

North Somerset Council

REPORT TO THE LICENSING COMMITTEE

DATE OF MEETING: 27 NOVEMBER 2015

SUBJECT OF REPORT: ADOPTION OF A REVISED STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

TOWN OR PARISH: ALL

OFFICER/MEMBER PRESENTING: DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

KEY DECISION: YES

RECOMMENDATIONS

That the Committee considers the revised Gambling Statement of Principles and agrees a final version for recommendation to the full Council for approval and adoption.

Summary of Report

Under the Gambling Act 2005 the Authority is required to adopt and publish a Statement of Principles that sets out how it will administer its functions under the gambling legislation. A Statement of Principles has to be reviewed every three years. The current Statement of Principles was agreed by this Committee and full Council in 2012. It became operative from the 31 January 2013 and is now in need of review and updating. The draft Statement of Principles has been subject to consultation and no adverse comments have been received regarding the proposals being made.

1. POLICY

1.1 Licensing Authorities are required under the Gambling Act 2005 to discharge their functions in accordance with the following Licensing Objectives:

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

1.2 Section 349 of the Gambling Act 2005 requires that a Licensing Authority in respect of each three year period to:

- a) Prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- b) Publish the statement.

1.3 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 sets out the required content of and publication procedures for Statements of Principles under the Gambling Act 2005.

- 1.4 The Gambling Commission published revised Statutory Guidance to Licensing Authorities in September 2015 (5th edition) which contains advice on the development of statements of licensing policy under the Gambling Act 2005.

2. DETAILS

- 2.1 Since the implementation of the Gambling Act 2005 in September 2007 the Authority has been responsible for the issue and enforcement of a range of gambling licences and permissions.
- 2.2 The full Council on the 7 November 2006 adopted a Statement of Principles under the Gambling Act 2005. In 2009 the Statement of Principles was reviewed and updated following the required consultation process and consideration by the Licensing Committee on the 23 October 2009.
- 2.3 This Statement was again reviewed and updated in 2012 and the current Statement was considered and agreed by the Licensing Committee on 26 October 2012.
- 2.3 The agreed Statement of Principles is required under the Gambling Act 2005 to be reviewed and published every three years. The current Statement of Principles therefore needs to undergo reconsideration and publication for the period 2016-2019.
- 2.4 Officers have undertaken a review of the current Statement of Principles and developed a draft Statement of Principles for consideration by the Committee. The draft Statement of Principles is shown at **Appendix 1**.
- 2.6 In relation to draft Statement of Principles the key changes made to the current agreed gambling policy document are shown at **Appendix 2**.

3. CONSULTATION

- 3.1 Consultations have been undertaken with a wide range of persons and organisations with an interest in the development and adoption of a revised Statement of Principles. The list of consultees is shown at **Appendix B** in the draft Statement of Principles.
- 3.2 The draft Statement of Principles has been published on the Council's website and comments have been sought on the proposals being made.
- 3.3 From the consultations carried out the following responses were received:

Portishead Town Council	No adverse comments
Ward Councillor	Suggestions of amendments in relation to control of Fixed Odds Betting Terminals
Coral	No adverse comments
Gosschalks for Association British Bookmakers	Suggested rewording of some paragraphs and an updated case law addition.

Copies of the responses received are shown at **Appendix 3**.



4. FINANCIAL IMPLICATIONS

There are no financial implications resulting from the proposals being made in this report.

5. EQUALITY IMPLICATIONS

An Equalities Impact Assessment has been undertaken and the key findings of the assessment are:

1. Social responsibility and protection of the public, especially children and the vulnerable is a top priority.
2. Creating a regime, which has at its heart firm but fair regulation, allows people to enjoy gambling responsibly, encourages an important industry to thrive by behaving responsibly, and protects the vulnerable. A robust regime is good for players, providers and investors.
3. Close, open and consultative working with all stakeholders, the industry; faith, belief and community groups, researchers and those dealing day to day with problem gamblers.

