

# Public Document Pack

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Dear Councillor

## **EXECUTIVE - MONDAY, 2ND NOVEMBER, 2015**

The Licensing Committee at its meeting on the 27<sup>th</sup> October 2015, considered the Review of Statement of Policy- Gambling Act 2005 and agreed that document subject to a number of minor amendments. Please find attached a revised version of Appendix 3a including those amendments highlighted in red and two representations received.

<b>Agenda No</b>	<b>Item</b>
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3	<b><u>REVIEW OF STATEMENT OF POLICY- GAMBLING ACT 2005</u> (Pages 1 - 32)</b>
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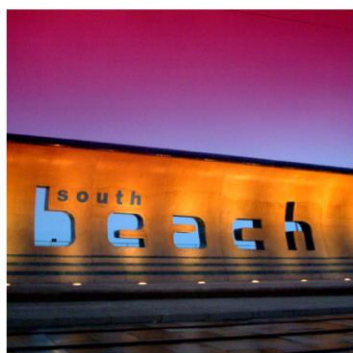
Yours sincerely

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# STATEMENT OF POLICY AND PRINCIPLES UNDER THE GAMBLING ACT 2005

2016 - 2019

Blackpool Council



# Statement of Policy and Principles under the Gambling Act 2005

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# Statement of Policy and Principles under the Gambling Act 2005

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## General

This Statement of Licensing Policy covers the administrative area of Blackpool (see Appendix 1 for map) and sets out how Blackpool Council intends to exercise its functions under the Gambling Act 2005 and the principles that it intends to apply. This policy takes effect on 31<sup>st</sup> January 2016 and will remain in force for three years. The policy will be subject to periodic reviews and further consultation.

In preparing this policy, the licensing authority has consulted with the following:

- The Chief Officer of Police for the Licensing Authority's area;
- 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
- 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 2005.

A full list of persons consulted can be found at Appendix 2.

## Fundamental Principles

The licensing authority will **have regard to** the three licensing objectives set out in the Gambling Act 2005.

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

## Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are taking place by issuing premises licences;
- Issue provisional statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and club machine permits;
- Issue club machine permits to commercial clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- Receive notifications from alcohol licensed premises for the use of up to two gaming machines;
- Issue licensed premises gaming machine permits for premises licensed to supply alcohol for consumption on the premises where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue permits for prize gaming;
- Receive temporary use notices; and
- Receive occasional use notices

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## Responsible Authorities

Responsible authorities use their particular area of expertise to help promote the licensing objectives. They are able to make representations about applications and apply for review of a licence. Responsible authorities will also offer advice and guidance to applicants.

A full list of responsible authorities can be found in our supplementary publication “premises application guide”. This is available on the Council’s website [www.blackpool.gov.uk](http://www.blackpool.gov.uk).

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

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

In accordance with the regulations the Council designates the Local Safeguarding Children Board for this purpose.

## Interested Parties

The Gambling Act defines an interested party as a person who:

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

The licensing authority, in determining whether a person is an interested party, will consider each case on its merits. The authority will not apply a rigid rule to its decision making. 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 geographical proximity. Larger premises may affect people over a broader geographical area than smaller premises offering the same facilities.

“Business interests” will be given its widest possible meaning and may include partnerships, charities, faith groups and medical practices.

Interested parties may also include trade associations, trade unions, residents’ associations and tenants’ associations where they have a member who can be classed as an interested party. Democratically elected councillors and MPs may also be interested parties.

## Children and Vulnerable People

The licensing authority will place a high priority on social responsibility. In exercising its statutory powers, the licensing authority will have due regard, where relevant to its statutory functions, to the need to:

- Prevent gambling related problems in individuals and groups at risk of gambling addiction;
- Promote informed and balanced attitudes, behaviours and policies towards gambling and gamblers by both individuals and by communities; and
- Protect vulnerable groups from gambling related harm.

The licensing authority will work with operators and other public agencies to encourage a commitment to social responsibility including responsible design, delivery, promotion and use of

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product. The end goal will be to reduce the incidence of high-risk and problem gambling.

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 authority's objective to aim to permit the use of premises for gambling. The Gambling Commission are obliged under section 176 of the Act to issue a Code of Practice on access to casino premises by children and young persons. Adherence to the code will be a condition on the premises licence.

Casino operators in particular would be expected to show that all staff coming into contact with the public have received suitable training to identify and deal with those people who could be classed as vulnerable.

The licensing authority will require the holder of a casino premises licence to take steps to ensure that no child or young person enters premises or part of premises where an offence under section 47 of the Gambling Act would be committed.

