of a wide range of high quality gaming venues operated in a socially responsible manner.
- 11.2 Where it is considered that standards in existing venues are lacking, the premises will be encouraged to raise their standards. If standards are not raised to appropriate levels, the Council will consider what action to take which may involve using its powers not renewing a licence or even revoking one when appropriate to do so.
- 11.3 Powers of inspection – *to be inserted*
- 11.4 Premises will be subject to appropriate risk based enforcement on a multi-agency basis. The Authority's power to review premises not complying with conditions, or where complaints have been received will be used whenever necessary.
- 11.5 In carrying out its enforcement and prosecution powers, the Council's seek an appropriate response in accordance with the following criteria:
- 11.5.1 proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - 11.5.2 accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - 11.5.3 consistent: rules and standards must be joined up and implemented fairly;
 - 11.5.4 transparent: regulators should be open, and keep regulations simple and user friendly; and
 - 11.5.5 target: regulation should be focused on the problem, and minimise side effects.
- 11.6 *This section will be updated once further guidance from the Gambling Commission becomes available.*

12. STATEMENT OF PRINCIPLE ON PERMITS

Whilst awaiting formal guidance from the Gambling Commission, it is possible to indicate at this stage, that the Licensing Authority will pay particular attention to the location of the premises, the design and layout of the premises, and the measures the applicant intends to put into place to deal with child protection and crime concerns.

13. CASINO RESOLUTION

The Council is minded not to pass a resolution not to issue casino premises licences due to the adverse effect that such a resolution would have on the economy of the Borough.

14. PREMISES LICENCE

14.1 The Licensing Authority's primary obligation is to permit the use of premises in so far as it thinks that is:

14.1.1 in accordance with the relevant codes of practice issued by the Gambling Commission;

14.1.2 in accordance with the guidance issued by the Gambling Commission;

14.1.3 reasonably consistent with the licensing objectives; and

14.1.4 in accordance with this Statement of Licensing Policy.

14.2 Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence. Each application will be considered on its merits without having regard to demand.

14.3 The Licensing Authority will, as far as possible, avoid imposing conditions on premises licences, which duplicate the requirements of other regulatory regimes.

14.4 When considering applications for premises licences the Licensing Authority will take a number of factors into consideration. These will include:

14.4.1 location of the premises. Whilst it has already been stated that demand is not a factor to be taken into account, the Licensing Authority will consider the proximity of the proposed premises to schools, vulnerable adult centres, or residential areas where there is likely to be a high concentration of families;

14.4.2 design: for example where access by children is prohibited to all or part of the premises, the design should be capable of demonstrating that only persons entitled to access are permitted entry;

14.4.3 social responsibility – the protection of children and young persons from being harmed or exploited by gambling is of significant concern. The Licensing Authority would expect to see the list of measures that would be taken to protect children, as well as the assistance that would be made available to all those with gambling problems;

14.4.4 licensing objectives – the Licensing Authority is determined that the residents of, and visitors to Blackpool should be provided with high quality venues for betting and gaming, whilst reducing the risk of crime and disorder, and protecting children and the vulnerable. The Licensing Authority will expect detailed plans from operators to show how the objectives will be met.

14.5 Once further guidance from the Gambling Commission is available, the Licensing Authority will, with the assistance of the other responsible authorities, produce information leaflets to provide potential applicants with guidance on what type of information the responsible authorities will be looking for when considering applications.

14.6 Each case, however will be decided on its merits.

15. **LICENSED PREMISES GAMING MACHINE PERMITS**

15.1 The Gambling Act provides an automatic entitlement to make available two gaming machines for use in premises with an alcohol licence. These machines may be Category C or D. To take advantage of this entitlement, the holder of the premises licence must give notice to the Licensing Authority. The Licensing Authority has no discretion concerning this notification. The notification may be removed however if the Licensing Authority makes an order under section 284. This order may be made in the following circumstances:

15.1.1 provision of the machines is not reasonably consistent with the licensing objectives;

15.1.2 gaming has taken place on the premises that breaches a condition of section 282;

15.1.3 the premises are mainly used for gaming; or

15.1.4 an offence under the Gambling Act has been committed on the premises.

