



Council
16 November 2015

**Subject: Recommendation from Licensing and Regulatory Committee
Review of Gambling Policy (Statement of Principles)**

Report by:	Mark Sturgess Chief Operating Officer
Contact Officer:	Phil Hinch Licensing Team Manager 01427-676610 Phil.hinch@west-lindsey.gov.uk
Purpose / Summary:	This report is in relation to the process taken and includes the comments made through the consultation process in the mandatory review of the Gambling Policy (Statement of Principles)

RECOMMENDATION(S):	1) That Council accept the recommendation from the Licensing and Regulatory Committee and approve and adopts the amended draft policy referred to as ‘The Gambling Policy (Statement of Principles)’. The revised document will then be published in accordance with the relevant regulations and will become effective from January 2016.
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IMPLICATIONS

Legal: Please see section 5

Financial: None as a result of this report Fin Ref:65/16

Staffing: None as a result of this report

Equality and Diversity including Human Rights: No adverse impact has been identified as a result of the wide scale consultation process.

Risks: Please see section 6

Climate Related Risks and Opportunities: N/A

Background Papers:

The following background papers were used in the preparation of this report.

Title:	Location of Background Papers:
Gambling Act 2005	Licensing Office
Gambling Commission Guidance to Licensing Authorities 4 th Edition	Web

Call in and Urgency:

Is the decision one to which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1 Introduction

- 1.1 Section 349(1) of the Gambling Act 2005 requires that each Licensing Authority shall before each successive period of 3 years, prepare and publish a “statement of principles” that they propose to apply in exercising their functions under this act during that period. The current policy was adopted by Council in October 2012.
- 1.2 Section 349(2) states that a Licensing Authority shall review their statement from time to time and if necessary revise the statement and publish before giving it effect.

2. Details of the report

- 2.1 Section 2(1)(a)(i) of the Gambling Act 2005 defines a district council as a “Licensing Authority”.
- 2.2 Before determining the policy the Licensing Authority must consult with:
 -
 - The Chief Officer of Police for the licensing authority’s area,
 - 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 this Act.

All district and borough Councils within Lincolnshire (as with many others nationally) are in the process of reviewing their Gambling Policy and these, where relevant, may or may not be similar to some degree in content. Where there are some similarities, this can be advantageous to the gambling industry in that this may offer some consistency.

3. Consultation

- 3.1 The list of persons we consulted when reviewing the gambling policy was deliberately wide. This enables the licensing authority to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the policy.
- 3.2 The following consultation process was implemented:
 - The draft revised gambling policy was placed on the West Lindsey website where it could be viewed and give consultee’s the opportunity to make any comments
 - Letter was emailed to WLDC Members with a link to the draft policy for them to comment upon
 - Copies of the draft policy were deposited in the WLDC reception areas at both Gainsborough and Market Rasen offices
 - Copies of the draft policy were deposited at seven local libraries around the district

- Letter was emailed to the relevant responsible authorities with a link to the draft policy for them to comment upon
- Letter inviting approximately another twenty five “other” consultee’s to take part in the consultation process ranging from Gamblers Anonymous, Citizens Advice Bureau, The Gambling Commission, William Hill, Ladbroke’s plc and The Racecourse Association
- Over 60 consultee’s were invited to take part in the review process overall alongside the policy being deposited at local libraries and WLDC offices and website
- The full list of consultee’s can be seen at Appendix 2

4. Responses to consultation process

- 4.1 The consultation exercise concluded with four responses received in relation to the draft policy
- 4.2 The comments received from the respondents can be seen at Appendix 1a to 1d, with 3 out of the 4 responses received coming from prominent High Street names within the Gambling industry or their representative, with the 4th response received coming from a campaign group. In summary, Appendices 1a, b, c, of the responses have made numerous comments and statements (in particular to Local Area Risk Assessments) with regard to their view of the draft policy in order to make the authority aware of their organisations concerns, including any objections. Appendix 1d is from a campaign group asking for tighter controls and requesting the Authority to join up with other Council’s in order to support changes in relation to Gambling activities.
- 4.3 It is probably fair to say that the responses received from within the Gambling industry are a standard response or generic in nature and therefore some of the concerns highlighted may not be as applicable to this authority as they may be to the larger authorities in the bigger cities around the country, that said any concerns highlighted need to be given due consideration and addressed in order to reduce and/or avoid any legal challenge.
- 4.4 In order to ensure that any responses received are clearly understood the Licensing Manager specifically contacted representatives of each organisation, so that a fair appraisal can be given to each response which can be seen at Appendix 1.
- 4.5 Gambling legislation, administration and compliance and enforcement, whilst being highly regulated by both licensing authorities and the Gambling Commission is also very complex in nature. It should be remembered that whilst licensing authorities issue the relevant premises licenses, permits, lotteries and authorisations etc, over and above that, the Gambling Commission issue personal and operator licenses whereby they incorporate their own stringent checks in relation to their own processes.

5. Legal

- 5.1 It is a mandatory requirement that the Licensing Authority must prepare, consult, determine and publish its Statement of Principles every 3 years or earlier if necessary. Adoption of the Statement of Principles is a Council function which cannot be delegated to a Committee or Sub-Committee.
- 5.2 Lincolnshire Shared Legal Services were consulted as part of the review process to this policy.

6. Risks

- 6.1 Failure to adopt and publish the Statement of Principles means that the authority would not be complying with the Gambling Act 2005 and would leave any decisions made by the Licensing Authority open to challenge along with the potential to damage to its reputation.
- 6.2 Additionally, it should be recognised that in adopting a revised draft policy, in making this decision, this can also be challenged as with any decision made by the Council. However, in order to minimise the risks of any legal challenge, the Licensing Manager has discussed the concerns with the respondents and has given their comments due consideration within Appendix 1, which is attached for Members perusal. The consultation process raised numerous concerns through this exercise, which has given the authority the opportunity to amend the original draft policy accordingly, which is being put before Council for approval and adoption.

7. Conclusion

- 7.1 Every effort has been made to comply with the statutory process. The latest draft policy is attached at Appendix 3 for Council approval and formal adoption.
- 7.2 The draft policy at Appendix 3 was considered by the Licensing and Regulatory Committee on 22 September 2015 prior to recommendation to Council. Herewith the minute:

20 REVIEW OF THE GAMBLING ACT 2005 POLICY (LR.14 15/16)

Consideration was given to a report which set out the consultation process which had been undertaken and the comments which had made as a result, in reviewing the Gambling Policy (Statement of Principles), which is a mandatory requirement.

In presenting the report Officers outlined at length the consultation process which had been undertaken, the nature of the comments received (which were set out in full within the report), and as a result of these, the changes which had been made to the Policy, namely one to page 38 of the Policy regarding local risk assessments.

In responding to Members questions, whilst every attempt was made to have a county-wide approach, and whilst each district had adopted a similar approach

and underlying principles there were differences from one to another. It was explained that this was primarily because of the differences between the areas, the example cited being that of East Lindsey in light of its seaside establishments.

The Committee placed on record their thanks to the Licensing Team Manager for the work he had undertaken.

RESOLVED that the amended draft Policy be approved and **RECOMMENDED** to Full Council for formal adoption as the Gambling Policy (Statement of Principles) at their meeting on 16 November 2015.

7.3 Following formal adoption by Council the policy will remain in force for three years (although it can be reviewed earlier if required) after which it must be reviewed and formally adopted for a further three year period and so on.

