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Dear Members

### **Licensing Committee**

A meeting of the Licensing Committee will be held in the **Craddock Room, Civic Suite, Civic Centre, Riverside, Stafford on Tuesday 6 November 2018 at 10.00am** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown in each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

*A.R. Well*

Head of Law and Administration

## LICENSING COMMITTEE - 6 NOVEMBER 2018

Chairman Councillor A J Perkins

### AGENDA

- 1 Minutes of Tuesday 27 October 2015 as published in Digest No 213 on 6 November 2015
- 2 Apologies
- 3 Officer's Reports

**Page Nos**

ITEM NO 3(a)      **Gambling Act 2005 - Statement of Principles 2019 - 2021**      **3 - 37**

REPORT OF CUSTOMER SERVICES GROUP MANAGER

### **Membership**

**Chairman Councillor A J Perkins**

J A Barron	D B Price
G R Collier	J K Price
J W Farnham	R M Sutherland
A M Loughran	W S J Taylor
A J Perkins	

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LICENSING COMMITTEE - 6 NOVEMBER 2018

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**Ward Interest - Nil**

**Gambling Act 2005 - Statement of Principles 2019 - 2021**

*Report of Customer Services Group Manager*

**Purpose of Report**

To consider a revised and updated Statement of Principles relating to the Gambling Act 2005.

**1 Detail**

- 1.1 The Council is required to prepare and publish a revised and updated statement of principles relating to the Gambling Act 2005, as per section 349 of the Gambling Act 2005.
- 1.2 The Act requires the Council to review the statement of principles from time to time, and at least every three years, in order to review its effectiveness and to take into account any changes in legislation or guidance.
- 1.3 In preparing a statement of principles the Council must consult—
  - (a) the chief officer of Police for the area ;
  - (b) one or more persons who appear to represent the interests of persons carrying on gambling businesses in the area, and
  - (c) one or more persons who appear to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act.
- 1.4 The consultation period for responses on the proposed statement of principles runs from 19 October to 9 November 2018.
- 1.5 All Members of Stafford Borough Council have been sent a copy of the consultation and the draft statement of principles together with a Councillors Guide for Policy which is attached as **APPENDIX 2**.
- 1.6 The draft statement of principles is attached as **APPENDIX 1**
- 1.7 Paragraph 2.4 of the draft statement of principles lists the persons and organisations who have been consulted in this matter.

1.8 The details of any consultation responses and the proposed finalised statement of principles will be referred to the Council meeting of 20th November 2018.

## 2 **Recommendation**

2.1 That Members of the Licensing Committee note that the proposed statement of policy is out for consultation.

2.2 That Members note that they are invited to respond to the consultation, either individually, or at this meeting of the Licensing Committee.

2.3 That Members note that details of any consultation responses and the proposed finalised statement of principles will be referred to the Council meeting of 20th November 2018.

## **Previous Consideration**

None

## **Background Papers**

File available in Licensing

## **Contact Officer**

Julie Wallace, Licensing Officer, 01785 619605

**STAFFORD BOROUGH COUNCIL**

**GAMBLING ACT 2005**

**DRAFT STATEMENT OF PRINCIPLES  
2019 - 2021**

<b>CONTENTS</b>		<b>PAGE</b>
<b>PART A - THE GAMBLING ACT 2005</b>		
1.	<b>The Licensing Objectives</b>	
2.	<b>Introduction and Consultation Process</b>	
3.	<b>Exchange of Information and data protection</b>	
4.	<b>Equality and Diversity</b>	
5.	<b>Crime and Disorder Act 1998</b>	
6.	<b>The Licensing Framework</b>	
7.	<b>Local Area Profile</b>	
8.	<b>Local Risk Assessment</b>	
9.	<b>Declaration</b>	
10.	<b>Responsible Authorities</b>	
11.	<b>Interested Parties</b>	
12.	<b>Licensing Authority Functions</b>	
<b>PART B - THE LICENSING OBJECTIVES</b>		
13.	<b>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</b>	
14.	<b>Ensuring that gambling is conducted in a fair and open way</b>	
15.	<b>Protecting children and other vulnerable persons from being harmed or exploited by gambling.</b>	
<b>PART C - PREMISES LICENCES</b>		
16.	<b>Introduction to Premises Licensing:</b> <ul style="list-style-type: none"> <li>• Definition of premises</li> <li>• Location</li> <li>• Duplication with other regulatory regimes</li> <li>• Conditions</li> <li>• Door Supervision</li> </ul>	
17.	<b>Adult Gaming Centres &amp; Licensed Family Entertainment Centres</b>	
18.	<b>Casinos</b>	
19.	<b>Bingo Premises</b>	
20.	<b>Betting Premises</b>	
21.	<b>Tracks</b>	
22.	<b>Travelling Fairs</b>	
23.	<b>Provisional Statements</b>	
<b>PART D - PERMITS, TEMPORARY USE NOTICES AND SMALL SOCIETY LOTTERY REGISTRATION</b>		

<b>24.</b>	<b>Unlicensed Family Entertainment Centre Gaming Machine Permits</b>	
<b>25.</b>	<b>Gaming Machine Permits in premises licensed for the sale of alcohol</b>	
<b>26.</b>	<b>Prize Gaming Permits</b>	
<b>27.</b>	<b>Club Gaming and Club Machine Permits</b>	
<b>28.</b>	<b>Temporary Use Notices</b>	
<b>29.</b>	<b>Occasional Use Notices (for tracks)</b>	
<b>30.</b>	<b>Small Society Lottery Registrations</b>	
<b>PART E - ENFORCEMENT</b>		
<b>31.</b>	<b>Enforcement Principles</b>	
<b>32.</b>	<b>Reviews</b>	
<b>33.</b>	<b>Functions and Delegations</b>	

## **PART A – THE GAMBLING ACT 2005**

### **1. The Licensing Objectives**

- 1.1 Under the Gambling Act 2005 (the Act), Stafford Borough Council is the Licensing Authority. The Council licenses premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to Stafford Borough Council.
- 1.2 The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite operators licence and personal licence from the Gambling Commission before they approach the Council for a premises licence.
- 1.3 The Council is responsible for licensing premises where gambling activities are to take place. The Council is also responsible for a number of other matters which are listed in paragraph 12.1 below.
- 1.4 The Council will carry out its functions under the Act and will aim to permit gambling in accordance with the three licensing objectives set out at Section 1 of the Act. The expectation is that gambling premises will ensure that the licensing objectives are met. The three licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime 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.
- 1.5 More information on the licensing objectives can be found later in this document. It should be noted that the licensing objectives do not include ensuring public safety or the prevention of public nuisance.
- 1.6 When making decisions about applications for premises licences, the Council is bound by, and committed to, a statutory aim to permit gambling insofar as it considers that any application made:
- Is in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - Is in accordance with any relevant guidance issued by the Gambling Commission;
  - Is reasonably consistent with the licensing objectives; and
  - Is in accordance with the Council's Statement of Principles.
- 1.7 The Licensing Authority would emphasise that moral or ethical objections to gambling are not valid reasons for the rejection of premises licences applications.