Track operators will not necessarily have an operating licence issued by the Gambling Commission. The licensing authority may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

## Exchange of Information

The licensing authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 shall not be contravened. The licensing authority will have regard to any guidance issued by the Gambling Commission as well as any relevant regulations issued by the Secretary of State. In the event of protocols being established as regards

information exchange with other bodies, they will be made available on the Council website.

## Enforcement and Inspections

Gambling in the town will be regulated by the Gambling Commission and through its powers as licensing authority by the Council. The licensing authority is committed to facilitating the provision of a wide range of high quality gaming venues operated in a socially responsible manner.

Where it is considered that operational standards in existing venues are lacking, the premises will be encouraged to raise their standards. If standards are not raised to appropriate levels, the authority will consider what action to take which may involve using its powers, including revoking a licence where appropriate to do so.

The main enforcement and compliance role for the licensing authority will be in relation to the premises licences and other permissions that it issues. The Gambling Commission will be the enforcement body for operating and personal licences. Concerns about the manufacture, supply or repair of gaming machines will be notified to the Gambling Commission.

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.

In carrying out its enforcement and prosecution powers, the licensing authority will seek an appropriate response in accordance with the following criteria:

- Proportionate – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised;



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- Accountable – regulators must be able to justify decision, and be subject to public scrutiny;
- Consistent – rules and standards must be joined up and implemented fairly;
- Transparent – regulators should be open, and keep regulations simple and user friendly; and
- Target – regulation should be focused on the problem, and minimise side effects.

The licensing authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should compliance queries or issues arise.

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## PREMISES LICENCES

### Introduction

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

- In accordance with the relevant codes of practice issued by the Gambling Commission;
- In accordance with the guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Licensing Policy

Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence. **Other factors that cannot be taken into account are moral/ethical objections, a general dislike of gambling, nuisance issues or the likelihood of planning/building regulation approval.** Each application will be considered on its merits.

The licensing authority will, as far as possible, avoid imposing conditions on premises licence which duplicate the requirements of other regulatory regimes.

When considering applications for premises licences, the licensing authority will take a number of factors into consideration. These include:

### Location

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. It is obviously open to the applicant to show that premises of the type applied for have historically been situated in these areas

without problems occurring. The licensing authority, **would use any evidence that the particular location of the premises would be harmful to the licensing objectives to inform the decision the authority makes about whether to grant the licence, grant the licence with conditions or to refuse the application.**

### Design

For example where access by children is prohibited to all or part of the premises, the design should be capable of demonstrating how access by children will be prevented.

### 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 those with gambling problems.

### 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.

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

The Gambling Commission will be taking a lead role in preventing gambling from being a source of crime. Guidance from the Gambling Commission does however envisage that licensing authorities should pay attention to

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the proposed location of gambling premises in terms of this licensing objective. Where an area has high levels of organised crime, this authority will consider whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

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

The Gambling Commission has stated that it would not generally expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as personal and operating licences will address this.

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

This means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at, or are, particularly attractive to children). The licensing authority will consider whether specific measures are required at particular premises. Measures may include supervision of entrances or segregation of areas.

## **Conditions**

Conditions will only be attached to licences if they are necessary and proportionate.

- Relevant to the need to make the proposed building suitable as a gambling facility,
- Directly related to the premises and the type of licence applied for,
- Fairly and reasonably related to the scale and type of premises, and
- Reasonable in all other respects.

Decisions on individual conditions will be made on a case-by-case basis. There is an expectation that the applicant will offer their own suggestions as to the way in which the licensing objectives can effectively be met. Conditions imposed should not duplicate matters already subject of regulation by the Gambling Commission.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult specific premises in order to pursue the licensing objectives.

The authority will wish to ensure that where category C machines are on offer in premises to which children are admitted:

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

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## Door Supervisors

In some cases there may be a need for door supervisors in terms of protection of children or preventing the premises becoming a source of crime. It cannot, however, be a condition that door supervisors at casinos or bingo premises must be licensed by the Security Industry Authority. Where a requirement for door supervisors is identified in casinos or bingo halls, the licensing authority will determine specific requirements for door supervisors working at these venues on a case-by-case basis.

For premises other than casinos or bingo premises, door supervisors may be required to be registered with the SIA. It will not automatically be assumed that they need to be.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

## Multiple Licences

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 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

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.

## Casinos

Blackpool has a number of casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences. Casino games offer the chance for multiple participants to take part in a game competing against the house or back at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

The Gambling Commission has provided guidance for local Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The licensing authority will take this into consideration when determining applications in respect of converted casino licences.

