

## **Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Licensing Committee to be held on 30 November 2012.**

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### **Subject:**

**Proposed statement of gambling principles 2013-2016 for approval by full council.**

### **Summary statement:**

**This report sets out the outcome of a public consultation exercise with respect to the Statement of Gambling Principles for the District as required by the Gambling Act 2005 and proposes a final draft for recommendation for adoption by Council on the 11 December 2012.**

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John Major  
Assistant Director  
Environmental & Regulatory Services

### **Portfolio:**

**Environment & Waste Management**

Report Contact: Tracy McLuckie  
Licensing & Land Charges Manager  
Phone: (01274) 432240  
E-mail: [tracy.mcluckie@bradford.gov.uk](mailto:tracy.mcluckie@bradford.gov.uk)

### **Overview & Scrutiny Area:**

**Environment & Waste Management  
Safer & Stronger Communities**



Suzan Hemingway, City Solicitor

## 1. SUMMARY

- 1.1 Under Section 349 of the Gambling Act 2005, the Council's Licensing Authority is required to adopt a policy document, referred to as a Statement of Licensing Principles, setting out its basic principles of its approach to dealing with applications for licences and permits under the Act.
- 1.2 This report sets out the outcome of a public consultation exercise with respect to the Statement of Gambling Principles for the District and proposes a final draft for recommendation for adoption by Council on the 11 December 2012.

## 2. BACKGROUND

- 2.1 The consultation draft of the Statement of Principles for 2013-2016 has been available for public comment since 5 October 2012. The draft was also placed on the Council's website and in public libraries. Licensing Officers directly consulted relevant authorities, organisations and parties and a list of those directly consulted can be found in Part 26 of the policy document.

The consultation policy document is attached at Appendix 1 (circulation has been restricted to members of the Licensing Committee in the interests of sustainability). The proposed changes largely reflect necessary updates in the light of changes in regulations and the Gambling Commissions statutory guidance. For ease of reference the amendments to the existing policy document are highlighted in bold on Appendix 1.

- 2.2 The consultation document seeks to reflect very detailed and substantial statutory guidance issued by the Gambling Commission made under the Act. This sets the parameters of what can, or should not, validly be included within local statements of Gambling Principles.
- 2.3 At the time of writing this report, no feedback had been received. The deadline for receipt of comments is the 23 November 2012 and any feedback received after circulation of this report will be reported orally to members at the meeting.
- 2.4 The Gambling Act establishes three basic types of licence as follows:
  1. **Personal Licences** – such licences are required for persons defined as being involved in the management or operation of gambling establishments. The responsibility for the definition of such persons and licensing is that of the Gambling Commission.
  2. **Operating Licences** – such licences are required for the operators of gambling facilities and are issued by the Gambling Commission.
  3. **Premises Licences** – such licences relate to the actual premises where the gambling facilities take place. They are the responsibility of the Licensing Authority as defined in the Licensing Act 2003.

- 2.1 The Gambling Act also established the Gambling Commission to regulate all commercial gambling in Great Britain (other than spread betting and the National Lottery). The Commission has responsibilities relating to betting and remote gambling (e.g. over the internet) and has powers of entry, search and seizure.

### **3. OPTIONS**

- 3.1 The Committee has no powers to adopt the Statement of Gambling Principles, which is the function of full Council. Members can therefore recommend the document shown in Appendix 1 for adoption by Council, or make such recommendation subject to such amendments as the Committee may specify.

### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 The cost of the consultation exercise has been funded from existing resources of the service.

### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no apparent risk management or governance issues.

### **6. LEGAL APPRAISAL**

- 6.1 When determining any applications for a premises licence under the Act the Licensing Authority must seek to achieve three broad licensing objectives:
- Preventing gambling premises from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 6.2 The consultation draft Statement of Licensing Principles sets out how the Authority proposes to achieve the licensing objectives when exercising its functions. When drafting the policy document, licensing authorities must have regard to guidance issued by the Gambling Commission and any Codes of Practice issued under the Act. The draft updated policy document takes account of current guidance and codes of practice. It also updates contact information of interested parties and responsible authorities. Otherwise, no substantial changes to the current Statement of Principles is proposed.
- 6.3 The approved Statement of Principles document must be published by the Council on or before the 13 January 2012. It is therefore necessary to have the final document approved by Council at its meeting of the 11 December 2012.

### **7. OTHER IMPLICATIONS**

#### **7.1 EQUALITY & DIVERSITY**

The draft Statement of Gambling Principles was prepared with awareness of the Council's duties under the Equality Act 2010.

## **7.2 SUSTAINABILITY IMPLICATIONS**

The Council's Licensing Policy will address sustainability issues.

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are no apparent greenhouse gas emissions impacts.

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

When determining applications, the licensing objectives addressing crime and serious disorder; ensuring that gambling is conducted fairly on the premises and protecting children and vulnerable people must be addressed by the Licensing Authority.

## **7.5 HUMAN RIGHTS ACT**

The Council must consider Human Rights implications when establishing the Licensing Policy and determining applications.

## **7.6 TRADE UNION**

None

## **7.7 WARD IMPLICATIONS**

No specific ward implications.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. RECOMMENDATIONS**

- 9.1 That the Committee recommends to Council that the document attached in Appendix 1 be adopted and published as the District's Statement of Licensing Principles pursuant to the Gambling Act 2005 (subject to any amendments that the Committee feels is appropriate) and that the Assistant Director of Environmental & Regulatory Services should be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.

## **10. APPENDICES**

1. Consultation draft Statement of Gambling Principles (restricted circulation).

## **11. BACKGROUND DOCUMENTS**

- 11.1 The Gambling Act 2005  
11.2 Guidance and Codes of Practice issued by the Gambling Commission  
11.3 Regulations made under the Gambling Act 2005

## **Gambling Act 2005**

# **A Statement of Licensing Principles for the Bradford District 2013 – 2016**

**[DRAFT]**

Environmental & Regulatory Services  
Licensing Team  
Jacobs Well  
Bradford, BD1 5RW

[www.bradford.gov.uk](http://www.bradford.gov.uk)

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**  
**STATEMENT OF LICENSING PRINCIPLES**  
**GAMBLING ACT 2005**

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## **1. The Council's Licensing Authority's General Approach to Licensing under the Gambling Act 2005**