## **2. Introduction and consultation process**

- 2.1 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 under the Act.
- 2.2 The Council consulted widely on this Statement of Principles. The list of those consulted during the 2018 consultation exercise is provided within paragraph 2.4 below.
- 2.3 The Council will continue to monitor the effectiveness of this policy and will consider changes to the policy in the light of any new legislation and/or developments affecting the local area. It will consult with stakeholders at the time it is considering any such changes. The Council must review and publish this statement of principles at least every three years.
- 2.4 List of persons and agencies consulted by this authority:
- The Gambling Commission
  - Staffs Police
  - Staffordshire Safeguarding Children Board
  - Staffordshire County Council Social Services
  - Staffordshire Fire & Rescue Service
  - Staffordshire Youth Services
  - Director of Public Health
  - Community Wellbeing Partnership
  - GamCare
  - British Beer & Pub Association
  - Association of British Bookmakers
  - Stafford Borough Council elected members
  - All parish and town councils in Stafford Borough Council
  - Stafford Chamber of Trade
  - Neighbouring local authorities
  - Existing licence holders
  - Growth, Regeneration and Infrastructure Partnership
- 2.5 The consultation will take place between **19 October 2018 and 9 November 2018.**
- 2.6 Should you have any comments as regards this policy please send them via e-mail or letter to the following contact:

Name: The Licensing Team

Address: Stafford Borough Council, Civic Centre, Riverside, Stafford,  
ST16 3AQ. Telephone: 01785 619000

E-mail: [ehlicensing@staffordbc.gov.uk](mailto:ehlicensing@staffordbc.gov.uk)

### **3. Exchange of Information and Data Protection**

- 3.1 Licensing authorities are required to include in their policy, the principles which are to be applied to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act. It may also share information with other bodies responsible for auditing or administering public funds for these purposes, e.g. UK National Fraud Initiative.
- 3.2 The information that you have provided will be used by Stafford Borough Council, as data controller, to allow it to carry out its statutory obligations in relation to the administration, compliance and enforcement of the licensing function within the Borough. The Council will only share your information with agencies involved in licence processing or licensing enforcement where the law requires or permits it to do so. For further information, please see:

[www.staffordbc.gov.uk/PrivacyNotices](http://www.staffordbc.gov.uk/PrivacyNotices)

### **4. Equality and Diversity**

- 4.1 Through policies and service delivery, the Council's main aims for ensuring equality and diversity are to:
- Eliminate unlawful discrimination ;
  - Advance equality of opportunity between those who share a protected characteristic and people who do not ;
  - Foster good relations between those who share a protected characteristic and people who do not.

- 4.2 The Council refreshed its Equalities Policy during 2018 and the overarching aim of this policy is that consideration to equality becomes an intrinsic part of daily working, the organisation culture and service delivery.

- 4.3 There are two main objectives that support the aim and objectives in the Corporate Business Plan and these are:

Objective 1: Demonstrating organisational commitment to equalities

Objective 2: Encourage and facilitate the involvement of customers in shaping the design and delivery of high quality, accessible and continuously improving service

[Equality Policy 2018 - 2021](#) (pdf 127kb)

## **5. Crime and Disorder Act 1998**

- 5.1 Under section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area and is mindful of concerns over the use of licensed premises for criminal activity, for example money laundering and drug dealing.
- 5.2 The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of promoting the licensing objectives.

## **6. The Licensing Framework**

- 6.1 The Gambling Act 2005 changed the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with Central Government and local authorities to regulate gambling activity.
- 6.2 The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite operators licence and personal licence from the Gambling Commission before they approach the Council for a premises licence. In this way, the Gambling Commission is able to ensure that applicants have the correct credentials to operate gambling premises.
- 6.3 The Council's role is to ensure premises are suitable for providing gambling in accordance with the three licensing objectives and any Codes of Practice issued by the Gambling Commission. The Council also issues various permits and notices for smaller scale gambling.
- 6.4 The Council does not license large society lotteries or remote gambling through websites. These are regulated by the Gambling Commission. The National Lottery is not regulated by the Gambling Act 2005 but continues to be regulated by the National Lottery Commission under the National Lottery Act 1983.

## **7. Local Area Profile**

- 7.1 By means of the web links given in paragraphs 8.9 to 8.12 below, the Council has provided wide ranging information on the local environment which should be taken into account by applicants who should explain within their local risk assessments, how they will address these areas of local concern. These web links are reviewed and updated on a regular basis so as to reflect changes to the local landscape.

- 7.2 There is no statutory duty on the licensing authority to complete an area profile; however, it is felt that both new applicants and existing operators would benefit from having a greater awareness of the local area and its associated risks. Importantly, “risk” in this context includes potential and emerging risks as well as actual risk.
- 7.3 Stafford Borough is one of eight District and Borough Councils that make up Staffordshire in the West Midlands. Stafford is the county town and the Borough is the largest district geographically stretching across 59,187 hectares equating to approximately 230 miles. Predominately rural, with 32% of the population living in these areas, its economic scale score of 84.71 ranks it as medium size by British standards.
- 7.4 Stafford Borough has more than 131,000 residents. The population has a lower proportion of people under 64 compared to England. There are more people aged 65 and over in Stafford Borough compared to the national average.
- 7.5 The overall population for Stafford Borough is projected to increase by 4% by 2026 with significant growth in people aged 65 and over (19%) and aged 85 and over (46%). The increase of older people is faster than the national average equating to 1,700 additional residents aged 85 and over by 2026.
- 7.6 The Borough has two main town centres, Stafford and Stone that act as the hubs delivering services to large rural hinterlands, and are important economic centres in their own right. Although relatively affluent, the Borough does experience pockets of deprivation where there are large stocks of social housing, high numbers of people who are out of work and claiming benefits. These areas within Highfields and Western Downs, Manor and Penkside, in the south of Stafford, fall within the most deprived national quintile. This accounts for around 5% (7,100 people) of the total population of the Borough.
- 7.7 Households with children where there are no adults in employment is 2.4% which is better than the national average.

Children who claim free school meals is 8.3% which is lower than the national average.

The proportion of people claiming out-of-work benefits is better than average (6.0% compared to 8.1%).

The percentage of adults aged 16-64 with NVQ level 3 or above is 63.3% which is better than the national average.

Unemployment and youth unemployment rates in Stafford Borough (as at October 2017) were lower than the national average.

7.8 Overall life expectancy at birth in Stafford Borough is 80 years for men and 83 years for women, higher than and similar to the national averages respectively. However both men and women who live in the most deprived areas of Stafford Borough live four and six years less than those living in less deprived areas. Healthy life expectancy in Stafford Borough is 66 years for men and 67 years for women, which is longer than average. Women in Stafford Borough spend more of their lives in poor health than men (17 years compared to 15).

7.9 The new Corporate Business Plan sets out the council's vision and objectives for the next three years and details a shared vision for economic growth, community wellbeing and financial sustainability.

The Council's Vision for the next three years is 'A prosperous and attractive Borough with strong communities'.

