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Agenda for a meeting of the Licensing Committee to be held on Wednesday, 21 November 2018 at 10.00 am in Committee Room 4 - City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS	INDEPENDENT
Ellis M Smith Whitaker	M Slater Azam Dodds Godwin S Khan	Hawkesworth Naylor	Stelling

Notes:

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- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.

From:

Parveen Akhtar

City Solicitor

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To:

A. PROCEDURAL ITEMS

1. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

2. MINUTES

Recommended –

- (1) **That the minutes of the Committee meeting held on 30 May 2018 be signed as a correct record (previously circulated).**
- (2) **That the minutes of the Licensing Panels held on the following dates be signed as correct records (previously circulated):**

Bradford District Licensing Panel

2017-18

26 April 2018

30 April 2018

11 May 2018

2018-19

26 June and 16 July 2018

12 July and 16 July 2018

16 July 2018

25 July 2018

12 September 2018

27 September 2018

(Claire Tomenson – 01274 432457)

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson - 01274 432457)

B. BUSINESS ITEMS

4. PROPOSED STATEMENT OF LICENSING PRINCIPLES 2019 - 2022 UNDER THE GAMBLING ACT 2005 1 - 54

The Assistant Director Waste, Fleet and Transport Services will submit a report (**Document “B”**) which sets out the outcome of a public consultation exercise with respect to the Statement of Licensing 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 2018.

Recommended -

- (1) That the Committee recommends to Full Council that Appendix 1 to Document “B” 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).**

- (2) That the Assistant Director Waste, Fleet and Transport Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.**

(Tracy McLuckie – 01274 432209)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Licensing Committee to be held on 21 November 2018

B

Subject:

Proposed Statement of Licensing Principles 2019-2021 under the Gambling Act 2005, for approval by full Council.

Summary statement:

This report sets out the outcome of a public consultation exercise with respect to the Statement of Licensing 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 2018.

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Assistant Director
Waste, Fleet & Transport Services

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Portfolio:

Neighbourhoods and Community Safety

Overview & Scrutiny Area:

Corporate

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 the basic principles of the Authority's 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 licensing principles for the District and proposes a final draft for recommendation for adoption by full Council on the 11 December 2018.

2. BACKGROUND

- 2.1 The consultation draft of the statement of licensing principles for 2019-2021 has been available for public comment since 26 July 2018. The draft document was available on the Council's website and in public libraries. Licensing officers also directly consulted relevant authorities and organisations.
- 2.2 The policy document seeks to reflect very detailed and substantial statutory guidance issued by the Gambling Commission under the Act. This sets the parameters of what can and what should not be included within local statements of licensing principles.
- 2.3 The main additions to the policy document are as follows:

Section 1

Information about the district has been updated and reference to the Bradford District Plan and Bradford Council Plan has been added.

Sections 7.8 to 7.10

Information specific to public health concerns has been added. This includes information from a research exercise into problem gambling in Leeds, undertaken in 2016 by Leeds Beckett University.

Section 8.5

Additional information has been added relating to local risk assessments and the factors the licensing authority recommends taking into consideration when gambling operators undertake risk assessments.

The proposed final draft policy document is attached at Appendix 1.

3. PUBLIC CONSULTATION - RESPONSES RECEIVED

3.1 GamCare

GamCare have provided general advice on the function of the Statement of

Principles and a list of the issues or factors which GamCare think would be helpful for licensing authorities to consider when determining applications, which include local area risk mapping and issues relating to premises layout and staffing. GamCare have also provided details of the training and other services available to local authorities.

A copy of the response is attached at Appendix 2.

Appraisal:

The licensing authority thanks GamCare for the response and notes the information provided. No specific changes to the consultation document are proposed.

3.2 GambleAware

GambleAware provided details of their organisation and although unable to offer specific feedback on the policy, GambleAware strongly commend two recent publications by the Local Government Association. These publications; Tackling Gambling Related Harm and a Councillor Handbook, set out the range of options available to licensing authorities to deal with gambling related harms using existing powers. GambleAware also state that they fully support local authorities which conduct an analysis to identify areas with increased levels of risk of gambling related harm, particularly in relation to vulnerable groups.

A copy of the response is attached at Appendix 3.

Appraisal:

The licensing authority thanks GambleAware for the response. Officers are aware of the two publications by the Local Government Association and have taken these into consideration during the policy review. No specific changes to the consultation document are proposed.

3.3 Gambling Commission

Comments have been provided relating to the Gambling Commission's expectations of operators regarding money laundering risk assessments and local area risk assessments.

A copy of the response is attached at Appendix 4.

Response:

The licensing authority thanks the Gambling Commission for their comments and notes the publications referred to. A minor addition to the policy has been made to state that a copy of the local risks assessment for premises should be available on the premises for inspection.