8. Appendices

Appendix 1 Schedule of responses/appraisal given

Appendix 1a - d Consultation responses

Appendix 2 List of Consultees

Appendix 3 Revised draft policy

Appendix 1

Schedule of Responses to review of Gambling Policy 2015 (Statement of Principles)

Part I

Reference	Respondent	Comments	Appraisal	Response
Appendix 1A	CORAL RACING LIMITED	<p>To summarise Coral are broadly supportive of the Policy but have listed concern with regard to Section 8 Local Area Risk Assessments (Page 38) in particular with regards to the bullet points listed, bearing in mind they have no evidence that the location of betting offices within proximity to schools, youth centres or hostels causes harm to the licensing objectives? Additionally, the <i>Think 21</i> policy operated by Coral is adequate to ensure that underage gambling does not occur in their premises and have referred to the fact that they have many examples of betting offices immediately next door to schools and colleges with no evidence that they cause problems. Coral accept that they will need to submit local risk assessments with effect from April 2016 in relation to LCCP but believe these should be a) <i>to assess specific risks relative to the licensing objectives in the local area and b) assess whether the control measures going beyond standard control measures are needed?</i> Mr Liddle would welcome Section 8 being amended accordingly.</p>	<p>Licensing Manager discussed the response from Coral with Mr John Liddle (Director of development at Coral Retail). In response to the consultation feedback from Coral, the points that they have highlighted are relevant and not unreasonable, therefore justify a change to the draft policy.</p>	<p>Officers suggest amending the current Section 8 text and remove bullet points listed within current draft.</p>

Appendix 1B	A.B.B. ASSOCIATION OF BRITISH BOOKMAKERS	A.B.B. are aware of the need to carry out Local Area Risk Assessments with effect from April 2016 in order to identify any risks posed to the licensing objectives and how these would be mitigated. A.B.B. support these requirements as set out in the Gambling Commission's LCCP, however they object to P38 of the draft policy which lists minimum requirements for operators to consider within their risk assessment, when there is no substantive evidence which requires the need for them to do so. They have given examples of this scenario. A.B.B. feel that the current draft policy would result in a regulatory burden that would be disproportionate to its operators.	Licensing Manager discussed the response from A.B.B. with Mr Peter Craske, (A.B.B representative). In response to the consultation feedback from A.B.B. the points that they have highlighted are not unreasonable, therefore justify a change to the draft policy.	Officers suggest amending the current Section 8 text and remove bullet points listed within current draft.
Appendix 1C	LADBROKES plc	As above Ladbrokes have very similar concerns with regards to the Gambling Commission's LCCP provisions which will be effective from April 2016, with specific regard to Local area risk assessments. They are happy to complete and share any risk assessments. However they caution against the inclusion of named categories which operators are prescribed to take into account by the local authority when in fact the system should be as present in that only local evidenced based risks should be included within their risk assessments. Ladbrokes state that they have strict policies in place and invest in colleague training for the Challenge 21 scheme, which helps to prevent underage gambling taking place within their outlets.	Licensing Manager discussed concerns with Grainne Hurst (Corporate Director). As above, the points that they have highlighted are not unreasonable, therefore justify a change to the draft policy.	Officers suggest amending the current Section 8 text and remove bullet points listed within current draft.

Appendix 1D	CAMPAIGN FOR FAIRER GAMBLING	<p>Consultation submission received from the Campaign for Fairer Gambling. They have listed numerous areas of concern within their response that they felt needed bringing to the authority's attention, eg enforcement, licence conditions and the proliferation of betting shops on High Streets. Having taken time to discuss their response with their spokesman, the greatest area of concern by far is the availability of FOBT's or any machine with category B2 content. As a result of this concern, they are requesting Council's to include a statement within their policies which states the Council supports further regulatory action against FOBT's with greater control being devolved to Council's and for Council's to support Newham in their action calling for the stakes on FOBT's be brought in line with other gaming machines at £2 per spin.</p>	<p>Licensing Manager discussed concerns with Matt Zarb-Cousin who is the spokesperson for this organisation. It is fair to say that their response was a standard/generic response and not everything listed clearly is an issue within our district. For example there is no proliferation of betting shops within this district as in WLDC authority area, the number has reduced, not increased!</p> <p>Whilst officers understand and appreciate the concerns raised by this campaign, they do not feel the inclusion of a statement which supports further regulatory action against FOBT's or the issue of supporting Newham is a matter that should be included within the proposed draft policy. Clearly, if Members feel that they wish to support any campaign there is a mechanism for them to do so as highlighted within the consultation response.</p>	Officers suggest no change to policy.
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Licensing Team
West Lindsey District Council
Guildhall
Marshall's Yard
Gainsborough
DN21 2NA

3rd September 2015

Dear Sir,

Consultation on Renfrewshire 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.

We have detailed below our response:-

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

Coral Racing Limited recognise the requirement to supply risk assessments with future applications following the consultation completion (effective April 2016) but seek to clarify an area which the Council will take into account when considering applications for Premises Licences. Whilst the policy '*does not preclude any application being made and every application will be decided on its individual merits*', the inclusion of certain establishments within the bullet pointed list (page 38) could indicate that the Council view these as not being a suitable nearby. Specifically and in relation to the note that the Licensing Authority will take into account the proximity of the application in relation to '*schools, youth centres or hostels*':-

Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.

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



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1800+ shops



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0800 242 232

a  company

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

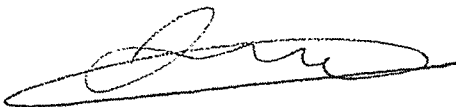
For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

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 other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.

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

Yours faithfully,



John Liddle
Director of Development – Coral Retail

Gambling Policy Statement of Principles consultation | ABB response

September 2015

Introduction

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the current consultation on West Lindsey District Council's review of its gambling policy statement.

We welcome the continued reference that when making decisions about premises licences and temporary use notices the licensing body should aim to permit the use of premises for gambling in so far as it thinks fit according to the relevant codes of practice and licence requirements. We also appreciate the reference in the document to the fact that neither moral objections nor demand are valid criteria for a licensing authority to consider.

This response sets out the ABB approach to partnership working with local authorities and details any areas of concern within the draft statement, including our 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.

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

It is important that this is also set within the context of declining betting shop numbers. 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. Indeed, we recognise that the Council has recorded a decrease in the number of betting premises it has currently compared to when the current Gambling Policy statement was adopted.

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.

▪ LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and

betting shop firms, which 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 builds 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.

Learnings 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

From 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 supports this 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.

- **Evidence based approach**

It is important that any risks identified 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 or licensing policy statements.

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.

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.

We object to the inclusion on page 38 of the Council's document of a list of minimum requirements for operators to consider within their risk assessment, as no empirical evidence is supplied as to how these factors could be linked to an increased risk of gambling related harm.

For instance, there is no evidence that proximity of young or vulnerable people to a betting premises would impact the ability of the shop to uphold the licensing objectives. This is because all operators already have strict policies and procedures in place to prevent the access of under-age people to the premises and to ensure the protection of vulnerable people. The mere increased proximity of either of those groups to the premises would not affect this.

The high street betting industry has stringent measures in place to prevent underage gambling in shops; operating to a strict Think21 policy and conducting regular independent third party testing to check the effectiveness of the procedures in place. The ABB pays for independent members to participate in such testing and the larger operators have been conducting their own testing since 2009.

▪ **Additional concerns**

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.

Conclusion

The ABB and our 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.

Contact: For any responses or requests for additional information please contact Lauren Hilton, Public Affairs Executive [REDACTED]

West Lindsey District Council
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17th August 2015

Ladbrokes consultation response – Local Council statement on Gambling Act Statement of Principles

Introduction

Ladbrokes is one of the world's largest betting operators, employing around 13,000 across 2,200 shops in the UK. As a responsible business we are committed to providing our customers with a safe, fair and fun leisure experience, whilst helping the small number of individuals who suffer from gambling related harm.

Betting offices are also valuable contributors to the vitality and viability of high streets throughout the UK, employing local people, building relationships with local customers and supporting local good causes in the community:

- They are an established high street use.
- They generate footfall at least comparable to that of retail facilities.
- They generate linked trips so supporting the retail vitality and viability of town centres.
- In physical character terms they generate at least as lively an exterior aspect as retail facilities.
- They are compatible in scale with retail facilities.

We welcome the opportunity to respond to this consultation. As a highly regulated industry, we also devote significant resources to regulatory compliance and fully support both the principle and practice of better working partnerships between local betting operators and local authorities. In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.

We are therefore concerned that the guidance as currently drafted aims to alter the premises licence regime from that established in the Gambling Act and either intentionally or unintentionally increases the burdens on an already responsible business and prescribes additional conditions above and beyond what has been currently agreed by the independent regulator.

We hope that in responding to this consultation we can better support the implementation of an effective, consistent and clear local licensing regime which is mutually beneficial to operators and local authorities.

Local Partnerships

We welcome the focus on partnership working and that is one of the reasons we are a leading signatory to the 'ABB-LGA Framework for local partnerships on betting shops' which was published

in January this year. We also have Primary Authority agreements with Liverpool Council and Milton Keynes Council which has resulted in greater clarity and consistency of regulation at a local level. In contrast, we are concerned that this guidance as currently drafted would lead to variations and inconsistencies which prove burdensome and costly for a business that operates across a multi-site estate in numerous different local authorities.

Local area risk assessments

From April 2016, under new Gambling Commission LCCP provisions, we are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. As a responsible business, we must take into account relevant matters identified in the licensing authority's statement of licensing policy in their risk assessment, and review our policies where there are significant local changes.