6. CORPORATE IMPLICATIONS

The Authority is required to review the policy on a three yearly basis. Failure to carry out this duty by the 31 January 2016 would leave it open to legal challenge.

7. OPTIONS CONSIDERED

The Committee is requested to consider the draft Statement of Principles and to agree a final version for recommendation to full Council for adoption and publication under the Gambling Act 2005.

AUTHOR

Sioux Isherwood, Senior Licensing Officer

Tel: 01934 426 800

BACKGROUND PAPERS

Gambling Commission Guidance to Local Authorities, 5th edition, September 2015.

North Somerset Statement of Principles for the period 2013 – 2016.

Gambling Act 2005 and associated legislation.

GAMBLING ACT 2005

**STATEMENT OF
PRINCIPLES**

2016 - 2019

PREFACE

Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting is regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

North Somerset Council has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities (such as registering small society lotteries).

Licensing authorities are required to prepare a three yearly Statement of Principles setting out how they intend to discharge their responsibilities under the Gambling Act 2003. Statements of Principles have been previously agreed by North Somerset Council in 2006, 2009 and 2012.

This document is the fourth Statement of Principles to be prepared by the Council and is intended for consultation with all interested parties. The main changes made to the existing Statement of Principles are shown at **Appendix E**.

At the time of preparing this Statement of Principles the Gambling Commission are reviewing the Statutory Guidance to Local Authorities (Version 4). It is understood that revised guidance to local authorities will be published in early 2016.

Where there are references to the Gambling Commissions Guidance to Local Authorities in this document they will be updated with any corrected references when any new guidance to local authorities is published.

The Licensing Team
Town Hall,
Walliscote Grove Road,
Weston-super-Mare
BS23 1UJ

Telephone: 01934 426 800
E-mail: licensing@n-somerset.gov.uk

STATEMENT OF PRINCIPLES (2016-2019)

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PART A

1. Introduction

- 1.1 North Somerset Council (the Council) is a Unitary Authority in Somerset covering approximately 145 square miles (38,955 hectares) with a population of 204,400 (Office of National Statistics, mid-year estimate 2012).
- 1.2 There are approximately 88,000 households within the district. The Council area is a mixed urban and rural district with a dispersed population. The main urban areas are Weston-super-Mare, Clevedon, Nailsea and Portishead. The remainder of the area is a mixture of villages and farmland. The estimated population of Weston-super-Mare is 80,000, Clevedon 22,000, Nailsea 18,000 and Portishead 22,000. The area is not densely populated although there are concentrations of housing in the above areas.
- 1.3 The area includes a major dock at Portbury, an International Airport at Lulsgate and the seaside resort of Weston-super-Mare.
- 1.4 A map of North Somerset is shown at **Appendix A**.
- 1.5 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.
- 1.6 North Somerset Council has consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided at **Appendix B**.
- 1.7 The Gambling Act requires that the following parties are consulted by licensing authorities:
 - The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 1.8 Our consultation took place between 21 September 2015 and 31 October 2015 and we followed the HM Government Code of Practice on Consultation (published July 2008).
- 1.9 The full list of comments made and the consideration by the Council of those comments will be available by request to: North Somerset Council, Licensing Team, Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ.
- 1.10 The policy was approved at a meeting of the Full Council on TBA. and was published via our website on TBA. Copies were placed in the public libraries of the area as well as being available in the Town Hall at Weston-super- Mare.
- 1.11 It should be noted that this statement of licensing principles will not override the

right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2. Declaration

- 2.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities and Codes of practice issued by the Gambling Commission, and any responses from those consulted on the statement.

3. The Licensing Objectives

- 3.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - ensuring that gambling is conducted in a fair and open way.
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.2 It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".
- 3.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:
1. In accordance with any relevant code of practice issued by the Gamb Commission;
 2. In accordance with any relevant Guidance issued by the Gambling Commission;
 3. Reasonably consistent with the licensing objectives; and
 4. In accordance with the authority's statement of licensing policy.