3.4 Gosschalks Solicitors – Acting for the Association of British Bookmakers

The response sets out the Association of British Bookmakers approach to the

regulation of betting shops and its commitment to partnership working with licensing authorities. Specific comments on the consultation policy document were as follows:

7.5 – Request for removal of the requirement for test purchase operations to be made available to the licensing authority.

7.9 & 7.10 – Request to remove this research information due to there being no contextual background to the research. The response also states that should these paragraphs remain, the final paragraph, stating problem gambling among adults in Britain tends to be less than 1% should be included in the beginning to add content to the remaining statements.

25 – A request for a clearer explanation relating to the imposition of premises licence conditions.

A copy of the response is attached at Appendix 5

Response:

The licensing authority thanks Gosschalks for the response and notes the information provided on behalf of the Association of British Bookmakers.

7.5. - It is agreed that this duplicates the requirements and this reference has been removed.

7.9 & 7.10 - The information included in these sections has been added at the request of the Council's Public Health Department. It is felt this information is relevant and should be included in the policy. However, it is agreed that the paragraph giving context to the information can be moved to the beginning of the section, and this amendment has been made.

25 – Clearer information relating to premises licence conditions has now been included.

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 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 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.

6.3 The approved statement of licensing principles document must be published by the Council on or before the 31 January 2019. It is therefore necessary to have the final document approved by Council at its meeting of the 11 December 2018, in order to meet the statutory publication requirements.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

The draft statement of licensing principles was prepared with awareness of the Council's duties under the Equality Act 2010.

7.2 SUSTAINABILITY IMPLICATIONS

The Authority's statement of licensing principles will address sustainability issues.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

When determining applications, the licensing objectives addressing crime and 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 Licensing Policy and when determining licence applications.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

No specific ward implications.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

The protection of children and vulnerable people must be addressed by the

Licensing Authority when determining applications.

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

- 9.1 The Committee has no powers to adopt the statement of licensing 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.

10. RECOMMENDATIONS

- 10.1 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).
- 10.2 That the Assistant Director Waste, Fleet & Transport Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.

11. APPENDICES

1. Final draft Statement of Licensing Principles.
2. Consultation Response – GamCare
3. Consultation Response – GambleAware
4. Consultation Response – Gambling Commission
5. Consultation Response – Gosschalks Solicitors

12. BACKGROUND DOCUMENTS

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

Gambling Act 2005

A Statement of Licensing Principles for the Bradford District 2019-2021

[FINAL DRAFT]

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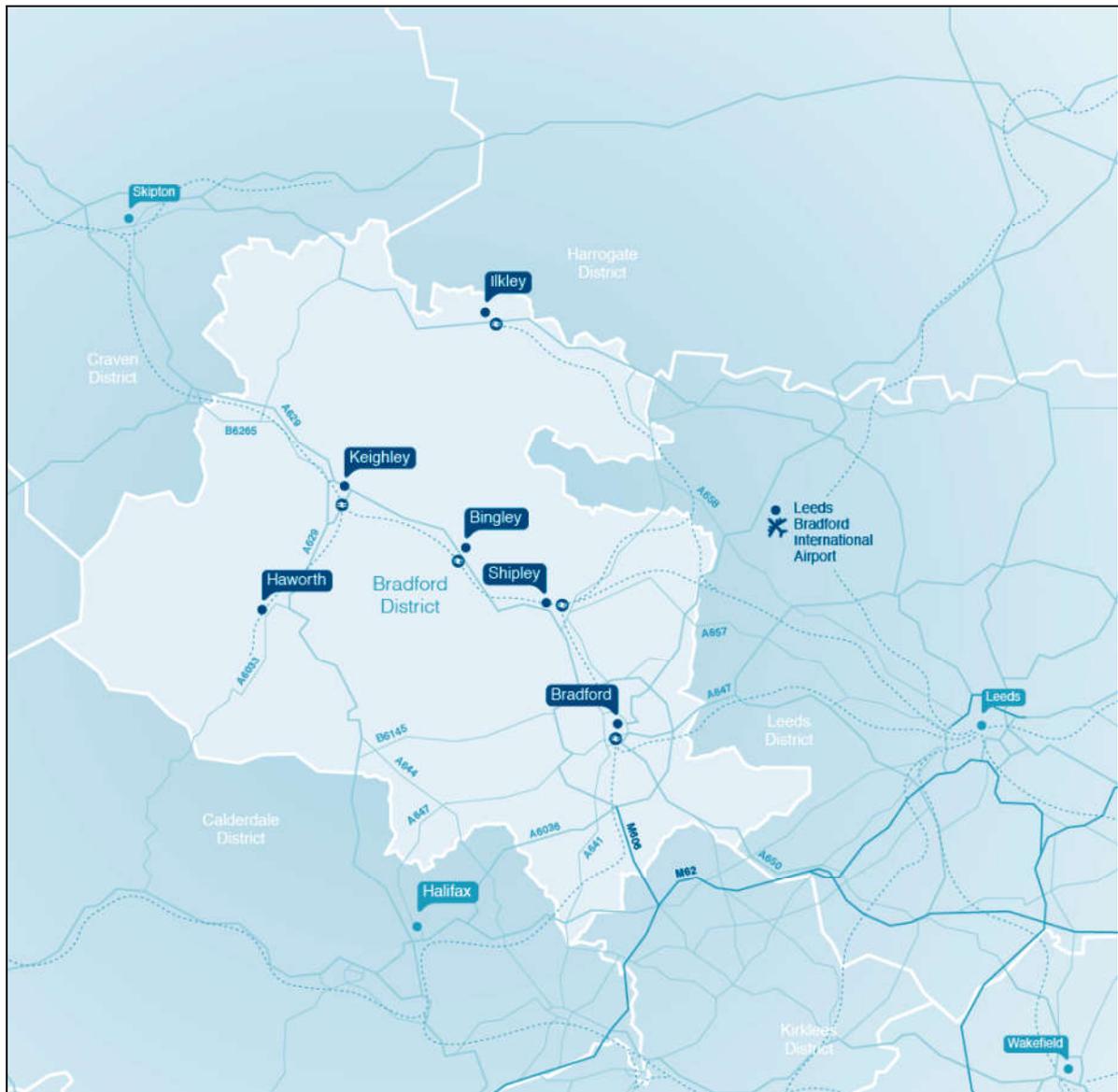
CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
STATEMENT OF LICENSING PRINCIPLES
GAMBLING ACT 2005