It is important that any changes or additional conditions are evidence based and as a result, deemed to have a real impact on the ability of betting operators to uphold any or all of the three licensing conditions. Such a list of factors, as outlined in section 3.5 and 3.7, based on opinion rather than fact, and therefore open to interpretation in many different ways, could result in an inconsistent licencing regime.

Operators already take certain factors into consideration to ensure compliance with the licensing objectives, both in relation to new applications and existing licensed premises, and therefore it should be, as it is now, a matter for the local operator to decide how this is determined and what should be included. This being the case, only local risks that are evidence based, would be included in the risk assessment. We would therefore caution against the inclusion of certain named categories which operators are prescribed to take into account by the local authority, including educational establishments and general levels of crime.

It is important to note that betting shops are often the victims of crime rather than a source of crime (burglaries, robberies etc). However, as a responsible business we would consider the existing levels of gambling and betting related crimes as well as the measures we can take to mitigate this risk before applying for a local licence. It is unclear and we would expect that other general levels of crime would not affect a licencing application.

Instead, each case should be considered on its own merits and therefore we would caution against general statements that gambling premises should automatically face a higher burden of proof in these areas. Without any clear requirements in the revised licencing policy statements that additional licence conditions should be accompanied by robust evidence, this process could lead to unintended consequences and local shop closures and job losses.

Existing responsible practices

Ladbrokes shops already operate strict age restrictions and we do not promote betting or gambling in our shop windows attractive to young children or vulnerable adults.

We accept the importance of the premises design to mitigate risk, which is one of the reasons we install CCTV cameras in specific places to monitor activity (for example at the entrance and exit of the shop) and it is our policy, unless physically impossible, to locate machines in line of sight of our cashiers. Where this is not possible, we implement alternative measures to ensure that shop team are in a position to monitor the activity in the machines area of the shop.

Security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues. Similarly, we do not accept the premise that the proximity of young people to betting shops should be regarded as an additional risk. We have strict policies and procedures in place to ensure that only those who are eligible to bet can do so. We have also invested in colleague training for the Challenge 21 policy, whereby any new customer who does not look old enough to bet is asked to provide identification. If official age verification is not provided, the customer will be asked to leave the premises. Ladbrokes also has a Primary Authority Partnership for age-restricted products.

Our policies regarding compliance with the licensing objectives are supported by thorough staff induction training programmes followed by annual refresher training in the higher risk areas such as the prevention of underage gambling (Think 21) and tested through internal audit processes and, in the case of Think 21, test purchasing conducted by a third party service provider and the fact that those results are and other associated information is shared with the Gambling Commission.

Who should be an interested party?

There is a clear, existing process in place for interested parties or responsible authorities to make representations and we would therefore caution against statements of theoretical risk without any evidence to support the argument.

For further information please contact:

Grainne Hurst
Corporate Affairs Director, Ladbrokes

[REDACTED]

Phil Hinch

From: WL - CXPA
Sent: 04 September 2015 15:50
To: Manjeet Gill; Phil Hinch; Tracy Gavins
Subject: ATTENTION: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

Manjeet – for your info.

Phil/Tracey for your attention.

Thanks
Carolyn

From: Lucy Knighton
Sent: 04 September 2015 14:53:06 (UTC) Dublin, Edinburgh, Lisbon, London
To: Manjeet Gill
Subject: Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

Date: 04 September 2015

Dear Council Leader,

Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

As leader of the council, you will know that Licensing Authorities are required under the Gambling Act 2005 (the Act) to publish a statement of the principles which they propose to apply when exercising their functions in respect of gambling activity within their borough.

Under the Act, Licensing Authorities are required to consult those who represent the interests of persons who are likely to be affected by the exercise of the authority's functions. The Campaign for Fairer Gambling in conjunction with its more focused Stop the FOBTs campaign has prepared this consultation submission for the consideration of all Local Authority licensing committees with particular regard to dealing with the contentious issue of betting shops and Fixed Odds Betting Terminals (FOBTs/B2 classified gaming machines).

We would appreciate if you could share the important contents of this mailing with your Chief Licensing Officer.

Under the Act, Licensed Betting Offices (LBOs) are allowed a maximum of four B2 category gaming machines offering game content defined as B2 with stakes up to £100 per spin, B3 with stakes up to £2 per spin and category C with stakes up to £1 per spin. Also, the bookmakers have merged two game categories (B2 and B3), so in betting shops you can play a low stake £2 capped slot game that suddenly introduces the player to £10, £20, £30 plus stakes per spin.

Despite increasing evidence of the destructive social impact of high speed, high stake casino gaming in betting shops at stakes up to £100 per spin, the previous coalition government and the current Conservative government have failed to take either decisive or effective action to curb FOBTs.

The recent government response to 93 Councils led by Newham calling for the stakes on FOBTs to be cut to £2 per spin laid the blame for the issue of proliferation of betting shops in town centres and consequently FOBTs, at the door of licencing authorities. Marcus Jones MP, Minister for Local Government, wrote:

"It is perhaps an uncomfortable reality that every one of the betting shops that collectively have given rise to the concern at the heart of the submission relies on a premises licence granted by the local authority itself". He goes on to advise councils of their existing powers under the licensing process, which many local authorities already recognise as limited in scope.

However, he points to "few" local authorities having so far "*made effective use of a provision of the Act that we see as being absolutely critical in managing the local gambling landscape*". With this statement he is referring to the three year review of local gambling policy now under way across England, Scotland and Wales by local authorities such as yours.

In his letter to Newham, Marcus Jones MP, criticises councils for drafting "generic" and "template" based statements and that the Gambling Commission "will be placing much greater emphasis on the importance of the statements".

The Campaign for Fairer Gambling has prepared this submission for consideration as part of your review, taking into account the Minister's advice and focusing on the most prominent issue of contention for licensing authorities – licensed betting offices and the Fixed Odds Betting Terminals they operate.

Enforcement

The main enforcement and compliance role for a licensing authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. One strategic methodology to measure compliance is to commission test purchasing of premises and staff employed on those premises to transact gambling.

The Gambling Commission (the Commission) notes that "*it is the responsibility of operators to manage the risks to the licensing objectives that their activities may present*". Licencing authorities are rightly empowered to undertake test purchasing to ensure measures are being implemented effectively. Under guidance from the Commission, test purchasing to evaluate the effectiveness of measures in place on licensed premises concerning self-exclusion, under age controls, anti-money laundering policies and procedures are within the remit of a licensing authority.

However, in the period 2013/2014 across the whole of England, Scotland and Wales, of the two most highly represented licensed premises in high street locations – licensed betting offices (LBO) and adult gaming centres (AGC) - just 825 instances of test purchasing were recorded as being carried out by licensing authorities. To put this in context 599 (6%), of the 9,137 betting shops (to March 2014) and 226 (14%) of the 1,618 AGCs were subject to test purchasing by licensing authorities. Only 37 Councils carried out test purchasing last year.

In most cases, test purchasing focuses on the "protection of the vulnerable" licensing objective and consists of tests for under age access to gambling on licensed premises. However, the Commission is clear that the scope of test purchasing should include the effectiveness of self-exclusion procedures and anti-money laundering controls as well as under age controls. Money laundering in particular has been repeatedly highlighted as a particular area of concern around FOBTs both low level and more highly-organised incidents that revealed serious weaknesses in operator controls.

Premise Licence Conditions

The Minister for Local Government, in his negative response to the Newham-led call for stakes on FOBTs to be cut to £2 per spin, said: "*The licensing process gives authorities considerable scope to attach conditions to licences where that is necessary to achieve the licensing objectives*".

The tenth betting shop to open in London's China Town was subject to attached conditions by the Licencing Authority following concerns from the local community and representations from the Police. They included:

- A. Seating provided for use by customers whilst playing FOBTs must be secured to the floor – this is viewed as anticipating aggressive behaviour from FOBT players who suffer large losses
- B. a comprehensive CCTV system covering internal and external frontage with immediate availability to the police must be fitted
- C. an incident log of all incidents on the premises must be kept
- D. minimum 11.5 mm thickness security glass must be fitted to the service area
- E. a “behind the counter” attack alarm must be fitted and each member of staff must be issued with and required to carry on their person a personal fob attack alarm
- F. maglocks fitted to entrance and exit points and even toilet doors.
- G. a minimum of two staff to be present post 8 pm in the evening.

