

## LICENSING COMMITTEE

TUESDAY 16 NOVEMBER 2021

6.00 PM

Engine Shed Sand Martin House, Bittern Way

### AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Minutes of the Meeting Held on 4 August and 1 September 2021**

3 - 14

To approve the minutes of the meetings held on:

4 August 2021 – Licensing Act 2003 Sub Committee  
1 September 2021 – Licensing Committee

4. **Statement of Principles - Gambling Act 2005**

15 - 106

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<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact Karen S Dunleavy in the City Council's Democratic Services team on Peterborough 01733 452233 or by email at [democraticservices@peterborough.gov.uk](mailto:democraticservices@peterborough.gov.uk)

#### **Committee Members:**

Councillors: Warren (Chair), Ayres (Vice Chairman), Allen, P Hiller, Joseph, Ishfaq Hussain, E Murphy, Wiggin, Bond and Mahbood Hussain

Substitutes: Councillors: Sainsbury, Hogg and Dowson

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – [karen.dunleavy@peterborough.gov.uk](mailto:karen.dunleavy@peterborough.gov.uk)

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence
3.1 Application Reference	114244
3.2 Sub-Committee Members	Councillor Warren Councillor Sainsbury Councillor Joseph
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Dan Kalley, Senior Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Mixology Music Limited
3.5. Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <ul style="list-style-type: none"> <li>● Sale of alcohol for consumption on the premises only Monday to Sunday 10:00 to 23:00 New Years Eve 11.00 to 02.00</li> <li>● Provision of Films, Live and Recorded Music and Dancing Monday to Sunday 10:00 to 23:00 New Years Eve 10:00 to 02:00</li> <li>● Opening hours of premises Monday to Sunday 10:00 to 23:00 New Years Eve 10.00 to 02.00</li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Mixology, Under the Orton Mere Parkway Bridge, Nene Park, Peterborough which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p>

	<ul style="list-style-type: none"> <li>● Increase in both vehicle and pedestrian movements near to and to or from the premises</li> <li>● Premises was near to a river and therefore potential for accidents to occur if people access the water.</li> <li>● Increase in disturbance and noise pollution for local residents from the premises</li> <li>● Increase in anti-social behaviour, fuelled by alcohol, from customers of the premises.</li> <li>● The number of events that could take place at the premises due to the 7 days a week licence request.</li> <li>● Premises would be near to a conservation area within Nene Park.</li> <li>● Potential for overcrowding from persons attending the vicinity of the premises without a ticket.</li> <li>● Concerns re accessibility of premises for emergency services vehicles</li> </ul> <p>A summary of matters raised from the representations in favour of the application being granted :</p> <ul style="list-style-type: none"> <li>● The initial event ('Under') will finish at 10pm so would not be a late night event</li> <li>● The initial event would be something that people would look forward to attending after 18 months of restrictions during the pandemic</li> <li>● There wa a relatively low chance of disturbance to local residents owing to the location of the premises.</li> <li>● The initial event would be professionally managed by a reputable established company who would put in place comprehensive measures to mitigate concerns re disturbance, anti-social behaviour and customers safety.</li> <li>● The initial event would promote cultural diversity within Peterborough and put the City 'on the map' as a leading arts &amp; music area.</li> </ul>
3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> <li>1. The Prevention of Crime and Disorder</li> <li>2. The Prevention of Public Nuisance</li> <li>3. The Protection of Children from Harm</li> <li>4. Public Safety</li> </ol>
3.7 Parties/Representatives and witnesses present	<p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant</u></b></p> <p>The applicant Mixology Music Limited.</p> <p>The applicant's representatives were Cem Okzan and Dan Coshan.</p> <p><b><u>Other Persons</u></b></p> <p>Cllr Kirsty Knight, Lisa Borley, Carole Morris, Peter Hardingham and Simon Green.</p>
3.8 Pre-hearing considerations and any decisions taken by	There were no pre-hearing considerations.

the Sub-Committee relating to ancillary matters	
3.9 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regard to the application. The key points raised in the address included the representation submitted against the application by local residents and that;</p> <ul style="list-style-type: none"> <li>• There had been 9 objections and 48 emails of support. No responsible authority had made representations.</li> <li>• The Councils Environmental Protection team had been in touch with the applicant and conditions had been attached to the application.</li> <li>• Section 7 outlined the main points of the application and outlined the conditions that had been agreed by the applicant</li> </ul> <p><b><u>Applicant – Mixology Music Limited, represented by Cem Okzan and Dan Coshan</u></b></p> <p>The applicant Cem Okzan and representative Dan Coshan on behalf of Mixology Music Limited addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>• Mixology Music Limited had a long history of running events similar to those being applied for. The applicants wanted to run a well managed and safe event. There was no interest in running illegal events.</li> <li>• The preferred outcome from the hearing was to get a licence and run a few events a year. The event management plan answered a lot of concerns that had been raised by residents</li> <li>• The applicants only wanted to run events three to four times a year. This fitted around the current applicants’ schedule of running a restaurant and pub.</li> <li>• There had been further talks about opening up the area identified and running Christmas markets or food markets throughout the year.</li> </ul> <p><b><u>Other Persons – Cllr Kirsty Knight</u></b></p> <p>Cllr Kirsty Knight addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>• The concern for local residents was the location of the event. There was possible damage to the natural environment. Local wildlife would be disrupted.</li> <li>• The Nene River could be dangerous and hearing about recent deaths in the UK due to drowning was worrying, especially as alcohol was being served at the proposed event.</li> <li>• There were concerns over how the emergency services would be able to access the event in case of emergency. The proposed event was a long way from the car park.</li> </ul> <p><b><u>Other Persons – Lisa Borley</u></b></p> <p>Lisa Borley addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:</p>

- The main concern was around noise nuisance. A few weeks ago there was an event which took place near the proposed venue, and the noise was heard and quite loud. There was a worry that a music event would be even louder.
- A ten-hour event was a long time for residents to have to put up with loud music. The music at these events would have high bass levels and would provide a distraction to local residents. It would also be hard to mitigate and drown out bass notes.
- If this was to be a one-off event, or possibly three to four times a year, this was tolerable. If this was the applicants aim then it would be good to state this as a condition of the licence.
- Residents were concerned over potential anti-social behaviour. Due to the nature of the event, there might be loud and aggressive customers and it might be difficult for security to move people away from the venue.
- There would be a challenge for security staff if there were fights especially near the river. There was also the potential for large amounts of litter to build up around the venue.
- With the event being so close to the water any intoxicated individual may get too close and fall in.
- The Council could face a number of investigations if they granted the licence and an incident occurred.
- Although there had been several positive comments these were not necessarily from local residents and could be from people who lived outside the city.
- In the first instance it would be better to grant the licence for a one-off event and see how that went.

#### **Other Persons – Carole Morris**

Carole Morris addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- The main concern related to the venue. The Peterborough Telegraph had stated that this was an underutilised area with no footpaths, however the cycle route 63 passed through the proposed location of the event. There was also a second footpath that gave access to the boating lake running through the location. Many people regularly exercised around that area, this was a busy thoroughfare and a lot of people used this for going to and from work. In addition, children used the paths to go to and from school.
- There were also issues around river traffic, there were mooring berths next to the proposed venue and a number of anglers used this area to fish in the river. It was questionable as to whether the applicants were allowed to block those paths off to hold an event.
- Another concern was over the local wildlife, a close neighbour was a keen photographer and had taken photos of Kingfishers in the area, this was a protected species and were most likely using this area for nests.
- There were also concerns over the lack of public toilet facilities and parking leading to issues.
- The potential continuous noise could affect the local residents.
- The committee needed to decide if the granting of the licence was appropriate bearing in mind that the pathways would be blocked and

therefore how was access going to be granted for the use of the pathway, there was no other route to get to the boating lake.

### **Other Persons – Peter Hardingham**

Peter Hardingham addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- This area was used regularly for walking. The main objections were based on amenity and environmental grounds.
- The best outcome was for the proposal to not go ahead. The issue was that if granted the applicant could hold events on every day of the year if they so wished. It had not mattered what Mixology said in terms of the number of events they proposed to hold there were no limitations as the application stood at the current time.
- There was no reason why mixology could not go along with the proposal for a few events a year as they had stated that they only wanted it for a few times a year.
- There were better facilities down on the embankment that the applicant could use.
- A big part of the objection was the disruption to wildlife in the area and the issues around access.
- If the application was to be granted it needed to have strict limitations applied.

### **Summing Up**

The applicants responded and summed up key points with regards to the application, including.