4. Responsible Authorities

- 4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
1. The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 2. The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group
- 4.2 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the North Somerset Safeguarding Children's Board for this purpose. This Authority considers that North Somerset Safeguarding Children's Board is best able to fulfil the role of advising the Authority about the protection of children from harm for the purposes of Section 157(b) of the Act.

4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are shown at **Appendix C**.

5. Interested parties

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

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

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

5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities. It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

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

5.5 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing team on 01934 426 800 or by email at licensing@n-somerset.gov.uk.

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available. This authority will normally share the information it holds about licensed premises with the Gambling Commission, the Police and other responsible authorities.
- 6.4 Contact details of those persons making representations and details of the representations will generally be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making a representation or applying for a review of a premises licence who wishes their personal details to be restricted must make this clear when making their representation.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

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

- 7.3 As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- the licensing objectives;
- relevant codes of practice;
- Guidance issued by the Gambling Commission, in particular at Part 36; and
- the principles set out in this statement of licensing policy.

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

7.6 This licensing authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols are available upon request to the licensing team, telephone 01934 426 800. Our risk methodology is also available upon request.

8. Licensing authority functions

8.1 Licensing authorities are required under the Act to:

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

8.2 It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B

9. PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

9.1 General Principles

Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others. These will only be imposed where there is evidence of a need to do so and not where it is simply believed to be appropriate.

9.2 Decision-making

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

1. In accordance with any relevant code of practice issued by the Gambling Commission;
2. In accordance with any relevant Guidance issued by the Gambling Commission;
3. Reasonably consistent with the licensing objectives; and
4. In accordance with the authority's statement of licensing policy.

ii) It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section 13 on Casinos) and also that unmet demand is not a criterion for a licensing authority. It should also be noted that issues such as nuisance and the likelihood of the grant of planning permission are not issues that can be taken into account when considering an application for a premises licence.

iii) This licensing authority also notes Gambling Commission Advice Note (Indicators of Betting as Primarily Gambling Activity – Oct 2013) where case law held that condition 16 (primary gambling activity) does not require a contest between over the counter betting and the use of machines. There must be sufficient facilities for betting (as described at para 9(iv) if gaming machines are to be utilised but the requirement is only that sufficient facilities be available. The actual use of those facilities is not an issue. Therefore, operators will not need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licences. This Authority will simply need to be satisfied that sufficient facilities for betting are available.

iv) In making this determination, this licensing authority will have regard to the following six indicators of betting as a primary gambling activity:

1. The offer of established core products (including live event pictures and bet range);
2. The provision of information on products and events;
3. The promotion of gambling opportunities and products;
4. The actual use made of betting facilities;
5. The size of premises; and
6. The delivery of betting facilities.

9.3 Definition of “premises”

i) In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

ii) However, the licensing authority will pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

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

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

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 preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
2. Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
3. Customers should be able to participate in the activity named on the premises licence.

v) The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

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

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

vii) The Gambling Commission's relevant access provision for each premises type are reproduced below:

Casinos

1. The principal access entrance to the premises must be from a street (as defined in The Guidance);
2. No entrance to a casino must be from premises that are used wholly or mainly by children and/or young person's; and
3. No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

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

Betting Shops

1. Access must be from a street or from another premise with a betting licence; 2. No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

No customer should be able to access the premises directly from:

1. A casino; or
2. An adult gaming centre.

Bingo Premises

No customer must be able to access the premise directly from:

1. A casino;
2. An adult gaming centre; or
3. A betting premises, other than a track.

Family Entertainment Centre

No customer must be able to access the premises directly from:

1. A casino;
2. An adult gaming centre; or
3. A betting premises, other than a track.

viii) The Gambling Commission's Guidance to Licensing Authorities contains further

guidance on this issue, which this authority will also take into account in its decision-making.

9.4 Premises “ready for gambling”

i) The Gambling Commission’s Guidance states a licence to use premises for gambling will only be issued in relation to premises that the licensing authority can be satisfied are going to be ready for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use.