Whilst these measures have some merit in addressing the potential incidents that now occur in betting shops, they are indicative of an escalation in anti-social behaviour as a consequence of gambling activity in these licensed premises. In the first nine months of 2014, Police call outs to betting shops were already up by over 20% on the previous year.

The one condition that Licencing Authorities seem hesitant to impose and, when they do - as per Westminster - is done in a relatively lack lustre manner, is requiring an adequate number of staff on the premises. The number of people employed in the betting sector has fallen by 9,700 since 2008. The industry now staffs most LBOs with just one person. This is particularly risky for staff and undermines industry claims to be promoting “responsible gambling” and “player protection measures” when they absolve responsibility for their premises to one person, generally young and female, working for not much more than minimum wage levels.

No other gambling sector employs lone staffing as a standard policy. It is perceived as irresponsible to leave licensed premises, on which gambling is transacted, under the management and operation of one person. It is within the remit of licencing authorities to impose minimum staffing levels as a condition attached to LBO premises licences.

Locally determined conditions are recommended by the Commission who says: “*Where there are specific, evidenced risks or problems associated with a particular locality, or specific premises or class of premises, a licencing authority will be able to attach individual conditions to address this. That will be a matter for them in the light of local circumstances.*”

However, unlike the conditions attached to the new Soho betting shop that deal with issues that predominantly occur inside the premises, often disturbances occur outside the premises, causing a nuisance for other businesses or residential occupiers. Acts of vandalism against betting premises, youths gathering outside and anti-social behaviour upon leaving betting shops are common cause for concern and complaint. However, Licencing Authorities are unable deal with these issues under their licensing responsibilities. As the Commission notes: “*Unlike the Licencing Act, the Gambling Act does not include, as a specific licencing objective, the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.*” Hence the imposition of conditions to deal with problems emanating from betting shops but occurring outside of the premises is limited in scope.

It is estimated over 100 betting shops per week suffer attacks on FOBTs with very few instances being reported to the Police. These are criminal acts of vandalism always occurring as a consequence of heavy cash losses from FOBT usage. As Licencing Authorities are responsible for gambling activity that takes place on the premises it is perfectly warranted for a condition to be attached to individual or all licensed premises under the licencing authorities' remit, for the recording and reporting of all such incidents. This would not be considered a regulatory burden and is in keeping with the LA responsibility of keeping crime out of gambling.

Despite the Minister for Local Government pointing to conditions as providing “considerable scope”, in the area of greatest concern, that of high stake, high speed FOBTs, a Licencing Authority has no control or powers. Section 172(10) of the Act provides that conditions may not relate to gaming machine categories, numbers, or method of operation and section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

Section 181 of the Act however contains an express power for licencing authorities to restrict the number of *betting machines*, their nature and circumstances in which they are made available for, by attaching a licence condition to a betting premises licence. These are not defined under the act as FOBTs. Section 181 of the Act refers to these machines as “accepting bets on real events” and betting operators now refer to them as Self Service Betting Terminals (SSBTs). Like the introduction of FOBTs, no controls over numbers per premises have been agreed and it is left to Licencing Authorities, if they see fit, to control their numbers under guidance pertaining to floor space, service counter positions and ability of staff to monitor their use.

There are now estimated to be in excess of 5,000 SSBTs sited in betting shops and this is increasing each month. As with FOBTs, SSBTs are contributing to the further erosion of jobs in betting shops (down 9,700 since 2008) with one operator, Trafalgar Leisure, providing five SSBTs and four FOBTs at each of its licensed premises but they did not offer any human facing over-the-counter betting facilities.

The Gambling Commission lost in their attempt to declare these betting premises as providing “insufficient facilities for betting” and the consequence is that a betting shop will still be a betting shop even if it is used for no other purpose than making machines available for use on premises.

It is essential that Licensing Authorities have particular concern to the development of SSBTs in betting premises and in particular the content made available on what have been deemed “betting machines” and use their powers under section 181 of the Act to control and monitor their proliferation.

Closing note

It is clear to Councils and Councillors that their ability to deal with and curb the proliferation of betting shops in town centres and high streets, as well as controlling the quantity of FOBTs available is severely restricted under the 2005 Gambling Act. Despite the Minister for Local Government’s view that licencing authorities are not making sufficient use of existing powers.

It is proposed to give Scotland the power to vary the number of FOBTs in new betting premises and, subject to amendments in the Scotland Bill, this could be extended as a retrospective power. No such power for Licensing Authorities in England and Wales is proposed just a continual reference to “existing powers”.

The view of the Campaign for Fairer Gambling is that the power to vary the number of FOBTs should be devolved to all Local Authorities and their Licensing Committees as is proposed for Scotland. However, it is not the quantity of machines that essentially creates the problem as can be seen from the latest Gambling Commission statistics.

Sector/Machines	Terminals	Yield (millions)	Yield Share
Betting Shops/B2	34,874	£1,613.60	68%
Bingo B3/4/C/D	52,506	£292.24	12%
Casino B1/2/3	2,925	£166.26	7%
AGC B3/4/C/D	50,530	£306.09	13%
Totals	140,835	£2,378.19	

Figures from the Gambling Commission Industry Statistics to September 2014

All gaming machines other than B2/FOBTs are capped at £2 and under per spin. It is the capacity for large losses that is facilitated by such a high staking capacity (£1 to £100 rather than 25 pence up to £2 as on most other gaming machines) that is the core of the problem regarding the B2 casino content.

As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils.

We urge all councils to support Newham in their action under the Sustainable Communities Act calling for the stakes on FOBTs to be brought in line with all other high-street gaming machines at £2 per spin.

If you would like further information, please visit www.stopthefobts.org or contact us at info@stopthefobts.org to discuss in more detail.

Yours sincerely,

Derek Webb

Adrian Parkinson

Matt Zarb-Cousin

The Campaign for Fairer Gambling
www.fairergambling.org / www.stopthefobts.org

Lucy Knighton Press Officer

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Appendix 2

- Gainsborough Area Chamber of Commerce
- Lincolnshire Safeguarding Children's Board
- Lincolnshire Social Services
- British Racehorse Association
- Edward Leigh MP
- Citizens Advice Bureau
- GAMESTEC
- Association of British Bookmakers
- Public Health England
- BBPA
- Gambling Commission
- GAMCARE
- Health & Safety Executive
- Gamblers Anonymous
- MIND
- Samaritans
- Lincolnshire Primary Care Trust
- William Hill
- GBGB
- Planning Services
- Lincolnshire Police, Licensing
- Lincolnshire Fire and Rescue
- Trading Standards
- Environmental Protection
- The Bingo Association
- Ladbrokes
- Betfred
- Don Noble Louth
- Teddy's Amusements
- Market Rasen Racecourse
- Caistor Library
- Gainsborough Library
- Market Rasen Library
- Welton Library
- Nettleham Library
- Cherry Willingham Library
- Keelby Library
- All Council Members
- Lincolnshire Shared Legal Services

Draft Gambling Act 2005 Statement of Principles



West Lindsey District Council Draft Statement of Principles Gambling Act 2005

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The Gambling Act 2005 requires every Licensing Authority to publish a Gambling Policy (Statement of the Principles), which they propose to apply when exercising their licensing functions. This document is the Gambling Policy (Statement of Principles) of West Lindsey District Council.

Whilst all applications will be judged and determined on their individual merits the policy will be the basis of the Licensing Authority's decisions. The policy will be reviewed regularly to reflect the needs of the West Lindsey area.

This Statement of Principles will formally be approved by Council on 16 November 2015.

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities Latest Edition.

West Lindsey District Council Statement of Principles Gambling Act 2005

Part A

1. Introduction

West Lindsey District Council, (hereinafter referred to as the Licensing Authority) is responsible for the licensing of premises and the issue of permits and authorisation under the Gambling Act 2005.

The 2005 Act provides for 3 categories 'Operating Licences', Personal Licences' and Premises Licences'. The Council will be responsible for the issues of Premises Licences. The Gambling Commission will be responsible for the issue of Operator and Personal Licences.

The Authority's main functions under the 2005 Act are:

- 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 the issuing of 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 premises licensed for the sale and consumption of alcohol on the 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 (TUNs)
- Receive occasional use notices (OUNs)
- Provide information to the Gambling Commission regarding details of licences and permits issued (see section in this Policy Statement on exchange of information)
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

This Policy (Statement of Principles) is intended to provide clarity to applicants, interested parties and responsible authorities on how this Licensing Authority will determine applications. Guidance is available to assist applicants: the aforementioned guidance does not form part of this Policy.

