

NOTICE OF MEETING

MEETING	LICENSING ACT 2003 COMMITTEE
DATE:	TUESDAY 17 NOVEMBER 2009
TIME:	9.30 am
VENUE:	BOURGES/VIERSEN ROOMS, TOWN HALLBOURGES/VIERSEN ROOM - TOWN HALL
CONTACT:	Gemma George Telephone: 01733 452268 e-mail address gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>9 November 2009</i>

AGENDA

PAGE NO

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of the Sub Committee Hearings held on:**
 - 3.1 **9 September 2009 - Netherton Food and Wine** **1 - 4**
 - 3.2 **2 October 2009 - Netherton United Football Club Limited** **5 - 8**
4. **Gambling Act 2005 - Peterborough City Council's Revised Statement of Principles** **9 - 54**



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

MEMBERS OF LICENSING ACT 2003 COMMITTEE

Councillors: Dobbs (Chairman), Newton (Vice Chairman), Nawaz, Morley, Peach, Thacker, Swift,
Saltmarsh, Khan and Murphy

Minutes of a meeting of the Licensing Act 2003 Sub Committee held at the
Town Hall, Peterborough on Wednesday 9 September 2009 at 9.30am

Members Present Councillors Newton (Chairman), Thacker and Swift

Officers Present Darren Dolby Regulatory Officer, Licensing
 Jodie Morton-Rowell Licensing Officer
 Amy Brown Solicitor, Legal Advisor to the Committee
 Gemma George Governance Officer, Clerk to the Committee

Application for a New Premises Licence – Netherton Food and Wine, 3 Winslow Road, Netherton, Peterborough, PE1 9RE

During his opening statement, the Chairman advised all present of the procedure to be followed.

Councillor Newton and Councillor Swift declared that they knew several members of the public present at the hearing and further stated that this would in no way affect their decision.

There were no further declarations of interest and no objections were made to any of the Members of the Sub Committee taking part in the Hearing. All parties confirmed that they had received copies of the report and procedure.

List of speakers:

Applicant

Mr Alias Alizada

Interested Parties

Councillor M Dalton	On behalf of Mr D Downing a local resident
Mr Eric Dent	On behalf of Netherton Neighbourhood Association
Mr Michael Rowles	Local Resident

The Regulatory Officer informed the sub-committee that the application was for a new premises licence for Netherton Food and Wine, 3 Winslow Road, Netherton, Peterborough, PE1 9RE. The application was for:

- **Sale of alcohol for consumption off the premises**
Monday to Sunday 08.00 to 23.00
- **Hours premises are open to the public**
Monday to Sunday 08.00 to 23.00

The Sub Committee was advised that in respect of the original times applied for, mediation with the police had been undertaken and revised hours had been proposed and agreed.

Representations had been received from 17 interested parties, and 1 representation had been received from Netherton Neighbourhood Association. There had also been a petition submitted which contained the names of 17 additional interested parties. The interested parties had made representation in respect of the four licensing objectives: Public Nuisance, Crime and Disorder, Public Safety and Protecting Children from Harm.

Mr Alias Alizada, the applicant, addressed the Sub Committee and highlighted that when he had completed his original application form he had not been aware that the times he could apply for were restricted in any way. The original times he had applied for were met with numerous objections, therefore the times had been amended. However, even after amendments to the original times, objections had still been received. Mr Alizada commented that there were numerous other shops at the centre that sold alcohol and closed at the same time. If his licence did not allow similar opening times, he would struggle to compete.

Following questions from the interested parties and the Sub Committee, Mr Alizada advised the following points:

- He did not live in the vicinity of the store
- He already operated a store which did not currently sell alcohol
- He had held his licence for a period not exceeding three months
- He had not had any previous issues with the police

Councillor M Dalton addressed the Sub Committee on behalf of a local resident, Mr D Downing. Councillor Dalton advised Members that the shop itself was not being opposed, it was the opening times and the possible issues surrounding litter and anti social behaviour. Councillor Dalton stated that as there was a school at the end of the road where the shop was located, a 09.00 opening time would be more sensible. Also regarding the issue of anti social behaviour, this was flagged as being of major concern to the local residents, therefore suggested closing times would be 21.00 Sunday to Thursday and 22.00 Friday and Saturday. Members were further advised that litter was a problem in the area, and this would need to be addressed.

Mr Eric Dent, a representative of Netherton Neighbourhood Association addressed the Sub Committee. Members were advised that residents did not feel that another licensed premises in the area was necessary, as there was already a high volume of such outlets. Anti social behaviour was of paramount concern to the local residents also and they feared that another such outlet would have a bearing on their quality of life.

Mr Rowles, a local resident, addressed the Sub Committee and stated that he did not wish to add anything further as the points he had wished to raise had been highlighted by Councillor M Dalton and Mr Eric Dent.

Following questions from the applicant and the Sub Committee, the interested parties advised the following points:

- It would be preferable for Netherton Food and Wine to open at 09.00 in the morning rather than 08.00
- There was a public house and numerous other larger stores in the vicinity that sold alcohol. All of which were accessible by walking or a short bike ride
- It was felt that another store selling alcohol was not needed at all
- Public concern was high on this matter especially as there were three schools in the vicinity

The interested parties and the applicant were asked to sum up and there were no further comments made by either party.

The Sub Committee retired to consider the application.

RESOLVED:

The Sub Committee unanimously agreed to grant the new premises licence, to be valid from 9 September 2009, subject to:

- The current conditions as set out in paragraph 8 of the committee report, with an amendment to the hours for the sale of alcohol for consumption off the premises.

CONDITIONS:

The hours of operation under this licence shall be:

- Sale of alcohol for consumption off the premises – Monday to Sunday 09.00 – 22.00
- Hours premises are open to the public – Monday to Sunday 08.00 – 23.00

Reasons for the decision:

In view of the findings of fact, the sub-committee was satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested variation would not create public nuisance, endanger public safety, expose children to harm or increase crime and disorder.

In coming to its decision, the sub-committee also had regard to Peterborough City Council's Statement of Licensing Policy and the National Guidance, in particular, those sections highlighted at paragraphs 9.2 and 9.3 of the committee report.

9.30am to 11.20am
Chairman

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Minutes of a meeting of the Licensing Act 2003 Sub Committee held at the
Town Hall, Peterborough on Friday 2 October 2009 at 9.30am

Members Present Councillors Newton (Chairman), Peach and Saltmarsh

Officers Present Darren Dolby Regulatory Officer, Licensing
 Colin Miles Lawyer, Legal Advisor to the Committee
 Gemma George Governance Officer, Clerk to the Committee

Application for a New Club Premises Certificate – Netherton United Football Club Limited, The Grange Clubhouse, The Grange Playing Fields, Mayors Walk, Peterborough, PE3 6HH

During his opening statement, the Chairman advised all present of the procedure to be followed.

There were no declarations of interest and no objections were made to any of the Members of the Sub Committee taking part in the Hearing. All parties confirmed that they had received copies of the report and procedure.

List of speakers:

Applicants

Mr Ron Seddon

Mrs Joyce Ann Seddon

Mr Margaret Bennett Witness for the applicants

Interested Parties

Mr James Pritchard Local resident

The Regulatory Officer informed the sub-committee that the application was for a new club premises certificate for Netherton United Football Club, The Grange Clubhouse, The Grange Playing Fields, Mayors Walk, Peterborough, PE3 6HH. The application was for:

- **Sale of alcohol for consumption on the premises**
Sunday to Thursday 12.00 to 23.00
Friday & Saturday 12.00 to 24.00
Christmas Eve 11.00 to 24.00
New Years Eve 11.00 to 02.00

- **Live Music, Recorded Music, Dancing, Provision of facilities for music & dancing. Anything of a similar description to music & dancing. All activities are indoors.**
Sunday to Thursday 11.00 to 23.00
Friday & Saturday 11.00 to 24.00
Christmas Eve 11.00 to 24.00

New Years Eve 11.00 to 02.00

- **Plays (indoors)**

Sunday to Thursday 11.00 to 23.00

Friday & Saturday 11.00 to 24.00

- **Opening hours of premises**

Sunday to Thursday 09.00 to 23.00

Friday & Saturday 09.00 to 24.00

Christmas Eve 11.00 to 24.00

New Years Eve 11.00 to 02.00

The Sub Committee was advised that there had been no representations received from any responsible authorities. However there had been 7 representations received from interested parties against the application in respect of the four licensing objectives: Public Nuisance, Crime and Disorder, Public Safety and Protecting Children from Harm. There had also been 2 representations received from interested parties in support of the application.