7.10 Stafford Borough Council's Corporate business objectives are:

To deliver sustainable economic and housing growth to provide income and jobs.

To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.

To be a well-run, financially sustainable and ambitious organisation, responsive to the needs of our customers and communities and focussed on delivering our objectives.

7.11 There is a broad range of community safety risks across Staffordshire and Stoke-on-Trent. Some of these risks are cross-cutting and affect all communities to some extent, and some affect specific communities more than others. To improve the safety of our communities the Council must first identify which risks need attention, learn more about the individuals, families and communities affected and the work with partners to reduce crime and disorder. Changes to the environment, such as urban transformation and major development projects such as high-speed rail (HS2) can also have implications for community safety. The former can impact on population make-up, size and density and the level and type of investments that are made in the Borough. All of which can impact and place further demand on community safety services. Along with increasingly diverse crime challenges there is increasing diversity in the services dedicated to community safety. As traditional public services diminish new arrangements are emerging to meet community safety challenges creating a more 'pluralistic' contribution to community safety that needs to be understood and co-ordinated. Local services also need to recognise the often remote sources of local criminality and the potential need to link in with regional, national and international partners.

7.12 The Council will proactively engage with all responsible authorities as well as other organisations to ensure any new applications or applications to vary existing licences are assessed by taking the local area profile risks into account. Applicants should therefore consider how they will address these risks.

## **8. Local Risk Assessment**

8.1 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for operators to consider local risks.

8.2 The Social Responsibility (SR) code requires applicants to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. It also requires them to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, applicants must take into account any relevant matters identified within this statement of principles.

8.3 Applicants are required to undertake a local risk assessment when applying for a new premises licence. Further, their risk assessment must also be updated:

- When applying for a variation of a premises licence.
- To take account of significant changes in local circumstances, including any identified within this policy statement.
- Where there are significant changes at premises that may affect the mitigation of local risks.

8.4 The Council encourages operators to keep a copy of the local risk assessment (LRA) at the premises at all times. The LRA must be provided to the Council when applying for a new premises licence or for a variation to the existing premises licence. Upon such application, the Council will seek to condition premises licences to require operators to keep a copy of the LRA on the premises at all times.

8.5 The risk assessment should set out measures the applicant has in place to address areas of local concern. In broad terms, the risk assessment should include reference to any specified local risk, how the operator intends to mitigate any risks identified and how the operator will monitor those risks.

8.6 Applicants may need to consider socio-economic factors when drafting their local risk assessment. These factors are referred to within the paragraphs 8.9 to 8.12 below.

8.7 The Council will expect applicants to have an understanding of the local profile and address the Council's concerns in respect of protecting children and other vulnerable people by ensuring that the licensing objectives are met. This should be demonstrated via the risk assessment.

- 8.8 The web links below are links to external documents which are intended to assist applicants in obtaining a greater understanding of the local area. Applicants should take this information into account when drafting risk assessments.
- 8.9 The Public Health England Stafford Borough Health Profile can be viewed at:  
<https://fingertips.phe.org.uk/profile/health-profiles/data#page/1/gid/1938132696/pat/6/par/E12000005/ati/101/are/E07000197>
- 8.10 Staffordshire County Council and the Staffordshire Observatory Locality Profile for the Stafford Borough can be found at:  
<https://www.staffordshireobservatory.org.uk/documents/LocalityProfiles/Locality-Profiles-2018/Stafford-Locality-Profile-2018i.pdf>
- 8.11 The Stafford and Surrounds Health and Wellbeing Strategy 2015-2020 can be found at:  
<https://www.staffordbc.gov.uk/sites/default/files/cme/DocMan1/Policy%20and%20Plans/Health-and-Wellbeing-Strategy.pdf>
- 8.12 The Stafford Borough Community Safety Strategic Assessment:  
<https://www.staffordbc.gov.uk/sites/default/files/cme/DocMan1/PolicyAndImprovement/Stafford%20CSA%20-%202017%20FINAL.pdf>
- 8.13 Having considered the information provided above, applicants should provide the licensing authority with the policies and procedures they have in place, which are designed to prevent underage gambling. These policies and procedures should also take account of the structure and layout of the particular premises as well as any training provided to staff.
- 8.14 In the event of any application to vary a premises licence, operators will be required to provide the licensing authority with any age related compliance test results which relate to the premises concerned.
- 8.15 With respect to preventing vulnerable people from gambling, applicants must demonstrate how they intend to ensure that the licensing objective is met. This might include providing details about their own self exclusion schemes and their intentions towards the Multi Operator Self Exclusion Scheme (MOSES).
- 8.16 Details should also be provided of what responsible gambling information is made available to customers. This should include information from organisations such as Gambleaware <https://about.gambleaware.org/> and GamCare <http://www.gamcare.org.uk/>

8.17 Local Risk Assessments should detail what controls are in place for challenging excluded persons from entering into the premises and what arrangements are in place for monitoring the use of fixed odds betting terminals (FOBT).

## **9. Declaration**

9.1 This Policy Statement 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; these applications will be considered on their own merits and according to the statutory requirements of the Gambling Act 2005.

9.2 In producing the finalised Statement of Principles, the Council declares that it will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the Policy Statement.

## **10. Responsible Authorities**

10.1 The Act allows certain agencies to act as responsible authorities. Responsible authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities may also offer advice and guidance to applicants.

10.2 The Council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

10.3 In accordance with the regulations, the Council designates the Staffordshire County Council, Local Safeguarding Children Board for this purpose.

10.4 The contact details of all the responsible authorities under the Gambling Act 2005 can be found on the Council's website at:

<https://www.staffordbc.gov.uk/responsible-authorities>

## **11. Interested Parties**

11.1 Interested parties are people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as set out below.



11.2 For the purposes of this part, a person is an interested party if, in the opinion of the licensing authority which issued the licence or to which the application 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 paragraphs (a) or (b).

11.3 The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission: Guidance to Local Authorities.
- In order to determine if an interested party lives or has business interests sufficiently close to the premises to be likely to be affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.

## **12. Licensing Authority Functions**

12.1 Licensing authorities are responsible under the Act for:

- Licensing premises where gambling activities are to take place by issuing premises licences
- Issuing provisional statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to commercial clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of up to two gaming machines
- Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises under the Licensing Act 2003, where more than two machines are required
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices (for tracks)

- Providing information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- Maintaining registers of the permits and licences that are issued under these functions

12.2 The Council does not license remote gambling. This matter falls to the Gambling Commission.

## **PART B –THE LICENSING OBJECTIVES**

### **13. Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

13.1 The Gambling Commission takes the lead role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however encourage licensing authorities to pay particular attention to the proposed location of gambling premises in terms of this licensing objective.

13.2 Such association with crime may include: money laundering; counterfeiting; drug dealing or any similar involvement in organised crime.

13.3 Operators are also required to consider child protection issues such as the risk of child sexual exploitation, as part of this Licensing Objective.

### **14. Ensuring that Gambling is conducted in a fair and open way**

14.1 The Gambling Commission takes the lead role in ensuring that gambling is conducted in a fair and open way and addresses this via operating and personal licences.