- The concerns around the event were appreciated. Previous to this meeting going ahead the applicants had offered to hold mediation sessions to try and overcome any of the concerns the local residents had.
- There was an event management plan in place which outlined ways the applicant was going to deal with concerns raised. There was an element of trust involved with anything new such as this proposal.
- The applicants wanted to reassure residents that the events were few and far between and the last event was quite a few years ago on the Peterborough Embankment.
- There would be a maximum of four events a year and would be willing to agree this as a condition.
- The use of the words underutilised was used by the Peterborough Telegraph and was not stated by the applicants at any point. Under the bridge itself was underutilised there was no footpath proposed to be closed off. The event would take place underneath the arches of the bridge and would not impact any footpaths.
- There would be staggered entrance times to help manage the flow of people. No food or drink could be brought into the event and likewise no food or drink could leave the event.
- There would be a dedicated security team and marshals on the bridge to monitor customers. A lot of thought had been put into the event management plan.

	<ul style="list-style-type: none"> <li>• The reason for choosing under the bridge was that it was not likely to have an impact on any wildlife or plants.</li> <li>• It was impossible to stop people jumping off the bridge, however plans were in place to help mitigate this. Barriers would be put in place and security would make sure all areas were covered.</li> <li>• With regards to the noise levels there was a plan with the event management plan and the applicant would work within legal limits of what was permissible.</li> <li>• The applicants did not want to impede on any of the resident's day to day living. The event management plan looked at the decibel levels and surge frequencies and would be adjusted to make sure the bass would not disturb residents wherever possible. Work had been carried out with the noise pollution team to lessen any impacts to residents.</li> <li>• The two car parks in Orton Mere would be used for the event and would take five to six minutes to walk to the event. The footpaths would be lit.</li> <li>• The security team would not leave the site until every person had left the event. In addition, there would be an entrance and exit system in place and would be marshalled.</li> <li>• There was the provision for toilets and much more detail on concerns that had been put forward.</li> </ul>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the representations made by the other persons present at the hearing.</p>
<p>3.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>
<p>4. Decision</p>	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations</b></p>



**and submissions made in relation to it. The Sub-Committee found as follows:-**

The Sub-Committee considered the representations made in objection as follows:

- Increase in vehicular and pedestrian traffic
- Dangers posed by being so close to the River Nene
- Alcohol fuelled anti social behaviour
- Increase in noise disturbance
- Near to a conversation area
- Accessibility for emergency vehicles
- Adverse effect on wildlife
- Inappropriate location as a country park
- Insufficient facilities for party goers
- Insufficient parking facilities
- People lingering after the event

The Sub-Committee believed that these were not relevant to the application under the Licensing Act 2003.

The Sub-Committee believed that the operating schedule and the additional conditions offered during the mediation process satisfied the licence objectives.

Therefore, the application for a licence for the premises, known as Mixology Under the Orton Mere Parkway Bridge, Nene Park, Peterborough was **GRANTED**.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman  
Start 1:30pm – End 2.35pm

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**MINUTES OF THE LICENSING COMMITTEE MEETING  
HELD AT 6PM, ON  
WEDNESDAY, 1 SEPTEMBER 2021  
ENGINE SHED, SAND MARTIN HOUSE, BITTERN WAY, PETERBOROUGH**

**Committee Members Present:** Councillor Warren (Chair), Councillors Allen, Ayres, S Bond, Hiller, Murphy, Sainsbury and Wiggin

**Officers Present:** Gareth Brighton, Licensing and Business Manager  
Colin Miles, Litigation Lawyer  
Terri Martin, Strategic Regulatory Officer - Licensing  
Dan Kalley, Senior Democratic Services Officer

**1. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**2. DECLARATIONS OF INTEREST**

No declarations of interest were received.

**3. MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 18 NOVEMBER 2020**

The minutes of the meeting held on Licensing Committee on 18 November 2020 were agreed as a true and accurate record.

**4. REVIEW OF THE STREET TRADING CONSENT AT WAINMAN ROAD, PE2 7BU**

The Licensing Committee received a report in relation to a review of the street trading consent for the Roundabout Café, Wainman Road.

The Licensing and Business Manager introduced the report and stated that consented trade had been carried out on the pitch for over 20 years. There were several parking spaces around the turning head, which was in close proximity to the Roundabout Café. It was important to note that there were no parking restrictions in place. Most of the issues had arisen due to the parking issues and had been a contentious issue between the street trader and the nearby automotive garage. Over the past few years there had been a steady increase in of complaints made by both parties against the other and had escalated at times to issues around public safety. Members of the committee were informed that there had been over 50 complaints made in 2021 alone.

Members were advised that some of the complaints had related to planning matters, however this was something that could not be taken into account as this fell under a different regime. It was important to note that the licensing team were not apportioning blame on either party however the Council had a responsibility to ensure that public safety was maintained. It was felt that the relationship between the parties could escalate severely going forward if no resolution was found.

Officers had tried to mediate between the parties involved, however it was felt that there was no reasonable prospect of mediation occurring. Officers had also offered alternative sites for the Roundabout Café to continue but these had been rejected. It was therefore the officers recommendation that the street trading be revoked and an alternative pitch found.

In response to further questions from members, the Licensing and Business Manager responded in summary below:

- Parking restrictions had been explored, however there was the potential for any restrictions to cause more issues between the parties involved. Although mediation had been attempted it was felt that the relationship between the parties had broken down to such an extent that there was no way for it to be repaired. There had been no concessions made by either party to try and resolve the issues at hand.
- A Police Community Support Officer (PCSO) had not, to officers' knowledge, been to talk to either party.
- The biggest issue was that there was unlikely to be any long-term solution to the issue between the parties. Any potential measures would likely only last a short time.

The Street Trader Mr Mutlu addressed the committee and responded to questions outlined below:

- There were a number of people working in the automotive garage and these staff members were parking on the road outside the café. There were no dedicated parking spaces and for a number of years people struggled to find any parking spaces on site. Employees of the garage were working on cars all over the place taking up space that could be used for potential customers of the café.
- It was felt that the Council were protecting the garage and not the street trader. No one from the Council had spoken directly to the street trader with regards to the issues but had mainly had dialogue with the owners of the garage. A number of emails had been sent to the Council but there had been no response to the street traders concerns.
- Officers confirmed that they were not apportioning blame on either party. It was important for members to note that the Council had a responsibility to find a permanent solution. The recommendation from officers was based solely on public safety grounds. There had been a meeting scheduled with the street trader however this meeting had not gone well, officers were unable to discuss the matters with the street trader.
- A summary report on site around parking issues had been carried out by highways officers. These officers had visited the site at different parts of the day and monitored traffic flow. The conclusions from these site visits had been that a resolution was needed and this had led to an alternative site being offered to the street trader.
- Members were informed that any issues relating to planning permissions was not a consideration when determining the possibility of revoking a street trader consent.
- When discussing public safety it would be more beneficial to close the automotive garage, rather than prevent the continuation of the street trading.
- The site had been trading as a food outlet for nearly 30 years and there had always been a steady flow of customers who frequented the stand.
- There had been a number of complaints made to the police over the behaviour of the owners and employees of the garage towards the street trader.

- Although the Council had offered a number of alternative sites to relocate, none of these were deemed suitable. None of the spots offered would be as busy as the one currently occupied.
- Mediation and dialogue had been attempted with the owners of the garage; however this had failed. In addition, local ward councillors had been contacted but no response had been forthcoming. Legal advice had been sought and would continue to be sought depending on the outcome of the hearing.
- Customers who visited the stand only spent two or three minutes on site ordering their food and then taking this away with them. These customers were not the ones causing parking issues on site.
- It was reiterated that none of the proposed alternative sites were suitable and would not create as much trade for the business.

At this point all parties left the room so as to enable the committee to deliberate in private.

The Licensing Committee **RESOLVED** (7 for and 1 no vote) to:

- I. Revoke the consent for trade by virtue of schedule 4 of the local government (miscellaneous) Act 1982 to the proprietors of the Roundabout Café located in Wainman Road, Woodston, PE2 7BU; and
- II. That there cannot be consent given for this site without the express permission of this Committee or any future committee charged with such means.

#### **REASONS FOR THE DECISION**

- I. Committee Members were concerned with the escalation and aggressive behaviour from all parties who trade in the immediate area.
- II. There was a clear breakdown in relations between Mr Mutlu and the other traders.
- III. The Committee Members believed that no form of mediation that was appropriate, given the position adopted by all parties.
- IV. Committee Members were concerned with public safety issues and believed that the site was now not suitable for such a trade given the traffic issues and the animosity shown by parties to each other.
- V. Noted that alternative sites had been offered nearby.
- VI. Street trading consent allowed a trader to trade by permission. It had not conferred any legal right to occupy a particular site, merely a permission to trade which could be revoked.
- VII. Therefore, the Committee's decision was to revoke the consent to trade by virtue of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 due to public safety reasons.