## Bingo Premises

It is important that if children are allowed into premises licensed for bingo they do not participate in gambling, other than on category D machines. Where category C or above machines are available on the premises to which children are admitted the licensing authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent

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access other than through a designated entrance;

- Only adults are admitted to the area where the machines are located.
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such are there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

## Betting Premises

### Betting machines

The licensing authority will take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of the machines by vulnerable people.

While the authority has discretion as to the number/nature and circumstances of use of betting machines, there is no evidence that such matters give rise to regulatory concerns. This authority will only consider limiting the number of machines where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

## Adult Gaming Centre

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas

## Licensed Family Entertainment Centre

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

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

- CCTV

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

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

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

## Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place.

All tracks will require a primary "general betting premises licence" that the track operator will hold. Track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

Tracks may be subject to one or more premises licences, provided each licence relates to a specific area of track. This may be preferable for any self-contained premises providing off-course betting facilities. The licensing authority will assess each individual case on its merits before deciding if this is necessary.

Children and young persons will be permitted to enter track areas where facilities for betting are provided although they are still prohibited from entering areas where gaming machines and betting machines (other than Category D machines) are provided.

## Travelling Fairs

It will fall to this licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit 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.

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

It has been noted that the 27-day statutory maximum for the land being used as a fair, s per calendar year, and that it applies to the piece of land on which the fairs are held,

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regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land crossing our boundaries is monitored so that the statutory limits are not exceeded.

## Provisional Statements

A provisional statement application is a process which allows a developer to discover whether a building which he expects to be constructed, altered, to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence, but it does give some form of guarantee that a licence would be granted.

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 concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

(a) Which could not have been raised by objectors at the provisional licence stage; or

(b) Which in the authority's opinion reflect a change in the operator's circumstances.

When determining an application for a provisional statement the licensing authority

will not have regard to issues relating to planning consent or building regulations, for example the likelihood that planning consent will be granted.

## Reviews

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of:

1. Whether the request for the review is relevant to the matters listed below: -

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

2. Consideration as to whether the request is frivolous, vexatious

3. Whether the review will certainly not cause this authority to wish to alter/revoke/suspend the licence, or

4. Whether it is substantially the same as the previous representations or requests for review.

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The licensing authority can also initiate a review of a licence on the basis of any reason, which it thinks is appropriate.

- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- That staff are trained to have a full understanding of the maximum stakes and prizes.

## STATEMENT OF PRINCIPLES ON PERMITS

### Unlicensed Family Entertainment Centre Gaming Machine Permit

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

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

The licensing authority will also expect as per the Gambling Commission guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

### Licensed Premises Gaming Machine Permit

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C or D. The premises merely need to notify the licensing authority. This automatic authorisation can be removed by the licensing authority if:

- Provision of the machines is not reasonably consistent with the licensing objectives; Gaming has taken place on the premises that breaches a condition of section 282;
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” Such matters will be decided on a case-by-case basis but generally



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there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to show that there will be sufficient measures to ensure that under 18-year-olds do not have access to adult only gaming machines. Measures may include the adult machines being placed in sight of the bar, or in the sight of staff that will monitor the use of the machines. The applicant may also wish to consider the provision of information leaflets/help-line numbers for organisations such as Gamcare.

Where the applicant for additional machines can demonstrate compliance with the Gambling Commission Code of Practice on gaming machines, granting of the application would be the normal course as long as the number of machines requested can be shown to be reasonable in relation to the size of the premises.

Under the Gaming Act 1968, the granting of an application for four gaming machines (two in relation to guest houses) is delegated to Officers. In an attempt to reduce administration and bureaucracy, this practice will continue.

It should be noted that the licensing authority could 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.

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.

## Prize Gaming Permit

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.

- The applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law.

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

## Club Gaming and Club Machine Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming

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machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D)

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes "licensing authorities may only refuse an application on the grounds that:

- The applicant does not fulfill 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;
- The applicant's premises are used wholly or mainly by children and/or young persons;
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- A permit held by the applicant has been cancelled in the previous ten years; or
- The Commission or the police have lodged an objection.

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

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

## Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance notes "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect

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would be to permit regular gambling in a place that could be described as one set of premises."

## Occasional Use Notices

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

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:

- Prevalence of problem gambling in Blackpool and gambling behaviours;
- The percentage of residents who are satisfied with the licensing service and believe that gambling is effectively regulated;
- Crime levels and disorder associated with gambling, particularly acquisitive crime;
- Revenues accruing to the Council from casino operators and how this is used to benefit the local community;
- Any harm or exploitation arising to children or vulnerable adults clearly linked to gambling.

## 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.

The table on the following page sets out the delegated functions.