Mr Ron Seddon, the applicant, addressed the Sub Committee and stated that there was an extremely responsible management team behind the running of the club. Mrs Joyce Seddon was the club secretary and was responsible for the youth section of the club and Mrs Margaret Bennet was the clubs Welfare Officer, responsible for checking birth certificates etc. There was also a management board consisting of 7 people.

The club had been providing football since 1991 and over time had built up a good reputation and had a number of talented players who participated in a well managed club. All of the staff were comprised of volunteers and the club had received the highest level of charter mark from the FA. Overall, the club was very family orientated and did a lot of work with local single parents. The proposal was for more of a continental style café bar rather than just a bar. There would be no beer or lager taps present. The club had undertaken formal consultations in 2003 with residents of Netherton and many private consultations with other local residents, particularly those residents of Ledbury Road. This had led to the removal of derelict property behind the club.

The applicants had been running Netherton Football Club for over 11 years and there had been few complaints during that time. The complaints that had been received had been dealt with in a responsible manner. The Sub Committee were further advised that the applicants believed that many of the objections raised to their submission of an application for a club premises certificate did not relate to the football club itself, more the surrounding area and issues such as parking.

Following questions from the interested parties and the Sub Committee, Mr Seddon advised the following points:

- There was a gravel car park available, which on match days could be very busy and there was a possibility of overspill onto the surrounding streets
- The car park was more than adequate for the club house on non match days
- The car park was accessed via Mayors Walk

Mr Pritchard, a local resident, addressed the Sub Committee and highlighted the main concerns raised by this application. These included noise, parking and litter.

Members were advised that the clubhouse was not situated well clear of houses, therefore noise on the field at night would radiate out to local residents. There had been numerous incidents of children playing on the field at night in the past therefore this was a major concern for local residents. The parking situation was not good enough and there were still many cars parking in Portman Close on a regular basis, even on non match days. Members

were further advised that litter was a big problem in the area, granted, it did not all come from the clubhouse, but maybe the strategic positioning of 2 or 3 litter bins on the field would help matters.

Mr Pritchard also suggested the possibility of having soft drinks nights instead of serving alcohol each night.

Following questions from the applicants and the Sub Committee, Mr Pritchard advised the following points:

- The car parking situation in Portman Close was extremely bad
- If the suggested application was for more of a continental style café outside, this would increase the noise levels considerably
- The traffic flow in the surrounding area was a problem, with parents dropping off and picking up their children from the club

The interested parties and the applicant were asked to sum up and there were no further comments made by either party.

The Sub Committee retired to consider the application.

RESOLVED:

The Sub Committee unanimously agreed to grant the new club premises certificate application, to be valid from 2 October 2009, in the same terms applied for, subject to:

- The current conditions as set out in paragraph 7 of the committee report

CONDITIONS:

The hours of operation under this licence shall be:

- **Sale of alcohol for consumption on the premises**
Sunday to Thursday 12.00 to 23.00
Friday & Saturday 12.00 to 24.00
Christmas Eve 11.00 to 24.00
New Years Eve 11.00 to 02.00
- **Live Music, Recorded Music, Dancing, Provision of facilities for music & dancing. Anything of a similar description to music & dancing. All activities are indoors.**
Sunday to Thursday 11.00 to 23.00
Friday & Saturday 11.00 to 24.00
Christmas Eve 11.00 to 24.00
New Years Eve 11.00 to 02.00
- **Plays (indoors)**
Sunday to Thursday 11.00 to 23.00
Friday & Saturday 11.00 to 24.00
- **Opening hours of premises**
Sunday to Thursday 09.00 to 23.00
Friday & Saturday 09.00 to 24.00
Christmas Eve 11.00 to 24.00
New Years Eve 11.00 to 02.00

Reasons for the decision:

In view of the findings of fact, the sub-committee was satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested variation would not create public nuisance, endanger public safety, expose children to harm or increase crime and disorder.

In coming to its decision, the sub-committee also had regard to Peterborough City Council's Statement of Licensing Policy and the National Guidance, in particular, those sections highlighted at paragraphs 8.2 and 8.3 of the committee report.

9.30am to 10.40am
Chairman

LICENSING ACT 2003 COMMITTEE	AGENDA ITEM No. 5
17 November 2009	PUBLIC REPORT

Contact Officer(s):	Peter Gell – Business Regulation Strategic Manager Adrian Day – Licensing Manager Terri Martin – Regulatory Officer Licensing	Tel. 453419 Tel. 454437 Tel. 453561
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Gambling Act 2005 – Peterborough City Council’s Revised Statement of Principles

R E C O M M E N D A T I O N S	
FROM : Business Regulation Strategic Manager	Deadline date :
Members are asked to: <ol style="list-style-type: none"> 1. Note the contents of the report, 2. Note the comments received following public consultation, 3. Approve the final Statement of Principles and recommend that it be adopted by Full Council on 2 December 2009. 	

1. BACKGROUND

- 1.1 Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, adopt and publish a Statement of Principles. This Statement will govern the way decisions are made by the Council and how it will administer its duties under the Act. Without a Statement of Principles the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.
- 1.2 The Act requires that the Statement of Principles is kept under continual review to incorporate where necessary any changes to the legislation and or Guidance as appropriate. In addition to this, the Act specifies that the Statement must be reviewed and revised on a three yearly basis.
- 1.3 The first three year period began on 31 January 2007 and therefore, the first three year period is due to expire on 30 January 2010. The revised Statement must be drafted and consulted upon prior to it being adopted.
- 1.4 In order to meet our statutory obligations, a revised Statement has been drafted. Also in accordance with the Act, this revised Statement has been consulted upon, and all comments received have been considered and incorporated as appropriate.
- 1.5 In formulating the revised Statement, officers have given full consideration to the requirements of the Act, guidance issued by the Gambling Commission, and LACoRS (Local Authorities Coordinators of Regulatory Services) Model document. We have also liaised with colleagues from neighbouring authorities to ensure our Statements are consistent.

2. PURPOSE

- 2.1 The purpose of this report is to make members aware of the comments received following the consultation process.
- 2.2 To approve the final Statement of Principles which includes the comments received following consultation in addition to the amendments following the revised Guidance to Licensing Authorities issued by the Gambling Commission under section 25 of the Act.

2.3 To recommend that the revised Statement of Principles be adopted by Full Council on 02 December 2009.

3. CONSULTATION

3.1 The following outlines the procedure taken, in providing the opportunity for members, statutory consultees and members of the public to be involved in the process of reviewing our Statement of Principles

3.2 Before determining its Statement for any three year period (as required under s.349 of the Act), the licensing authority must consult the persons listed in s349 (3) as follows:

- a. Chief Officer of Police for the area;
- b. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area;
- c. 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 Act.

3.3 For information purposes a list of consultees is attached at **Appendix A**.

3.4 A 12 (twelve) week consultation took place between 03 August 2009 and 26 October 2009. The consultation letter gave advice on the following:

- i) Options on where to access and obtain copies of the draft revised Statement
- ii) Opportunity to make relevant representations, in writing, on the draft Statement
- iii) Notification that any comments must be received by 26 October 2009

3.5 Eight replies were received and of these, one requested to be removed from the consultation process, one was an acknowledgement with no comment, and six were with comments for potential inclusions/improvements to the Statement. The correspondence relating to these are attached at **Appendix C**.

4. CONSIDERATIONS

4.1 In determining its Statement, the licensing authority must have regard to the Gambling Commission's guidance and give appropriate weight to the views of those whom it has consulted. In determining what weight to give particular representations, the factors taken into account include:

- Who is making the representation (what is their expertise or interest);
- What the motivation may be for their views;
- How many other people have expressed the same or similar views;
- How far the representations relate to matters that the licensing authority should be including in its Statement.

4.2 Letters received and Officers' comments in relation to these letters are attached at **Appendix B**.

4.3 Very careful consideration has been given to all of the responses submitted by consultees and their comments where considered to be relevant included in the Statement.