2 Authorised Activities

'Gambling' is defined in the 2005 Act as either gaming, betting or taking part in a lottery:

- 'Gaming' means playing a game of chance for a prize
- 'Betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.
- A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process, which relies wholly on chance.

3 The Licensing Objectives

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.

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". The Licensing Authority is especially mindful that it must always consider the need to protect children from sexual exploitation.

The Licensing Authority will consider the following when taking protecting of children and other vulnerable persons from being harmed or exploited by gambling licensing objective into account:

- whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
- if the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme to ensure no one under the age of 18 is admitted to the premises or restricted areas;
- whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
- whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
- whether any promotional material associated with the premises could encourage the use of the premises by children or young people;

- whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems.

The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance define the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to include 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 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

- In accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing Statement of Principles
- in accordance with any relevant code of practice issued by the Gambling Commission

4 General Matters

The Council's Vision

West Lindsey is seen as a place where people want to live, work, invest and visit.

West Lindsey is a thriving Lincolnshire district and is one of the largest and most rural of the seven district councils, covering 447 square miles. The district has the three market towns of Gainsborough, Caistor and Market Rasen, remote hamlets and some large villages close to Lincoln, so the challenge is meeting the needs of all 129 communities in the area, whose needs and assets differ greatly. West Lindsey's five main priorities for 2014–2018 have already seen many successes:

A Prosperous and Enterprising District

- Asset acquisition, disposal and management – land and property assets have been reviewed and 73 long term empty properties been brought back into use.
- Job creation, NEETs (not in education, employment or training) and apprenticeships – holding an apprenticeship day resulted in nearly 100 attendees and a successful bid meant West Lindsey piloted the Universal Credit scheme.
- Open for business – expansions and relocations of businesses to West Lindsey resulted in employment for more than 700 staff across 40 sites.

An Accessible and Connected District

- Broadband – in 12 months alone, 37 village halls were provided with broadband connectivity and West Lindsey has seen a 30% reduction in the cost of this.
- Accessibility – accessing services and reporting information online is encouraged and with nearly 10,000 customers making payments electronically this has contributed to the website obtaining more than 1 million web page views.
- Mobile accessibility – areas within West Lindsey, such as remote settlements, have no mobile phone coverage so an understanding of issues around inputting masts and the mobile technology market will enable the council to increase the number of masts in the district.

A Green District Where People Want to Work, Live and Visit

- Green premier energy solutions – solar panels installed on council buildings provide additional income and planning permission has been granted for three anaerobic digesters within the district.
- Drive down waste and support rival initiatives – West Lindsey has the highest recycling rate in Lincolnshire and has been awarded “best overall performer in England Refuse Collection”. The council will also ensure sustainable development of new homes and deliver 18 new eco-homes.




Active and Healthy Citizens and Communities

- Increasing community action and volunteering – lots of volunteering already goes on across the district and West Lindsey wants to increase the number of volunteers and volunteering opportunities by 20%. The council has worked with the community of Newtoft (an ex-MOD site) to secure funding for a new Community Centre.
- Promote well-being and healthy communities – there are health inequalities across the district where rates of obesity, cancer and life expectancy are significantly worse in some wards than others but the number of referrals to Healthy Lifestyle Programmes have increased and a partnership action plan will be developed to provide support for residents to increase their physical activity levels and improve health.
- Address the wider determinants of health – a Vulnerable Adult Panel has been established and developed in West Lindsey as well as a Homelessness Strategy which helped maintain a zero rough sleeper figure.

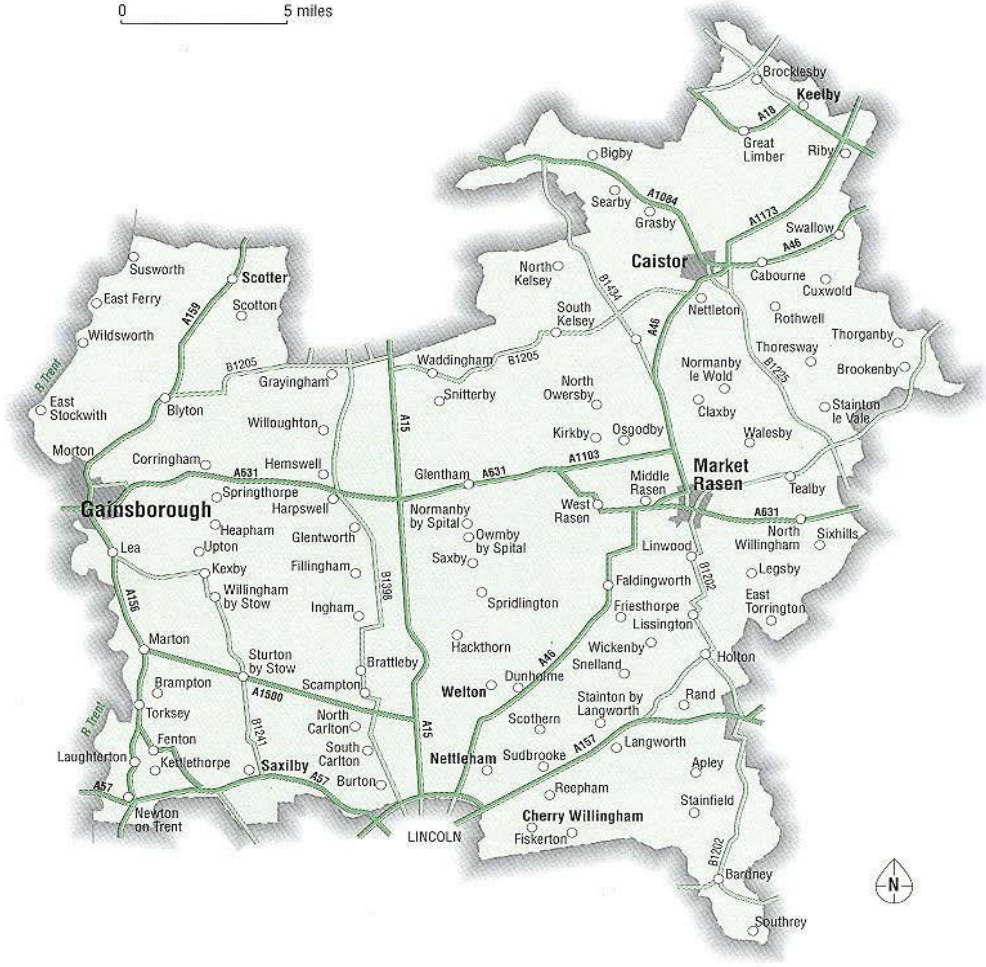
Organisational Transformation

- Value for money through the efficient, economic and effective delivery of services – with less funding available and grants from government, business reviews for service improvement and efficiencies have been carried out and a balanced budget set without the need for redundancies or service reductions.

West Lindsey District

-  'A' Road
-  'B' Road
-  District Boundary

0 5 miles



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At the time of compiling this draft policy the Licensing Authority was responsible for the following number of premises licences and permits:

Betting Premises (including tracks)	5 (6)
Bingo Premises	0 (1)
Adult Gaming Centres	1 (1)
Family Entertainment Centres (FEC)	0 (0)
Unlicensed FEC Permit (UFEC)	0 (0)
Small Society Lotteries	109 (122)

(Figures in brackets in the above table indicate figures when the current policy was adopted)

The Licensing Authority has worked in partnership with the other councils in the county in preparing this statement of principles, which is based on the draft statement of principles guidance issued by the Gambling Commission.

The Licensing Authority recognises its duties to consider the impact of all its' functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998 in adopting this statement of principles. The Licensing Authority acknowledges the benefits to the community of properly regulating gambling in the district.

The Licensing Act 2003 provides the delegated and procedural arrangements for the establishment of licensing authorities.

Licensing committees which were established under Section 6 of the Licensing Act 2003 are also the relevant committees for the purpose of gambling functions. Therefore, the same committee that deals with applications and other issues in relation to the Licensing Act 2003 will also be responsible for premise licence applications and other issues (i.e. permits) in relation to gambling.

The proceedings of the licensing committee are regulated by section 9 of the 2003 Act (and regulations made under that section). Particular provision can be made for proceedings in relation to just the 2003 Act functions or just the 2005 Act functions.

The functions of the Licensing Authority under the Act may be carried out by the licensing committee, by a sub-committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1 of this document.

Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon, the statement must be then re-published.

The Licensing Authority consulted widely upon this statement of principles before finalising and publishing.