CHAIRMAN  
END - 8pm

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<b>LICENSING COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>16 NOVEMBER 2021</b>	<b>PUBLIC REPORT</b>

Report of:	Peter Gell - Assistant Director Regulatory Services	
Cabinet Member(s) responsible:	Cllr Steve Allen, Deputy Leader and Cabinet Member for Housing, Culture and Communities	
Contact Officer(s):	Jacqui Harvey – Head of Operations Environmental Health and Licensing Gareth Brighton – Licensing and Business Manager Terri Martin – Strategic Regulatory Officer	Tel. 01733 453502  Tel:01733 864103 Tel: 01733 453561

## STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

RECOMMENDATIONS	
<b>FROM:</b> Peter Gell, Assistant Director Regulatory Services	<b>Deadline date:</b> 28 November 2021
<p>It is recommended that the Licensing Committee:</p> <p>I. Approve the revised post consultation Statement of Principles as attached at <b>Appendix D</b> and recommend that it is adopted by Council on 08 December 2021.</p>	

### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Licensing Committee following statutory revision and consultation of the Statement of Principles, as required by the Gambling Act 2005.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to make members aware of the amendments to the Statement of Principles following revision and consultation responses.
- 2.2 This report is for the Licensing Committee to consider under its Terms of Reference No. 2.5.2.7

### 3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If yes, date for Cabinet meeting	N/A
Date for relevant Council meeting	08 December 2021	Date for submission to Government Dept. <i>(Please specify which Government Dept.)</i>	N/A

### 4. BACKGROUND AND KEY ISSUES

- 4.1 Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, consult, 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.

4.2 The 2005 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.

4.3 The current three-year period began on 31 January 2019 and therefore is due to expire on 30 January 2022. The revised Statement must be drafted and consulted upon prior to it being adopted.

4.4 In formulating the revised Statement, officers have given full consideration to the requirements of the Act and guidance issued by the Gambling Commission.

## 5. CONSULTATION

5.1 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 the Statement of Principles.

5.2 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 s.349(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.

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

5.4 The consultation document showing track changes is attached at **Appendix B** (Track changes, additions of text are shown in red and deletions of text are shown with strikethrough)

5.5 A consultation took place between 23 August 2021 to 08 October 2021. Advice was given 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 08 October 2021

5.6 Four responses were received during the consultation period, these are attached at **Appendix C**.

5.7 In summary, the responses following consultation included:

- The response from the National Association of Bookmakers identified some outdated text within paragraph 18.7 of the draft policy. The outdated text referring to the 'five times betting rule' has been removed and the paragraph is now consistent with current guidance.
- HMRC responded to state the postal address had changed, Appendix 3 (Responsible Authority contact details), which have been updated.
- The Cambridgeshire Constabulary stated that they had no representation to make.
- PES supported the amendments, welcomed and supported the addition of the local area profile and would be willing to contribute information to support its creation.



5.8 No information or evidence was received during the consultation process to inform a local area profile. However, scoping for relevant existing available evidence to the council, will continue. As per paragraph 13.13 of the Statement: *'...When complete, the local area profile, mapping areas of concern, will be made available in a separate document alongside this policy on the council's website.'*

5.9 The revised Statement of Principles including changes made in consideration of consultation responses, is attached at **Appendix D**

## **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 Recommendation to Council to adopt the revised Statement of Principles as attached at **Appendix D**

## **7. REASON FOR THE RECOMMENDATION**

7.1 To comply with our statutory requirement under section 349 of the Gambling Act 2005, to produce, consult, adopt and publish a Statement of Principles

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 The alternative option is to do nothing. This presents a risk to the council as failure to adopt a policy could result in a Judicial Review being sought.

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 Any costs in relation to the production of the Statement of Principles will be met by income from fees.

### **Legal Implications**

9.2 As a minimum, Licensing Authorities are required to prepare and publish every three years, a Statement of Principles it proposes to apply when exercising its functions under the Gambling Act 2005

### **Equalities Implications**

9.3 None identified

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Guidance issued by the Gambling Commission to licensing authorities under s.25 of the Act (published 1 April 2021)  
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

## **11. APPENDICES**

11.1 Appendix A – List of consultees  
Appendix B – Consultation document  
Appendix C – Consultation responses  
Appendix D – Final policy recommended for adoption

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**LIST OF CONSULTEE'S**

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

**Responsible Authorities**

- Cambridgeshire Constabulary – the chief officer of police
- Gambling Commission
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Services
- Peterborough City Council Pollution Control
- Director of Children Services
- Environment Agency
- HM Revenue & Customs

**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:**

- Local Bingo operator
- British Beer and Pub Association
- National Association of Bookmakers
- Betting and Gaming Council
- Casino Trade Association
- Chamber of Commerce
- British Amusements Trade association
- All Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website under heading consultation).

**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:**

- Peterborough City Council – Ward & Parish Councillors
- Peterborough MP's (2)
- Peterborough PES team
- Peterborough Director of Public Health
- Police Crime Commissioner
- GamCare/
- All residents and businesses within the Peterborough area (through the Council website under heading consultation)

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**Telephone:** 01733 747474  
**Facsimile:** 01733 863811  
**E-Mail:** [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk)  
**Please ask for:** The Licensing Team  
**Our Ref:**  
**Your Ref:**



Peterborough City Council  
Licensing Team Consultation Officer  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

To all Responsible Authorities & Interested Parties

Telephone 01733 747474

23 August 2021

Dear Sir/Madam

**RE: THE GAMBLING ACT 2005 – Statement of Principles Review and consultation**

I write to inform you of the consultation on the council's revised Gambling Act 2005 (the Act) Statement of Principles. The consultation will run from 23 August 2021 to 08 October 2021 and seeks views on the draft revisions. Should you wish to respond and make comment, please ensure that you do so prior to the end of the consultation period, to ensure your comments can be properly considered, prior to determination of the final policy.

This latest draft of the policy contains the minimum of amendments, additions of text are shown in **red**, and deletions of text are shown with striketrough.

We are also seeking evidence to inform a local area profile for the Peterborough area. When complete the local area profile, mapping areas of concern, will be made available in a separate document alongside the Statement of Principles on the council's website. For further information on local area profiles, please see paragraphs 13.11 to 13.13 of the revised draft, or use the link below to the Gambling Commission website.  
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/part-6-local-area-profile>

Any person who wishes to respond to the consultation may do so in the following manner:

In writing to: Peterborough City Council, Licensing Team Consultation Officer, Sand Martin House, Bittern Way, Fletton Quays, Peterborough, PE2 8TY

Or by email: [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk)

Please note: We are unable to accept verbal responses, however, should any person require any further information on the consultation, please call 01733 747474

The Act requires all licensing authorities to prepare and publish a Statement of Principles, setting out how it will administer its duties. The 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. As the current statement was last published on 31 January 2019 the three year period is coming to an end.

Prior to re-publishing its statement the Act requires the licensing authority to consult the following on the statement or any subsequent revision;

- in England and Wales, the chief officer of police for the authorities area;



- one or more persons who appear to the licensing authority to represent the interests of persons carrying on the gambling businesses in the authorities area; and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

A copy of the revised draft Statement of Principles can be found on the Council website [www.peterborough.gov.uk](http://www.peterborough.gov.uk) under the Gambling Act 2005 or consultations section. Copies are also available at the council's main offices (Town Hall on Bridge Street and Sand Martin House in Fletton Quays) and in Central Library on Broadway, during opening hours.

Yours faithfully

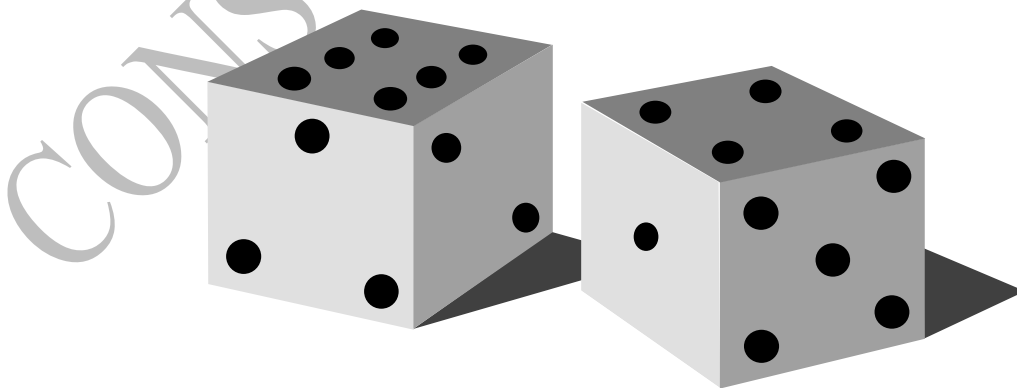
Consultation Officer  
Licensing Team



# **PETERBOROUGH CITY COUNCIL**

## **GAMBLING ACT 2005**

### **DRAFT STATEMENT OF PRINCIPLES**



**Subject to consultation - 23 August 2021 to 08 October 2021**

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## THE CITY OF PETERBOROUGH

Peterborough is a modern and progressive city with a strong historical character that makes it a stimulating environment in which to live, work and visit. Between 1971 and 1991, Peterborough's population grew by 46 per cent under the New Town expansion scheme.