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1. The Bradford District

1.1 The Bradford District covers 143 square miles and has internationally recognised landscapes including Bronte Country and Ilkley Moor, as well as unique urban landscapes such as Little Germany, City Park and the UNESCO World Heritage Site at Saltaire. The district hosts the Worth Valley heritage railway and Five Rise Locks on the Leeds-Liverpool Canal. Bradford is a UNESCO Creative City of Film and home to the Alhambra Theatre, the National Science & Media Museum and the UK's first IMAX cinema.



Bradford is the fifth largest local authority in England in terms of population after Birmingham, Leeds, Sheffield and Manchester, with a population of over 532,000 people. Bradford also has the highest percentage of under 18s for a city authority in the country. By mid-2026 the population of Bradford District is projected to grow to 543,000.

Bradford also has an ethnically diverse population, with Bradford having the largest proportion of people of Pakistani ethnic origin (20%) in England.

There are 30 electoral wards within the district, with higher populations being generally concentrated in and around the centre of Bradford and the areas with the smaller population totals are generally located in the outer rural areas. City ward has highest population total with 25,000 people followed by Little Horton with 22,480 people and Tong with 22,350 people. Wharfedale ward has the smallest population with 11,890 people followed by Worth Valley with 14,320 people and Wibsey with 14,740 people.

1.2 Bradford District and Council Plans – 2018-2020

The Bradford District Plan, supported by the Bradford District Partnership, sets out the long-term shared ambition for the district:

“We want to make Bradford District a great place for everyone - a place where all our children have a great start in life, where businesses are supported to create good jobs and workers have the skills to succeed, a place where people live longer and have healthier lives and all our neighbourhoods are good places to live with decent homes for everyone”.

The Bradford Council Plan sets out the Council’s commitment to achieve the ambitions and priorities for the district. The Council’s six priorities are:

- Better skills, more good jobs and a growing economy
- Decent homes that people can afford to live in
- A great start and good schools for all our children
- Better health, better lives
- Safe, clean and active communities
- A well-run council, using all our resources to deliver our priorities

This statement of Licensing Principles seeks to promote the licensing objectives within the overall context of the ambitions and priorities for the Bradford District.

2. The Licensing Authority’s General Approach to Licensing under the Gambling Act 2005

- 2.1 The Licensing Authority recognises the important role that well regulated, varied and safe entertainment can play in promoting the vitality and viability of the district’s city, town and village 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.
- 2.2 The Licensing Authority takes a positive approach to the licensing and regulation of events and betting and gaming establishments and will take care to help businesses, event organisers and others meet their legal obligations without unnecessary expense. However, the Licensing Authority will take firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly.

- 2.3 This Statement of Licensing Principles acknowledges the role of licensing in contributing to the 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. Careful consideration has also been given to the Licensing Authority's obligations under section 17 of the Crime and Disorder Act 1998, which places a duty on all local authorities to consider crime and disorder reduction while exercising their duties.