4.4 A copy of the finalised Statement of Principles showing track changes of inclusions after the consultation process is attached at **Appendix D**.

5. LEGAL IMPLICATIONS

- 5.1 Legal Services have been consulted on the content of the Statement of Principles. This was to ensure that the provisions of the Act including the licensing objectives and other issues that are key to the way the council approaches and deals with applications, are included in the Statement.
- 5.1 Legal Services will also be required to ensure that the decision making process is implemented in accordance with the Act, and may also be required to provide legal representation in the event of any appeals to the Magistrate's Court against decisions made by the council, prosecutions being instigated or enforcement action being taken by the council.

6. BACKGROUND DOCUMENTS

Gambling Act 2005
Guidance to Licensing Authorities (issued under section 25 of the Act, by the Gambling Commission May 2009)

LIST OF CONSULTEE'S

The Gambling Act requires that a number of consultees are consulted by Licensing Authorities.

The following appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

- The Peterborough Greyhound Stadium
- British Greyhound Racing Board
- Gala Group Ltd
- British Beer and Pub Association
- British Bookmakers Trade Association
- British Casino Association

The following 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:

- Cambridgeshire Constabulary – The Chief Officer of Police
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Control
- Peterborough City Council – Community Protection
- Peterborough City Council – Directors
- Peterborough City Council – Ward & Parish Councillors
- Local Safeguarding Children Board
- Environment Agency
- Maritime and Coastguard Agency
- HM Revenue & Customs
- the Gambling Commission
- All residents and business within the Peterborough area (through the Council website), libraries, and main Council Offices

RESPONSES TO CONSULTATION

Peterborough Safeguarding Children Board.

- Comment:** The local safeguarding Board interagency procedures define a child as “under 18” therefore child protection procedures do apply to a 17 year old child. We do not differentiate between a child and a young person.
- Reply:** Under section 45 of the Act the definition of ‘child’ and ‘young person’ are stipulated. The distinction is made between the two age groups because a ‘young person’ is permitted to provide facilities for gambling in certain premises, where a ‘child’ is not. For example a ‘young person’ may provide facilities for gambling at a travelling fair.
- Comment:** I note there is no definition of vulnerable adult. You may wish to contact the vulnerable adults team for their advice
- Reply:** The definition of a vulnerable adult is deliberately left open to give it the widest possible meaning, to ensure that it can cover as many vulnerable persons as possible, e.g. a person who is not normally considered vulnerable, may become vulnerable under certain circumstances, after consuming alcohol or chasing gambling losses. It can also cover persons with permanent mental impairments.
- Comment:** We welcome at 12.13 the suggestion of door supervisors being employed. We offer basic child protection training too through our training programme which you can access at www.pscb.org.uk.
You could add in at 22.2 something to the effect that Peterborough Safeguarding Children Board have web based interagency procedures which are available at www.pscb.org.uk or alternatively www.proceduresonline.com/peterboroughschb.
- Reply:** As there may be more than one training provider, the city council is unable to endorse any particular service in its policy documents.
- Comment:** I note that Appendix 2 says Children’s Board (It is Children Board with no s)
- Reply:** Updated accordingly
- Comment:** Also Appendix 3 the contact point is the Safeguarding Service Manager (not Child Protection and Review Manager)
- Reply:** Updated accordingly.

Director of Adult Social Services.

- Comment:** Would the PASB need to be included/recorded in a similar way to the Children Safeguarding Board? (section 6.2)
- Reply:** Section 157 of the Act defines who responsible Authorities are, this can be amended by regulations. However the Act has defined (s157 (h)) the Children safeguarding Board, but has not made any inclusions regarding vulnerable adults.
- Comment:** Perhaps it needs to be a bit more explicit about who...children and other vulnerable adults...’ are in section 1.1, e.g. adults suffering from lack of capacity (e.g. dementia) and/or those covered by the MCA even though page 14 says the act does not define it more?
- Reply:** The definition of a vulnerable adult is deliberately left open to give it the widest possible meaning, to ensure that it can cover as many vulnerable persons as possible. E.g. a person who is not normally considered vulnerable, may become vulnerable under certain circumstances, after consuming alcohol or chasing gambling losses. But it can also cover persons with permanent mental impairments.

Councillor Pamela Winslade

- Comment:** I have a query with regards to part C22.2: this section does not appear to include vulnerable people.
- Reply:** We have amended this section (23.2) to include vulnerable persons.

Councillor Stephen Lane

Comment: If I may first make a suggestion that in future consultations, it would be extremely helpful if the draft edition is produced to indicate any changes from the last one. I am sure that because the previous SoP was read by Members, it would be helpful to highlight subsequent amendments or additions.

Reply: Noted and agreed, the attached revised draft shows 'track changes' to indicate where the relevant changes have been made to include comments received during consultation.

Comment: The SoP should state that PCC will use its authority according to s153 of the Act (GC Guidance May 2009 – 6.3). A late reference is made to this, but only under the subject heading of 'Reviews', and it be preferable to make a statement at the front or near the beginning of the SoP. This allows readers an easy reference to the relevant legislation and offers more transparency.

Reply: Noted and agreed, we have included a reference to this section of the Act in (11.1) Decision Making / Delegation in Part A Introduction.

Comment: Under Section 156 of the Act licensing authorities are required to maintain a register of premises licenses issued by the authority and made available to the public who may request copies of the entries (GC Guidance May 2009 – 6.52). This was in the first SoP but omitted from the one we see here, and should be reinstated. The information should also state where it can be found and viewed, along with details of the cost of obtaining copies.

Reply: We have reinstated the Public Register information at Section 10 and also stated that the fees can be found at the city councils website and included the web address information.

Comment: Authorities should ensure that information regarding the fees to be charged should be made available to the public (6.53). In the interest of transparency, this information and where to find it should be made known through the SoP.

Reply: We have added section 29 'Additional Information' stating the web address where fees and application forms can be found. We are unable to include the actual fees for each application in the SoP as the fees change annually.

Comment: In "Definition of Premises" (12.3) the second sentence is confusing and difficult to comprehend, and appears to contradict the rest of that paragraph. It would be helpful and more explicit if the paragraph started something like:

In the Act "premises" is defined as including "any place". Section 152 of the Act prevents more than one premises licence applying to any single place. 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 easily be regarded as being different premises or places.

Reply: We have amended the first part of the paragraph to now state:
In the Act, "premises" is defined as including "any place". Section 152 of the Act prevents more than one premises licence applying to any one place. 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 reasonably be regarded as being different premises.

Comment: Licensing Objectives (12.7) repeats all three objectives and are sufficiently important to be highlighted by the continued use of bullet points, e.g. 12.2.1 etc.

Reply: Noted and agreed bullet points 13.7.1 through to 13.7.3 have been added.

Comment: Reviews (21.0) I am not sure the addition of how to conduct a Review is necessary. The document's intention is surely to declare this authority's 'principles', and not to outline any particular 'procedure'? Throughout the SoP there is no other such detail, for example how to apply for a licence; or how enforcement will be carried out, etc? This is only a policy document. However, should opinion be otherwise and this remains, I suggest that 21.4(b) will not require reference to 'Scottish Ministers' and should be deleted.

Reply: The SoP details the principles the authority will apply when exercising its functions under the Act. As the council will have to determine review applications it has been

included, however we have removed the reference to Scottish Ministers to make it more applicable to this local authority.

Maritime and Coastguard Agency

Comment: Whereas the Maritime & Coastguard Agency are the responsible Authority with regard to Alcohol Licensing on small passenger vessels, we have no interest in respect of gambling. We would therefore request that you kindly remove us from your address list with respect to gambling applications.

Reply: Noted and removed from list of Responsible Authorities in Appendix 3.

Chris Guiney-Walsh

Comment: Paragraph 3.3, rewording of part of paragraph from; ‘...26 October 2009 and we followed the HM Government Code of Practice on Consultation (published July 2008) which is available at:’ to ‘.....26 October 2009. The HM Government Code of Practice on Consultation (published July 2008) was followed and is available at:’

Reply: Noted and agreed new wording added.

Comment: To put a capital C in reference to the council in paragraph 5.1

Reply: We have followed the corporate guide and this states that this should not be capitalised.

Comment: Paragraph 7.3 remove the word ‘it’s’ and replace with ‘their’

Reply: Updated accordingly.