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

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

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

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

v) More detailed examples of the circumstances in which such a licence may be granted can be found within the current Gambling Commission Guidance.

9.5 Location

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

ii) This Authority will assess each case on the individual merits of the application made when determining the grant of a premises licence.

9.6 Planning

i) The Gambling Commission Guidance to Licensing Authorities states:

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

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

"When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health & safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building."

9.7 Duplication with other regulatory regimes

i) This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

ii) When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

iii) North Somerset Licensing Authority has duly noted the principles set out in the Regulators Code.

9.8 Licensing objectives

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

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

This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction. Issues of

nuisance cannot be addressed via the Gambling legislation.

iii) Ensuring that gambling is conducted in a fair and open way

This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

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

v) The Act contains the objective of “protecting children and other vulnerable persons from being harmed or exploited by gambling”. Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over.

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

vii) This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

viii) As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

ix) The Licensing Authority has noted the North Somerset Safeguarding Children Board stated principles:

- Protect children and young people from maltreatment.
- Prevent their impairment of health and development.
- Ensure that they grow up in circumstances consistent with the provision of safe and effective care.
- Enable them to have optimum life chances and enter adulthood successfully.

9.9 Conditions

i) This Authority will take as a starting point that a premises licence will be granted

subject to the Mandatory and default conditions. Any additional conditions attached to the licence will be added after consideration of evidence of the need to do so.

ii) Any conditions attached to licences will be proportionate and will be:

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

iii) Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures available this licensing authority will consider utilising them should there be evidence of need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

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

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

1. 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;
2. Only adults are admitted to the area where these machines are located;
3. Access to the area where the machines are located is supervised;
4. The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
5. At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

vii) It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

1. Any condition on the premises licence which makes it impossible to comply with an operating licence condition;
2. Conditions relating to gaming machine categories, numbers, or method of operation;
3. Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
4. Conditions in relation to stakes, fees, winning or prizes.

9.10 Door Supervisors

i) The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

ii) Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be Security Industry Authority (or any successor regulatory body) licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance).

iii) It should be noted that the above paragraphs relate to door supervisors only in relation to premises licences granted under the Gambling Act 2005. Where a premises licence has also been granted under the Licensing Act 2003 in relation to the same premises, there may also be conditions on that licence which relate to door supervisors. The premises licence holder should ensure compliance with those conditions.

9.11 Local Risk assessments

i) Following revisions to the Licence conditions and codes of practice (LCCP) issued by the Gambling Commission; coming into force 6 April 2016, operators with a premises licence will have an obligation to produce a local risk assessment to assist the Licensing Authority when considering an application.

ii) This Licensing Authority will expect licensees to share this risk assessment when applying for a premises licence, on variation of an existing licence, or otherwise on request.

9.12 Cash Machines

i) This Licensing Authority has noted that the Gambling Commission guidance states that "Section 177 does not prevent the licensee from permitting the installation of cash dispensers on the premises."

ii) It will be expected that any automated telling machine made available for use on the premises shall be located in a place that requires any customer wishing to use it to leave any gaming machine or betting machine in order to do so.

10. Adult Gaming Centres

10.1 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.

10.2 This licensing authority may consider measures to meet the licensing objectives such as:

1. Proof of age schemes;
2. CCTV;
3. Supervision of entrances/machine areas;
4. Physical separation of areas;
5. Location of entry;
6. Notices/signage;
7. Specific opening hours;
8. Self-exclusion schemes; and
9. Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

11. (Licensed) Family Entertainment Centres:

11.1 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.

11.2 This licensing authority may consider measures to meet the licensing objectives such as:

1. CCTV;
2. Supervision of entrances/machine areas;
3. Physical separation of areas
4. Location of entry;
5. Notices/signage;
6. Specific opening hours;
7. Self-exclusion schemes
8. Provision of information leaflets/helpline numbers for organisations such as GamCare;
9. 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.