14.2 The Council will take operator licence conditions into account and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.

14.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document, and also in Part D which covers permits and notices.

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

15.1 This licensing objective seeks to prevent children from taking part in most types of gambling and where appropriate, the Council may require specific measures at particular premises which are designed to ensure that the licensing objectives are met.

- 15.2 Preventative measures may include the supervision of premises and machines and appropriate training for staff with regard to suspected truanting school children and how staff should deal in general with unsupervised children.
- 15.3 The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues with respect to this licensing objective.
- 15.4 The Council does not seek to offer a definition for the term “vulnerable people” but for regulatory purposes it will assume that this group includes elderly people, 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, or because of the influence of alcohol or drugs.

## **PART C – PREMISES LICENCES**

### **16. Introduction to Premises Licensing**

- 16.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. Premises licences may, for example, be issued to amusement arcades, bingo halls and bookmakers.
- 16.2 Premises licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

#### Definition of ‘Premises’

- 16.3 Premises are defined in the Act as ‘any place’. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to 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. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact within any given circumstances.
- 16.4 The Council will take particular care when 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, the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

16.5 The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access; compatibility of the two establishments and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

#### Location

16.6 The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in the area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Council 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.

16.7 When considering the licensing objectives, the Council's may, upon receipt of any relevant representations, look at location as a specific issue. Location issues might include, but are not be limited to:

- The proximity of the premises to schools and vulnerable adult centres.
- The proximity of the premises to residential areas where there may be a high concentration of families with children.
- The size of the premises and the nature of the activities taking place.
- The level of organised crime in the area.

16.8 Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

16.9 This policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how any concerns can be overcome.

#### Duplication with other regulatory regimes

16.10 The Council will seek to avoid any duplication with other statutory/regulatory systems such as planning. The Council 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 listen to and consider carefully any concerns about conditions which the licence holder cannot meet because of planning restrictions.

## Conditions

16.11 Applications will be granted subject only to the mandatory and default conditions. Such conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. Conditions will only be attached to premises licences where there is evidence of a need to do so.

16.12 Any conditions attached to licences will be proportionate and will be:

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

16.13 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures which the Council may consider. These include the use of door supervisors, supervision of adult gaming machines and appropriate signage for adult only areas. The Council will also expect the applicants to ensure that the licensing objectives are effectively met.

16.14 There are conditions which the Council cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers or method of operation;
- Conditions which provide that membership of a club or body be required; and,
- Conditions in relation to stakes, fees, winnings or prizes.

16.15 Door supervision

The Council may consider whether there is a need for door supervision in terms of the licensing objectives. Where door supervisors are required, it is the operator's responsibility to ensure that any persons employed in this capacity are fit and proper to carry out such duties.

## **17. Adult Gaming Centres and Licensed Family Entertainment Centres**

17.1 Adult Gaming Centres (AGC's) are commonly found within town centre environments and are able to make category B, C and D gaming machines available to adults. Nobody under the age of 18 is permitted to enter an AGC.

- 17.2 Licensed Family Entertainment Centres (LFECs) are those premises which usually provide a range of amusements such as computer games and penny pushers. They may have a separate section set aside for adult only gaming machines with higher stakes and prizes and are able to make available a certain number of category C and D machines. Clear segregation must be in place so children do not access the areas where the category C machines are located.
- 17.3 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in the above premises. The Council will expect applicants to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to adult gaming centres or adult only gaming machine areas within the LFEC.
- 17.4 The Council will expect applicants to offer their own measures to meet the licensing objectives.
- 17.5 Appropriate measures/licence conditions may cover:
- Proof of age schemes (e.g. PASS schemes)
  - The use of Challenge 25 policy
  - The use of 'No ID No Entry' policy
  - CCTV
  - Door supervision
  - Supervision of machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage
  - Specific opening hours
  - Staff training in the law and the provision of a named point of contact to help ensure compliance.
  - Measures/training for staff on how to deal with suspected truanting school children and how to recognise signs of potential child sexual exploitation
  - Clear policies that outline the steps to be taken to protect children from harm
  - Self-exclusion schemes and the provision of leaflets/helpline numbers to organisations such as GamCare, the Responsible Gambling Trust or GambleAware etc.
  - Ensure that there is a policy in place which addresses the Multi operator self exclusion scheme (MOSES)

This list is not mandatory nor exhaustive and is merely indicative.

## **18. Casinos**

- 18.1 The Council 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.

## **19. Bingo Premises**

19.1 Bingo is not statutorily defined within the Gambling Act 2005. Such premises may however, provide cash and prize bingo. In addition, bingo premises are also able to provide a limited number of gaming machines in line with the provisions of the Act.

19.2 It is important that where children are allowed to enter Bingo premises, that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the operator must ensure that:

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

19.3 Other measures which applicants will need to consider in meeting the licensing objectives are outlined in paragraph 17.5 above.

## **20. Betting Premises**

20.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises.

20.2 The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines and the nature and circumstances in which they are made available by attaching a licence condition to a betting premises licence. The Council is also aware that it is not possible to restrict the number of gaming machines which may be made available within betting premises.

- 20.3 When considering whether to impose a condition to restrict the number of betting machines in particular premises the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.
- 20.4 Measures which applicants will need to consider in meeting the licensing objectives are outlined in paragraph 17.5 above.

## **21. Tracks**

- 21.1 Currently the licensing authority does not licence any tracks which permit on-course betting. Where an application for a track premises licence is proposed, the applicant should contact the Council's Licensing Unit at the earliest opportunity. The Council's focus will be on the need to protect children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to premises are distinct. Children must be excluded from gambling areas where they are not permitted to enter.

## **22. Travelling Fairs**

- 22.1 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.
- 22.2 The 27 day statutory maximum for the land being used as a fair is per calendar year. This 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. Where appropriate, the Council will liaise with neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

## **23. Provisional Statements**

- 23.1 The provisional statement process provides an alternative to making a premises licence application. The process permits an applicant to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling would be granted a premises licence when the building work is complete.
- 23.2 A provisional statement is not a licence and merely gives the holder some form of assurance that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required.



23.3 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage or they reflect a change in the applicant's circumstances. In addition, the Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the Authority's opinion reflect a change in the operator's circumstances

23.4 When determining a provisional statement application the Council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

## **PART D – PERMITS, TEMPORARY/OCCASIONAL USE NOTICES AND SMALL SOCIETY LOTTERY REGISTRATIONS**

### **24. Unlicensed Family Entertainment Centre Gaming Machine Permits**

24.1 The term 'Unlicensed Family Entertainment Centre' is one defined in the Act and refers to premises which provide category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are 'unlicensed' in that they do not require a premises licence but do require a permit to be able to provide category D machines. It should not be confused with a 'Licensed Family Entertainment Centre' which does require a premises licence because it contains both category C and D gaming machines.

24.2 In accordance with Gambling Commission guidance, the Council will carefully consider child protection issues when considering applications for permits. This consideration will generally engage two of the three licensing objectives: These are:

- Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

24.3 The Council will expect applicants to show that there are policies and procedures in place to protect children from harm from gambling and to promote wider child protection issues as part of the crime prevention objective. Policies must include appropriate measures/training for staff regarding how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises.