In the 2011 Census Peterborough had a population of approximately 183,000, with an approximate population of 203,600 in 2018. Compared to neighbouring districts and for the East of England and England as a whole, ONS estimates show that Peterborough has seen the strongest growth in population between 2011 and 2018, of 9.0%<sup>1</sup>. The wider sub-region, in which Peterborough is the economic centre, has a population of approximately 6,201,210 ~~350,000~~ people in 2018 in both the East of England and East Midlands region.

Neighbouring districts that look towards Peterborough as a key economic centre include Fenland, Huntingdonshire, South Holland, South Kesteven, East Northamptonshire and Rutland.

Today Peterborough is one of the fastest growing cities in the country with a vibrant private sector delivering record job growth in recent years. The city enjoys an unrivalled strategic location in the east of England.

It is only 45 minutes from central London and within striking distance of the region's other great cities - being well served as it is by airports, rail and road links.

The city owes much of its increasing fortunes in recent years to a city council that focuses on three key areas for its people – prosperity, education and quality of life.

When you visit Peterborough you will find a heritage city, an environment city, an event city and a modern exciting cosmopolitan city

Please refer to Appendix 1 for a map of Peterborough.

Our priorities:

- Drive growth, regeneration and economic development
- Improve education attainment and skills
- Safeguard vulnerable children and adults
- Implement the Environment Capital agenda
- Support Peterborough's culture and leisure trust Vivacity
- Keep all our communities safe, cohesive and healthy
- Achieve the best health and wellbeing for the city

---

<sup>1</sup> Cambridgeshire County Council Business Intelligence Research Team's 2018 - based population and dwelling stock forecasts.

## 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.

**Guidance** means the guidance issued under part 2 section 25 of the Gambling Act 2005 by the Gambling Commission in April 2006 and subsequently updated

**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 Authority.

## 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 and a new licensing regime for commercial gambling (to be conducted by the Gambling Commission 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 Gambling Commission and licensing authorities now share between them responsibility for all matters previously regulated by licensing justices.

The overall approach of the Act is to state that gambling is unlawful in Great Britain, unless permitted by the Gambling Act 2005 in relation to most commercial gambling, or by way of the National Lottery Act 1993, or Financial Services and Markets Act 2000 in the case of spread betting.

## 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 Gambling Commission 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.

### 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 ~~took~~ **will take** place between **23 August 2021 to 08 October 2021** ~~06 August 2018 and 23 September 2018.~~

This latest draft of the policy contains the minimum of amendments and no changes to the intent or direction of the policy.

#### **4. APPROVAL OF POLICY STATEMENT**

4.1 This statement ~~was~~ **will be recommended for approval** ~~approved~~ at a meeting of the full council on **8 December 2021** ~~12 December 2018~~ and will be published via Peterborough City Council's website upon adoption.

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 Peterborough City 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 to Licensing Authorities issued by the Gambling Commission 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 Gambling Commission's guidance to local authorities this authority designates the **Director of Children Services** ~~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 Gambling Commission's guidance for local authorities.
- 7.5 When determining what "sufficiently close to the premises" means (in each case), this authority might include:
- The size of the premises
  - The nature of the premises
  - **The activities taking place at 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 types of organisations that may be considered to have business interests will be interpreted broadly to include, for example, partnerships, charities, faith groups and medical practices.

7.9 8 The Gambling Commission 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.

7.10 9 Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). There is a burden on ward councillors who are also licensing committee members to avoid beyond doubt any conflict of interest; therefore care should be taken when seeking representation. If there are any doubts please contact the licensing department.

7.11 Any objections to new premises or requests for a review should be based on the licensing objectives of the Gambling Act 2005. Unlike the Licensing Act 2003 the Gambling Act 2005 does not include the prevention of public nuisance and anti-social behaviour as a specific licensing objective.

7.12 The licensing authority will not consider representations that are frivolous or vexatious or which relate to demand or need for gambling facilities. A decision on whether representations are frivolous or vexatious will be made in consideration of a number of factors including the following:

- who is making the representation, and whether there is a history of making representations that are not relevant
- whether it raises a 'relevant' issue
- whether it raises issues specifically to do with the premises that are the subject of the application.

## 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 Gambling Commission, 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 First Tier Tribunal
- ~~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 and any relevant regulations will not be contravened. This licensing authority shall have regard to the guidance issued by the Gambling Commission **and adopt the principles of better regulation**, ~~as and when it is published on this matter~~, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 8.3 Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.
- 8.4 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 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 Gambling Commission's guidance **and the regulators code**, and will endeavour to be:
- proportionate – regulators should only intervene when necessary **in the public interest**. 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.
  - transparent – regulators should be open, and keep regulations simple and user friendly; and
  - 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, **targeting high risk premises which require attention.**
- 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 Gambling Commission 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 Gambling Commission.
- 9.5 The council's enforcement policy 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](http://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 Gambling Commission, 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 Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- the exercise of its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

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

13.2.1 The Licensing authority is also aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. The authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

### 13.3 Definition of "premises"

13.3.1 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.

13.3.2 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.

13.3.3 The licensing authority will consider the Gambling Commission's 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”**

- 13.4.1 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.
- 13.4.2 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 considerations 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.

## **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 Gambling Commission’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 Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission’s guidance does however envisage that licensing authorities should pay 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. **Further information will be made available in the local area risk profile (see 13.13).**

13.7.2 This licensing authority has noted the Gambling Commissions guidance where it states that licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.

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

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

13.7.4 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This licensing authority has noted that Gambling Commission 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).

13.7.5 There is no definition of ‘vulnerable person’ and it is noted that the Gambling Commission are not seeking to offer one, but ~~this could~~ **it does, for regulatory purposes, assume that this group** includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. **Further information will be made available in the local area risk profile (see 13.13).** ~~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

13.8.1 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

13.8.2 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.

13.8.3 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 Gambling Commission's guidance.

13.8.4 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

13.8.5 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

13.8.6 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.

13.8.7 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.

### 13.9 Risk Assessments

Under new social responsibility code provisions from April 2016 licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take into account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

13.9.1 Social responsibility (SR code 10.1.1) requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

13.9.2 The SR provision is supplemented by an ordinary code provision indicating that licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.

### 13.10 Local Area Profiles

13.11 Such risk assessments can make reference to the council's Area Profile which may be compiled with respect to reported gambling-related problems in an area. ~~At the time of preparing this edition of the Statement of Principles there has been no evidence presented to support the assertion that any part of Peterborough City Council had or is experiencing problems from gambling activities. This position will be kept under review.~~

13.12 The licensing authority is aware that whilst there is no mandatory requirement to compile a local area profile, there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

13.13 Whilst no specific issues had previously been identified, a scoping review for available evidence to inform the local area profile will be undertaken. When complete, the local area profile, mapping areas of concern, will be made available in a separate document alongside this policy on the council's website.

## **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.

- 14.3 The question of sub-division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the guidance issued in respect of such applications.

## **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 Gambling Commission's guidance, refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

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

## 16. CASINOS

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 Gambling Commission'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 Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 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 Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. We will also take note of the Gambling Commission’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 Gambling Commission 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 Gambling Commission'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 Gambling Commission's guidance states:

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

- 19.2 This licensing authority must 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.

- 19.3 This authority also notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted.

## **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 Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- 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. **Equally, the premises licence holder must only offer the type of gambling that they are permitted to.**

## PART C - PERMITS / REGISTRATIONS / 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, **for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines** ~~(i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)~~
  - the premises are mainly used for gaming; or
  - an offence under the 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 Gambling Commission 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 sight 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 Gambling Commission 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 Gambling Commission's 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 Gambling Commission 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 SMALL SOCIETY LOTTERIES**

- 27.1 Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. This Local Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:
- Licensed Lotteries (requiring an operating licence from the Gambling Commission)
  - Exempt Lotteries (including small society lotteries registered with Peterborough City Council)
- 27.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:
- Small society lotteries;
  - Incidental non-commercial lotteries;
  - Private lotteries;
  - Private society lottery;
  - Work lottery;
  - Residents' lottery;
  - Customers' lottery.

- 27.3 S.19 of the Act defines a society as such if it is established and conducted:
- For charitable purposes, as defined in s.2 of the Charities Act 2006
  - For the purpose of enabling participation in, or of supporting sport, athletics or a cultural activity
  - For any other non-commercial purpose other than that of private gain.
- 27.4 It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.
- 27.5 If a society running small lotteries fails to comply with any of the conditions of running such lotteries specified in Part 4 of Schedule 11 of the Act, it will be operating in an illegal manner, irrespective of whether it is registered with a licensing authority or not. In these circumstances, small society lottery operators may face prosecution by the Commission, a licensing authority, or the police.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website:

[http://www.gamblingcommission.gov.uk/gambling\\_sectors/lotteries.aspx](http://www.gamblingcommission.gov.uk/gambling_sectors/lotteries.aspx)

## **28. TEMPORARY USE NOTICES**

- 28.1 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 Gambling Commission.
- 28.2 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.
- 28.3 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.
- 28.4 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities.

## **29. OCCASIONAL USE NOTICES**

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.