- 1.1 The Council's Licensing Authority takes a positive approach to the licensing and regulation of events and betting and gaming establishments. It recognises the important role that well regulated, varied and safe entertainment can play in promoting the vitality and viability of the district's city and town centres, particularly the evening economy. It is also aware that tastes and trends change over time and that, in the light of increasing competition within the entertainment industry, any licensing system must be sufficiently flexible and responsive to new initiatives from the licensing industry and individuals.
- 1.2 In the light of the above, the Council's Licensing Authority, has adopted a tailored Licensing Enforcement Policy that can, in consultation with interested parties, be adjusted to demonstrate the Licensing Authority's commitment to be both flexible and responsive. This statement of policy should therefore be considered as complementary to the Licensing Enforcement Policy.
- 1.3 The Council's Licensing Authority is however aware of the statistical link between places providing entertainment, including facilities for gambling, and incidents of crime and disorder in the District and is seeking to address this with the West Yorkshire Police and other agencies through the Safer Communities Partnership.
- 1.4 This statement of Licensing Policy also acknowledges the role of licensing in contributing to the District Vision and Community Strategy. Of particular relevance are the strategies that aim to secure safer communities and a prosperous district. The emphasis of these strategies on the need to work in partnership with all agencies with a role to play in licensing is of particular importance. It is also recognised that licensing will have a key and central role in helping to establish the aims of "Only Connect" - the Council's cultural strategy for the District.
- 1.5 Careful consideration has also been given to the Council's Licensing Authority's obligations under section 17 of the Crime and Disorder Act 1998.
- 1.6 This Statement of Licensing Principles complies with the Council's Licensing Authority's duties under the Gambling Act 2005 and account has been taken of the guidance issued by the Gambling Commission under section 349 of the Act; Codes of Practice issued under the Act; and the broad objectives of gambling licensing set out in part 3 of this policy document. Careful consideration has been given to all responses received from individuals and bodies consulted before adoption of this Statement.
- 1.7 **The Council's Licensing Authority recognises its obligations under the Equality Act 2010, and will ensure that the impact of the adoption of this statement of licensing policy on the promotion of race equality is properly monitored and assessed.**
- 1.8 The meanings of any technical words or phrases used in this document are set out in Section 30 - Helpful Terminology.

## **2. Licensing Functions Covered by this Policy**

- 2.1 This policy relates to all the regulation of all those activities involving betting or gaming that are the responsibility of the Council's Licensing Authority under the Act, namely:
- Casino premises licences
  - Bingo premises licences
  - Betting Premises Licences (including track betting)
  - Adult Gaming premises licences
  - Licensable Family Entertainment Centres
  - Club Gaming and Club Machine permits
  - Gaming machine permits in unlicensed Family Entertainment Centres
  - Gaming machine permits in premises licensed to sell alcohol
  - Prize Gaming permits
  - Provisional statements
  - Processing of Temporary Use notices
  - Processing of Occasional Use notices
  - Registration of Small Lotteries

## **3. Achievement of Licensing Principles**

- 3.1 Every application will be considered on its merits; however the Council's Licensing Authority has a duty under the Gambling Act 2005 to carry out its functions with a view to promoting three broad licensing objectives. These are:-
- Preventing gambling premises from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 3.2 Applicants that do not seek to address these principles when submitting applications for premises licences are likely to receive objections from an interested party or a responsible authority. The Council's Licensing Authority may therefore have no alternative but to refuse an application unless adequate proposals for addressing these issues are included in the application where an objection has been made by an [interested party](#) that can not adequately be addressed by attaching licence conditions.
- The Council's Licensing Authority will however, as far as possible, assist applicants on how best to adequately address these matters (if this is possible) or where further advice and information can be obtained.
- 3.3 Overall, in making decisions about premises licences and temporary use notices, the Council's Licensing Authority's general approach will be to aim to permit the use of premises for gambling in so far as is appropriate and:
- in accordance with any relevant Codes of Practice issued under section 24 of the Act



- in accordance with the Guidance issued by the Gambling Commission under the Act
- in accordance with this Statement of Licensing Principles, and
- reasonably consistent with achievement of the licensing objectives.

3.4 The Council's Licensing Authority will also take account of these principles when considering applications for various types of permits under the Act. However, this Licensing Authority takes the view that it can also take account of wider considerations when considering applications for permits, as opposed to premises licences where they raise an issue of legitimate concern that is not adequately addressed by other legislation. Parts 14 to 17 of this Statement of Gambling Principles, outlines the Council's Licensing Authority's general approach when considering applications for various permits.

3.5 Various factors need to be considered when addressing licensing objectives and the weight attached to each objective will vary depending on the circumstances.

Relevant factors will include the size, facilities, design of the proposed premises; the type and frequency of gambling entertainment to be provided; the location of the premises and its proximity to such places as youth centres, schools, religious establishments, centres for gambling addiction and family accommodation.

Applicants will only be expected to address issues that are in their direct control but are encouraged to co-operate with official agencies in establishing precautions or taking action that addresses the licensing objectives (with regard to gambling premises licence applications) or any other relevant matter (with regard to applications for gambling permits).

## **4. Preventing Gambling from Being a Source of or Associated with Crime and Disorder**

4.1 The Council's Licensing Authority recognises the wide variety of premises which will require a licence or a permit for gaming or gambling facilities. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades. It also recognises public concern in ensuring that places of gambling entertainment are not associated with problems of crime and disorder.

4.2 It is essential therefore, that applicants for premises licences or permits fully address issues concerning what precautions may be necessary to ensure the prevention of crime and disorder.

The Council's Licensing Authority will only expect applicants to take such action or precautions that are in their control, but would strongly advise applicants to take appropriate advice from the police before making their licence or permit submissions. These may, where appropriate, include for example provision of appropriate lighting outside the premises, installation of CCTV cameras, non-shatter glass on windows etc, or the provision of door supervisors.

- 4.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council's Licensing Authority will, in consultation with the police or other relevant [Responsible Authority](#), consider whether specific controls need to be applied to prevent those premises from being a source of crime.
- 4.4 Anyone applying to the Council's Licensing Authority for a premises licence will have to hold a [gambling operating licence](#) from the Gambling Commission before a premises licence can be issued. Those involved in managing the premises or supervising the gaming activities will also require a [personal licence](#) from the Gambling Commission. Therefore, the Council will not generally be concerned with the suitability of an applicant for a premises licence or permit. The Gambling Commission is responsible for considering such issues in connection with consideration of gambling operating and personal licences. However, where concerns about a person's suitability come to the attention of the Council's Licensing Authority, those concerns will be brought to the attention of the Gambling Commission for their investigation.
- 4.5 The Council's Licensing Authority will expect applicants to co-operate with any initiatives promoted by West Yorkshire Police to tackle illegal drug misuse where premises are in an area where there is a recognised problem of drug dealing or taking associated with gambling premises.
- 4.6 Applicants should also address, where appropriate, the issue of how to anticipate and minimise any potential disorder that might be caused in the vicinity of their premises. Issues concerning liaison with local bus, taxi and private hire companies should be considered in order to minimise the risk of disorder occurring.