The Gambling Act requires that the following parties be 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

The consultation will take place between July and September 2015 and will be published on the council's website.

The statement of principles will be submitted for approval at a meeting of the Council on 16 November 2015 and will be published via the council's website, shortly after that meeting. Copies will be available from the council offices at Guildhall, Marshall's Yard, Gainsborough, Lincolnshire DN21 2NA.

Should you have any comments regarding this statement of principles statement please send them via e-mail or letter to the following section:

The Licensing Department, Public Protection, West Lindsey District Council
 Guildhall, Marshall's Yard, Gainsborough, Lincs, DN21 2NA
 E-mail licensing.2003@west-lindsey.gov.uk or telephone 01427-676610

It should be noted that this statement of principles does not override the right of any person to make an application, or to make representations about an application, or to 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.

Further information is available on the council's website www.west-lindsey.gov.uk or www.gamblingcommission.gov.uk/Home.aspx

5 Declaration

In producing the statement, the Licensing Authority declares that it has had 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 statement of principles statement.

6 Responsible Authorities

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:

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

- That this body is experienced in dealing with the protection of children

The body considered competent by this Licensing Authority for this purpose is Lincolnshire Safeguarding Children Board.

7 Interested parties

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) e.g. members of parliament and ward councillors.

Principles of determining Interested Parties:

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.

The Licensing Authority, in determining whether a person is an Interested Party, will consider each case on its merits. The Authority will not apply a rigid rule to its decision making. In reaching its decision, the Licensing Authority will consider factors such as

- the size of the premises
- the nature of the premises
- the distance of the premises from the home or workplace of the person making the representation
- the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
- the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.

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

Interested parties can be people who are democratically elected such as councillors and MPs. This will include county, district and parish councillors providing they represent the ward likely to be affected. Other than these persons, the Licensing Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activity/activities and/or business interest

that might be affected by the authorised activity/activities. A letter from one of these persons requesting the representation is sufficient.

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 Committee Administration section on telephone number 01427 676595

8 Exchange of Information

The Licensing Authority may share information received in the exercise of its functions with the Gambling Commission, a responsible authority as defined by the act, an authorised officer of another Licensing Authority, The Gambling Appeal Tribunal, The National Lottery Commission or the Secretary of State.

The Licensing Authority will act in accordance with 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 to Licensing Authorities as well as any relevant regulations issued by the Secretary of State under powers provided in the Gambling Act 2005.

The Licensing Authority will inform the Gambling Commission without delay if:

- Information that causes the Licensing Authority to question the suitability of a person or business holding or applying to hold an operating licence is received.
- There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an Operating Licence.
- It comes to the Licensing Authority's attention that alcohol-licensed premises, clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes that that make it possible that £2,000 in seven days is being exceeded.
- Any other reasonable and relevant information that the Licensing Authority is of the opinion the Gambling Commission should be made aware of.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

The council is a signatory to the joint protocol on information exchange under the provisions of Section 115 of the Crime and Disorder Act 1998 with the Lincolnshire Police and the Lincolnshire County Council. The council will seek to use that provision as appropriate.

There is an expectation that all operators share information with the Licensing Authority.

9 Enforcement and Inspection

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.

The Licensing Authority's principles are that:
It will be guided by the Gambling Commission's guidance for local authorities and, as per the Gambling Commission's guidance for local authorities, it 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 consistent and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects

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

As per the Gambling Commission's guidance for local authorities the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The Licensing Authority has 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
- The principles set out in this Statement of Principles.

This Licensing Authority may carry out risk based regular operations with other agencies including the Gambling Commission and the Police to ensure the objectives are being promoted. This includes test purchasing operations to ensure children and the vulnerable are being protected where required.

As a general rule the Licensing Authority will consider formal action where there is evidence that the Licensing Objectives are being adversely affected.

Premises licence holders are advised that where following the receipt of a warning or warnings in relation to a Premises Licence breach or breaches, an operator subsequently breaches the licence conditions, the Licensing Authority will seek to review the premises licence.

The Licensing Authority keeps itself informed of developments as regards the work of the better regulation executive in its consideration of the regulatory functions of local authorities.

In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:

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

Part B – Premises licences

1. General Principles

The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons and persons who may become aggressive.

Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.

Arrangements must be made for how staff will deal with customers who become aggressive and ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.

Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.

Where access to premises is age restricted, the Licensing Authority expects applicants to have a Challenge 21 or 25 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.

All applicants should keep an Incident Book in which details are recorded of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been excluded by the operator, and any crime or disorder that occurs on, or in association with, the licensed premises.

Applicants should demonstrate how they will identify self-excluded persons.

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The 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:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the Licensing Authority's statement of licensing

statement of principles

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a Licensing Authority.

Premises Licences authorise the provision of gambling facilities on the following:

- Casino premises
- Bingo premises
- Betting premises (including race tracks used by betting intermediaries)
- Adult Gaming Centres (AGCs)
- Family Entertainment Centres (FECs)

Definition of "premises" - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a 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. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete Premises Licences, where appropriate safeguards are in place. However, the Licensing Authority will pay particular attention if there are issues about subdivision of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed. Each case will be judged on its individual merits.

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. That does not mean that 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 be properly regarded as different premises"

This Licensing Authority takes particular note of the Gambling Commission's Guidance for local 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:

- 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

- 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.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

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

The Licensing Authority will consider these and other relevant factors in making its decision depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- 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

- Access must be from a street or from another premises with a betting premises licence.
- 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:

- A casino
- An adult gaming centre

Bingo premises

- No customer should be able to access the premises directly from
 - A casino
 - An adult gaming centre
 - A betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from
 - A casino
 - An adult gaming centre
 - A betting premises, other than a track

Part 7 of 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.

Premises 'ready for gambling' – The Gambling Commission's Guidance to Licensing Authorities states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use.

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

- First, whether the premises ought to be permitted to be used for gambling
- 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.

If the construction of a premises is not yet 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 can be made instead.

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

More detailed examples of the circumstances in which such a licence may be granted can be found in the Gambling Commissions Guidance.

Location - The 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 for local 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. Should any specific statement of principles be decided upon as regards areas

where gambling premises should not be located, this statement will be updated. It should be noted that any such statement does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Planning – 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 take into consideration any irrelevant matter. I.e. those not related to gambling and the licensing objectives. One example of an irrelevant factor would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account any 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 or comply with the necessary planning or building consents. Those matters should be dealt with under the relevant planning control and building regulation powers and not form part of the consideration for the premises licence. Section 210 of the 2005 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.

Duplication with other regulatory regimes - The Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The 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 cannot be met by licensees due to planning restrictions, should such a situation arise.

Fire or health and safety risks will not be taken into account, as these matters are dealt by other regulations and must not form part of the consideration for the premises licence.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission’s guidance to local authorities and some comments are made below.

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 will be taking 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 such as 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 Act provisions.

Ensuring that gambling is conducted in a fair and open way - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks section' on pages 26-28.

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This Licensing Authority has noted the Gambling Commission's Guidance for local authorities states 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, Child Protection Policies and Awareness Training etc.

This Licensing Authority is also aware of the Gambling commission Codes of Practice as regards this licensing objective in relation to specific premises.

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 gambling 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.

Conditions - Any conditions attached to licences will be proportionate and will be:

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, Child Protection Policies and Awareness Training etc. There are specific comments made in this regard under some of the licence types below. The 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.

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.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- 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.

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

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.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:

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

Door Supervisors - If there are concerns that premises may attract disorder or be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take

into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.

Where door supervisors are imposed as a condition on a Premises Licence (except casino or bingo premises), Section 178 of the 2005 Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority (SIA).

2 Adult Gaming Centres

The 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.

The Licensing Authority may expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas (e.g. Use of door supervisors)
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- 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.

The Licensing Authority will expect applicants to adopt an approved proof of age scheme (such as Challenge 21), for staff to be suitably trained and aware of the gambling laws, social responsibility and statutory requirements relating to age restrictions.

3 Licensed Family Entertainment Centres

The 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. Children and young persons are permitted to enter an FEC and may play on Category D machines. They are not permitted to play on Category C machines, and it is a requirement that there is clear segregation between the two types of machine, to prevent access by children and young persons to Category C machines.

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

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage (including the statutory requirement for Gamcare Stickers)
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

The Licensing Authority will, as per the Gambling Commission's guidance, refer to the commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated.

4 Casinos

No Casinos resolution - Full 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 the Licensing Authority decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution. Any such resolution will be made by the Full Council.