15.2 In addition to the automatic entitlement, the Licensing Authority may issue licensed premises gaming machine permits for any number of Category C or D machines. The number of machines stated on the permit will replace, not be in addition to the automatic entitlement.

16. **PRIZE GAMING PERMITS**

16.1 The Licensing Authority is concerned that premises with the benefit of a prize gaming permit will particularly appeal to children and young persons. When considering an application, the Licensing Authority will give significant weight to child protection issues, and will need to be satisfied that the granting of a permit will not place children and young persons at risk as a consequence.

16.2 This section will be updated once further guidance from the Gambling Commission becomes available.

17. **FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

This Statement of Licensing Policy will apply to applications for Family Entertainment Centre Gaming Machine Permits issued under schedule 10 of the Gaming Act. Holders of such permits will be able to offer Category D machines to unsupervised children and young persons, yet the Licensing Authority is

unable to attach conditions to the grant of such a permit. Such premises are likely to raise significant child protection issues, as well as issues relating to crime and disorder.

18. **LICENSING TRACKS**

To be inserted

19. **APPLICATIONS FOR MULTIPLE LICENCES**

19.1 The Licensing Authority 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, will take into account that:

19.1.1 the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling; and

19.1.2 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.

20. **PERMITS AND CONDITIONS**

[This section to be written after Regulations made under ss. 167-169]

21. **OUTCOME MEASURES**

21.1 To ensure that this policy is implemented, we will set out and monitor the following key indicators of the effects of the implementation of the policies:

21.1.1 prevalence of problem gambling in Blackpool and gambling behaviours;

21.1.2 the percentage of residents who are satisfied with the licensing service and believe that gambling is effectively regulated;

21.1.3 crime levels and disorder associated with gambling, particularly acquisitive crime;

21.1.4 revenues accruing to the Council from casino operators and how this is used to benefit the local community;

21.1.5 any harm or exploitation arising to children or vulnerable adults clearly linked to gambling.

22. **DELEGATION**

It is normal practice in routine, uncontested decisions for the Council to authorise a senior officer to deal with the matter on their behalf. In this way, the Council can discharge its functions in an efficient manner and avoid delay to business development and entrepreneurial activity. The administrative systems, the licence service and procedures will be subject to programmed review and powers will, wherever possible be delegated to officers and licensing panels.

22.1 The following tables sets out the delegated functions:

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officer delegation The Head of Legal and Democratic Services
Three year licensing policy	X		
Policy not to permit casinos	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of premises licence		X	

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officer delegation The Head of Legal and Democratic Services
Application for club gaming/club machine permits		Where objections have been made and not withdrawn	Where no objections have been made/objections have 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 a temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

23. **HUMAN RIGHTS ACT:**

23.1 In formulating this policy we have taken into account the Human Rights Act and in particular:

23.1.1 Article 1 – the right to peaceful enjoyment of possessions;

23.1.2 Article 6 – the right to a fair hearing;

23.1.3 Article 8 – the right to respect for private and family life;

23.1.4 Article 10 – the right to freedom of expression.

24. **MISCELLANEOUS**

24.1 The Licensing Authority shall as far as possible carry out its functions so as to avoid duplication with other regulatory regimes.

- 24.2 Nothing in this statement shall override the right of any person to make an application under the Gambling Act or to have that application considered on its merits.
- 24.3 Nothing in this Statement shall undermine the right of any person to make representations on an application or seek review of a licence where provided for under the Gambling Act.
- 24.4 This draft Statement has been drawn up having regard to the licensing objectives of the Gambling Act and the Guidance to Licensing Authorities, Consultation Document 2005. [In finalising this Statement, the Council will have regard to the licensing objectives of the Gambling Act, the guidance issued by the Gambling Commission and the responses from those consulted on its draft policy Statement.]