Comment: 7.2 indicates who interested parties are. 7.5 and 7.6 expand on the first two points in 7.2, do you want to include a further section to expand an the third point in 7.2

Reply: This is further expanded upon in 7.8 and 7.9.

Comment: In paragraph 7.6 replace the word persevered with preserved.

Reply: Updated accordingly.

Comment: In paragraph 7.8 replace the word ‘and’ with commas.

Reply: Updated accordingly.

Comment: Amend paragraph 7.8 to read ‘...who can be classed as an interested party under...’ instead of ‘...who can be classed as one under....’

Reply: Updated accordingly.

Comment: In paragraph 8.1 amend wording to read ‘...information between *the licensing authority* and the ...’ Instead of ‘...information between *it* and the...’

Reply: Updated for clarification.

Comment: In paragraph 8.3 suggest capitalising ‘Licensing Team’.

Reply: We have followed the corporate guide and this states that this should not be capitalised.

Comment: Replace the word ‘institute’ with the word ‘instigate’ in paragraph 9.1

Reply: Whilst both words can have the same meaning we have change the word for easier reading.

Comment: In paragraph 12.6 amend the wording to read ‘...in its consideration of *any application*. *The licensing authority* will...’ instead of ‘...in its consideration of *it*. *It* will ...’

Reply: We have agreed this change for clarification purposes.

Comment: To expand on wording in paragraph 12.7 second paragraph, to read ‘...suitable to be located *in such areas* and ...’ instead of ‘...suitable to be located *there* and...’

Reply: We have agreed the new wording for clarity.

Comment: In paragraph 12.14 replace the words ‘need to’ with ‘shall’

Reply: New wording agreed.

Comment: The paragraph does not make sense, also change ‘We’ for ‘The licensing authority’

Reply: It was noted that a line of text had been removed incorrectly, this has now been reinstated. We disagree that the word ‘We’ should be changed, as the sentence goes on to state ‘licensing authorities’ and would become a duplication within the same sentence.

Comment: In paragraph 18.2 suggest change of wording ‘This authority *will need to* satisfy..’ to ‘This authority *shall* satisfy..’

Reply: This wording change has been agreed.

- Comment:** In paragraph 19.2 remove the word 'the' in the sentence '....maximum for *the* land being...'
- Reply:** The word 'the' has been removed.
- Comment:** In paragraph 19.2 change the paragraph from '...land which crosses *our* boundaries...' to '...land which crosses *its* boundaries...'
- Reply:** Wording changed accordingly.
- Comment:** The second paragraph in section 21 does not make sense.
- Reply:** Wording updated to correct phrasing.
- Comment:** In paragraph 21.2 remove the words 'thinks is' to '...which it *considers* appropriate.'
- Reply:** Wording agreed and amended.
- Comment:** Suggest change of wording in the first line of 23.3 to 'If a premises wishes to have more than two machines, *an application* for a permit *is required* and this licensing authority *shall* consider...' instead of current wording 'If a premises wishes to have more than two machines, *then it needs to apply* for a permit and this licensing authority must consider...'
- Reply:** We agree the new phrasing is clearer and the document has been updated.
- Comment:** Reference is made in paragraph 24.1 to LA this is inconsistent, consider LA or licensing authority or local authority.
- Reply:** Agreed, we have updated this to now read 'licensing authority'.
- Comment:** In paragraph 25.3 bullet point four, should this read 'a permit held by the applicant has been cancelled in previous years' instead of 'a permit held by the applicant has been cancelled in *the* previous *the* years'
- Reply:** Wording should read 'a permit held by the applicant has been cancelled in the previous *ten* years' and has been updated to reflect this.
- Comment:** Section 27.1 needs clarification.
- Reply:** Extra wording has been added to this section, in line with LACoRS model.
- Comment:** Appendix 2 The Pollution Control Team has changed its name to 'Community Protection'
- Reply:** Updated accordingly.
- Comment:** Appendix 3, there is a new address for the Community Protection department.
- Reply:** Updated accordingly.

Graham Burgin

- Comment:** The document refers to the Gambling Commission, the Commission and the GC within different parts of it. Perhaps a consistent term would work better.
- Reply:** Noted and agreed, we have updated the document to refer to the Gambling Commission as the 'GC' throughout, as per the Definitions on page 5.
- Comment:** Amend wording in Background section, remove the word 'new' in the first paragraph, in the third paragraph remove the word 'has', change the word 'removes' to 'removed' and the word 'will' to 'now'.
- Reply:** We agree this new wording and have updated the document accordingly.
- Comment:** Remove the word 'new' in section 1.1
- Reply:** Agreed, this word should be removed.
- Comment:** In section 11.1 bullet point 3, this bullet point may need considering. Your right of entry under the Act only applied to the application process (see s312) not regulation of gambling thereafter.
- Reply:** In this section we are making reference to the functions of the licensing authority, the issuing of Club Gaming and Club Machine permits is one of the functions the authority has to undertake, but it is appreciated that the comment is correct with regards to right of entry after the permit has been issued.
- Comment:** In section 12.11, does this section refer to pubs also? If so how will it be reasonably implemented by operators?
- Reply:** We have amended the wording to state 'where necessary and deemed appropriate'. Where problems have been identified with a machine at a premises, we can look at the actions listed to resolve any issues of underage gaming on Category C machines.
- Comment:** In section 22.1, perhaps state that gaming machines must be Cat D only.
- Reply:** Agreed wording added for clarity.

- Comment:** Should paragraph 23.5 be included? It seems to almost advertise something we would not want to happen.
- Reply:** It is an option available to some alcohol licensed premises, so we have incorporated the information. We would of course deal with each application based on its own merits, and have regard to the licensing objectives and any code of practice.
- Comment:** With regard to paragraph 23.6, any gambling in pubs should be ancillary to its main purpose. It would have to be a pretty huge premises to justify 19 machines as a secondary purpose.
- Reply:** This section is clarifying that officers can make a decision to put any such application for this amount of machines to the committee to determine.
- Comment:** Section 25, This section is a little unclear “consider changing to “Members Clubs and Miners Welfare Institutes may apply for either a Club Gaming Permit or a Club Machine Permit. Commercial Clubs may only apply for a Club Machine Permit.
- Reply:** This section has been reworded and extra detail has been added to clarify the differences between the types of Clubs and entitlements.
- Comment:** Section 27.1, perhaps include more detail. i.e. the purpose of occasional use notices is to provide “tracks” with the ability to hold events at which gambling can take place without the need for a full premises licence. Any person providing betting facilities at the “track” will still need to hold an appropriate betting operating licence.
- Reply:** Extra wording has been added to this section, in line with LACoRS model.
- Comment:** Appendix 5 In multiples of £10? What does it mean and where does it come from?
- Reply:** This is lifted directly from the Guidance issued by the Gambling Commission. It means that Category B2 machines can accept the maximum stake of £100, but it must be in multiples of £10 notes rather than £20 notes. To ensure the person making the bet is fully aware of the amount they are betting.

Teresa

Please find a couple of comments below. PASB is the Peterborough Adult Safeguarding Board.

Thanks, Denise

Denise Radley
Director of Adult Social Services
Peterborough City Council & NHS Peterborough
Town Hall
Peterborough
PE1 1FA

From: Wadham Karen
Sent: 17 August 2009 12:19
To: Radley Denise
Subject: RE: Gambling Act 2005 - Consultation on revised draft Statement of Principles

Would the PASB need to be included/recorded in a similar way to the Children's Safeguarding Board? (section 6.2) Perhaps it needs to be a bit more explicit about whochildren and other vulnerable adults..." are in section 1.1 , eg adults suffering from lack of capacity (eg dementia) and/or those covered by the MCA even though page 14 says the act does not define it more?

Would the DAAT have any other suggestions (Nick Blake) that may be helpful?

Can't see anything more explicit than those, K

From: Radley Denise
Sent: 10 August 2009 22:17
To: Wadham Karen
Subject: FW: Gambling Act 2005 - Consultation on revised draft Statement of Principles

This statement of principles covers vulnerable people though the reference appears brief (page 14) and says that the term cannot be defined. I couldn't think of any specific comment to make in my DASS role - any thoughts?

Thanks, Denise.