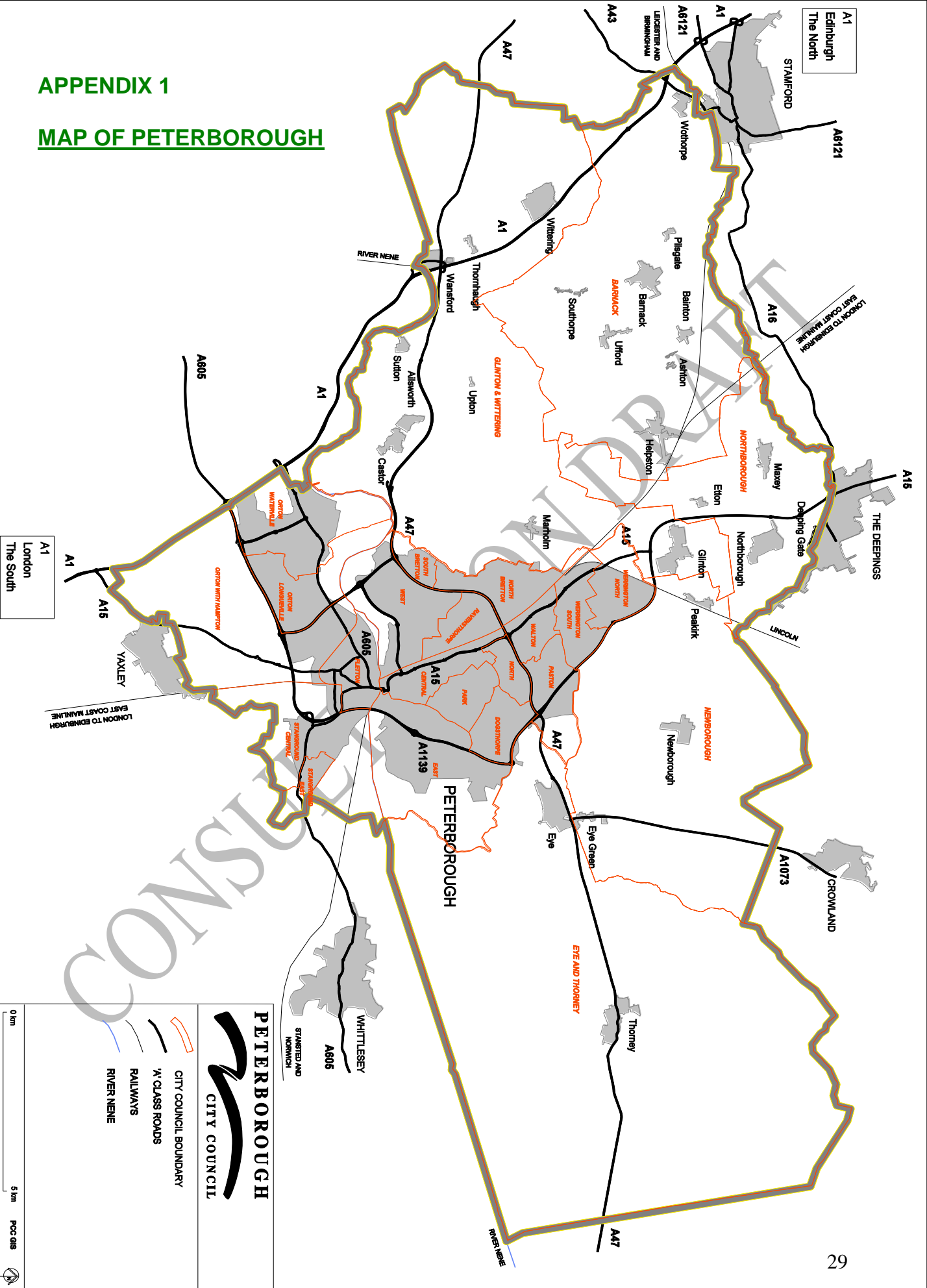
## **30. ADDITIONAL INFORMATION**

Further information on the application process, application forms and applicable fees can be found at [www.peterborough.gov.uk](http://www.peterborough.gov.uk)

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# APPENDIX 1

## MAP OF PETERBOROUGH



A1  
London  
The South

A1  
Edinburgh  
The North

**PETERBOROUGH**  
CITY COUNCIL

- CITY COUNCIL BOUNDARY
- A CLASS ROADS
- RAILWAYS
- RIVER NENE

0 km 5 km PCC GIS

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## APPENDIX 2

### LIST OF CONSULTEE'S

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

#### **Responsible Authorities**

- Cambridgeshire Constabulary – the chief officer of police
- Gambling Commission
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Control
- ~~Director Of Children's Services – Local Safeguarding Children Board~~
- Environment Agency
- HM Revenue & Customs

**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
- All Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website under heading consultation).

**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:**

- Peterborough City Council – Ward & Parish Councillors
- **Public Health**
- GamCare
- All residents and businesses within the Peterborough area (through the Council website under heading consultation)

## APPENDIX 3

### **GAMBLING ACT 2005** **RESPONSIBLE AUTHORITIES CONTACT DETAILS**

#### **THE RESPONSIBLE AUTHORITIES:**

##### **Licensing Team:**

The Licensing Team  
Peterborough City Council  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY  
Telephone: 01733 747474  
Email: [licensing@peterborough.gov.uk](mailto:licensing@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](mailto:info@gamblingcommission.gov.uk)

##### **Cambridgeshire Constabulary:**

Ops Planning and Licensing Department  
Cambridgeshire Constabulary North Division  
Thorpewood Police Station  
Peterborough  
PE3 6SD

##### **Cambridgeshire Fire and Rescue:**

Cambridgeshire Fire & Rescue Service  
Peterborough District  
Dogsthorpe Fire Station  
Dogsthorpe Road  
Peterborough  
PE1 3RE

##### **Pollution Control:**

Pollution Control  
Peterborough City Council  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

**Planning:**

Planning Services  
Peterborough City Council  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

**HM Revenue & Customs:**

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

**Safeguarding Children Board:**  
**Director of Children Services**

**Safeguarding Service Manager**  
Peterborough City Council  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

**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 or RA	Where no representations received from the Commission or RA
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	£5	£10,000 <sup>2</sup>
B2	<del>£2</del> <del>£100</del>	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D Non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D Money prize (other than a coin pusher or penny falls)	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)	20p	£20 (of which no more than £10 may be a money prize)

<sup>1</sup> with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

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**RE: Gambling Act 2005 - HMRC postal contact address**

NRUBettingGaming@hmrc.gov.uk &lt;NRUBettingGaming@hmrc.gov.uk&gt;

Mon 25/10/2021 15:25

To: Terri Martin &lt;terri.martin@peterborough.gov.uk&gt;

 1 attachments (8 KB)

DRAFT GAMBLING POLICY - GAMBLING ACT 2005;

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Good Afternoon,

Thank you for your email.

Our correct address

HM Revenue and Customs  
Excise Processing Teams  
BX9 1GL  
United Kingdom

Please find attached a copy of our previous notification sent to you on 6 October.

Kind Regards

Janet (Marron)  
Excise Processing Team  
HM Revenue & Customs  
BX9 1GL  
United Kingdom  
0300 322 7072 Option 7

---

OFFICIAL

**From:** Terri Martin <terri.martin@peterborough.gov.uk>  
**Sent:** 21 October 2021 08:48  
**To:** NRU, Betting & Gaming (BT&C) <NRUBettingGaming@hmrc.gov.uk>  
**Subject:** Gambling Act 2005 - HMRC postal contact address

Good morning,

As you are aware, under the Gambling Act 2005, HMRC are a Responsible Authority.

We are in the process of updating the Statement of Principles in Peterborough and require confirmation of the correct postal contact address for HMRC in relation to Gambling applications.

The current postal contact address we have for HMRC is:

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

However, I have noticed that some Licensing Authorities have the following address:

HM Revenue and Customs  
Excise Processing Teams  
BX9 1GL  
United Kingdom

Please could you advise the correct postal contact address to inform Peterborough's Statement of Principles?

Many thanks and kind regards

**Terri Martin**  
**Strategic Regulatory Officer - Licensing**  
**Sand Martin House**  
**Bittern Way**  
**Fletton Quays**  
**Peterborough**  
**PE2 8TY**

[terri.martin@peterborough.gov.uk](mailto:terri.martin@peterborough.gov.uk)

Tel: 01733 453561

Mob: 07920 160798

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The Commissioners for HM Revenue and Customs are not liable for any personal views of the sender.

This e-mail may have been intercepted and its information altered.