11.3 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.

12. Casinos

12.1 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

12.2 North Somerset Council has not applied to the Casino Advisory Panel to be chosen for the location of a new casino (regional, large or small). This licensing authority is aware that where a licensing authority area is chosen to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations/codes of practice issued under the Gambling Act 2005.

13. Bingo premises

13.1 This licensing authority notes that the Gambling Commission's Guidance states:

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

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

13.3 The licensing authority also notes within the Guidance that children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

14. Betting premises

14.1 Betting machines

This licensing authority will, as per the Gambling Commission's Guidance, 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 children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

15. Tracks

15.1 General

i) There are no licensed tracks in the North Somerset area but this licensing authority is aware that tracks may be subject to one or more than one premises licence, provided

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

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

iii) This licensing authority may consider measures to meet the licensing objectives such as:

1. Proof of age schemes;
2. CCTV;
3. Supervision of entrances/machine areas;
4. Physical separation of areas;
5. Location of entry;
6. Notices/signage;
7. Specific opening hours;
8. Self-exclusion schemes; and
9. Provision of information leaflets/helpline numbers for organisations such as GamCare

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

15.2 Gaming machines

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

15.3 Betting machines

i) This licensing authority 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 persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

15.4 Applications and plans

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

ii) Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

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

iv) On the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

v) This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

16. Travelling Fairs

16.1 This licensing authority is responsible for deciding 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.

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

For the purposes of this Act –

(a) "Fair" means a fair consisting wholly or principally of the provision of amusements,
(b) a fair held on a day in a calendar year is a "travelling fair" if

(i) Wholly or principally by persons who travel from place to place for the purpose of providing fairs, and

(ii) at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.

16.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

17. Provisional Statements

- 17.1** Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 17.2** Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
1. Expects to be constructed;
 2. Expects to be altered; or
 3. Expects to acquire a right to occupy.
- 17.3** The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 17.4** In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 17.5** The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
1. They concern matters which could not have been addressed at the provisional statement stage, or
 2. They reflect a change in the applicant's circumstances.
- 17.6** In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
1. Which could not have been raised by objectors at the provisional statement stage;
 2. Which in the authority's opinion reflect a change in the operator's circumstances; or
 3. Where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

PART C

Permits/Temporary & Occasional Use Notices

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

- 18.1** Where a premise does not hold a premises licence but wishes to provide gaming

machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

18.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues."

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

1. A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
2. That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
3. That staff are trained to have a full understanding of the maximum stakes and prizes.

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

18.5 Statement of Principles

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.

This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the

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

19. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 paragraph 4(1))

19.1 Automatic entitlement: 2 machines

- i) There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D.

The premises merely need to notify the licensing authority.

ii) The licensing authority can remove the automatic authorisation in respect of any particular premises if:

1. Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
2. Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
3. The premises are mainly used for gaming; or
4. An offence under the Gambling Act has been committed on the premises.

19.2 Permit: 3 or more machines

i) 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."

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

iii) This licensing authority recognises 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.

iv) The licensing authority may 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.

v) 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.

20. Prize Gaming Permits

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

20.2 This licensing authority has prepared a **Statement of Principles** which is that the

applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

1. That they understand the limits to stakes and prizes that are set out in Regulations;
2. That the gaming offered is within the law; and
3. Clear policies that outline the steps to be taken to protect children from harm.

20.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission Guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

20.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

21. Club Gaming and Club Machines Permits

21.1 Members Clubs and Miner's Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance.

21.2 Members Clubs and Miner's Welfare Institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Machine Permit will enable the premises to provide gaming machines (up to 3 machines of categories B, C or D). N.B. Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

21.3 This licensing authority notes that the Gambling Commission's Guidance states:

"The licensing authority has to satisfy itself that the club meets the requirements of the Act to obtain a Club Gaming Permit. In doing so it will take account of a number of matters outlined in the Gambling Commission's Guidance These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. A member's 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".