Denise Radley
Director of Adult Social Services
Peterborough City Council & NHS Peterborough
Town Hall
Peterborough
PE1 1FA

From: Martin Teresa [mailto:teresa.martin@peterborough.gov.uk]
Sent: 07 August 2009 15:37
To: DIRECTORS
Cc: Director's PAs
Subject: Gambling Act 2005 - Consultation on revised draft Statement of Principles

Dear Sir / Madam,

Please find attached letter which details information regarding the consultation on the Gambling Act 2005 revised draft of the Statement of Principles. The consultation runs from the 3 August 2009 and all comments

must be received by 26 October 2009. The revised draft Statement of Principles is also attached for ease of reference.

Your contribution will be important to us in deciding the final content of our Statement of Principles. As such I would welcome your feedback on the draft Statement of Principles, all comments received will be considered.

Kind regards

Terri Martin
Regulatory Officer (Licensing)
Peterborough City Council
Bridge House
Town Bridge
Peterborough
PE1 1HU

To find out more about Peterborough City Council please go to: www.peterborough.gov.uk

Please consider the environment before printing this email

Gambling Act 2005

Terri,
Many thanks for including us in the consultation on your review of Statement of Principles. However you do not have any specific comments to make at this stage. Once again many thanks and please continue to include us in any future consultations.

Richard Matthews,
Regional Secretary,
British Beer and Pub Association Midland Counties

www.beerandpub.com
www.axethebeertax.com

From: Jones Judy
Sent: 17 August 2009 16:55
To: Gambling
Subject: Protection of Children Gambling Act

Hi there.

I am offering the following response to the consultation on behalf of Peterborough Safeguarding Children Board.

It is very positive to see that safeguarding children is receiving the high priority it warrants and offers sensible suggestions as to how organisations can get staff up to speed.

- The Local Safeguarding Board Interagency Procedures define a child as "under 18" therefore child protection procedures do apply to a 17 year old child. We do not differentiate between a child and a young person.
- I note there is no definition of vulnerable adult. You may wish to contact the vulnerable adults team for their advice safeguardingadultsteam@peterboroughpct.nhs.uk
- We welcome at 12.13 the suggestion of door supervisors being employed. We offer basic child protection training too through our training programme which you can access at www.pscb.org.uk.
- You could add in at 22.2 something to the effect that Peterborough Safeguarding Children Board have web based interagency procedures which are available at www.pscb.org.uk or alternatively www.proceduresonline.com/peterboroughscb
- I note that Appendix 2 says Children's Board (It is Children Board with no s)

- Also Appendix 3 the contact point is the Safeguarding Service Manager (not Child Protection and Review Manager)



Judy

Thank you
Judy Jones

Policy Officer for Peterborough Safeguarding Children Board (responsible for co-ordinating and ensuring the effectiveness of the work of partner bodies to safeguard and promote the welfare of children)

2nd Floor
Bayard Place
Broadway
Peterborough
PE1 1FD

Visit our website at www.pscb.org.uk

Chris Guiney-Walsh, Community Protection Officer

Various comments as highlighted at Appendix B.

Hi Terri

I have proof read rather than commented on content, as obviously I have no idea about the legislation. It's all on track changes so you can accept or reject as much or as little as you want. Hope it's useful.

Chris Guiney-Walsh
Community Protection Officer
Operations Directorate
Bridge House
Town Bridge
Peterborough
PE1 1HU

Good Afternoon

Re: Gambling Act 2005 Consultation Letter dated 3 August 2009

Whereas the Maritime & Coastguard Agency are the responsible Authority with regard to Alcohol Licensing on small passenger vessels, we have no interest in respect of gambling. We would therefore request that you kindly remove us from your address list with respect to gambling applications.

Please confirm when this has been done.

Regards

Shirley Kidney
Harwich Marine Office Admin.

Member's Response to the Gambling Act 2005 – Consultation on the review of Statement of Principles.

Sent by: Cllr Stephen Lane
Date: 9th August 2009

Introduction

Thank you for the opportunity to comment on a draft edition of the second Statement of Principles (SoP).

I make the following comments purely from an observer's point of view. I do not have any particular interest in any aspect of the Gambling Act 2005, nor with any business or parties that may be involved in premises licensing.

If I may first make a suggestion that in future consultations, it would be extremely helpful if the draft edition is produced to indicate any changes from the last one. I am sure that because the previous SoP was read by Members, it would be helpful to highlight subsequent amendments or additions.

Comments on draft version of SoP 2010

The draft SoP has been reviewed in accordance with the latest edition of the Gambling Commission's Guidance to Licensing Authorities, issued in May 2009. Part 6 of that guidance suggests that all authorities should follow, in accordance with regulations made by the Secretary of State, a prescribed form and must include certain fundamental principles.

I therefore ask that you consider the following:

Principles

1. The SoP should state that PCC will use its authority according to s153 of the Act (*GC Guidance May 2009 - 6.3*). A late reference is made to this, but only under the subject heading of 'Reviews', and it would be preferable to make a statement at the front or near the beginning of the SoP. This allows readers an easy reference to the relevant legislation and offers more transparency.
2. Under Section 156 of the Act licensing authorities are required to maintain a register of premises licences issued by the authority and made available to the public who may request copies of the entries (*GC Guidance May 2009 - 6.52*). This was in the first SoP but omitted from the one we see here, and should be reinstated. The information should also state where it can be found and viewed, along with details of the cost of obtaining copies.
3. Authorities should ensure that information regarding the fees to be charged should be made available to the public (*6.53*). In the interest of transparency, this information and where to find it should be made known through the SoP.

Other Comments

4. In "Definition of Premises" (12.3) the second sentence is confusing and difficult to comprehend, and appears to contradict the rest of that paragraph. It would be helpful and more explicit if the paragraph started something like:
 - a. In the Act, "premises" is defined as including "any place". Section 152 of the Act prevents more than one premises licence applying to any single place. 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 easily be regarded as being different premises or places.

5. Licensing Objectives (12.7) repeats all three objectives and are sufficiently important to be highlighted by the continued use of bullet points, e.g. 12.7.1 etc.
6. Reviews (21.0) I am not sure the addition of how to conduct a Review is necessary. The document's intention is surely to declare this authority's 'principles', and not to outline any particular 'procedure'? Throughout the SoP there is no other such detail, for example how to apply for a licence; or how enforcement will be carried out, etc? This is only a policy document. However, should opinion be otherwise and this remains, I suggest that 21.4(b) will not require reference to 'Scottish Ministers' and should be deleted?

I am happy to receive opinion on any of the above, but please do not feel obliged - I am sure there will be too many to answer. In the meantime, thank you for the consultation and I await the outcome in due course.

Yours sincerely,

Steve Lane
Councillor Werrington North

Graham Burgin – The Gambling Commission.

Various comments as highlighted at Appendix B.

Hi Terri

I have added comment where appropriate to the Statement of Principles document. Please feel free to ignore/include as deemed necessary. If you are unsure about any of my comments then give me a call to discuss.

Lastly, the document refers to us as "the Gambling Commission", "the Commission" and "the GC" within different parts of it. Perhaps a consistent term would work better?

I would politely add that the comments are my own and not necessarily those of "the Gambling Commission".

Graham

Message from Councillor Pamela Winslade

Good afternoon,

I would like to acknowledge receipt of the paperwork. I have a query with regards to part C 22.2; this section does not appear to include vulnerable people.

I am a member of the Licensing Committee and a Ward Councillor from Orton Longueville.

Lauren Thompson
Acting Assistant Members' Services Officer
Peterborough City Council

PETERBOROUGH

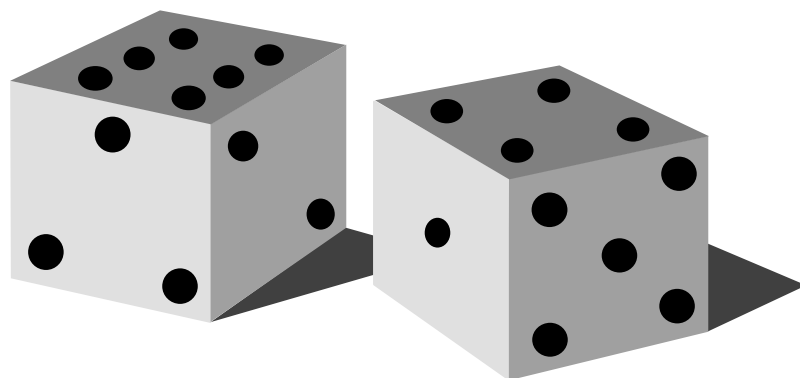


APPENDIX D

PETERBOROUGH CITY COUNCIL

GAMBLING ACT 2005

REVISED STATEMENT OF PRINCIPLES



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KEY FACTS ABOUT THE CITY OF PETERBOROUGH AND DISTRICT

Peterborough began the 21st century as part of a newly formed Unitary Authority. The city, already home to 156,000 people, continues to expand with new housing developments, the largest of which is Hampton, south of the city. Many of the surrounding villages, such as Eye, Yaxley and Glinton, have also seen great expansion to accommodate the demand for new homes.