## **5. Ensuring Gambling is Conducted in a Fair and Open way**

- 5.1 The Council's Licensing Authority will not generally investigate itself whether gambling is being conducted in a fair and open way at any premises. This is because it has been accepted by the Gambling Commission that it will look into these issues when looking into the suitability of individuals to hold Operating or Personal licences. If information is brought to the attention of the Council's Licensing Authority that raise issues of unfair practices, then these will be referred to the Gambling Commission for investigation.
- 5.2 The only exception to the above is with regard to the consideration of permits for track betting. Betting track operators do not need an operating licence from the Gambling Commission.  
It may therefore be necessary for the Council's Licensing Authority to impose conditions on a licence relating to the suitability of the environment in which betting takes place.
- 5.3 **Applicants are also encouraged to address positively the need to secure reasonable access and safety for people with disabilities who wish to visit their premises. In this regard licensees are reminded of their obligations under the Equality Act 2010.**

**5.4** The Equality Act is a separate piece of legislation and so does not form part of this Statement of Principles. However, for the assistance of operators only, the following information and examples of good practice should be helpful. Specific types of adjustments licensees should consider in order to comply with their obligations under the Act, depending on the type of premises concerned, would include:

- making adjustments to the premises such as improving access routes and ensuring that they are free of clutter or redecorating part of their premises to provide better contrast to someone with a visual impairment;
- providing appropriate or additional training for staff who may come into contact with customers to help them provide services for people with different types of disabilities;
- Acquiring or using modified equipment, for example a telephone with text display for use by deaf customers;
- making service literature and instructions more accessible for example providing a Braille version for blind customers and ensuring service, reception and payment points are designed to facilitate ease of use by all; and
- accessible sanitary provisions.

**5.5** For further information, reference should be made to the Equality Advisory Support Service – Guidance for Service Providers. Further guidance and assistance to help a service provider meet the general needs of disabled customers and in meeting the requirements of the Equality Act is available from the Equality and Human Rights Commission website at [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

## **6. The Protection of Children and other Vulnerable People from being Harmed or Exploited by Gambling**

**6.1** With limited exceptions, the access of children and young persons to gambling premises or facilities, which are considered to be largely adult only environments, will not be permitted.

The Council's Licensing Authority will therefore seek to limit the way gambling facilities are advertised at premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

**6.2** The Council's Licensing Authority will consult with the Bradford Safeguarding Children Board about any application where there may be concerns over access by children or vulnerable persons to relevant premises. The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

- Supervision of entrances of premises;
- Segregation of gambling areas from areas frequented by children;

- Supervision of gaming machines in non-adult gambling specific premises;
- Adoption of a proof of age policy
- Appropriate training and supervision of those employed or engaged in the welfare of children while they are on the premises

6.3 The Act provides for a Code of Practice on access to Casino premises by children and young persons and the Council's Licensing Authority will work closely with the Police to ensure the implementation of the Code of Practice and appropriate enforcement of the law and any conditions of licence.

6.4 The Council's Licensing Authority does not seek to prohibit particular groups of adults from gambling, in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that "vulnerable persons" include:

- People who gamble more than they want to;
- People who gamble beyond their means;
- People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, or intoxication by alcohol or drugs.

## **7. Adult Gaming Centres**

7.1 The Council's 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 Gaming Centre premises. Appropriate licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours
- staff training in relation to proof of age schemes
- change machines
- advertising sources of help for problem gamblers

7.2 The above list is not exhaustive.

7.3 As regards the protection of vulnerable persons, this licensing authority will expect licensees to adopt measures including the use of "self-exclusion schemes", provision of prominent information leaflets/notices and helpline numbers for organisations who provide advice and support to people affected by gambling problems, such as [GamCare](#).

## **8. Licensed Family Entertainment Centres**

- 8.1 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. Appropriate licence conditions may cover issues such as:
- proof of age schemes
  - CCTV
  - door supervisors
  - supervision of entrances and/or machine areas
  - physical separation of areas
  - location of entry
  - notices / signage
  - specific opening hours
- 8.2 The above list is not exhaustive.
- 8.3 Measures including the use of self-barring schemes, provision of prominent information leaflets/notices and helpline numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in order to protect children and vulnerable persons.
- 8.4 The Council's licensing authority will also take appropriate advice from the Gambling Commission concerning any conditions that apply to relevant operator licences stipulating the way in which the area containing any [category C machines](#) should be delineated. Account will also be taken of any mandatory or default conditions required to be attached to premises licences falling into this category.

## **9. Bingo Premises**

- 9.1 Commercial bingo halls will require a bingo premises licence from the Council. Amusement arcades providing prize bingo will require a prize gaming permit from the Council.
- 9.2 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on [category D machines](#). When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.
- 9.3 A limited number of gaming machines may also be made available at bingo licensed premises. Where [category C](#) or above machines are available in premises to which children are admitted, the Council's Licensing Authority will seek to ensure that:

- all such machines are located in an area of the premises 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 the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

9.4 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with.

These restrictions limit the aggregate stake or prizes within any seven days to £2000, and require the Gambling Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a bingo operator's licence from the Gambling Commission and a premises licence issued from the Council's Licensing Authority.

## **10. Betting Premises**

- 10.1 Anyone wishing to operate a betting office will require a betting premises licence from the Council's Licensing Authority. Children and young persons will not be able to enter premises with a betting premises licence. Betting premises will be able to provide a limited number of gaming machines and some betting machines.
- 10.2 The Council's Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not generally exercise this power though unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision exercised, especially where vulnerable people are concerned. Each application will be considered on its own individual merits.
- 10.3 Operators who own several betting shops across the District's licensing area, are encouraged to forward to the licensing team details of a senior representative who is able to act as a single point of contact with the Licensing Authority should any issues of concern were to arise relating to any of the operators premises.
- 10.4 Measures including the use of [self-exclusion schemes](#), provision of prominent information leaflets/notices and helpline numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in order to protect vulnerable persons.

## **11. Betting Tracks**

- 11.1 Only one premises licence can be issued for any particular premises at any time unless the premises are a 'track'. A track is a site where races or other sporting events take place.

- 11.2 Track operators are not required to hold an ‘operators licence’ granted by the [Gambling Commission](#). Therefore, premises licences for tracks, issued by the Council’s Licensing Authority, are likely to contain detailed requirements for premises licence holders about their responsibilities in relation to the proper conduct of the betting facilities. Track premises licence holders will also be expected to ensure that betting areas are properly administered and supervised.
- 11.3 Although there will primarily be a betting premises licence for the track, there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 11.4 When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things, will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
- 11.5 There may also be other specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It should be noted in this regard that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when sports events e.g. association football or rugby league takes place, although they are still prohibited by law from entering areas where gaming machines (other than [category D machines](#)) are provided.

Appropriate licence conditions may include:

- Proof of age schemes
  - CCTV
  - Door supervisors
  - Supervision of entrances / machine areas
  - The location of gaming machines
- 11.6 This list is not exhaustive. Measures including the use of [self-exclusion schemes](#), provision of information leaflets and helpline numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in relation to the protection of children and vulnerable people.
- 11.7 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their type and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. It may be necessary to impose such restrictions particularly where the floor area covered by the machines is extensive, leading to fears about proper supervision.



- 11.8 In line with the [Gambling Commission's guidance](#) the Council's Licensing Authority is also likely to 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, such as made available in leaflet form from the track office.

## **12. Casinos**

- 12.1 Bradford Council has not passed a "no casino" resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this policy statement will be updated with details of that resolution.
- 12.2 Licence considerations/conditions – Part 17 Of the [Gambling Commission Guidance](#) for local authorities sets out the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises. This guidance will be considered by this licensing authority determining applications or reviewing casino licences. Consideration will also be given to the Commission's [code of practice on access to casinos by children and young people](#)
- 12.4 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 proposed in premises.
- 12.5 Measures including the use of [self-exclusion schemes](#), provision of prominent information leaflets/notices and helpline numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in order to protect vulnerable persons.
- 12.6 The Council's Licensing Authority will also, where appropriate, encourage and if necessary attach conditions requiring operators to provide parts of the casino premises that are located separate from gambling facilities; and provide other authorised forms of entertainment or relaxation. It is considered that this will allow customers opportunities to have a break from gambling during their visit.