21.4 The club must be conducted wholly or mainly "for the purposes other than gaming", unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

21.5 The Commission Guidance also notes that "licensing authorities may only refuse an

application on the grounds that:

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

21.6 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 to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

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

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

22. Temporary Use Notices

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

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

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

22.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in the Gambling

Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

23. Occasional Use Notices:

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

24. Small Society Lotteries

24.1 The licensing authority will register and administer smaller non-commercial lotteries. Promoting or facilitating a lottery falls within two categories:

1. Licensed Lotteries (requiring an Operating Licence from the Gambling Commission; and
2. Exempt Lotteries (registered by the licensing authority)

24.2 Exempt Lotteries are lotteries permitted to be conducted without a licence from the Gambling Commission and these are:

1. Small Society Lotteries;
2. Incidental Non-Commercial Lotteries;
3. Private Lotteries;
4. Private Society Lottery;
5. Work Lottery; or
6. Residents' Lottery

24.3 Applicants for lottery registrations must apply to the licensing authority in the area their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

24.4 The Licensing Authority will refuse applications for registration if in the previous five years, either an Operating Licence held by the applicant for registration has been revoked, or an application for an Operating Licence made by the applicant for registration has been refused. Where the licensing authority is uncertain as to whether or not an application has been refused, it will contact the Gambling Commission to seek advice.

24.5 The Licensing Authority may refuse an application for registration if in their opinion:

1. The applicant is not a non-commercial lottery;

2. A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
3. Information provided in or with the application for registration is false or misleading.

24.6 The licensing authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may, however, seek further information from the Society.

24.7 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply details on which has reached that preliminary conclusion.

24.8 The licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. It considers that the following list, although not exclusive, could affect a registration granted:

1. Submission of late returns (returns must be submitted no later than 3 months after the date on which the lottery draw was held);
2. Submission of incomplete or incorrect returns; or
3. Breaches of the limits for small society lotteries.

Part D

Decision Making, Complaints and Reviews

25. Decision Making

25.1 The licensing authority will be involved in a wide range of licensing decisions and functions which will be administered by the Licensing Committee and Sub-Committee thereof.

25.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, will be delegated to Council Officers.

25.3 The Table shown at **Appendix D** sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, or Committee to Full Council, if considered appropriate in the circumstances of any particular case.

25.4 The Committee's terms of reference will be set out in the Council's constitution and will be guided by Regulations issued under the Act.

26. Complaints against licensed premises.

26.1 The Council will investigate complaints against licensed premises in matters relating to the Licensing objectives for which it has responsibility. Complainants will be encouraged in the first instance to raise their concerns with the licence holder or business operator to seek a local resolution.

26.2 When dealing with a complaint about a licensed premises this Licensing Authority will have regard to the Council's Enforcement Procedure.

27. Reviews

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

1. In accordance with any relevant Code of Practice issued by the Gambling Commission;
2. In accordance with any relevant Guidance issued by the Gambling Commission;
3. Reasonably consistent with the licensing objectives; and
4. In accordance with the authority's statement of principles.

27.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

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

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

27.5 The licensing authority must carry out the review as soon as possible after the 28

day period for making representations has passed.

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

- (a) Add, remove or amend a licence condition imposed by the licensing authority;
- (b) Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- (c) Suspend the premises licence for a period not exceeding three months; and
- (d) Revoke the premises licence.

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

27.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

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

- 1. The licence holder;
- 2. The applicant for review (if any);
- 3. The Gambling Commission;
- 4. Any person who made representations;
- 5. The Chief Officer of Police or Chief Constable; and
- 6. Her Majesty's Commissioners for Revenue and Customs.

Appendix A – Map of North Somerset



APPENDIX B – LIST OF CONSULTEES

The following list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by this policy.