The majority of local people work within the area, although convenient road and rail links allow many people to commute - London is now less than an hour away by train. More leisure and tourism facilities are developing as the population grows.

Despite considerable growth, however, the area retains some beautiful and diverse countryside. The city has been chosen as one of the UK's four 'Environment Cities', and the Peterborough Environment City Trust leads initiatives to improve the local environment and to develop practical solutions for a more sustainable future.

Peterborough confidently approaches that future as a place with a very long history of innovation and change.

Our priorities

- Plan and deliver a safe, attractive and environmentally friendly city
- Achieve the best possible health and well being
- Make Peterborough a better place in which to live and work
- Provide high quality opportunities for learning and ensure children are healthy and safe

Please refer to appendix 1 for a map of Peterborough.

DEFINITIONS

The **Council** means Peterborough City Council

The **Licensing Authority** means the Council acting as defined by section 2 of the Gambling Act 2005.

The **Act** means the Gambling Act 2005.

Members means Peterborough City Councillors

The **Licensing Committee** means the full committee or a sub committee of no less than three Members.

GC means the Gambling Commission.

GC Guidance means the guidance issued under part 2 section 25 of the Gambling Act 2005 by the Gambling Commission in April 2006

Child means an individual who is less than 16 years old, as defined in part 4 section 45(1) of the Act.

A **young person** means an individual who is not a child but who is less than 18 years old, as defined in part 4 section 45(2) of the Act.

LA means Local Authorities.

BACKGROUND

The Gambling Act 2005 (“the Act”) gives effect to the Government’s proposals for reform of the law on gambling. The Act contains a regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. The Act received Royal Assent on 07 April 2005.

A draft bill was published in November 2003 following a publication of a Government White Paper “A Safe Bet for Success” published in March 2002. The White Paper was the Government’s response to the report of the Gambling Review Body published in July 2001.

The Act introduced a new unified regulator for gambling in Great Britain, the Gambling Commission (GC), and a new licensing regime for commercial gambling (to be conducted by the GC or by licensing authorities, depending on the matter to be licensed). The Act removed from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the GC and licensing authorities now share between them responsibility for all matters previously regulated by licensing justices.

PART A - INTRODUCTION

1. THE LICENSING OBJECTIVES

1.1 The Act sets out licensing functions to be exercised by licensing authorities in relation to the licensing of premises and the grant of certain permits. In exercising most of these functions licensing authorities must have regard to the licensing objectives, which underpin the regulatory regime.

The licensing objectives are:

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

1.2 It should be noted that the GC has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

2. STATEMENT OF PRINCIPLES

2.1 The Act requires this licensing authority to publish a ‘Statement of Principles’ that it proposes to apply when exercising its functions. This statement must be published at least every three years and amended from time to time with any amended parts re-consulted upon and subsequently re-published.

2.2 This is the second Statement of Principles produced by Peterborough City Council, reviewed due to amendments made by the GC to their Guidance to Local Authorities.

3. CONSULTATION

3.1 Peterborough City Council consulted widely upon this statement before finalising and publishing.

3.2 The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005

For a full list of persons this authority consulted please refer to appendix 2.

- 3.3 The consultation commenced on 03 August 2009 and will end on 26 October 2009. The HM Government Code of Practice on Consultation (published July 2008) was followed and is available at:

<http://www.berr.gov.uk/files/fle47158.pdf>.

The full list of comments made and the consideration by the council of those comments is available by request to the licensing department.

4. APPROVAL OF POLICY STATEMENT

- 4.1 This statement was approved at a meeting of the full council on [x date] and was published via our website on [x date].

This paragraph will be completed once approval has been given by full council.

- 4.2 It should be noted that this statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

5. DECLARATION

- 5.1 The council would like to declare that in producing this Statement it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the GC and any responses from those consulted on the statement.

6. RESPONSIBLE AUTHORITIES

- 6.1 As required by regulations licensing authorities are 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.

- 6.2 In accordance with the suggestion in the GC guidance to local authorities this authority designates the Local Safeguarding Children Board for this purpose.

For a full list of the Responsible Authorities in relation to premises please refer to appendix 3 or alternatively via the council website.

7. INTERESTED PARTIES

- 7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence.

- 7.2 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 this licensing authority the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - Has business interests that might be affected by the authorised activities; or
 - Represents persons who satisfy the above.
- 7.3 Licensing authorities are required to state the principles they will apply in exercising their powers under the Act to determine whether a person is an interested party. The principles this authority will apply are:
- 7.4 Each case shall be decided upon its own merits. This authority will not apply a rigid rule to its decision making. It will however consider the following in accordance with the GC's guidance for local authorities.
- 7.5 When determining what "sufficiently close to the premises" means, this authority might include:
- The size of the premises
 - The nature of the premises
 - The distance of the premises from the location of the person making the representation
 - The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment), and
 - The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.
- 7.6 In relation to "persons with business interests that could be affected" it could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain, however that is unlikely to satisfy the test of being "a person with business interests that could be affected by the premises" under consideration. It should be borne in mind however that the "demand test" in the 1963 and 1968 Acts have not been preserved in the Gambling Act 2005 therefore unmet demand is not a criterion for a licensing authority in considering an application.
- 7.7 Factors that this licensing authority is likely to include are:
- The size of the premises;
 - The 'catchment' area of the premises (i.e. how far people travel to visit); and
 - Whether the person making a representation has business interests in that catchment area, that might be affected.

- 7.8 The GC recommended in its guidance that licensing authorities should state that interested parties include trade associations, trade unions, residents' and tenants' associations. This authority however will not generally view these bodies as interested parties unless they have a member who can be classed as an interested party under the terms of the Act e.g. lives sufficiently close to the premises to be likely to be affected by the activities applied for.
- 7.9 Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). However should an individual wish to be represented by a councillor they must ask if the councillor is part of the licensing committee dealing with the licence application. If there are any doubts please contact the licensing department.

8. EXCHANGE OF INFORMATION

8.1 Licensing authorities are required to include in their statement, the principles to be applied under Section 29 and 30 of the Act with respect to the exchange of information between the licensing authority and the GC, and the functions under section 350 of the Act with the respect of information between it and the other persons listed in schedule 6 of the Act:

- A Constable or Police Force
- An Enforcement Officer
- A Licensing Authority
- Her Majesty's Commissioners of Customs and Excise
- The Gambling Commission
- The National Lottery Commission
- The Secretary of State
- The Scottish Ministers

8.2 The principle that this licensing authority applies is that it will act in accordance with provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. This licensing authority shall have regard to the guidance issued by the GC as and when it is published on this matter, as well as any relevant regulations issued by the Secretary of State.

8.3 Should any protocols be established as regards information exchange with other bodies then they will be made available. Please contact the licensing team for further information on our protocols.

9. ENFORCEMENT

9.1 Licensing authorities are required by regulation to state the principles they propose to apply 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 instigate criminal proceedings in respect of the offences specified.

- 9.2 This licensing authority's principles are that it shall be guided by the GC guidance and will endeavour to be:
- proportionate – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised
 - accountable – authorities must be able to justify decisions and be subject to public scrutiny
 - consistent – rules and standards must be joined up and implemented fairly.
 - targeted – enforcement should be focused on the problems and minimise side effects
- 9.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible and adopt a risk based inspection programme.
- 9.4 The main enforcement and compliance role of the 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 GC will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacturer, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the GC.
- 9.5 The licensing authority's enforcement concordat is available upon request to the licensing department.