## **13. Traveling Fairs**

- 13.1 The Council's Licensing Authority will ensure that, where [category D machines](#) and/or equal chance prize gaming without a permit is to be made available for use at traveling fairs, that those facilities are merely incidental to the activities of the traveling fair.
- 13.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a traveling fair.



- 13.3 It should be noted that there is a 27 day statutory maximum for the land being used as a fair per calendar year. This relates to the piece of land on which the fairs are held, regardless of whether it is the same or different traveling fairs occupying the land on each occasion.

The Council's Licensing Authority will work with its neighbouring authorities to ensure that land, which crosses district boundaries, is monitored so that the statutory limits are not exceeded.

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

- 14.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 14.2 An application for a permit will be considered only if the Council's Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and that West Yorkshire Police have been consulted on the application. Each application will be considered on its own merits; however the following broad principles will be followed when applications are considered.
- The Council's Licensing Authority will consider whether the applicant is suitable to hold a permit for an unlicensed family entertainment centre. In this regard any evidence of previous convictions that would raise questions about the applicant's suitability would be considered carefully.
  - The proximity of the premises to facilities frequented by large numbers of children, e.g. schools and youth centres, and any evidence that this might contribute to problems related to truancy or other social problems.
  - The steps proposed to be taken by the applicant to ensure that managers and staff working in the facility are trained in the general awareness of cases where children in their premises are truanting and how staff should deal with unsupervised children, or those whose behaviour on the premises may give rise to concern.
  - The licensing objectives set out in paragraph 3.1 of this statement of Licensing Principles.
- 14.3 It should be noted that the Council's Licensing Authority cannot attach conditions to this type of permit.

- 14.4 It should be noted that with regard to renewals as opposed to grants of these permits, the Council's Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

## **15. (Alcohol) Licensed Premises Gaming Machine Permits**

- 15.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of [categories C and/or D](#). The premises merely need to notify the licensing authority. The Council's Licensing Authority may 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 (e.g. that gaming has been provided in such a way that does not comply with any relevant code of practice issued by the [Gambling Commission](#) about the location and operation of the machines);
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.
- 15.2 If a premises wishes to have more than 2 machines, then the Council's Licensing Authority will consider any such application based upon the licensing objectives, the guidance issued by the [Gambling Commission](#), and "such matters as it thinks relevant". The Council's Licensing Authority will determine on a case by case basis what other relevant factors apply; but generally particular regard will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machines. Measures which will satisfy the authority that there will be no access may include positioning the adult machines within sight of the bar area so they can be easily supervised, or of specific staff responsible for ensuring that these machines are not being used by those under 18. Advisory notices and signage may also be required. As regards the protection of vulnerable persons, applicants will be expected to provide information leaflets/helpline numbers for organisations such as [GamCare](#).
- 15.3 It is recognized that alcohol licensed premises operators may apply for a premises licence for their non-alcohol licensed area. Any such application would need to be applied for, and dealt with, as an Adult Entertainment Centre premises licence.
- 15.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.
- 15.5 Permit holders must comply with any Code of Practice issued by the [Gambling Commission](#) about the location and operation of any machine.

## **16. Prize Gaming Permits**

- 16.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions” relating to prize gaming permits which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the application permit”.
- 16.2 This licensing authority has not prepared a statement of principles. Should it decide to do so, it will include details in a revised version of this policy statement.
- 16.3 Each application will be treated on its own merits having regard to guidance issued by the Gambling Commission guidance.

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

- 17.1 **Members Clubs and Miners’ Welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D, only one of which may be a B3A machine), equal chance gaming and games of chance. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D, only one of which may be a B3A machine).**

**Commercial Clubs may site up to 3 machines from categories B4, C or D only, with a Club Machine Permit.**

- 17.2 The Council’s Licensing Authority may only refuse an application on one or more of the following grounds; that:
- the applicant does not fulfill 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.

Where permits are refused, applicants will be informed of the reasons for this.

## **18. Temporary Use Notices**

- 18.1 There are a number of statutory limits as regards temporary use notices with regard to premises. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of “premises” or “a set of premises”, for the

purpose of the Act, the Council's Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

The Council's Licensing Authority may decide to challenge a succession of notices where it appears that their cumulative effect would be to permit regular gambling in a place that should properly be considered as one premises and therefore covered by an appropriate premises licence.

## **19. Occasional Use Notices**

- 19.1 The Council's Licensing Authority will monitor very carefully in order to ensure that the [statutory limit on occasional use notices of 8 days](#) in a calendar year is not exceeded and that each event will take place at premises that can lawfully be defined as a "track". Further guidance can be found in the Useful Terminology part of this Statement of Principles.

## **20. Licensing Hours**

- 20.1 The Council's Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. It accepts that a variety of opening hours related to the circumstances, and the requirements of different licensees may assist in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where customers tend to gather.
- 20.2 However, generally speaking the hours of gambling premises will be restricted by default conditions as set out in Regulations made under the Gambling Act 2005 concerning Mandatory and Default Conditions. The Council's Licensing Authority, however, reserves the right, where it is lawfully able to do so, to further restrict such hours where it is necessary in order to achieve the licensing objectives. For example, it may be necessary to further restrict the hours of opening in premises very near schools during periods when large amounts of children may be in the vicinity of the premises and there is evidence of a truancy problem in the area associated with particular gambling premises.

## **21. Effective Enforcement**

- 21.1 The Council's Licensing Authority has established a protocol for carrying out of inspections with the Gambling Commission and the West Yorkshire Police. This will help to target agreed problem and higher risk premises while reducing the number of inspections made of lower risk premises that are well managed and maintained. The Council's Licensing Authority will properly investigate any complaints received about the running of premises where they are relevant and/or relate to the three Licensing Principles.

21.2 In accordance with the Council's licensing Enforcement Policy, the Council's Licensing Authority adopts a multi-agency approach to the enforcement of licensing breaches. Consideration will be given as to the appropriate powers that should be used to address a problem where other agencies like the Police, Fire Authority or Gambling Commission also have their own powers. Formal enforcement will always be a last resort. Bradford Council as a whole has adopted the Regulatory Compliance Code and its Licensing Authority will follow the following broad principles (and any guidance issued under the Legislative and Regulatory Reform Act 2006) when taking enforcement action by being:

- **proportionate:** it will only intervene when necessary, remedies will be appropriate to the risk posed, and the costs of complying identified and minimised,
- **accountable:** any decisions being justifiable and reasons for taking action subject to public scrutiny,
- **consistent:** rules and standards will be implemented fairly,
- **transparent and open:** licence conditions will be kept simple and user friendly and reasons will always be given for decisions; and
- **targeted:** any action or requirements will be focused on the problem, and minimise any unwarranted side effects.