24.4 The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs, that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act), and that staff are trained to have a full understanding of the maximum stakes and prizes

24.5 The Council is aware that an application for a permit may only be granted if the Chief Officer of Police has been consulted on the application.

24.6 In line with the Act the Council cannot attach conditions to this type of permit and the statement of principles only applies to initial applications and not to renewals.

## **25. Gaming Machine Permits in premises licensed for the sale of alcohol**

25.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines of categories C and/or D. The premises merely need to notify the Council. The Council can remove the automatic authorisation in respect of any particular premises if:

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

25.2 If a premises wishes to have more than two machines, then application must be made for a permit. The Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and 'such matters as it thinks relevant'. The Council considers that 'such matters' will be decided on a case by case basis, but generally regard will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will also 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

25.3 Measures which may satisfy the Council that there will be no access could include the adult machines being situated in close proximity to the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also help. Regarding the protection of vulnerable persons, applicants may wish to

consider the provision of information leaflets/helpline numbers for organisations such as Gam Care.

- 25.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 25.5 The Council can decide to grant the application with a smaller number of machines and/or a different category of machines from that applied for. Conditions (other than these) cannot be attached
- 25.6 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.
- 25.7 A summary of gaming machine categories and entitlements can be found at Appendix B of the Guidance issued to licensing authorities by the Gambling Commission.  
<http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities-5th-edition.aspx>

## **26. Prize Gaming Permits**

- 26.1 The Council will expect the applicant to set out the types of gaming that he or she is intending to offer and be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in regulations;
  - That the gaming offered is within the law.
- 26.2 In making its decision on an application for prize gaming permits, the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 26.3 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Council cannot attach conditions. The conditions in the Act are:
- The limits on participation fees, as set out in regulations, must be complied with
  - All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated, and the result of the game must be made public in the premises on the day that it is played
  - The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - Participation in the gaming must not entitle the player to take part in any other gambling.

## **27. Club Gaming and Club Machines Permits**

- 27.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A club gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D).
- 27.2 To qualify for these special club permits, a members' club must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 27.3 Before granting the permit, the Council will need to satisfy itself that the premises meet the requirements of a members' club and that the majority of members are over 18 years of age.
- 27.4 The Council 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 they have applied
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Gambling Commission or the Police.

## **28. Temporary Use Notices**

- 28.1 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 useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 28.2 The Act makes a special reference, in the context of temporary use notices, to a 'set of premises' to try and ensure that large premises which cannot reasonably be reviewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes a 'set of premises' will

be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a 'set of premises', the Council will look at, amongst other things, the ownership/occupation and control of the premises.

- 28.3 The Council will be ready 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.

## **29. Occasional Use Notices (for Tracks)**

29.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice.

29.2 The Council has very little discretion regarding these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

## **30. Small Society Lottery Registrations**

30.1 The Act creates two principal classes of lotteries - licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries, there are four sub classes, one of which is small society lotteries.

30.2 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial

requirements set out in the Act. These may be administered by the Council for small societies who have a principal office in the area and wish to run such a lottery.

30.3 To be 'non-commercial', a society must be established and conducted:

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

30.4 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'

## **PART E – ENFORCEMENT**

### **31. Enforcement Principles**

31.1 The Council will work closely with other agencies in targeting known high risk premises. In doing so, the Council will follow Government guidance on better regulation.

31.2 The Council recognises that the Regulators Code applies to all activities under the Act. This will however, be most obvious in respect of the Councils inspection and enforcement duties and the powers to institute criminal proceedings. The Regulators' Code can be found at: <https://www.gov.uk/government/publications/regulators-code>

31.3 The Council will aim 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.

31.4 The Council's Enforcement Policy, which explains how the Council deals with non-compliance and unlawful gambling activity, can be found at:

<https://www.staffordbc.gov.uk/sites/default/files/cme/DocMan1/Environmental%20Health/Enforcement-Policy.pdf>

31.5 Known enforcement issues which the Council's Licensing Unit will address include illegal gambling machines in takeaways and poker in pubs.

31.6 The Council will endeavour to avoid duplication with other regulatory regimes.

- 31.7 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licence conditions and other permissions. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission. In circumstances where the Council believes a premises requires a premises licence for gambling activities and no such licence is in force, the Council will notify the Gambling Commission.
- 31.8 The Council will also have regard to any guidance issued and keep itself informed of developments regarding the work of the Regulatory Delivery Division of the Department of Business Innovation and Skills in its consideration of the regulatory functions of local authorities.