## Human Rights Act

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

- Article 1 – the right to peaceful enjoyment of possessions;
- Article 6 – the right to a fair hearing;
- Article 8 - the right to respect for private and family life
- Article 10 – the right to freedom of expression.

## Miscellaneous

The licensing authority shall as far as possible carry out its functions so as to avoid duplication with other regulatory regimes.

Nothing in this statement shall override the right of any person to make an application under the Gambling Act 2005 or to have that application considered on its merits.

Nothing in this statement shall undermine the right of any person to make representations on an application or seek review of a licence

# Statement of Policy and Principles under the Gambling Act 2005

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where provided for under the Gambling Act  
2005.

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## Statement of Policy and Principles under the Gambling Act 2005

Matter to be dealt with	Full Council	Licensing Panel	Officer Delegation
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 have been received/representations withdrawn
Application for variation to a licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for transfer of 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 have been received/representations withdrawn
Review of premises licence		X	
Application for club gaming/club machine permit		Where objections have been made and not withdrawn	Where no objections have been made/objections have been withdrawn
Cancellation of club gaming/club machine permit		X	
Applications for other permits			X

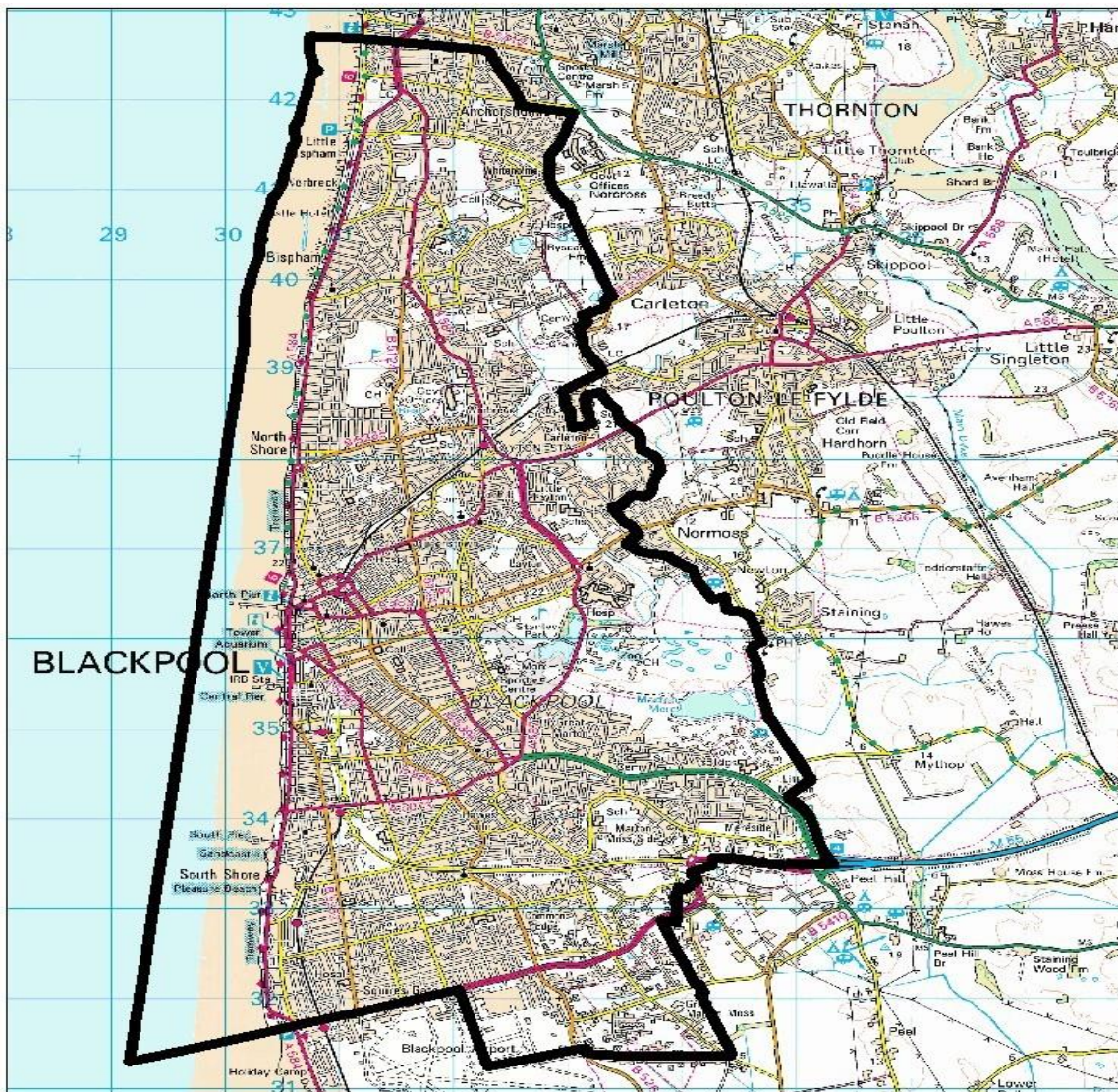
## Statement of Policy and Principles under the Gambling Act 2005