21.3 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it may authorise. The Gambling Commission will be the enforcement body for Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will also be dealt with by the Gambling Commission.

## **22. Exchange of Information**

22.1 The Council's Licensing Authority recognises that it will receive much personal information from applicants, those alleged to contravene the legislation, or from those making representations. It will need to share some of this information with bodies such as the Gambling Commission or Responsible Authorities in order to affectively administer the system in the public interest. The Council therefore accepts the need to set out the principles upon which it has agreed to share this information where appropriate.

22.2 This Licensing Authority will ensure that the Data Protection Act 1998 will not be contravened when exchanging information. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 22.3 Details of applications and representations which are referred to a Licensing Panel for determination will be published in reports that are made publicly available in accordance with the Council's Constitution. Personal details of people making representations will be disclosed to applicants as required by the regulations.

## **23. Conditions of Licence**

- 23.1 The Council's Licensing Authority will only impose conditions that are necessary in order to address the licensing principles or other relevant legitimate concern. Conditions will also only be attached where:

- They are 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.

Where these can be addressed in different ways, the most effective solution will be required. Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures this licensing authority will consider using should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult-only areas etc. There are specific comments made in this regard referred to earlier in this Statement of Principles. This licensing authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively. Applicants are also advised to consider the Gambling Commission's guidance on [Licence Conditions and Codes of Practice](#).

- 23.2 The Council's Licensing Authority will not attach conditions where the matter at issue can be more appropriately addressed by other legislation. A particular condition will not be attached in the following circumstances;

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

## 24. The Licensing Process

- 24.1 The Council's Licensing Authority encourages individual applicants to address the licensing principles before submitting applications for premises licences having regard to the type of premises, the licensable activities to be provided, the operational requirements, the nature of the location and the circumstances of the local community. Application forms and guidance notes will be issued on request and will also be made available on Bradford Council's website at [www.bradford.gov.uk/council/licensing](http://www.bradford.gov.uk/council/licensing). Early consultation with the Police, Fire Authority, other responsible authorities and local residents or businesses is recommended as this will make it less likely that objections will be received to the application.
- 24.2 Applicants are encouraged to consider any arrangements that they may need to make with operators of public transport in order to ensure the speedy and orderly transportation of customers where facilities are open until late into the evening.
- 24.3 When determining applications the Council's Licensing Authority will have regard to any guidance issued by the Gambling Commission, along with relevant Codes of Practice; the Licensing Principles; and the relevant contents of this Statement of Principles. Any valid representations received from [Interested Parties or Responsible Authorities](#) will be considered.
- 24.4 An "Interested Party" is defined in the Act as a person who:
- lives sufficiently close to the premises to be likely to be affected by the activities taking place there;
  - has business interests that might be affected by the authorised activities, or
  - represents persons who satisfy paragraph (a) or (b)

In deciding whether a person is an Interested Party this Licensing Authority will consider each case upon its merits. This authority will not apply a rigid rule to its decision making.

Interested parties can include trade associations, and residents'/tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Elected councillors may represent interested parties, providing they are not members of the Licensing Committee. The term "business interests" will be given its widest possible interpretation so that it includes charities, religious establishments and medical practices located near premises.

In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the Council's Licensing Authority will take account of:

- the size of the premises
- the nature of the premises
- the nature of the authorised activities being proposed
- the distance of the premises from the person making the representation

- the characteristics of the complainant
- the potential impact of the premises

24.5 It is recognized that most decisions made under the legislation are administrative in nature and therefore not contentious. For the sake of efficiency, therefore, officers under delegated authority will make most decisions. Only contentious applications or policy matters will be referred to the Area Licensing Panel or the Licensing Committee. A scheme of delegation for dealing with various applications and decisions has been agreed and is set out below.

## 25. Scheme of Delegation of Functions

25.1 The delegation of functions in relation to Gambling Act Licensing matters is as follows:-

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Full Committee</u>	<u>Sub Committee</u>	<u>Officers</u>
Three year Gambling Policy	X			
Policy not to permit casinos	X			
Fee setting – when appropriate		X		
Application for premises licence			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 a licence			Where representations have been received from the Commission	Where no representations made by the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises licence/club premises certificate			X	
Application for club gaming/club machine permits			Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn



<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Full Committee</u>	<u>Sub Committee</u>	<u>Officers</u>
Cancellation of club gaming/club machine permits			X	
Applications for other permits			Where objections have been made (and not withdrawn)	Where no representations received/representations have been withdrawn or no more than two permits in alcohol licensed premises are applied for.
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Decision on whether a complaint is irrelevant frivolous vexatious etc				X
Decision as Responsible Authority to call for a review of a Premises Licence				X

25.2 The Area Licensing Panels can decide to refer a decision to the Licensing Committee for a decision where it considers that it is appropriate to do so.

25.3 Decisions made generally under the legislation are covered by the Member's Codes of Conduct.

## **26. The Consultation and Review Process**

26.1 The Council's Licensing Authority has consulted widely with statutory consultees, consumers, interested residents, trade representatives and other stakeholders before adopting this Policy. The following is a list of those formally consulted:-

- Chief Constable, West Yorkshire Police, Trafalgar House, Nelson Street, Bradford
- Fire Safety Officer, Bradford Fire Safety Office, West Yorkshire Fire & Rescue Service, Fire Protection, Oakroyd Hall, Birkenshaw, Bradford
- Emergency Planning Manager, West Yorkshire Metropolitan Ambulance Service, Brindley Way, Wakefield
- Environmental Health Manager, Bradford Metropolitan District Council, Department of Environmental & Regulatory Services, Jacobs Well, Bradford
- Development Manager, Planning Department, Bradford Metropolitan District Council, Jacobs Well, Bradford
- HM Revenue & Customs, Excise Policy, Ralli Quays, 3 Stanley Street, Salford, Manchester
- Child Protection Unit, Social Services, Bradford Metropolitan District Council, Olicana House, Bradford
- Gambling Commission, Victoria Square House, Victoria Square, Birmingham
- Licensing Committee Members, Bradford Metropolitan District Council's Licensing Authority, City Hall, Bradford
- Parish/Town Council's for Addingham, Baildon, Burley, Clayton, Cullingworth, Denholme, Haworth Cross Roads & Stanbury, Ilkley, Keighley, Menston, Oxenhope, Sandy Lane, Silsden, Steeton with Eastburn, Wilsden and Wrose
- Events Manager, Bradford Metropolitan District Council, City Hall, Bradford
- Bradford City Centre Manager, Jacobs Well, Bradford
- Shipley Town Centre Manager, Shipley Town Hall, Shipley
- Keighley Town Centre Manager, Keighley Town Hall, Keighley
- Bingley Town Centre Manager, 146 Main Street, Bingley
- National Casino Industry Forum (NCIF), Carlyle House, 235-237 Vauxhall Bridge Road, London
- British Casino Association (BCA), 38 Grosvenor Gardens, London
- British Amusement & Catering Trade Association (BACTA), Alders House, 133 Aldersgate Street, London
- Association of British Bookmakers (ABB), Norris House, 4 Norris Street, London
- Casino Operators' Association of the UK (COA (UK)), PO Box 55, Thorncombe, Chard
- Remote Gambling Association, High Holborn House, 52-54 High Holborn, London
- Rank Leisure Ltd, Statesman House, Stafferton Way, Maidenhead
- Queensgate Leisure Services, 97-99 Godwin Street, Bradford
- Winners Amusements Ltd, 18-20 Curzon Street, Oldham
- British Beer & Pub Association (BBPA), Market Towers, 1 Nine Elms Lane. London
- Youth Offending Team, Bradford Metropolitan District Council
- Bingo Association, Lexham House, 75 High Street North, Dunstable, Beds
- Ladbrokes Ltd, Imperial House, Rayners Lane, Harrow, Middlesex,
- William Hill, PO Box 170, Leeds,
- Coral Racing Ltd, Glebe House, Vicarage Drive, Barking, Essex,
- Gala Casinos, Gala Coral Group, Newcastle House, Castle Boulevard, Nottingham
- A & S Leisure Group Ltd, 15 Livesey Street, Sheffield
- Federation of Licensed Victuallers Association (FLVA), 126/128 Bradford Road, Brighouse
- Bradford Chamber of Trade, Gleave House, Victoria Road, Ecclehill, Bradford
- Punch Pub Co, Jubilee House, Second Avenue, Burton on Trent, Staffordshire
- Senior Policy Officer, Safer & Stronger Communities, City of Bradford Metropolitan District Council, 4<sup>th</sup> Floor, Jacob's Well, Bradford
- Association of Licensed Multiple Retailers (ALMR), 9b Walpole Court, London
- Lotteries Council