5 Bingo premises

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 licence. This is 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 licence, for that or those excluded areas.

This authority also notes that 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 sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine

entitlement for that premises would be exceeded.

Children and young persons are allowed into bingo premises; however they are not permitted to participate in the bingo and if Category B and C machines are made available for use these must be separated from areas where children and young people are allowed.

In accordance with the Gambling Commission's Guidance, the Licensing Authority recognises that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on Category D machines. Where Category C or above machines are available in the bingo premises to which children are admitted, the Licensing Authority will seek to 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.

Where Bingo is provided in alcohol-licensed premises and it reaches a certain threshold, it will no longer be authorised as equal chance gaming and a Bingo Operating Licence will need to be obtained from the Gambling Commission. The aim of this provision is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

6 Betting premises

The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Children and young persons are not permitted entry to a premise with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. The Licensing Authority recommends that an applicant for gaming machines in betting premises considers carefully the location of betting machines to ensure that they are not in sight of the entrance of the premises.

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.

7. Split Premises

The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and 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 reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for the premises;
- whether the premises are owned or operated by the same person, and
- whether the premises are operated independently of each other.

When considering proposals to divide a building into separate premises, the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.

The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.

It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.

The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.

The relevant provisions of the regulations relating to access are set out in the Gambling Commission's Guidance to Licensing Authorities. There are a number of provisions on access to prevent customers from being able to enter the premises directly from other licensed premises.

The Guidance states "There is no definition of 'direct access' in the Act or Regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access."

It is the Licensing Authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:

- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
- entrances and exits from parts of a building covered by one or more Premises Licences are separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the Premises Licence.

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

8. PLANS

The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises

- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.

The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives, Gambling Commission Guidance, Codes of Practice or its own Statement of Licensing Policy. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to discharge its duties effectively.

If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

9. Credit/ATMs

Section 177 of the 2005 Act requires, in relation to casino and bingo premises licences, that a condition be placed on the licence prohibiting the provision of credit in connection with gambling authorised by the licence or any involvement with the provision of credit.

Section 177 does not, however, prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) providing the arrangement is subject to a requirement that the licensee has no other commercial connection with the machine provider in relation to gambling (aside from the agreement to site the machines) and does not profit from the arrangement, nor make any payment in connection with the machines

10 Tracks

The District contains a well-known and prestigious horseracing racetrack at Market Rasen.

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.

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.

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

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage (including the statutory requirement for GamCare Stickers)
- Specific opening hours
- Self-barring schemes
- 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.

Gaming machines – 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.

Betting machines - 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 wants to offer.

Applications and plans – The Gambling Act (section 151) 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. (See the Guidance to Licensing Authorities, para 20.28)

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. (See Guidance to Licensing Authorities, para 20.29)

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 circumstances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In 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.

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 so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting area subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

11 Travelling Fairs

This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

It has been noted that the 27-day statutory maximum for the land being used as a fair, applies on a 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.

The 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.

12 Provisional Statements

Developers may wish to apply to this authority for a Provisional Statement 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.

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:

- Expects to be constructed;
- Expects to be altered; or
- Expects to acquire a right to occupy.

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.

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 and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of the 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:

- They concern matters which could not have been addressed at the provisional statement stage, or
- They reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by objectors at the provisional statement stage;
- Which in the authority's opinion reflect a change in the operator's circumstances; or
- Where the premises have 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.

13 Reviews

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:

- in accordance with any relevant code of practice issued by the Gambling

- Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing principles.

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 representation(s) or request(s) for review.

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 appropriate.

Once a valid application for 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.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

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:

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

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 representation.

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.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- The licence holder
- The applicant for review (if any)
- The Gambling Commission
- Any person who made a representation

- The Chief Officer of Police or Chief Constable
- Her Majesty's Commissioners for Revenue and Customs.

14. APPEALS

There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to Lincoln Magistrates' Court.

DRAFT

Part C – Permits/Temporary & Occasional Use Notice

1. **Unlicensed Family Entertainment Centre Gaming Machine Permits (statement of principles on permits – schedule 10 para 7)**

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

This Licensing Authority notes that:

- 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.
- The Gambling Commission's guidance for local authorities also states: "In their three year licensing statement of principles 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.

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 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.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

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.

2. Alcohol licensed premises gaming machine permits and notifications

Notifications of 2 or less machines There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, from a bar, (without a requirement that alcohol is served only with food) to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (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

Permits for 3 or more machines 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 under section 25 of the Gambling Act 2005, and “such matters as they think relevant.” 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 harm or being 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 helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

A plan must accompany applications indicating where and what type, of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.

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 applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any code of

practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits

This Licensing Authority notes that 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 propose to consider in determining the suitability of the applicant for a permit”.

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:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law
- clear policies that outline steps to be taken to protect children from harm

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.

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:

- 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.

4. Club Gaming and Club Machines Permits

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

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

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

- (a) the applicant does not fulfil the requirements for a members' 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.

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

- (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."

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.

5. Temporary Use Notices

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.

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.

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 for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

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 Part 7 of the Gambling Commission’s Guidance to Local 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.

The 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 Commissions Guidance to Licensing Authorities.

6. Occasional Use Notices

It is noted that 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.

7. Lotteries

The Licensing Authority registers and deals with Small Society Lotteries. Promoting or facilitating a lottery falls within one of the following categories:

- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
- Small Society Lotteries (registered with the Licensing Authority); and
- Exempt Lotteries

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

- Small Society Lotteries (registered with the Licensing Authority);
- Incidental Non-Commercial Lotteries;
- Private Lotteries: (Private Society Lottery, Work Lottery, Residents’ Lottery);
- Customer Lotteries

Societies may organise lotteries if they are licensed by the Gambling Commission, registered with the Licensing Authority or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits is available by contacting the Licensing Authority.

Applicants for lottery licences must apply to the Licensing Authority in the area where 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.

The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration.

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 seek further information from the Society and in particular may require a copy of the society's constitution.

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 evidence on which it has reached that preliminary conclusion.

The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

With regards to where Small Society Lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all Small Society Lotteries it registers:

- tickets should not be sold in a street. Street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
- Tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence conditions imposed by the Gambling Commission upon operators of large lotteries.

8. Local Risk Assessments

The Licensing Authority expects applicants to have a good understanding of the area in which they either operate, or intend to operate. Operators need to be aware of how the operation of their premises may impact on the licensing objectives.

The Gambling Commission have introduced a Social Responsibility Code of Practice requiring operators of premises used for gambling to complete local area risk assessments in order to identify any risks posed to the licensing objectives and how these would be mitigated.

Though this Code of Practice does not take effect until May 2016, this Licensing Authority expects applicants for new Premises Licences in its area to always submit a risk assessment with their application.

This policy does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.

Local Area

Operators may wish to make themselves aware of the demographics of the local area before submitting an application. A better knowledge of the local area will increase the awareness of local risks to operators which will need to be addressed in their risk assessments*. This may prove useful when submitting a new application, or in application to vary a licence by helping mitigate any concerns highlighted.

(*effective from 06 April 2016).

9. Review

The statement of principles will remain in existence for a period of three years and will be subject to review and further consultation before December 2018. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

10. Glossary

A glossary of terms is attached at Appendix 3

APPENDIX 1

Summary of Licensing Authority delegations permitted under the Gambling Act

GAMBLING ACT 2005 – PROPOSED SCHEME OF DELEGATIONS

1. The power of the Licensing Authority
 - a. as a responsible authority, to make representations in respect of premises licences under Part 8 of the Act;
 - b. to propose to attach a condition to a premises licence in accordance with section 169(1)(a) of the Act in addition to the mandatory or default conditions;
 - c. to propose the exclusion of a default condition from a premises licence under S169(1)(b) of the Act;
 - d. as a responsible authority, to request a review of a premises licence under sections 197 or 200 of the Act;
 - e. to give a notice of objection to a temporary use notice under S221 of the Act;
 - f. to serve notification of intended refusal of any of the following:-
 - i. Family Entertainment Centre Gaming Machine Permit (Sch 10 Para 10)
 - ii. Prize gaming Permits (Sch 14 Para 11)
 - iii. Licensed Premises Gaming Machine Permits (Sch 13 Para 6) And also, in the latter case, notice of intention to grant the application but for a smaller number of machines than specified and/or a different category of machines from that specified in the application.
 - g. Serve notification of lapse of a Family Entertainment Centre Gaming Machine Permit (Sch 10 Para 14 and 15 (1)(b));
 - h. Serve notice of intention to cancel or vary any of the following:-
 - i. Club Gaming permit or Club Gaming Machine permit (Sch 12 Para 21)
 - ii. Licensed Premises Gaming Machine permits (Sch 13 Para 16)
 - i. Create and amend the Authority's application procedures in relation to applications for the following in accordance with any relevant legislation:-
 - i. Family Entertainment Centre Gaming Machine Permits (sch10 paras 5 and 7)
 - ii. Licensed Premises gaming Machine Permits (Sch 13 Para 2)
 - iii. Prize Gaming Permits (Sch 14 paras 6 and 8); and
 - j. To appoint authorised persons under s 304 of the Act Determine that any representations received under Part 8 of the Act are vexatious, frivolous, or certainly will not influence the Authority's determination of an application; and
 - k. Reject all or part of any application for a review of a premises licence in accordance with Section 198 of the Act - shall be delegated to the Chief Operating Officer.
2. In relation to the following matters in the attached table the Authority will, in the majority of cases, adhere to the table of delegated functions set out below. This table indicates the lowest level of the Authority which will normally exercise the delegation though the Authority reserves the right, where appropriate, for any particular matter to be dealt with at a higher level whilst having due regard to statutory requirements. For example, an Officer may choose not to exercise