10 PUBLIC REGISTER

- 10.1 In accordance with section 156 of the Act, Peterborough City Council maintains an electronic public register which contains premises licences issued by the authority. The register is available to view at www.peterborough.gov.uk. This information is available for inspection by members of the public at all reasonable times. Further information such as fees can also be found on the website.

11. DECISION MAKING / DELEGATION

- 11.1 When determining applications this licensing authority will have regard to the guidance issued by the GC, any relevant code of practice, this policy and the licensing objectives.. Determination of applications made to the licensing authority will be made either by the full council, the licensing committee, or a sub-committee of the licensing committee or by authorised officers, in accordance with section 153 of the Act.
- 11.2 Where relevant representations are raised which cannot be resolved by mediation, matters will either be referred to the licensing committee or the sub-committee of the licensing committee.

For a summary of this licensing authorities delegations permitted under the Gambling Act 2005 please refer to appendix 4.

12. LICENSING AUTHORITY FUNCTIONS

12.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing **Premises Licences**
- issue **Provisional Statements**
- regulate members' clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing **Club Gaming permits** and/or **Club Machine Permits**
- issue **Club Machine Permits to Commercial Clubs**
- grant permits for the use of certain lower stake gaming machines at **Unlicensed Family Entertainment Centres**
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register **Small Society Lotteries** below prescribed thresholds
- issue **Prize Gaming Permits**
- receive and endorse **Temporary Use Notices**
- receive **Occasional Use Notices**
- provide information to the GC regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions

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

PART B - PREMISES LICENCES

13. GENERAL PRINCIPLES

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

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

- in accordance with any relevant code of practice issued by the GC
- in accordance with any relevant guidance issued by the GC
- reasonably consistent with the licensing objectives, and
- in accordance with the authority's Statement of Principles

13.3 Definition of “premises”

In the Act, “premises” is defined as including “any place”. Section 152 of the Act prevents more than one premises licence applying to any one place. 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 reasonably be regarded as being different premises. However, this licensing authority will pay particular attention if there are issues about subdivisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in 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 of discussion between the operator and the licensing officer. However the GC does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The local authority will consider the GC Guidance and all other circumstances of the case in making any decision as to what can properly be regarded as premises.

13.4 Premises “ready for gambling”

The guidance 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 building or alterations required before the premises are brought into use.

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

13.5 Location

Demand issues cannot be considered with regards to the location of premises but that issues in terms of licensing objectives can. 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 policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. Each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

13.6 Duplication with Other Regulatory Regimes

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

13.7 Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives, this licensing authority has considered the GC's guidance to local authorities and some comments are made below.

13.7.1 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 GC will be taking a leading role in preventing gambling from being a source of crime. The GC's guidance does however envisage that licensing authorities should pay particular 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 in such areas and whether conditions may be suitable such as the provision of door supervisors.

13.7.2 Ensuring that gambling is conducted in a fair and open way – This licensing authority has noted that the GC 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.

Further guidance on this issue may be provided by the GC and if so this authority will have regard to it, when available.

13.7.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling – This licensing authority has noted that GC guidance 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).

There is no definition of ‘vulnerable person’ and it is noted that the GC are not seeking to offer one, but this could 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. Should a practical definition prove possible in future then this statement will be updated with it, by way of a revision.

This licensing authority will consider this licensing objective on a case by case basis.

13.8 **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

13.9 Decisions upon individual conditions will be made on a case by case basis, although there are a number of measures this licensing authority may consider using should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which they can meet the licensing objectives effectively.

13.10 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 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 GC’s guidance.

13.11 This authority will also ensure where necessary and deemed appropriate 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

13.12 As the licensing authority we note that there are conditions which we are unable to attach to premises licences, these 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 a membership of a club or body be required for casino and bingo clubs (the Act specifically removed the membership requirement)
- conditions in relation to stakes, fees, winning or prizes

13.13 This licensing authority may consider a need for door supervisors in terms of the licensing objectives for protection of children and vulnerable persons and preventing premises becoming a source of crime or disorder. Door supervisors at casinos or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where this authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act. This authority may however consider imposing the requirement of a Criminal Record Bureau check on door supervisors, by way of a condition on a licence.

13.14 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these shall be SIA licensed or not. It will not be automatically assumed that they shall be.

14. ADULT GAMING CENTRES

14.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to address these issues.

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

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation
- location of entry
- notices / signage
- 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.

15. LICENSED FAMILY ENTERTAINMENT CENTRES

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

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

- CCTV
- supervision of entrances / machine areas
- notices / signage
- physical separation of areas
- specific opening hours
- self barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare
- suspected child truancy handling training

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

15.3 This licensing authority will, as per the GC's guidance, refer to the GC's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

For a full list of machine categories please refer to appendix 5.

16. CASINOS

- 16.1 This authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the powers to do so. Should this authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision would need to be made by full council.

17. BETTING PREMISES

- 17.1 **Betting machines** - This licensing authority will, as per the GC's guidance, take into account the size 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.
- 17.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that the door supervision is both necessary and proportionate.

18. TRACKS

- 18.1 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 GC'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.
- 18.2 This licensing 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.
- 18.3 Applicants will be expected to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
 - location of gaming machines
 - supervision of entrances / machine areas
 - notices / signage

- 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.

18.4 **Betting Machines** – This licensing authority will as per the GC’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. We will also take note of the GC’s suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

18.5 **Condition on rules being displayed** - The GC has advised in its guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

18.6 **Applications and plans** – The Gambling Act 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 GC's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

18.7 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in

particular, any betting areas subject to the “five times rule” (commonly known at betting rings) must be indicated on the plan.

In 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.

19. BINGO PREMISES

19.1 This licensing authority notes that the GC’s guidance states:

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 premises to which children are admitted licensing authorities should 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 machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

19.2 This authority shall to satisfy itself that bingo can be played in any bingo premises for which a premises licence has been issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

20. TRAVELLING FAIRS

20.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. This licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

20.2 It has been noted that the 27-day statutory maximum for land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring

authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

21. PROVISIONAL STATEMENTS

21.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

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:

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

21.2 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.

21.3 In terms of representations about premise licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, this 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 licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances

22. REVIEWS

22.1 Requests for a review of a premise licence can be made by interested parties or responsible authorities; however, it is for this 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 GC;
- in accordance with any relevant guidance issued by the GC;
- reasonably consistent with the licensing objectives; and
- in accordance with the authorities statement of 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 representations or requests for review.

- 22.2 This licensing authority can also initiate a review of a licence on the basis of any reason which it considers is appropriate.
- 22.3 Once a valid application for a review has been received, 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.
- 22.4 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- a) add remove or amend a licence condition imposed by the licensing authority;
 - b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or amend such an exclusion;
 - c) suspend the premises licence for a period not exceeding three months; and/or
 - d) revoke the premises 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 representations.

- 22.5 In particular, the licensing authority may 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.

PART C - PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

23. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 23.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to this 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.
- 23.2 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and other vulnerable persons from harm. Harm in this context is not limited to harm from gambling but includes wider protection considerations. The efficiency of such policies and procedures will each be considered on their own 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.

- 23.3 This licensing authority will expect that applicants demonstrate a full understanding of the licensing objectives as well as the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

24. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of category C and / or D. To take advantage of this entitlement, the person who holds the on-premises licence must give notice to this licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.

- 24.2 This 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 GC about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises

- 24.3 If a premises wishes to have more than two machines, an application for a permit is required and this licensing authority shall consider that application based upon the licensing objectives, any guidance issued by the GC under Section 25 of the Act, and “such matters as they think relevant”. This authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.

Such measures may include:

- adult machines being in site of bar
- notices / signage

- 24.4 It should be noted that the holder of a permit must comply with any Code of Practice issued by the GC about the location and operation of the machine.

- 24.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 24.6 Where an application is received for more than 19 gambling machines in alcohol licensed premises Officers will have the discretion to arrange a hearing for members to consider the application.
- 24.7 It should be noted that this licensing authority can decide to grant the application with a smaller number of machines and / or different category of machines than applied for. Conditions (other than these) cannot be attached.