- 26.2 This policy statement comes into effect on the 31st January 2013 and will be operational for a period of 3 years thereafter. Its effectiveness in assisting in the achievement of the Licensing Objectives will be monitored during this period with a view to a further review before the 31st January 2016.

## **27. Responsible Authorities in the Bradford District**

Licensing Authority, 3<sup>rd</sup> Floor, Jacobs Well, Bradford, BD1 5RW

West Yorkshire Police, Licensing Section, Trafalgar House, Nelson Street, Bradford, BD5 0EW

West Yorkshire Fire & Rescue Service, Fire Protection, Oakroyd Hall, Birkenshaw, Bradford, BD11 2DY

Planning Services, 1<sup>st</sup> Floor, Jacobs Well, Bradford, BD1 5RW

Environmental Protection Services, 3<sup>rd</sup> Floor, Jacobs Well, Bradford, BD1 5RW

Bradford Safeguarding Children Board, c/o Child Protection Unit, Social Services, 2<sup>nd</sup> Floor, Olicana House, Bradford, BD1 5RE

HM Revenue & Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow, G2 4PZ

Gambling Commission, Victoria Square, Birmingham, B2 2BP

## **28. Useful Contacts**

<b>Contact</b>	<b>Details</b>
Licensing Team  Application forms, guidance and policy issues etc. Complaints about premises or applications for review of licences	Licensing Team City of Bradford Metropolitan District Council Environmental & Regulatory Services Jacobs Well, Bradford BD1 5RW  Telephone: 01274 432240 Fax: 01274 432109 Email: <a href="mailto:licensingteam@bradford.gov.uk">licensingteam@bradford.gov.uk</a>
Building Control Department  Alterations to premises, structural alterations, access and facilities for disabled people etc.	Building Control Department City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 5RW  Telephone: 01274 434432 Fax: 01274 722840 Email: <a href="mailto:buildingcontrol@bradford.gov.uk">buildingcontrol@bradford.gov.uk</a>

<b>Contact</b>	<b>Details</b>
<p>Environmental Protection</p> <p>Noise, food safety, cleansing and health &amp; safety etc.</p>	<p>Environmental Protection Department City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 5RW</p> <p>Telephone: 01274 434366 Fax: 01274 432109 Email: ep.admin@bradford.gov.uk</p>
<p>Regeneration &amp; Culture</p> <p>Events in Centenary Square.</p>	<p>Regeneration &amp; Culture City of Bradford Metropolitan District Council City Hall, Bradford BD1 1HY</p> <p>Telephone: 01274 434783 Email: vanessa.mitchell@bradford.gov.uk</p>
<p>Parks &amp; Landscape Service</p> <p>Use of Council's owned parks.</p>	<p>Parks &amp; Landscape Service City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 5RW</p> <p>Telephone: 01274 432648 Fax: 01274 432109 Email: ian.wood@bradford.gov.uk</p>
<p>Public Safety Liaison Group</p> <p>Event planning.</p>	<p>Emergency Planning Office City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 1HY</p> <p>Telephone: 01274 432011 Fax: 01274 376428 Email: mike.powell@bradford.gov.uk</p>
<p>Gambling Commission</p> <p>Application forms for Operating and Personal Licences. Advice and Guidance Enforcement Issues</p>	<p>Gambling Commission Victoria Square Birmingham, West Midlands B2 2BP</p> <p>Telephone: 01212 306500 Fax: 01212 331096 Email: info@gamblingcommission.gov.uk</p>

<b>Contact</b>	<b>Details</b>
West Yorkshire Police  Crime and disorder.	Licensing Section West Yorkshire Police Trafalgar House, Nelson Street Bradford, BD5 0EW  Telephone: 01274 376695 Fax: 01274 376787 Email: bradford.licensing@westyorkshire.pnn.police.uk
West Yorkshire Fire & Rescue Service  Fire Safety.	West Yorkshire Fire & Rescue Service Fire Protection Oakroyd Hall, Birkenshaw Bradford, BD11 2DY  Telephone: 01274 655785 or 655827 Fax: 01274 655888 Email: fire.safety@westyorksfire.gov.uk
Yorkshire Ambulance Service  Medical cover.	YAS NHS Springhill, Unit 41 Business Park Brindley Way, Wakefield WF2 0XQ  Telephone: 0845 124 1241 Web: www.yas.nhs.uk
Social Services  Child Protection.	Social Services Team City of Bradford Metropolitan District Council Olicana House, Chapel Street, Bradford, BD1 5RE  Telephone: 01274 434361
Phonographic Performance Ltd (PPL)  Public Performance and Broadcasting Rights.	Phonographic Performance Ltd 1 Upper James Street London W1F 9DE  Telephone: 020 7534 1000 Email: info@ppluk.com
Performing Rights Society (PRS)  Copyright of music composers.	Performing Rights Society 29/33 Berners Street London W1T 3AB  Telephone: 020 7580 5544 Email: customerservice@prsformusic.com