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## RE: Gambling Act 2005 - Statement of Principles Review and Consultation

secretary@nab-bookmakers.co.uk <secretary@nab-bookmakers.co.uk>

Fri 27/08/2021 14:41

To: Licensing Policy Consultation <lpc@peterborough.gov.uk>

CAUTION: This email originates outside of Peterborough City Council's network. Do **NOT** click on links or open attachments unless you recognise the sender and know the content is safe. Please report any concerns or issues to ICT

Dear Sir/ Madam,

Many thanks for including the National Association of Bookmakers Ltd (NAB) in your Licensing Policy Consultation. I would like to flag up a point under 18.7 which you mention the "five times Rule" This Rule fell away under the implantation of the Gambling Act 2005 which permits a racecourse or greyhound track to charge what they like, in some cases this is as much as ten times plus an annual marketing fee. In September 2012, racecourses and bookmakers reached a commercial agreement where the charges would be up to 8 times and 10 times for new areas, accompanied by an annual marketing fee of 5 times the lowest entrance fee.

Regards

Simon Walmsley  
Chairman, National Association of Bookmakers

---

**From:** Licensing Policy Consultation <lpc@peterborough.gov.uk>

**Sent:** 24 August 2021 12:26

**Subject:** Gambling Act 2005 – Statement of Principles Review and Consultation

Good afternoon,

I write to inform you of the consultation on the council's revised Gambling Act 2005 (the Act) Statement of Principles. As part of the consultation process, we are writing to those likely to be affected by the policy and recognise that in some areas it may be difficult to identify the correct persons or bodies to consult. With this in mind, it would be appreciated if you could forward this email to the most appropriate person or body to respond, if necessary.

The consultation will run from 23 August 2021 to 08 October 2021 and seeks views on the draft revisions. Should you wish to respond and make comment, please ensure that you do so prior to the end of the consultation period, to ensure your comments can be properly considered, prior to determination of the final policy.

This latest draft of the policy as attached to this email, contains the minimum of amendments, additions of text are shown in **red**, and deletions of text are shown with ~~strikethrough~~. The consultation document can also be viewed on the councils website under Consultations and under Gambling Licensing. (see link)

<https://www.peterborough.gov.uk/business/licences-and-permits/gambling>

We are also seeking evidence to inform a local area profile for the Peterborough area. When complete the local area profile, mapping areas of concern, will be made available in a separate document alongside the Statement of Principles on the council's website. For further information on local area profiles, please see paragraphs 13.11 to 13.13 of the revised draft, or use the link below to the Gambling Commission website.

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/part-6-local-area-profile>

Any person who wishes to respond to the consultation may do so in the following manner:

In writing to: Peterborough City Council, Licensing Team Consultation Officer, Sand Martin House, Bittern Way, Fletton Quays, Peterborough, PE2 8TY

Or by email: [ipc@peterborough.gov.uk](mailto:ipc@peterborough.gov.uk)

Please note: We are unable to accept verbal responses, however, should any person require any further information on the consultation, please call 01733 747474

The Act requires all licensing authorities to prepare and publish a Statement of Principles, setting out how it will administer its duties. The 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. As the current statement was last published on 31 January 2019 the three year period is coming to an end.

Prior to re-publishing its statement the Act requires the licensing authority to consult the following on the statement or any subsequent revision;

- in England and Wales, the chief officer of police for the authorities area;
- one or more persons who appear to the licensing authority to represent the interests of persons carrying on the gambling businesses in the authorities area; and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

A pdf copy of the revised draft Statement of Principles is attached to this email. Paper copies are also available at the council's office, Sand Martin House in Fletton Quays, and in Central Library on Broadway, during opening hours.

Yours faithfully

Consultation Officer

Licensing Team

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## Re: Gambling Act 2005 – Statement of Principles Review and Consultation

Laura Kelsey <laura.kelsey@peterborough.gov.uk>

Wed 06/10/2021 15:58

To: Licensing Policy Consultation <lpc@peterborough.gov.uk>

The Prevention & Enforcement Service would like to comment in support of the amendments to the council's revised Gambling Act 2005 statement of principles. We particularly welcome and support the addition of a Local Area Profile within the statement of principles. The Prevention & Enforcement Service will be willing to contribute information to support the creation of the Local Area Profile.

Kind regards,

Laura

### Laura Kelsey

#### Senior Problem Solving Officer

Prevention and Enforcement Service  
Communities & Safety  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

Email: [laura.kelsey@peterborough.gov.uk](mailto:laura.kelsey@peterborough.gov.uk)

Telephone: (01733) 453563

**Please note my working days are Tuesday, Wednesday, Thursday and Friday**

---

**From:** Licensing Policy Consultation <lpc@peterborough.gov.uk>

**Sent:** 24 August 2021 09:42

**Subject:** Gambling Act 2005 – Statement of Principles Review and Consultation

Good morning,

I write to inform you of the consultation on the council's revised Gambling Act 2005 (the Act) Statement of Principles. As part of the consultation process, we are writing to those likely to be affected by the policy and recognise that in some areas it may be difficult to identify the correct persons or bodies to consult. With this in mind, it would be appreciated if you could forward this email to the most appropriate person or body to respond, if necessary.

The consultation will run from 23 August 2021 to 08 October 2021 and seeks views on the draft revisions. Should you wish to respond and make comment, please ensure that you do so prior to the end of the consultation period, to ensure your comments can be properly considered, prior to determination of the final policy.

This latest draft of the policy as attached to this email, contains the minimum of amendments, additions of text are shown in **red**, and deletions of text are shown with ~~striketrough~~. The consultation can also be viewed on the councils website under consultations and under Gambling Licensing. (see link below)

<https://www.peterborough.gov.uk/business/licences-and-permits/gambling>

We are also seeking evidence to inform a local area profile for the Peterborough area. When complete the local area profile, mapping areas of concern, will be made available in a separate document alongside the Statement of Principles on the council's website. For further information on

local area profiles, please see paragraphs 13.11 to 13.13 of the revised draft, or use the link below to the Gambling Commission website.

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/part-6-local-area-profile>

Any person who wishes to respond to the consultation may do so in the following manner:

In writing to: Peterborough City Council, Licensing Team Consultation Officer, Sand Martin House, Bittern Way, Fletton Quays, Peterborough, PE2 8TY

Or by email: [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk)

Please note: We are unable to accept verbal responses, however, should any person require any further information on the consultation, please call 01733 747474

The Act requires all licensing authorities to prepare and publish a Statement of Principles, setting out how it will administer its duties. The 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. As the current statement was last published on 31 January 2019 the three year period is coming to an end.

Prior to re-publishing its statement the Act requires the licensing authority to consult the following on the statement or any subsequent revision;

- in England and Wales, the chief officer of police for the authorities area;
- one or more persons who appear to the licensing authority to represent the interests of persons carrying on the gambling businesses in the authorities area; and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

A pdf copy of the revised draft Statement of Principles is attached to this email. Paper copies are also available at the council's office, Sand Martin House in Fletton Quays, and in Central Library on Broadway, during opening hours.

Yours sincerely

Consultation Officer

Licensing Team

**RE: Gambling Act 2005 – Statement of Principles Review and Consultation**

Licensing North &lt;LicensingNorth@cambs.pnn.police.uk&gt;

Fri 24/09/2021 16:31

To: Licensing Policy Consultation &lt;lpc@peterborough.gov.uk&gt;

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Good afternoon

Thank you for sharing the document and acknowledge the consultation period, at this time Cambridgeshire Constabulary have no representations to make.

Kind regards

Paul

**PC 2094 Paul HAWKINS**

Licensing Officer / COVID19 Silver Support | Thorpe Wood Police Station

Ext:7111790 Mobile [REDACTED]

[Cambridgeshire Constabulary](#)Hinchingsbrooke Park,  
Huntingdon, PE29 6NPFollow us on [Twitter](#), [Facebook](#), [Instagram](#) and [YouTube](#)**For up to date advice on Covid 19****HR advice** [click here](#)**NHS advice** [click here](#)**Social distancing** [click here](#)

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**From:** Licensing Policy Consultation <lpc@peterborough.gov.uk>**Sent:** 24 September 2021 16:06**Subject:** Fw: Gambling Act 2005 – Statement of Principles Review and Consultation

Good afternoon,

This is a polite reminder that the consultation on Peterborough's draft Statement of Principles as required under the Gambling Act 2005, ends in two weeks on Friday 8 October 2021.

If you would like to respond and make comment on the draft revisions, please ensure that you do so on or before the 8th of October. This is to ensure your comments can be properly considered prior to determination of the final policy.

Thank you if you have already responded. Your comments will be taken into consideration by the Licensing Committee when formulating the final policy.

Kind regards

---

**From:** Licensing Policy Consultation  
**Sent:** 24 August 2021 08:33  
**Subject:** Gambling Act 2005 – Statement of Principles Review and Consultation

Dear Sir / Madam

I write to inform you of the consultation on the council's revised Gambling Act 2005 (the Act) Statement of Principles. As part of the consultation process, we are writing to those likely to be affected by the policy and recognise that in some areas it may be difficult to identify the correct persons or bodies to consult. With this in mind, it would be appreciated if you could forward this email to the most appropriate person or body to respond, if necessary.