25. PRIZE GAMING PERMITS

- 25.1 This licensing authority can grant or refuse an application for a permit, but cannot add conditions. This licensing authority can only grant an application for a permit if it has consulted with the chief officer of police about the application. This licensing authority will take into account any objections that the police may make which are relevant to the licensing objectives. Relevant considerations would be the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and issues about disorder.
- 25.2 Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, this licensing authority will give weight to child protection issues. Applicants will be required to set out the types of gaming that he or she is intending to offer and 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.
- 25.3 The licensing authority will determine each application on its own merits.
- (The Council as a licensing authority has the remit to set its own criteria for the above statement of principles on permits – the principles as set out above reflect the general issues considered to be most relevant by a number of other licensing authorities)*
- 25.4 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any GC guidance.

- 25.5 It should be noted that there are conditions in the Gambling Act 2005 to 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.

26. CLUB GAMING AND CLUB GAMING MACHINE PERMITS

- 26.1 Members Clubs and Miners' Welfare Institutes (but **not** Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines, of which one may be a category B3A, the others being of categories B4, C or D), equal chance gaming and games of chance as prescribed in regulations.
- 26.2 Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.
- 26.3 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for the purposes other than gaming, unless the gaming is permitted by separate regulations. A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.
- 26.4 This licensing authority is aware that it may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - the applicant's premises are used wholly or mainly by children and / or young persons
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the GC or the police.

- 26.5 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.

27. TEMPORARY USE NOTICES

- 27.1 A Temporary Use Notice (TUN) allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for facilities for gambling. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence issued by the GC..
- 27.2 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 revising this Statement the relevant regulations state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 27.3 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to licensing authorities to decide what constitutes a 'set of premises' where TUN's are received relating to the same building / site.

28. OCCASIONAL USE NOTICES

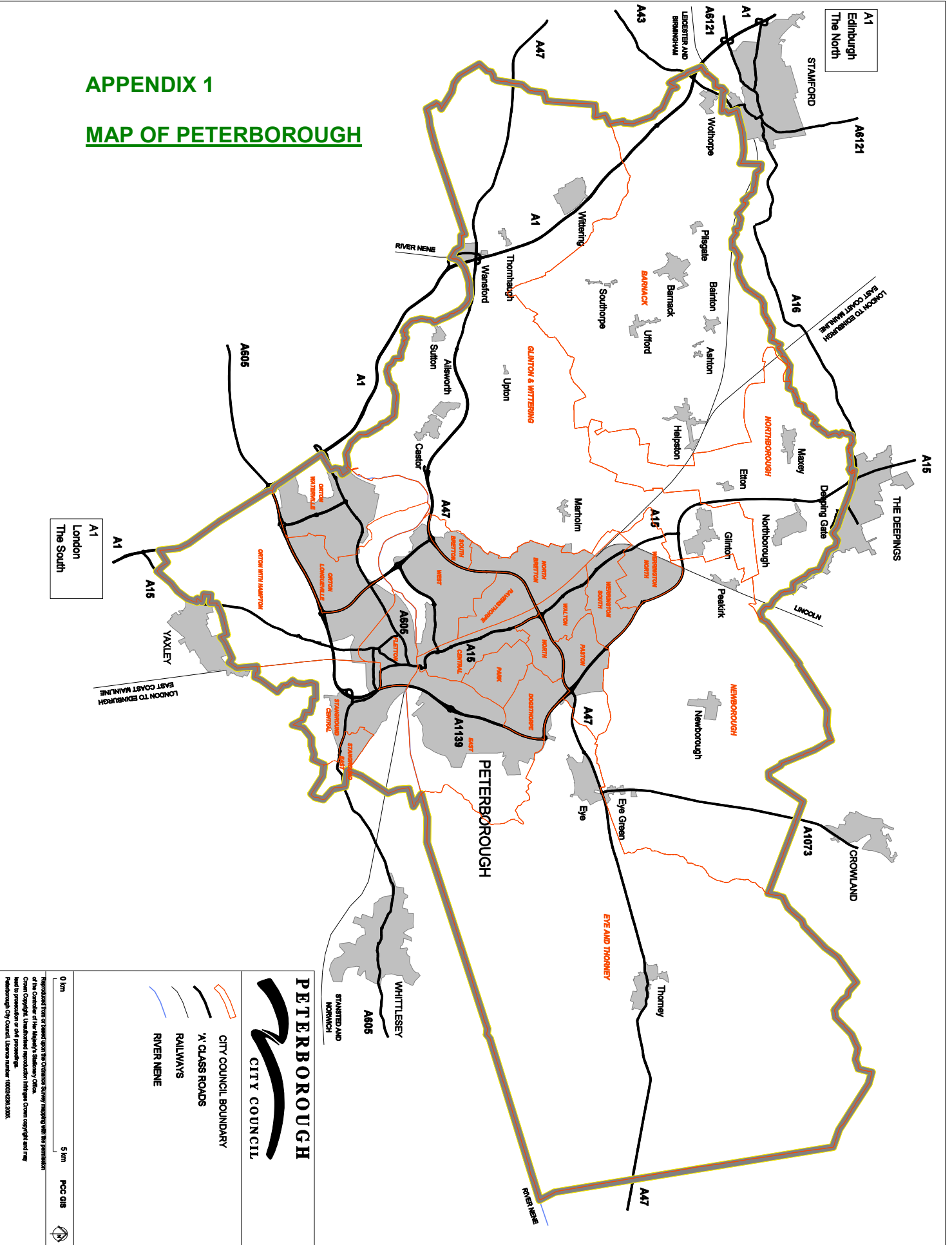
- 28.1 This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself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

29. ADDITIONAL INFORMATION





Further information on the application process, application forms and applicable fees can be found at www.peterborough.gov.uk

APPENDIX 1

MAP OF PETERBOROUGH



PETERBOROUGH
CITY COUNCIL

 CITY COUNCIL BOUNDARY
 A-CLASS ROADS
 RAILWAYS
 RIVER NENE

0 km 5 km PCC 018

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APPENDIX 2

LIST OF CONSULTEE'S

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

- The Peterborough Greyhound Stadium
- British Greyhound Racing Board
- Gala Group Ltd
- British Beer and Pub Association
- British Bookmakers Trade Association
- British Casino Association

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:

- Cambridgeshire Constabulary – the chief officer of police
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Control
- Peterborough City Council – Community Protection
- Peterborough City Council – Directors
- Peterborough City Council – Ward & Parish Councillors
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs
- the Gambling Commission
- GamCare
- All residents and business within the Peterborough area (through the Council website)

APPENDIX 3

GAMBLING ACT 2005 **RESPONSIBLE AUTHORITIES CONTACT DETAILS**

THE RESPONSIBLE AUTHORITIES:

Licensing Team:	The Licensing Team Peterborough City Council Bridge House Town Bridge Peterborough PE1 1HU Telephone: 01733 747474 Email: gambling@peterborough.gov.uk
The Gambling Commission:	Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Fax: 0121 237 2236 Email: info@gamblingcommission.gov.uk
Cambridgeshire Constabulary:	Licensing Department Cambridgeshire Constabulary North Division Bridge Street Peterborough PE1 1EH
Cambridgeshire Fire and Rescue:	Cambridgeshire Fire & Rescue Service Peterborough District Dogsthorpe Fire Station Dogsthorpe Road Peterborough PE1 3RE
Neighbourhood Services:	Community Protection Peterborough City Council Bayard Place Broadway Peterborough PE1 1HZ

Planning:

Planning Services
Stuart House (East Wing)
St Johns Street
Peterborough
PE1 5DD

HM Revenue & Customs:

National Registration Unit
Portcullis House
21 India House
Glasgow
G2 4PZ

Safeguarding Children Board:

Safeguarding Service Manager
Children's Services – Social Care
Floor 2, Bayard Place
Broadway
Peterborough
PE1 1FB

For Vessels the certifying Authority will be:-

Environment Agency
Kingfisher House
Goldhay Way
Orton Goldhay
Peterborough
PE2 5ZR

APPENDIX 4

Summary of licensing authority delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premise licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give counter notice to temporary use notice		X	

APPENDIX 5

Section 236 of the Act provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C and D, with category B to be further divided into sub-categories.

The below table sets out the current proposals for the different categories with the maximum stakes and prizes that apply (please note the below information is subject to change upon regulations being set).

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D Non-money prize (other than a crane grab machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D (Money prize)	10p	£5
D Combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)
D Combined money and non money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

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