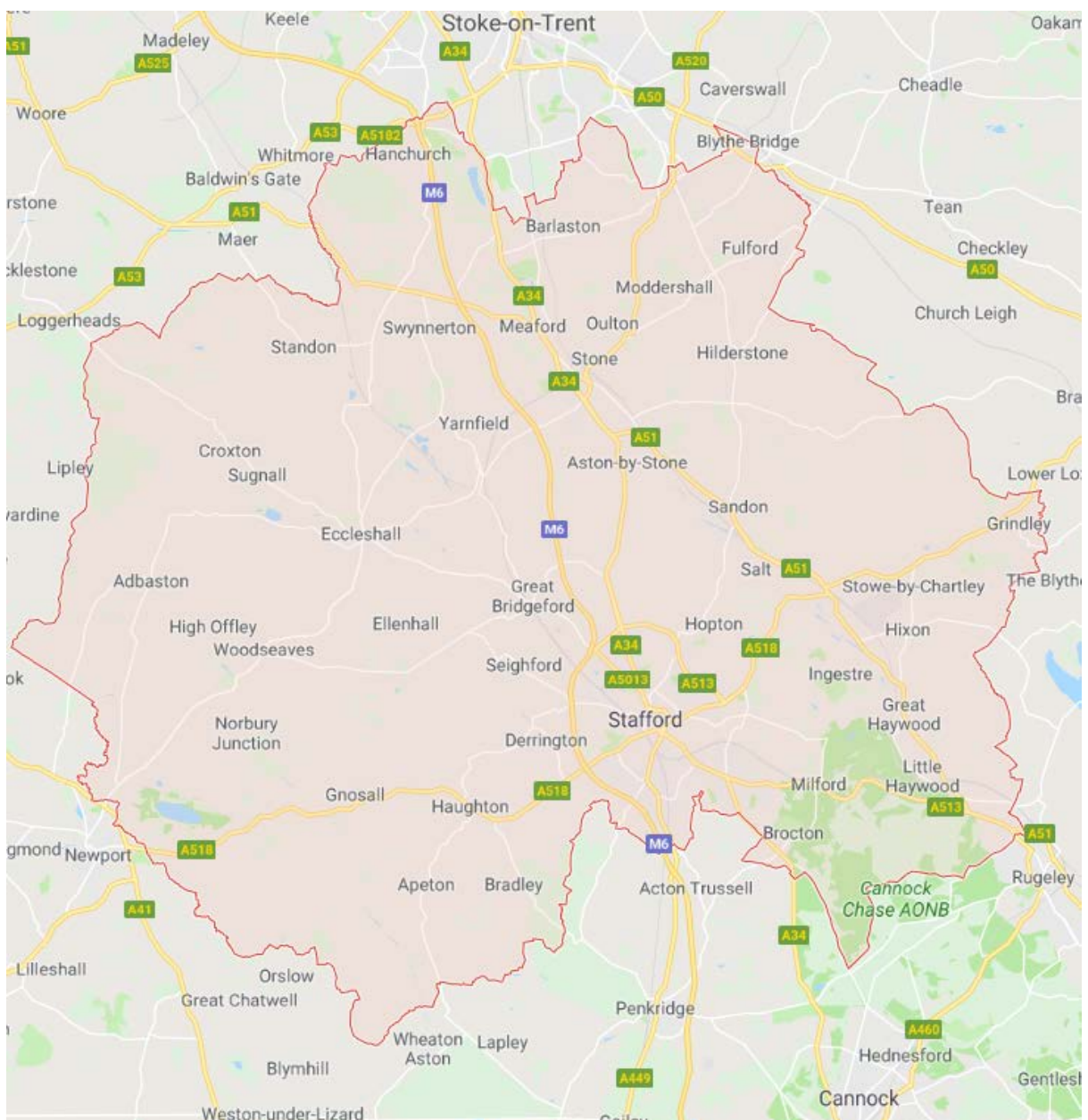
## **32. Reviews**

- 32.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked or suspended or that conditions may be amended or new conditions added.
- 32.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is:
- In accordance with any relevant Code of Practice issued by the Gambling Commission
  - Reasonably consistent with the licensing objectives; and
  - In accordance with this Authority's Statement of Gambling Policy.
  - In accordance with any relevant guidance issued by the Gambling Commission
- <http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities-5th-edition.aspx>
- 32.3 In addition the Council may also reject the application on the grounds that the request is frivolous, vexatious, will not cause the authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.
- 32.4 The Council can also initiate a review of a licence on the basis of any reason which it thinks appropriate. This may for instance follow a second failed compliance test at the premises.
- 32.5 Before sitting as a member of the Licensing Sub Committee, members will need to attend a Gambling Act 2005 training session with officers from Legal Services and Licensing. Members will need to attend refresher training every year that they remain a member of the Licensing & Public Protection Committee.

### 33. Functions and Delegations

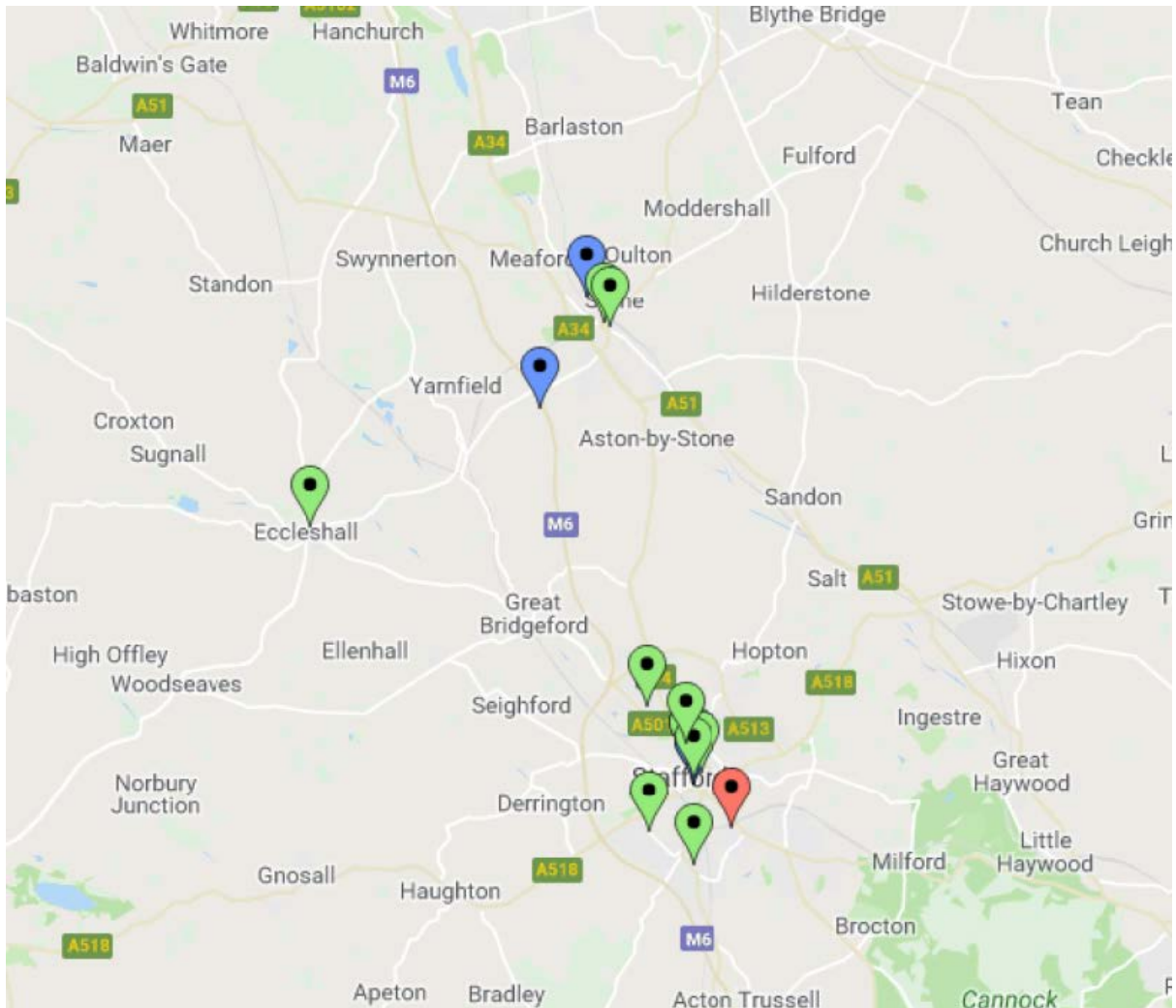
A table showing the delegation of functions within the Council can be found at Appendix G of the Gambling Commission Guidance: <http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities-5th-edition.aspx>