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We are also seeking evidence to inform a local area profile for the Peterborough area. When complete the local area profile, mapping areas of concern, will be made available in a separate document alongside the Statement of Principles on the council's website. For further information on local area profiles, please see paragraphs 13.11 to 13.13 of the revised draft, or use the link below to the Gambling Commission website.

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/part-6-local-area-profile>

Any person who wishes to respond to the consultation may do so in the following manner:

In writing to: Peterborough City Council, Licensing Team Consultation Officer, Sand Martin House, Bittern Way, Fletton Quays, Peterborough, PE2 8TY

Or by email: [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk)

Please note: We are unable to accept verbal responses, however, should any person require any further information on the consultation, please call 01733 747474

The Act requires all licensing authorities to prepare and publish a Statement of Principles, setting out how it will administer its duties. The 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. As the current statement was last published on 31 January 2019 the three year period is coming to an end.

Prior to re-publishing its statement the Act requires the licensing authority to consult the following on the statement or any subsequent revision;

- in England and Wales, the chief officer of police for the authorities area;
- one or more persons who appear to the licensing authority to represent the interests of persons carrying on the gambling businesses in the authorities area; and

- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

A pdf copy of the revised draft Statement of Principles is attached to this email. Paper copies are also available at the council's main office, Sand Martin House in Fletton Quays, and in Central Library on Broadway, during opening hours.

Yours faithfully

Consultation Officer

Licensing Team

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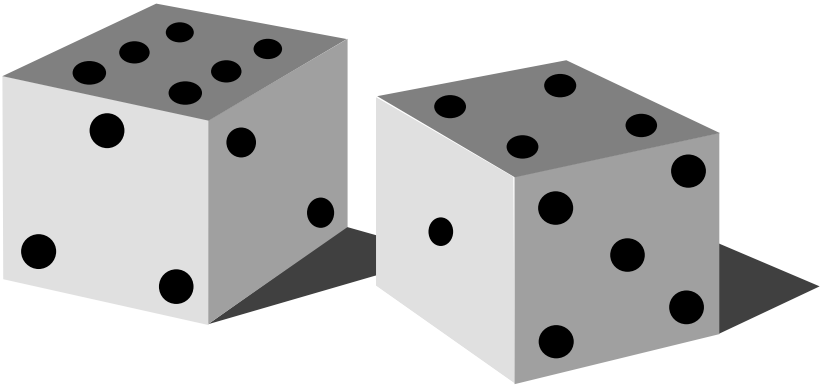
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# **PETERBOROUGH CITY COUNCIL**

## **GAMBLING ACT 2005**

### **STATEMENT OF PRINCIPLES**



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## THE CITY OF PETERBOROUGH

Peterborough is a modern and progressive city with a strong historical character that makes it a stimulating environment in which to live, work and visit. Between 1971 and 1991, Peterborough's population grew by 46 per cent under the New Town expansion scheme.

In the 2011 Census Peterborough had a population of approximately 183,000, with an approximate population of 203,600 in 2018. Compared to neighbouring districts and for the East of England and England as a whole, ONS estimates show that Peterborough has seen the strongest growth in population between 2011 and 2018, of 9.0%<sup>1</sup> The wider sub-region, in which Peterborough is the economic centre, has a population of approximately 6,201,210 people in 2018 in the East of England region.

Neighbouring districts that look towards Peterborough as a key economic centre include Fenland, Huntingdonshire, South Holland, South Kesteven, East Northamptonshire and Rutland.

Today Peterborough is one of the fastest growing cities in the country with a vibrant private sector delivering record job growth in recent years. The city enjoys an unrivalled strategic location in the east of England.

It is only 45 minutes from central London and within striking distance of the region's other great cities - being well served as it is by airports, rail and road links.

The city owes much of its increasing fortunes in recent years to a city council that focuses on three key areas for its people – prosperity, education and quality of life.

When you visit Peterborough you will find a heritage city, an environment city, an event city and a modern exciting cosmopolitan city

Please refer to Appendix 1 for a map of Peterborough.

Our priorities:

- Drive growth, regeneration and economic development
- Improve education attainment and skills
- Safeguard vulnerable children and adults
- Implement the Environment Capital agenda
- Support Peterborough's culture and leisure trust Vivacity
- Keep all our communities safe, cohesive and healthy
- Achieve the best health and wellbeing for the city

---

<sup>1</sup> Cambridgeshire County Council Business Intelligence Research Team's 2018 - based population and dwelling stock forecasts.

## 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.

**Guidance** means the guidance issued under part 2 section 25 of the Gambling Act 2005 by the Gambling Commission in April 2006 and subsequently updated

**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 Authority.

## 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 and a new licensing regime for commercial gambling (to be conducted by the Gambling Commission 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 Gambling Commission and licensing authorities now share between them responsibility for all matters previously regulated by licensing justices.

The overall approach of the Act is to state that gambling is unlawful in Great Britain, unless permitted by the Gambling Act 2005 in relation to most commercial gambling, or by way of the National Lottery Act 1993, or Financial Services and Markets Act 2000 in the case of spread betting.

## **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 Gambling Commission 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.

### **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 took place between 23 August 2021 to 08 October 2021.

This latest draft of the policy contains the minimum of amendments and no changes to the intent or direction of the policy.

## **4. APPROVAL OF POLICY STATEMENT**

- 4.1 This statement was recommended for approval at a meeting of the full council on 8 December 2021 and will be published via Peterborough City Council's website upon adoption.
- 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 Peterborough City 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 to Licensing Authorities issued by the Gambling Commission 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 Gambling Commission's guidance to local authorities this authority designates the Director of Children Services 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 Gambling Commission’s guidance for local authorities.
- 7.5 When determining what “sufficiently close to the premises” means (in each case), this authority might include:
- The size of the premises
  - The nature of the premises
  - The activities taking place at 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 types of organisations that may be considered to have business interests will be interpreted broadly to include, for example, partnerships, charities, faith groups and medical practices.

- 7.9 The Gambling Commission 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.
- 7.10 Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). There is a burden on ward councillors who are also licensing committee members to avoid beyond doubt any conflict of interest; therefore care should be taken when seeking representation. If there are any doubts please contact the licensing department.
- 7.11 Any objections to new premises or requests for a review should be based on the licensing objectives of the Gambling Act 2005. Unlike the Licensing Act 2003 the Gambling Act 2005 does not include the prevention of public nuisance and anti-social behaviour as a specific licensing objective.
- 7.12 The licensing authority will not consider representations that are frivolous or vexatious or which relate to demand or need for gambling facilities. A decision on whether representations are frivolous or vexatious will be made in consideration of a number of factors including the following:
- who is making the representation, and whether there is a history of making representations that are not relevant
  - whether it raises a 'relevant' issue
  - whether it raises issues specifically to do with the premises that are the subject of the application.

## **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 Gambling Commission, 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 First Tier Tribunal
  - 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 and any relevant regulations will not be contravened. This licensing authority shall have regard to the guidance issued by the Gambling Commission and adopt the principles of better regulation, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 8.3 Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.
- 8.4 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 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 Gambling Commission's guidance and the regulators code, and will endeavour to be:
- proportionate – regulators should only intervene when necessary in the public interest. 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.
  - transparent – regulators should be open, and keep regulations simple and user friendly; and
  - 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, targeting high risk premises which require attention.
- 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 Gambling Commission 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 Gambling Commission.

- 9.5 The council's enforcement policy 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](http://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 Gambling Commission, 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 Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- the exercise of its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

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

13.2.1 The Licensing authority is also aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. The authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

### **13.3 Definition of "premises"**

13.3.1 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.

13.3.2 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.

13.3.3 The licensing authority will consider the Gambling Commission's 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”**

- 13.4.1 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.
- 13.4.2 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 considerations 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.

## **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 Gambling Commission’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 Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission’s guidance does however envisage that licensing authorities should pay 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. Further information will be made available in the local area risk profile (see 13.13).

13.7.2 This licensing authority has noted the Gambling Commissions guidance where it states that licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.

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

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

13.7.4 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This licensing authority has noted that Gambling Commission 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).

13.7.5 There is no definition of ‘vulnerable person’ and it is noted that the Gambling Commission are not seeking to offer one, but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Further information will be made available in the local area risk profile (see 13.13).

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

## 13.8 Conditions

13.8.1 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

13.8.2 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.

13.8.3 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 Gambling Commission's guidance.

13.8.4 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

13.8.5 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

13.8.6 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.

13.8.7 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.

### **13.9 Risk Assessments**

Under new social responsibility code provisions from April 2016 licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take into account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

13.9.1 Social responsibility (SR code 10.1.1) requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

13.9.2 The SR provision is supplemented by an ordinary code provision indicating that licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.

### **13.10 Local Area Profiles**

13.11 Such risk assessments can make reference to the council's Area Profile which may be compiled with respect to reported gambling-related problems in an area.

13.12 The licensing authority is aware that whilst there is no mandatory requirement to compile a local area profile, there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

13.13 Whilst no specific issues had previously been identified, a scoping review for available evidence to inform the local area profile will be undertaken. When complete, the local area profile, mapping areas of concern, will be made available in a separate document alongside this policy on the council's website.