<b>Contact</b>	<b>Details</b>
<p>British Beer &amp; Pub Association (BBPA)</p> <p>Business interests of the UK's brewing and pub sectors.</p>	<p>British Beer &amp; Pub Association Brewers Hall Aldermanbury Square London, EC2V 7HR</p> <p>Telephone: 020 7627 9191 Email: <a href="mailto:contact@beerandpub.com">contact@beerandpub.com</a> Web: <a href="http://www.beerandpub.com">www.beerandpub.com</a></p>
<p>British Board of Film Classification (BBFC)</p>	<p>British Board of Film Classification 3 Soho Square London W1D 3HD</p> <p>Telephone: 020 7440 1570 Email: <a href="mailto:feedback@bbfc.co.uk">feedback@bbfc.co.uk</a> Web: <a href="http://www.bbfc.co.uk">www.bbfc.co.uk</a></p>
<p>British Institute of Innkeeping (BII)</p> <p>Information and qualifications for the licensed retail sector.</p>	<p>British Institute of Innkeeping Wessex house, 80 Park Street Camberley, Surrey GU15 3PT</p> <p>Telephone: 01276 684449 Email: <a href="mailto:reception@bii.org">reception@bii.org</a> Web: <a href="http://www.bii.org">www.bii.org</a></p>
<p>Equality &amp; Human Rights Commission</p> <p>Advice, information and support for disabled people, employers and service providers.</p>	<p>Equality &amp; Human Rights Commission Equality Advisory Support Services Freepost FPN4431</p> <p>Telephone: 0800 444 205 Web: <a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a> Email: <a href="mailto:@equalityhumanrights.com">@equalityhumanrights.com</a></p>
<p>Security Industry Authority</p> <p>Door Supervisors registration.</p>	<p>Security Industry Authority PO Box 1293 Liverpool L69 1AX</p> <p>Telephone: 0844 892 1025 Email: <a href="mailto:info@sia.homeoffice.gov.uk">info@sia.homeoffice.gov.uk</a> Web: <a href="http://www.sia.homeoffice.gov.uk">www.sia.homeoffice.gov.uk</a></p>

<b>Contact</b>	<b>Details</b>
<p>Portman Group</p> <p>Responsible drinking advice and support for the government, media, industry and consumers.</p>	<p>The Portman Group 4<sup>th</sup> Floor 20 Conduit Street London, W1S 2XW</p> <p>Telephone: 020 7290 1460 Email: <a href="mailto:info@portmangroup.co.uk">info@portmangroup.co.uk</a> Web: <a href="http://www.portmangroup.org.uk">www.portmangroup.org.uk</a></p>
<p>Trading Standards</p>	<p>West Yorkshire Trading Standards Nepshaw Lane South Morley, Leeds LS27 0QP</p> <p>Telephone: 0113 253 0241 Fax: 253 0311 Web: <a href="http://www.ts.wyjs.org.uk">www.ts.wyjs.org.uk</a> Email: <a href="mailto:info@wyjs.org.uk">info@wyjs.org.uk</a></p>
<p>British Casino Association (BCA)</p>	<p>The British Casino Association 38 Grosvenor Gardens London SW1W 0EB</p> <p>Telephone: 020 7730 1055 Fax: 020 7730 1050 Web: <a href="http://britishcasinoassociation.org.uk">britishcasinoassociation.org.uk</a> Email: <a href="mailto:enquiries@britishcasinoassociation.org.uk">enquiries@britishcasinoassociation.org.uk</a></p>
<p>British Amusements &amp; Catering Trade Association (BACTA)</p>	<p>British Amusements &amp; Catering Trade Association 134-136 Buckingham Palace Road London SW1W 9SA</p> <p>Telephone: 020 7730 6444 Fax: 7730 8103 Email: <a href="mailto:info@bacta.org.uk">info@bacta.org.uk</a> Web: <a href="http://www.bacta.org.uk">www.bacta.org.uk</a></p>
<p>Association of British Bookmakers (ABB)</p>	<p>Association of British Bookmakers Warwick House 25 Buckingham Palace Road London, SW1W 0PP</p> <p>Telephone: 020 7434 2111 Fax: 020 7434 0444 Web: <a href="http://www.abb.uk.com">www.abb.uk.com</a> Email: <a href="mailto:mail@abb.uk.com">mail@abb.uk.com</a></p>

<b>Contact</b>	<b>Details</b>
Business In Sport & Leisure	Business In Sport & Leisure 46 Fields End Road Cheam, Surrey SM3 8NR  Telephone: 020 8255 3782 Fax: 020 8644 2277 Web: <a href="http://www.bisl.org">www.bisl.org</a> Email: <a href="mailto:amanda.fry@bisl.org">amanda.fry@bisl.org</a>
Casino Operators' Association (UK) (COA (UK))	Casino Operators' Association COA (UK) 22 Arlington Street London SW1A 1RD  Telephone/Fax: 0114 281 6191 Web: <a href="http://www.casinooperatorsassociation.org.uk">www.casinooperatorsassociation.org.uk</a> Email: <a href="mailto:gensec@coa-uk.org.uk">gensec@coa-uk.org.uk</a>

## **29. Helpful Terminology**

### **Licensing Authority**

Those Local authorities who are responsible for exercising licensing functions under the Gambling Act 2005 (i.e. Bradford Council). Licensing Authorities determine gambling premises licences, most permit applications, and small lottery registrations.

### **Licensing Committee**

This is a committee of at least 10 but not more than 15 members of the local authority. It may appoint one or more sub-committees consisting of three members. Bradford District has two area Licensing sub-committees (Panels), they are made up of three members drawn from the main committee on a rote basis.

### **Licensing Objectives**

The objectives of licensing set out in the Act: Preventing gambling from being a source of crime and disorder or being associated with crime and disorder; ensuring gambling is conducted in an open and fair way; protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority must, among other things, carry out its functions under the Act with a view to promoting the licensing objectives.



## **Licensable Activities**

Activities that must be licensed under the Act: Those activities requiring a licence from the Council's Licensing Authority are listed in paragraph 2.1.

## **Interested Parties and Responsible Authorities**

The Act creates two categories of people/bodies that can make representations to a licensing authority about an application for a licence. "Interested parties" are persons or businesses living/situated sufficiently close to the premises as to be likely to be affected by the authorised activities; or persons representing them (see paragraph 25,4). "Responsible authorities" include the police, fire, enforcing authority for health and safety, planning authority, Gambling Commission, bodies responsible for child protection and vulnerable people; and Her Majesty's Customs and Revenues Service. Only these groups can make representations about an application for a premises licence.

## **Gambling**

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

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

## **Gambling Premises Licences**

A licence granted in respect of any premises, which authorizes the premises to be used for one or more licensable activity.

Has effect until revoked, surrendered or death, insolvency etc of the holder. Applications are dealt with by the local authority for the area where the premises are situated.

## **Gambling Personal Licences**

A licence granted to an individual who physically works in a gambling establishment and can influence how gambling is provided in the establishment or how the actual gambling facilities work. For example it would cover managers of facilities, but also might cover a croupier working in a casino. These licensing are issued by the [Gambling Commission](#).

## **Gambling Operating Licences**

A licence required by individuals or companies who wish to establish a gambling operation. A licence is required separately for both remote (e.g. mobile phone or internet gambling) and non remote gambling. These licences are issued by the [Gambling Commission](#) and must be in place before the Council's Licensing Authority can issue a premises licence.

## **Permits**

Permits are required for the provision of gambling facilities in certain circumstances where premises are exempt from the need of a gambling premises licence. For example, premises that have gaming machines that are restricted to category D type machines do not require a Family Entertainment Centre Premises licence. They do, however require a permit from the Council's licensing authority. Similarly, premises licences to sell alcohol will require a permit. Certain types of registered members clubs also require permits, as opposed to premises licences.