their delegated power and refer the matter to the Sub-Committee or the Sub-Committee itself may choose to refer the matter to the Full Committee.

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Chief Operating Officer
Final approval of three year licensing statement of principles	All Cases		
Statement of principles not to permit casinos	All Cases		
Fee setting (when appropriate)	All Cases		
Application for premises licence (including applications for re-instatement under S195)		Representation made and not withdrawn (S154 (4)(a))and/or where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing	No representation made or representations have been withdrawn The only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application.
Application to vary premises licence		Representation made and not withdrawn (S154 (4)(b)) and/or where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a	No representation made or representations have been withdrawn The only representations received are vexatious, frivolous, or

		<p>should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary (S187(3))</p> <p>If the application for variation is to remove a default condition and there are no reps and there are no proposals by the Authority to otherwise alter the conditions this could be dealt with at officer level without a hearing</p>	<p>influence the Authority's determination of the application</p>
<p>Application for transfer of premises licence</p>		<p>Representation made by the Commission S154 (4) (c)</p> <p>Representations made and not withdrawn under S161</p>	<p>All other cases where no representation made by the Commission, including cases where the only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application</p>
<p>Application for a provisional statement</p>		<p>Representation made and not withdrawn S154 (4)(d) and/or where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section</p>	<p>No representation made or representations have been withdrawn</p>

		169(1)(b)	
Revocation of a premises licence due to non-payment of an annual fee. S193			All Cases
Review of a premises Licence		All cases go to Licensing Sub Committee S154 (4)(e)	
Application for Club Gaming/Club machine permits, renewals and variations (including those leading to cancellation of permit) under Sch12 Para 15		Objection made and not withdrawn (Sch 12 Para 28 (2)) Refusal of permit proposed on the grounds listed in Sch 12 paragraph 6(1)(a)-(d) , or paragraph 10(3) as applicable unless Authority and all relevant parties agree that a hearing is unnecessary (Sch 12 Para 7)	No objection made or objections have been withdrawn Refusal of permit proposed on the grounds listed in Sch 12 paragraph 6(1)(a)-(d) or paragraph 10(3) as applicable, where Authority and all relevant parties agree a hearing is unnecessary (Sch 12 Para 7)
Cancellation of Club Gaming /Club Machine Permits under Schedule 12 Paragraph 21		All Cases	
Consideration of Temporary Use Notices (including notices modified under section 223)		All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary. All cases where a counter notice may be required (S232(3))	All other cases
Decision to give a counter notice to a temporary use notice		All Cases	
Applications for other permits registrations. and notifications		All cases where the officer serves notice of intention of refusal and representations	All cases except where the officer serves notice of intention of refusal

		are received or proposes to grant for lesser number of machines.	and representations are received or proposes to grant for lesser number of machines.
Cancellation of licensed premises gaming machine permits. Sch 13 paragraph 16		All Cases	
Cancellation of licensed premises gaming machine permits for non payment of fee			All Cases
Registration of small society lotteries		Where officers believe there is a reason to refuse the application for registration	All other cases
Cancellation of a small society lottery due to non-payment of annual fee			All cases

N.B. - The summary of Licensing Authority delegations permitted under the Gambling Act 2005, contained within Appendix 1 above, is for information purposes only and does not form part of the Statement of Principles. The delegations may be amended at any time without further consultation.

Appendix 2

Glossary of Terms Under The Gambling Act 2005

Council	West Lindsey District Council
Applications	Applications for licences and permits as stated in the Statement of Principles
Notifications Act	Notifications of temporary and occasional use notices The Gambling Act 2005
Regulations	Regulations made under the Gambling Act 2005
Premises	Any place, including a vehicle, vessel or moveable structure
Premises Licence	Issued by the Licensing Authority to authorise premises to be used for the activities as defined by Section 150 of the Gambling Act
Operator Licence	Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Gambling Act
Personal Licence	Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Gambling Act
Family Entertainment Centre	The Act creates two classes of Family Entertainment Centres <ul style="list-style-type: none"> • Licensed: which provide category C and D gaming machines and require a premises licence • Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit
Adult Gaming Centre	Premises which provide category B, C and D gaming machines and require an operating licence and a premises licence
Gaming Machine	A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act
Betting Machine	A machine designed or adapted for use to bet on future real events as defined by Section 235(2)(c) of the Gambling Act
Remote Gambling	Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act
Remote Communication	Communication using: <ul style="list-style-type: none"> • The internet • Telephone • Television Radio, or • any other type of electronic or other technology as defined by Section 4(2) of the Gambling Act

Travelling Fair	A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and on a site used for fairs for no more than 27 days per calendar year as defined by Section 286 of the Gambling Act
Money Prize Machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009
Non- Money Prize Machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009. For non-money prize machines in general, the maximum stake (charge for use) must be no more than 30 pence, and the maximum prize value must be no more than £8
Crane Grab Machine	A crane grab machine is defined as a non-money prize machine in respect of which two conditions are satisfied. The first is that every prize which can be won as a result of using the machine consists of an individual physical object (such as a stuffed toy). The second is that whether or not a person using the machine wins a prize is determined by the person's success or failure in manipulating a device forming part of the machine so as to separate and keep separate one or more physical objects from a group of such objects. The maximum stake may be anything up to and including £1, and the maximum prize value may be anything up to and including £50
Coin Pusher or Penny Fall Machine	These machines are commonly found in seaside arcades and are defined in regulation 2(3) of the Categories of Gaming Machine Regulations 2007 with the additional requirement that the machine be neither a money-prize nor a non-money prize machine. The maximum stake may be anything up to and including 10 pence, and the maximum prize value may be anything up to and including £15

<p>Other Categories of Gaming Machines</p>	<p>With effect from July 2011:</p> <p>A – No category A gaming machines are currently permitted</p> <p>B1 – Maximum Stake: £5, Maximum Prize: £10,000</p> <p>B2 – Maximum Stake: £100 (in multiples of £10) Maximum Prize: £500</p> <p>B3A – Maximum Stake: £2 Maximum Prize: £500</p> <p>B3 – Maximum Stake: £2, Maximum Prize: £500</p> <p>B4 – Maximum Stake: £2, Maximum Prize: £400</p> <p>C – Maximum Stake: £1, Maximum Prize: £100</p> <p>D – (money prize, other than a coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize:£5</p> <p>D – combined money and non – money prize (other than a coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize:£8 (of which no more than £5 may be a money prize)</p> <p>D – combined money and non – money prize (coin pusher or penny falls machine) Maximum Stake: 20p Maximum Prize:£20 (of which no more than £10 may be a money prize)</p>
<p>Code of Practice</p>	<p>Means any relevant code of practice under section 24 of the Gambling Act 2005</p>
<p>Responsible Authority</p>	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated (the District of West Lindsey); 2. The Gambling Commission; 3. Lincolnshire Police; 4. Lincolnshire Fire and Rescue Service; 5. Planning Department, West Lindsey District Council; 6. Environmental Protection Team, West Lindsey District Council 7. Lincolnshire Safe Guarding Children’s Board, Lincolnshire County Council; 8. HM Customs and Excise
<p>Interested Party</p>	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</p> <ol style="list-style-type: none"> 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; c) Represents persons who d) satisfy a) or b) above

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