North Somerset Council has consulted with:

- Businesses, organisations and persons who hold licences and permits issued by North Somerset Council under the Gambling Act 2005
- Elected Members, North Somerset Council
- North Somerset Town and Parish Councils
- Gambling Commission
- Avon and Somerset Constabulary
- Avon Fire and Rescue Service
- North Somerset Council Environmental Protection Team
- North Somerset Local Children Safeguarding Board
- Development Control Manager, North Somerset Council
- HM Revenues and Customs
- Association of British Bookmakers
- Bingo Association
- British Amusement Catering Trade Association (BACTA)
- British Association of Leisure Parks, Piers and Attractions
- British Holiday and Home Parks Association
- Gamblers Anonymous

APPENDIX C - CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

RESPONSIBLE AUTHORITY	ADDRESS	TELEPHONE NUMBER
North Somerset Council in the capacity of the Licensing Authority	Licensing Team North Somerset Council Town Hall, Walliscote Grove Road, Weston-super-Mare BS23	01934 426 800
Avon and Somerset Constabulary	Liquor Licensing Bureau Weston-Super-Mare Police Station PO Box 441 Weston-super-Mare BS22 1WS	01934 638 211
Avon Fire and Rescue	Community Safety Milton Avenue Weston Super Mare BS23 2UL	01179 262 061 Ext 560
North Somerset Council (Noise Team)	Environmental Protection Team North Somerset Council Town Hall, Walliscote Grove Road, Weston-super-Mare	01934 884 882
Local Children Safeguarding Board	North Somerset Council Children & Young Peoples Service Town Hall Weston Super Mare BS23 1ZZ	01934 888 266
North Somerset Council (Planning Department)	Development Control North Somerset Council Town Hall, Walliscote Grove Road, Weston-super-Mare	01934 888 811
Gambling Commission	Victoria Square House Victoria Square Birmingham,	0121 230 6500
HM Customs and Excise	Portcullis House National Registration Unit,	0141 555 3495

APPENDIX D - TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/SUB-COMMITTEE	OFFICERS
Three year licensing policy	Yes		
Policy not to permit casinos	Yes		
Fee Setting – when appropriate			Yes (to be approved by the Executive)
Application for premises licences		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 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 a premises licence		Yes	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		Yes	
Application for other permits			Yes

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE/SUB-COMMITTEE	OFFICERS
Cancellation of licensed premises gaming machine permits			Yes
Consideration of temporary use notice			Yes
Decision to give a counter notice to a temporary use notice		Yes	
Determination as to whether a person is an Interested Party			Yes
Determination as to whether representations are relevant			Yes
Determination as whether a representation is frivolous, vexatious or repetitive			Yes
Removal of automatic entitlement of 2 gaming machines in alcohol licensed premises		Yes	
Determination of a contested application for more than two gaming machines in alcohol licensed premises		Yes	

APPENDIX 2 – SUMMARY OF THE MAIN CHANGES MADE TO THE EXISTING STATEMENT OF PRINCIPLES

Amendment	Paragraph/Location
PREFACE	
Updating of local statistical data	2.2 – 2.3
PART A	
Removal of Gambling Commission Guidance paragraph references	Whole
Simplification and correction of numbering	Whole
Re-ordering of paragraphs	1-3
Updating of local statistical data	2.1 – 2.2
Policy consultation arrangements	2.10
Information on decision making – moved to new section D	9.1 – 9.3
PART B	
Move section on Decision Making – additional paragraphs and revised wording following response from Gosschalks.	9.1 – 9.12
Removal of Gambling Commission Guidance paragraph references	Whole
Simplification and correction of numbering	Whole
Addition of Safeguarding principles	10.8
New paragraph – local risk assessments	10.11
New paragraph – cash machines	10.12
Reviews – moved to new Section D	19
PART C	
Removal of Gambling Commission Guidance paragraph references	Whole
Simplification and correction of numbering	Whole
PART D – New Section	
Decision making	26
Reviews	27
Complaints	28
APPENDICES	
New map inserted	Appendix A
Consultation list amended	Appendix B
Contacts list updated	Appendix C

APPENDIX 3

From: Donald Davies (Councillor)

Sent: Thursday, October 22, 2015 8:32 PM

To: LICENSING

Subject: Gambling act comments

Hi

I would add the following comments to the Gambling Act statement of principles consultation:

1. for Fixed Odds Machines, can we ask the premises' licensees to display the odds associated with each machine to indicate both the chances of winning and also the overall percentage take on the machine? In roulette for example this is explicit, on FOMs it is not.