### **Club Gaming and Machine Permits**

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

Before granting the permit the Council's licensing authority will need to satisfy itself that the premises meet the requirements of a members' club and may only grant the permit if the majority of members are over 18.

## **Conditions**

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. Gambling Commission guidance provides that only conditions which should be imposed on a premises licence are those which are necessary for the promotion of the licensing principles.

Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportionate to the size, style, characteristics and activities taking place at the premises concerned; and must not effectively prevent the authorised gambling activity from reasonably taking place. No conditions can be imposed when issuing permits save for any necessary restrictions on numbers of machines.

### **Mandatory and Default Conditions**

A mandatory condition is one that must by law be automatically attached to all premises licence of a defined category issued by the Council's Licensing Authority. A default condition is one that will automatically apply unless the Council's Licensing Authority considers that there are grounds for excluding it.

## **Relevant Representations**

The 2003 Act does not use the term “objections”. Instead authorised persons, interested parties and responsible authorities may be able to make relevant representations about an application for a licence.

Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering representation from an interested party or responsible authority the local authority need only consider relevant representations. However, the Licensing Authority can also consider other factors not raised by other parties where these are relevant to achievement of the licensing principles.

## **Review of Licences**

Where a premises licence is in force an interested party or responsible authority may apply to the licensing authority for it to be reviewed. The authority must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing principles, such as the modification of conditions; exclusion of licensable activities; suspension of the licence for up to three months; or the revocation of the licence. For example, the Police could apply to the licensing authority for the premises licence to be reviewed if they had concerns that premises were a base for criminal activity or are putting children at risk. Review applications can be rejected if they are deemed frivolous, vexatious, irrelevant to any licensing principles, repetitious, or clearly on grounds that would not warrant any action being taken against the premises.

Reviews can also be initiated by the Licensing Authority itself where it has cause for concern about the running of individual premises.

## **Statement of Licensing Principles**

Each licensing authority must every three years determine and publish a statement of principles setting out its approach to licensing gambling premises and facilities. There is a requirement to consult on the policy and keep it under review.

## **Temporary Use Notices**

Where a holder of an Operators licence proposes to use other premises (the definition of which includes any place) for gambling where there is not a gambling premises licence in place, it is possible to use a temporary use notice. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament. There is a 21 day limit on the total period per year that any premises can be used under temporary use permit(s).

## **Occasional Use Notices**

Procedures set out in the Act that allows applications to be made to provide betting at tracks on no more than 8 days in a calendar year without the need for a premises licence. Tracks include sports stadium, and not just dog or horse race tracks.

This procedure would be useful for occasional uses of fields etc for point to point races because the “track” or sporting event does not need to be a permanent fixture.

### **Provisional Statements**

This procedure allows a prospective developer to apply for a statement from the Council's Licensing Authority that premises they may be interested in would be likely to obtain a premises licence were they to proceed with their investment. Only current holders of (or applicants for) an Operators Licence from the Gambling Commission can apply for a Provisional Statement. A statement can also be obtained for premises that have an existing gambling premises licence, but the proposal is to provide a different type of gambling facility. For example, an operator may be considering turning a bingo hall into a casino but wants to first clarify if it is worth proceeding, and without the need to apply for a full premises licence immediately.

### **Codes of Practice**

Means any relevant codes of practice issued under section 24 of the Gambling Act 2005. These are issued by the Gambling Commission and set out the Commission's expectations on the standards that the operators of gambling facilities will be expected to adhere to.

### **The Gambling Commission**

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people. The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

The Commission has issued Guidance under Section 25 regarding the manner in which local authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities. The Commission will also issue one or more codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, which may also include provisions about the advertising gambling facilities.

The Gambling Commission is responsible for issuing Personal Licences and Operators Licences under the Gambling Act and can be contacted at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### **Private Gaming**

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

## Non-Commercial Gaming

Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Team where appropriate.

## Self-Exclusion Schemes

Many major betting outlets support self-exclusion schemes. This is an initiative where a customer recognises that they are at risk of becoming a problem gambler, or are gambling more than they wish or can afford to. That person can agree with the manager of gambling premises that they should be refused access to use the gambling facilities for a specified period and any credit or other accounts with the facility are cancelled or suspended. The period of such self-exclusion is usually at least six months and staff are informed of the restrictions that have been put in place.

## Categories of Gaming Machine

The tables below set out the current limits for the different categories with the maximum stakes and prizes that apply.

Category	Maximum stake	Maximum prize
A	Unlimited	Unlimited
B1	£2	£4000
B2	£100 (in multiples of £10)	£500
B3	£2	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D	30p or £1 when non monetary prize	£8 or £50 when non monetary prize
D	10p when monetary prize	£5 when monetary prize
D	10p when combined money and non money prize other than coin pusher or penny falls machine	£8 (of which no more than £5 may be a monetary prize) when combined money and non money prize other than coin pusher or penny falls machine
D	10p when combined money and non money prize relating to coin pusher or penny falls machine	£15 (of which no more than £8 may be a monetary prize) when combined money and non money prize relating to coin pusher or penny falls machine

## Number of Gaming Machines by Premises Type

Type	Gaming tables (minimum)	Gaming machines
Large Casino	1	5-1 gaming machine/table ratio Category B to D for each table available for use. Maximum of 150 machines
Small Casino	1	2-1 gaming machine/table ratio Category B to D for each table available for use. Maximum 80 machines
Bingo Premises	N/A	8 gaming machines Category B3 and B4; unlimited machines Category C; unlimited Category D machines
Betting Premises	N/A	4 gaming machines Category B2 to D
Track Betting premises where pool betting licence held	N/A	4 gaming machines Category B2 to D
Adult gaming centre	N/A	Maximum of 20% of the total number of gaming machines which are available for use on the premises Category B3 or B4 Unlimited Category C Unlimited Category D
Family Entertainment Centre with Operating Licence	N/A	Unlimited gaming machines Category C to D
Family Entertainment Centre with Gaming Permit	N/A	Unlimited gaming machines Category D
Members Club Premises	N/A	3 gaming machines Category B3A or B4 to D, only one of which may be a B3A machine
On sales alcohol licensed premises without food restriction	N/A	2 gaming machines Category C to D by notification; unlimited Category C to D with alcohol premises gaming permit

## Gaming Machine Age Restrictions

Under 18 year olds are prohibited from playing on category A, B and C machines. There is no limit with regard to category D machines. However the Secretary of State has powers to impose restrictions on types of category D machines if it is deemed necessary in the future. Holders of licences and permits must also comply with relevant Gambling Commission codes of practice on location and access to machines by under 18 year olds.

## Definition of Premises

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place.

But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, the Council's licensing authority will pay particular attention if there are issues about sub-divisions of a single building or plot in order to ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular account will be taken of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity specified on the premises licence.

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

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?

- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

## **Restrictions on Access to Premises**

### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

### **Betting Shops**

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

### **Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

### **Bingo Premises**

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

### **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre



- a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

### **(iii) Premises “ready for gambling”**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

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

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

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