#### Stafford Borough Boundary Map





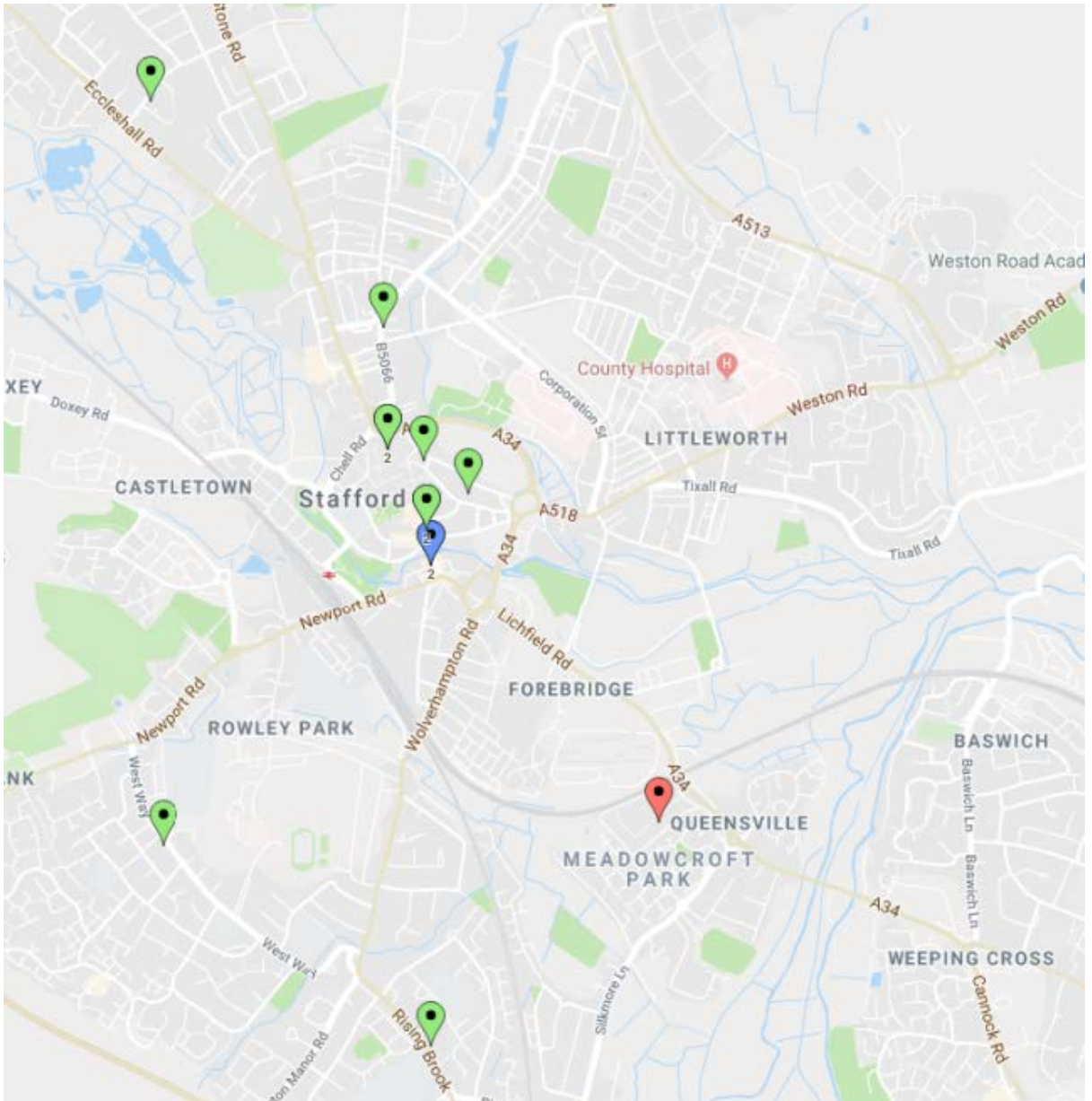
## Map of Gambling Establishments in Stafford Borough






### Licences Premises Within Stafford Borough

Key	Licence Type	Number
<span style="color: blue;">■</span>	Adult gaming centre	6
<span style="color: green;">■</span>	Betting Shop	11
<span style="color: red;">■</span>	Bingo	1