2. we should be able to limit the total number of FOMs in any particular area, for example Weston town centre.

3. In the powers listed at Appendix D can we amend the powers so that any member who has concerns about licence applications in his/her ward can refer these to main council rather than the licensing sub-committee, similar to the 'call-in' for planning applications.

Donald

Donald Davies

Pill Ward Councillor - North Somerset Council

Email: donald.davies@n-somerset.gov.uk

Dear Sioux

Further to your email of 21st September 2015 regarding the above, I can confirm that Portishead Town Council discussed the summary of changes at its meeting on 14th October 2015 under Minute No. 2514 and makes the following comment:- ***Portishead Town Council notes the draft statement of Principles in relation to gambling, which has been put together by North Somerset Council.***

Please do contact me if you have any queries or concerns.

Regards

Sharon Sherborne
Assistant Clerk
Portishead Town Council
01275 847078
www.portishead.gov.uk

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North Somerset Council
Licensing
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / DC / 097505.00004
#GS433926
Your ref:
Date: 21 October 2015

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

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

The 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

Paragraph 9.1 deals with general principles and states "licensing authorities are able to exclude the default conditions and also attach others where it is believed to be appropriate". The draft statement of principles needs to be clear throughout that conditions will only be imposed where there is evidence of a risk to the licensing objectives such that the mandatory and default conditions need to be supplemented in the circumstances of a particular case. The statement of principles should be clear that conditions will only be imposed where there is evidence of a need to do so and not where it is simply "believed to be appropriate" (paragraph 9.1) where there is "perceived need" (paragraph 9.9(ii)) or where there are simple concerns (paragraph 9.10).

Paragraph 9.2(ii) indicates that moral objections and unmet demand are not criteria for the licensing authority when considering applications. It is respectfully submitted that this paragraph be expanded to state that issues of nuisance and the likelihood of the grant of planning permission or building regulation approval are not issues that can be taken into account when considering an application for a premises licence.

Paragraph 9(iii) needs to be amended to take into account case law issued after the Gambling Commission's Advice Note (Indicators of Betting as Primarily Gambling Activity) dated October 2013. In the case of *Luxury Leisure -v- The Gambling Commission* (May 2014) it was held that condition 16 (primary gambling activity) does not require a contest between over the counter betting and the use of machines. There must be sufficient facilities for betting (as described at paragraph 9(iv)) if gaming machines are to be utilised but the requirement is only that sufficient facilities be available. The actual use of those facilities is not of an issue. Therefore, operators will not need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licences. The licensing authority will simply need to be satisfied that sufficient facilities for betting are available.

Paragraph 9.5(ii) deals with location. This paragraph causes 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 s153 Gambling Act 2005. Similarly, the reversal of the burden of proof in the second sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. This paragraph should be deleted from the statement of principles and replaced with the simple reiteration of the principle that each case will be determined on its own merits.

Paragraph 9.9 deals with conditions. The statement of 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. Thereafter, the statement of principles should repeat the statement that 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.

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

North Somerset Council,
Licensing,
Town Hall,
Walliscote Grove Road,
Weston-super-Mare,
BS23 1UJ

30th October 2015

Dear Sir,

Consultation on North Somerset 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 and variations (requirement is from 6th April 2016) following the consultation completion and are pleased to see the requirements detailed within your statement.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, 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. In our opinion, your policy statement is correct in not listing multiple locations whose proximity to a betting office must be risk assessed, leaving it to the operator to judge which venues are included.

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

Yours faithfully,



John Liddle
Director of Development – Coral Retail



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



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