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Cancellation of licensed premises gaming machine permit			X
Consideration of a temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

# Statement of Policy and Principles under the Gambling Act 2005

## Appendix 1



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Organisational Change Unit  
Tourism & Regeneration Department  
P O Box 77, Corporation Street,  
Blackpool, FY1 1AD  
corporatepolicy@blackpool.gov.uk



Title: Map with Blackpool Borough Boundary  
Scale: 1:50000  
Date: 20/06/2006 Printed by: RW

# Statement of Policy and Principles under the Gambling Act 2005

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## Appendix 2

### List of Persons Consulted

Lancashire Constabulary

Coral Racing Limited

Done Brothers

British Beer & Pub Association

Bingo Association

The COA(UK)

National Casino Industry Forum

BACTA

Rank Group

Noble Organisation

British Home & Holiday Parks Association

Association of British Bookmakers

Blackpool Pleasure Beach

Poppleston Allen

Warwicks Amusements

William Hill

Silcock Leisure Group

Ladbrokes



Licensing Services,  
Governance and Regulatory Services,  
Blackpool Council,  
Municipal Buildings,  
Corporation Street,  
Blackpool,  
FY1 1NA

23<sup>rd</sup> October 2015

Dear Sir,

## **Consultation on Blackpool 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 broadly 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'. We politely note that the majority of other councils include a paragraph stating that moral objections to gambling are not a consideration when judging applications.

Whilst each application will be judged on its merits as mentioned at several points within your statement, we would like to highlight that Coral knows of no evidence that the location of a licensed betting office within the proximity of schools or residential areas (contained within your draft statement on Page 8 within the Location section), causes 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 colleges and no evidence whatsoever that they cause problems. Additionally, we have multiple shops placed alongside other high street businesses within communities in residential areas across the country, again with no indication that such premises are causing harm to the licensing objectives.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6<sup>th</sup> April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.

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,



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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. 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. Coral are 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



Blackpool Borough Council  
Licensing Service  
Municipal Buildings  
Corporation Street  
Blackpool  
FY1 1NF

**Please ask for:** Richard Taylor  
**Direct Tel:** 01482 590216  
**Email:** rjt@gosschalks.co.uk  
**Our ref:** RJT / JULIEGA /  
097505.00004  
#GS420873  
**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 6<sup>th</sup> 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**

On two occasions, the policy refers to the licensing authority/responsible authorities seeking to “promote” the licensing objectives. The requirement within Gambling Acts 2005 is for the licensing authority to “have regard” to the licensing objectives and we respectfully submit the policy should be amended to remove references which are more pertinent to a Licensing Act 2003 policy.

### **Premises Licenses**

The statement of policy indicates that unmet demand is not a criterion for a licensing authority when considering an application for a premises licence. We respectfully submit that this paragraph should be expanded to recognise that moral/ethical objections, a general dislike of gambling, issues of nuisance and a likelihood of a grant of planning permission or building regulation approval are all criteria that cannot be considered when the licensing authority is dealing with the Gambling Act 2005 application.

### **Location**

The third sentence – “the licensing authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives” appears to have either a word missing in the middle of the sentence or words missing from the end. It is clear that the purpose of the paragraph is to indicate that if the authority is to reject an

application or impose conditions then it will only do so where there is evidence of harm to the licensing objectives. We respectfully submit that this paragraph should be reworded in order that its meaning is clear.

## **Conditions**

The statement of policy and principles would be assisted by an indication that 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. Elsewhere within the statement of policy and principles, it is clear that conditions will only be imposed where there is evidence of a risk to the licensing objectives. It is important that the draft statement of principles is clear that conditions will only be imposed where there is evidence of a risk to the licensing objectives such that the mandatory and default conditions needed to be supplemented.

## **Door Supervisors**

The ABB welcomes the acknowledgement within this paragraph that there is no evidence that the operation of betting offices has required door supervisors for the protection of the public.

## **Betting Premises – Betting Machines**

The ABB welcomes the statement that there is no evidence that betting machines give any rise to regulatory concerns.

## **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,





**GOSSCHALKS**

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