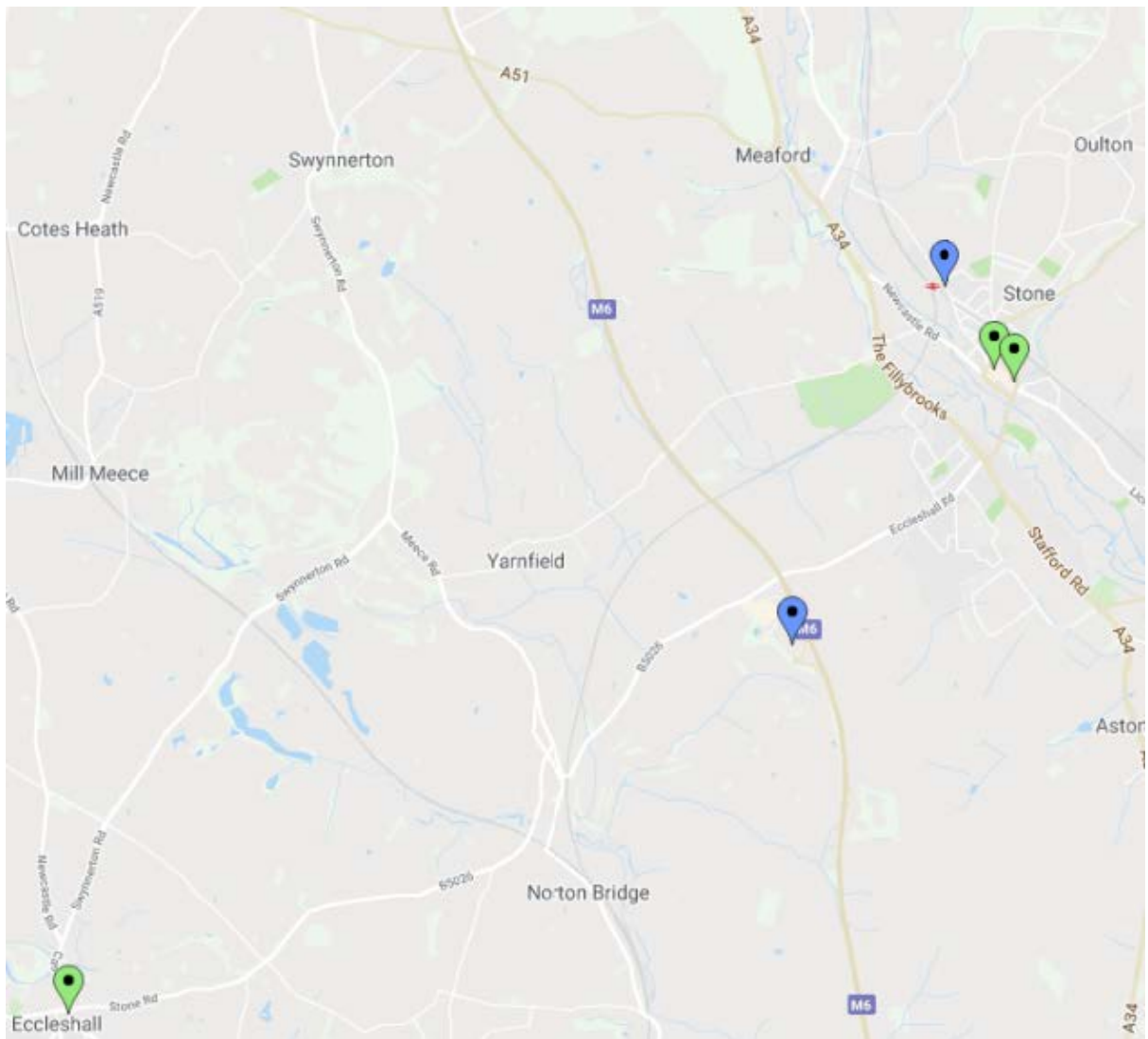
## Stafford



### Licenced Premises in Stafford Area

Key	Licence Type	Number
	Adult gaming centre	4
	Betting Shop	8
	Bingo	1

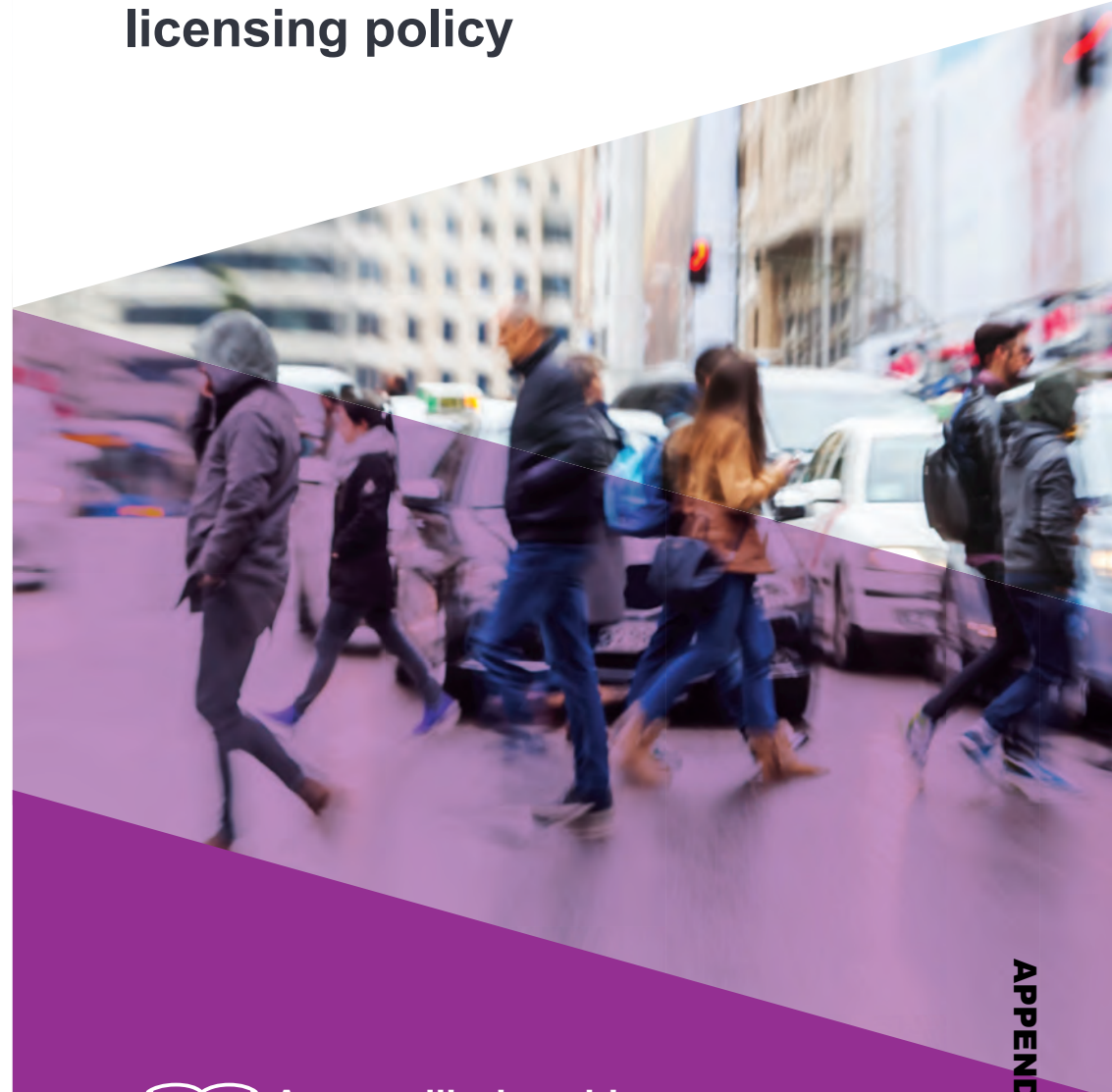
## Stone



Licenced Premises in Stone Area

Key	Licence Type	Number
	Adult gaming centre	2
	Betting Shop	3

## Statement of gambling licensing policy



**GAMBLING  
COMMISSION**

**RAISING STANDARDS**

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Making gambling fairer and safer

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**A councillor's guide**  
(England & Wales only)



# Statement of gambling licensing policy – A Councillor’s Guide (England & Wales only)

## The Gambling Act 2005

There are three licensing objectives under the Act. Keeping crime out of gambling, ensuring it is fair and open and protecting children and other vulnerable people from being harmed by gambling.

There are 4 principles to inform a licensing authority as to how it carries out its duties:



- ▶ our codes of practice that apply to licensed gambling operators and to pubs and clubs
- ▶ our Guidance to Licensing Authorities
- ▶ the licensing objectives above
- ▶ **Your own Statement.**

## The Statement

The function of the Statement is to reflect **locally specific** gambling concerns and to reflect the Council’s wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area.

This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required. It also reduces the risk of matters being escalated to a licensing committee.

## But we don’t get any complaints!

It may well be the case that you receive very few, or no complaints about gambling. You are highly unlikely to do so.

Unlike other regulated areas, such as alcohol or drugs, gambling is much less visible as a concern for residents. The problem gambler or the under 18 who gambles are very unlikely to contact you or the LA to complain. The nature of co-regulation requires both LAs and the Commission to engage in inspection and enforcement.

**Unless an LA proactively conducts inspections you will not know what the true compliance picture looks like.** Critically, you have no means of knowing whether the necessary protections, especially for the young and vulnerable, are in place and working effectively.

Importantly, unless inspections and enforcement against illegality are conducted it unfairly penalises those who are compliant.



## Consult with responsible authorities

The Act specifies a list of responsible authorities with whom you must consult (s157). Along with those you’d expect such as police, you must include a body whose functions include the protection of children from harm. You might consider your **Safeguarding Board**.

Another body which can also help to inform the strategic picture and approach as well as inform the local area profile (LAP) is **Public Health**. Given the range of co-morbidities associated with addictions it is likely that some of those presenting with one specific condition may be experiencing gambling-related harm as well.



## Local area profile (LAP)

You should develop a ‘heat map’ or local area profile of your council area. Completion of a LAP is not a requirement but there are significant benefits for both the LA and businesses in having a better awareness of the local area and risks (both *potential* and *actual*).

An effective LAP is likely to take account of a wide range of factors, data and information already held by the LA and its partners.



## Gambling operators’ responsibilities

*Licence conditions and codes of practice* (LCCP) issued by the Commission formalise the need for operators to consider local risks.

Social responsibility code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks.

In undertaking their risk assessments, they must take into account relevant matters identified in the LA’s Statement.

A licensing authority can request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns.