

APPENDIX A

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
- 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
- GamCare
- All residents and businesses within the Peterborough area (through the Council website under heading consultation)

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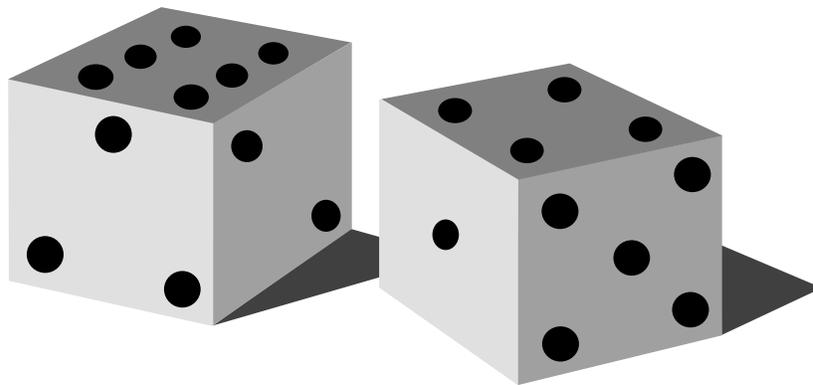
APPENDIX B



PETERBOROUGH CITY COUNCIL

GAMBLING ACT 2005

DRAFT **STATEMENT** **OF** **PRINCIPLES**



CONTENTS

PAGE NO

| | |
|---|----|
| The City of Peterborough | 4 |
| Definitions | 5 |
| Background | 5 |
| PART A – INTRODUCTION | |
| 1. The Licensing Objectives | 6 |
| 2. Statement of Principles | 6 |
| 3. Consultation | 6 |
| 4. Approval of Statement | 7 |
| 5. Declaration | 7 |
| 6. Responsible Authorities | 7 |
| 7. Interested Parties | 7 |
| 8. Exchange of Information | 9 |
| 9. Enforcement | 10 |
| 10. Public Register | 10 |
| 11. Decision Making / Delegation | 10 |
| 12. Licensing Authority Functions | 11 |
| PART B – PREMISES LICENCES | |
| 13. General Principles | 13 |
| • Definition of Premises | 13 |
| • Premises ready for gambling | 13 |
| • Location | 14 |
| • Duplication with other Regulatory Regimes | 14 |
| • Licensing Objectives | 14 |
| • Conditions | 15 |
| • Risk Assessments | 16 |
| • Local Area Profiles | 17 |
| 14. Adult Gaming Centres | 17 |
| 15. Licensed Family Entertainment Centres | 17 |
| 16. Casinos | 18 |
| 17. Betting Premises | 18 |
| 18. Tracks | 19 |
| 19. Bingo Premises | 20 |
| 20. Travelling Fairs | 21 |
| 21. Provisional Statements | 21 |
| 22. Reviews | 22 |

PART C – PERMITS / REGISTRATIONS / NOTICES

| | | |
|-----|---|----|
| 23. | Unlicensed Family Entertainment Centres | 24 |
| 24. | (Alcohol) Licensed Premises Gaming Machine Permit | 24 |
| 25. | Prize Gaming Permits | 25 |
| 26. | Club Gaming & Club Gaming Machine Permits | 26 |
| 27. | Small Society Lotteries | 27 |
| 28. | Temporary Use Notices | 28 |
| 29. | Occasional Use Notices | 28 |
| 30. | Additional Information | 28 |

APPENDICES

| | | |
|------------|------------------------------------|----|
| Appendix 1 | Map of Peterborough | 29 |
| Appendix 2 | List of Consultee's | 30 |
| Appendix 3 | Responsible Authorities | 31 |
| Appendix 4 | Summary of Delegations / Delegates | 33 |
| Appendix 5 | Table of Gaming Machine Categories | 34 |

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. The wider sub-region, in which Peterborough is the economic centre, has a population of approximately 350,000 people in both the East of England and East Midlands' regions.

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

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

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.

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 **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 approved at a meeting of the full council on (to be determined) 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 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 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 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.

- 7.9 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.

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 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 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 will endeavour to be:
- proportionate – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised
 - accountable – authorities must be able to justify decisions and be subject to public scrutiny
 - consistent – rules and standards must be joined up and implemented fairly.
 - 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.
- 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. 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

13.3 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.
- 13.7.2 This licensing authority has noted the Gambling Commission's 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 include people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Should a practical definition prove possible in future then this statement will be updated with it, by way of a revision.

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

13.8 Conditions

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.

13.10 Local Area Profiles

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.

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 18.8 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.

DRAFT

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 (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 site of bar
- notices / signage

- 24.4 It should be noted that the holder of a permit must comply with any Code of Practice issued by the 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 Licensing 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.

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

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

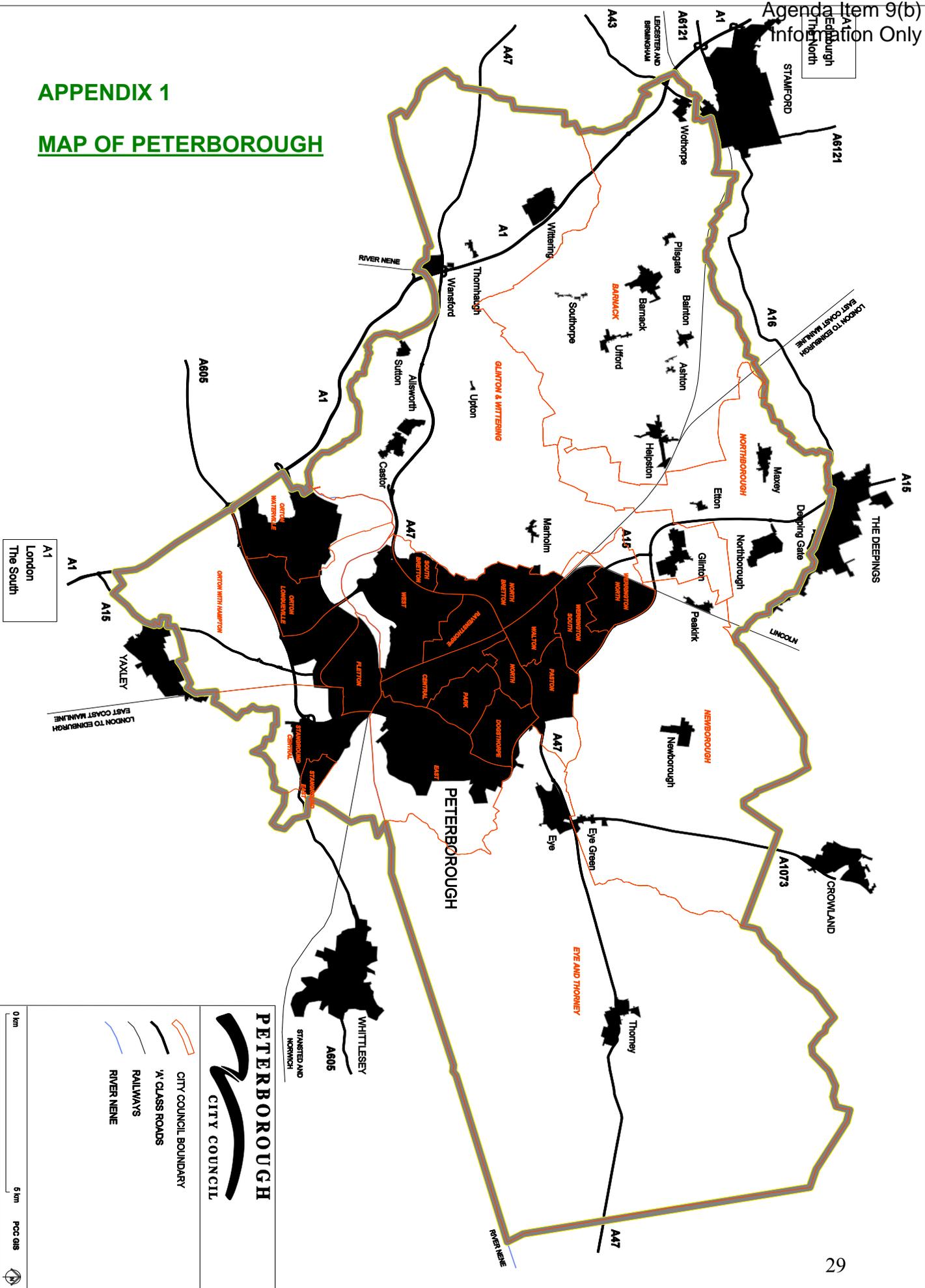
This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself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

APPENDIX 1

MAP OF PETERBOROUGH



A1
London
The South

A1
London
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
- 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
- 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

The Gambling Commission:

Victoria Square House
Victoria Square
Birmingham B2 4BP
Tel: 0121 230 6500
Fax: 0121 237 2236
Email: info@gamblingcommission.gov.uk

Cambridgeshire Constabulary:

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:

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 | Where no representations received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Review of a premise licence | | X | |
| Application for club gaming/club machine permits | | Where objections have been made (and not withdrawn) | Where no objections made/objections have been withdrawn |
| Cancellation of club gaming/club machine permits | | X | |
| Applications for other permits | | | X |
| Cancellation of licensed premises gaming machine permits | | | X |
| Consideration of temporary use notice | | | X |
| Decision to give counter notice to temporary use notice | | X | |

APPENDIX 5

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

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

| Category of Machine | Maximum Stake | Maximum Prize |
|--|---------------|--|
| A | Unlimited | Unlimited |
| B1 | £5 | £10,000 ¹ |
| B2 | £100 | £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) |

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

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Kind regards,
Catherine

Catherine Sweet

Head of Marketing and Communications

T: 020 7801 7028

E: catherine.sweet@gamcare.org.uk



Click here to sign up to our free, monthly e-newsletter

From: terri.martin@peterborough.gov.uk <terri.martin@peterborough.gov.uk> **On Behalf Of** Licensing Policy Consultation Mailbox
Sent: 21 August 2018 15:59
Subject: Gambling Act 2005 – Statement of Principles Review and Consultation

This Message originated outside your organization.

Dear Sir / Madam

I write to inform you of the consultation on Peterborough City Councils revised Gambling Act 2005 (the Act) Statement of Principles.

The consultation runs from 6 August to 23 September 2018. 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.

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.

Prior to 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.

Further information, including how to respond, may be found on the attachment to this email or on the councils website [here](#). Copies are also available from the Town Hall on Bridge Street, Bayard Place and Central Library on Broadway.

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.

Yours faithfully

--

Consultation Officer

Licensing

Peterborough City Council

Sand Martin House

Bittern Way

Fletton Quays

Peterborough

PE2 8TY

lpc@peterborough.gov.uk

Tel: 01733 747474

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

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Consultation Officer

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2 attachments

 **GamCare Local Authorities Brochure 2018 (web-version).pdf**
233K

 **GamCare Training Brochure 2017.pdf**
783K



GOSSCHALKS
SOLICITORS

BY EMAIL ONLY
Licensing Department
Peterborough City Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 097505.00005
#GS2177449
Your ref:
Date: 19 September 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

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

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

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is

important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the "*desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.*"

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and

socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over

£50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Other concerns

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Considerations specific to the Draft Statement of Principles

On behalf of the ABB, we welcome the light touch approach to the draft Statement of Principles.

Section 13.8 explain the Licensing Authority’s approach to the imposition of conditions on premises licences. The draft Statement of Principles would be assisted by a clear explanation that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.

The draft Statement of Principles should be clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

The evidential basis for the imposition of additional conditions is extremely important and the draft Statement of Principles should be clear that additional conditions will not be attached simply where it is “considered to be appropriate” (paragraph 13.1) or where there is “a perceived need” (paragraph 13.8.2).

Paragraph 13.9 deals with the requirement for licensees to conduct risk assessments. This paragraph should be re-drafted so that it is clear that the social responsibility code provision applies to all licensees, not just applicants for new premises licences.

Paragraph 17 explains the ability of the Licensing Authority to restrict the number of betting machines. These paragraphs would be assisted if a clear distinction was made between betting machines (where there is the ability to limit numbers) and gaming machines where there is no such ability to restrict numbers. The holder of a betting premises licence may make available for use up to four gaming machines of categories B, C or D.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,

GOSSCHALKS