## **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.

- 14.3 The question of sub-division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the guidance issued in respect of such applications.

## **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 Gambling Commission's guidance, refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

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

## 16. CASINOS

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 Gambling Commission'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 Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 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 Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. We will also take note of the Gambling Commission’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 Gambling Commission 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 Gambling Commission'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 ring' areas 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 Gambling Commission's guidance states:

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

- 19.2 This licensing authority must 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.

- 19.3 This authority also notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted.

## **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 Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- 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. Equally, the premises licence holder must only offer the type of gambling that they are permitted to.

## **PART C - PERMITS / REGISTRATIONS / 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, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
  - 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 Gambling Commission 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 sight 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 Gambling Commission 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 Gambling Commission's 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 Gambling Commission 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 SMALL SOCIETY LOTTERIES**

27.1 Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. This Local Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:

- Licensed Lotteries (requiring an operating licence from the Gambling Commission)
- Exempt Lotteries (including small society lotteries registered with Peterborough City Council)

27.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lottery;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

27.3 S.19 of the Act defines a society as such if it is established and conducted:

- For charitable purposes, as defined in s.2 of the Charities Act 2006
- For the purpose of enabling participation in, or of supporting sport, athletics or a cultural activity
- For any other non-commercial purpose other than that of private gain.

27.4 It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

27.5 If a society running small lotteries fails to comply with any of the conditions of running such lotteries specified in Part 4 of Schedule 11 of the Act, it will be operating in an illegal manner, irrespective of whether it is registered with a

licensing authority or not. In these circumstances, small society lottery operators may face prosecution by the Commission, a licensing authority, or the police.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website:

[http://www.gamblingcommission.gov.uk/gambling\\_sectors/lotteries.aspx](http://www.gamblingcommission.gov.uk/gambling_sectors/lotteries.aspx)

## **28. TEMPORARY USE NOTICES**

- 28.1 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 Gambling Commission.
- 28.2 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.
- 28.3 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.
- 28.4 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities.

## **29. OCCASIONAL USE NOTICES**

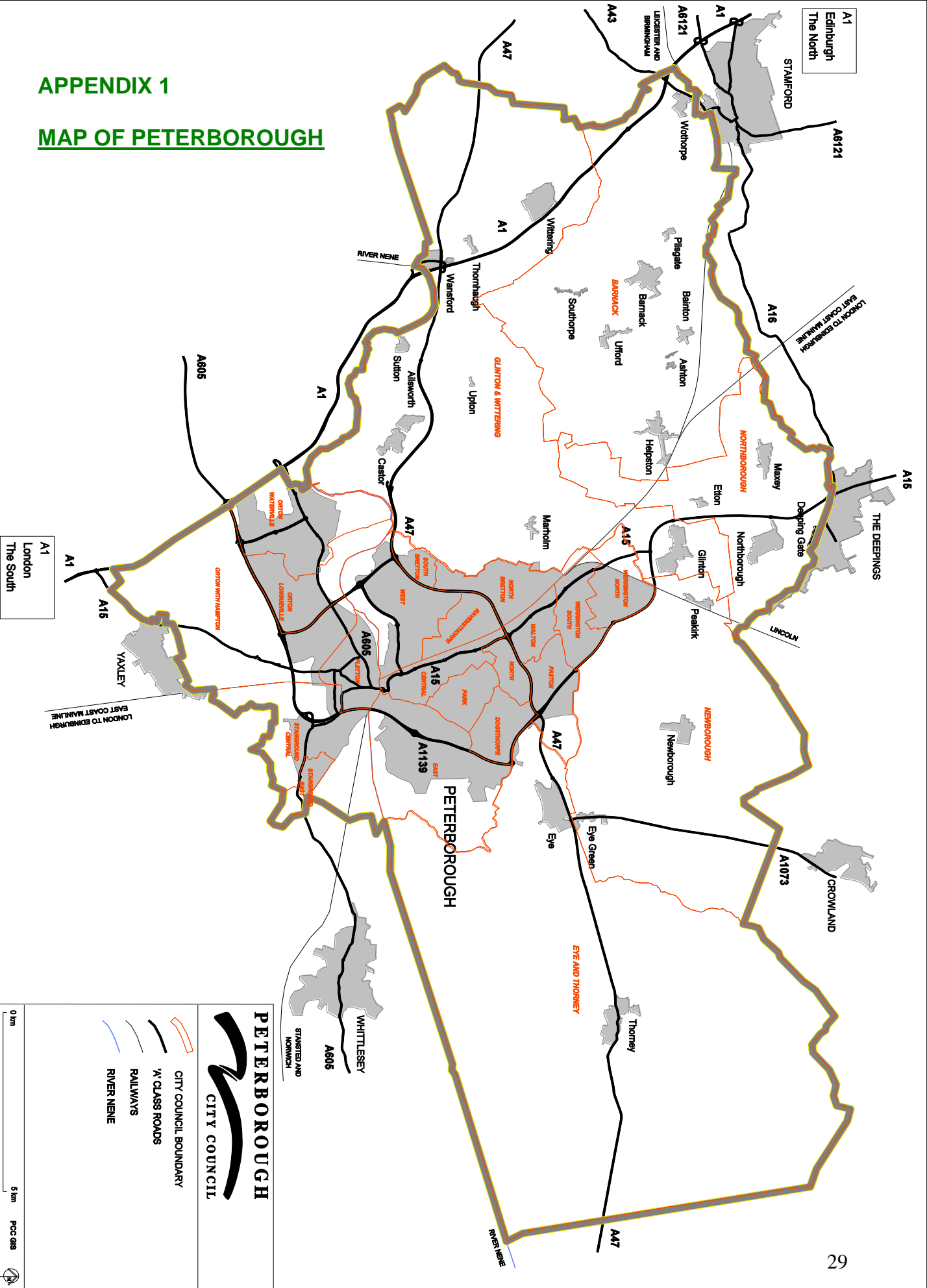
This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself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

## **30. ADDITIONAL INFORMATION**

Further information on the application process, application forms and applicable fees can be found at [www.peterborough.gov.uk](http://www.peterborough.gov.uk)

# APPENDIX 1

## MAP OF PETERBOROUGH



A1  
London  
The South

A1  
Edinburgh  
The North



- CITY COUNCIL BOUNDARY
- V CLASS ROADS
- RAILWAYS
- RIVER NENE

0 km 5 km PCC GIS

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## APPENDIX 2

### LIST OF CONSULTEE'S

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

#### **Responsible Authorities**

- Cambridgeshire Constabulary – the chief officer of police
- Gambling Commission
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Services
- Peterborough City Council – Pollution Control
- Director Of Children's Services
- Environment Agency
- HM Revenue & Customs

**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:**

- Local Bingo operator
- British Beer and Pub Association
- National Association of Bookmakers
- Betting and Gaming Council
- Casino Trade Association
- Chamber of Commerce
- British Amusements Trade Association
- All Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website under heading consultation).

**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:**

- Peterborough City Council – Ward & Parish Councillors
- Peterborough MP's (2)
- Peterborough PES
- Peterborough Director of Public Health
- Police Crime Commissioner
- GamCare
- All residents and businesses within the Peterborough area (through the Council website under heading consultation)

## APPENDIX 3

### **GAMBLING ACT 2005** **RESPONSIBLE AUTHORITIES CONTACT DETAILS**

#### **THE RESPONSIBLE AUTHORITIES:**

<b>Licensing Team:</b>	The Licensing Team Peterborough City Council Sand Martin House Bittern Way Fletton Quays Peterborough PE2 8TY Telephone: 01733 747474 Email: <a href="mailto:licensing@peterborough.gov.uk">licensing@peterborough.gov.uk</a>
<b>The Gambling Commission:</b>	Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Fax: 0121 237 2236 Email: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
<b>Cambridgeshire Constabulary:</b>	Ops Planning and Licensing Department Cambridgeshire Constabulary North Division Thorpewood Police Station Peterborough PE3 6SD
<b>Cambridgeshire Fire and Rescue:</b>	Cambridgeshire Fire & Rescue Service Peterborough District Dogsthorpe Fire Station Dogsthorpe Road Peterborough PE1 3RE
<b>Pollution Control:</b>	Pollution Control Peterborough City Council Sand Martin House Bittern Way Fletton Quays Peterborough PE2 8TY

**Planning:**

Planning Services  
Peterborough City Council  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

**HM Revenue & Customs:**

Excise Processing Teams  
BX9 1GL  
United Kingdom

**Director of Children Services**

Peterborough City Council  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

**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 or RA	Where no representations received from the Commission or RA
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	£5	£10,000 <sup>2</sup>
B2	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D Non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D Money prize (other than a coin pusher or penny falls)	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)	20p	£20 (of which no more than £10 may be a money prize)

<sup>1</sup> with the option of a maximum £20,000 linked progressive jackpot on a premises basis only



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