3. Licensing Functions Covered by this Policy

- 3.1 This policy relates to the regulation of all those activities involving betting or gaming that are the responsibility of the 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

4. Achievement of Licensing Principles

- 4.1 Every application will be considered on its merits; however the Licensing Authority has a duty under the Gambling Act 2005 to carry out its functions having regard to the three broad licensing principles. These are:-

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

- 4.2 Applicants that do not seek to be consistent with these principles when submitting an application for a premises licence are likely to receive objections from an interested party or a responsible authority. The Licensing Authority may have no alternative but to refuse an application where an objection has been made, unless adequate proposals consistent with the licensing principles are included in the application.

The Licensing Authority will however, as far as possible, assist applicants on how best to adequately address these matters or where further advice and information can be obtained.

- 4.3 Overall, in making decisions about premises licences and temporary use notices, the 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 the Act;
 - in accordance with the guidance issued by the Gambling Commission;
 - in accordance with this Statement of Licensing Principles; and
 - is consistent with achievement of the licensing objectives.
- 4.4 The Licensing Authority will also take account of these principles when considering applications for various types of permits under the Act. However, the 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. This Statement of Licensing Principles also outlines the Licensing Authority's general approach when considering applications for various permits.
- 4.5 Various factors need to be considered when addressing licensing objectives and the weight attached to each objective will vary depending on the circumstances. 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).

5. Preventing Gambling from Being a Source of or Associated with Crime and Disorder

- 5.1 The 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 gambling is not associated with crime and disorder. 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.
- 5.2 The Licensing Authority will only expect applicants to take such action or precautions that are in their control, but would advise applicants to take appropriate advice from the police before making their licence or permit applications. These may include, for example, provision of appropriate lighting outside the premises, installation of CCTV cameras, non-shatter glass on windows or the provision of door supervisors.
- 5.3 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 Licensing Authority will, in consultation with the police or other relevant Responsible Authority, consider whether specific controls need to be applied to prevent gambling in those premises from being a source of crime and/or disorder.

- 5.4 Anyone applying to the 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 gambling 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 Licensing Authority, those concerns will be brought to the attention of the Gambling Commission for their investigation.

6. Ensuring Gambling is Conducted in a Fair and Open way

- 6.1 The Licensing Authority will not generally itself investigate whether gambling is being conducted in a fair and open way at any premises. It is accepted that the Gambling Commission will look into these issues when looking into the suitability of individuals to hold Operating or Personal licences (issued by the Gambling Commission). If information is brought to the attention of the Licensing Authority that raise issues of unfair practices, then these will be referred to the Gambling Commission for investigation.
- 6.2 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 Licensing Authority to impose conditions on a licence relating to the suitability of the environment in which betting takes place.
- 6.3 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.
- 6.4 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.

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

- 7.1 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.
- 7.2 The 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 Licensing Authority 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

7.3 Although the licensing principle relates to the protection of children from being harmed or exploited by gambling, the Bradford Safeguarding Children Board works with other statutory authorities who will engage with the gambling trade to promote risk management in relation to child sexual exploitation. Information and advice on this work is available on the Bradford Safeguarding Children Board website: www.bradfordscb.org.uk

7.4 The Licensing Authority can provide advice to assist licensees to identify risk and report concerns at gambling premises where children have access, so that children remain safe and businesses operate responsibly. The Licensing Authority encourages operators of gambling premises where children have access to:

- ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and
- raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their premises.

7.5 Licensees should demonstrate that they have effective policies and procedures in place to prevent underage gambling.

7.6 The Act provides for a code of practice on access to casino premises by children and young persons and the 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.

7.7 The 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.

7.8 The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.

The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom. "Abuse" includes financial abuse; and for that purpose "financial abuse" includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.

- 7.9 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas such as Bradford), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Bradford Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.
- 7.10 In 2016 Leeds Beckett University researched problem gambling in Leeds (Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016). This research looked specifically at identifying groups of society that could be considered vulnerable to problem gambling:

Young people – Rates of problem gambling among young people who gamble are higher than older adults. Young people are less likely to gamble generally, but those that do are more likely to experience difficulties with their behaviour (Wardle, 2015).

Bradford is the youngest city in the UK, with more than 124,000 people aged under 16 (23.7%), with our children coming from a range of economic, cultural and ethnic backgrounds.

Minority ethnic groups – There is evidence that individuals from Asian or Black backgrounds are more vulnerable to gambling problems (Wardle, 2015).

The results of the 2011 Census showed that 20% of the Bradford District population identified themselves as Pakistani, 2.6% Indian, 2.5% mixed heritage, 1.9% Bangladeshi, 1.8% Black and 3.6% from other ethnic groups.

Unemployed and constrained economic circumstance – Generally those of lower income are less likely to gamble, but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011).

There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (Meltzer et al, 2012). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others.

Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.

Area deprivation – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. This was despite having roughly similar levels of past year gambling participation to those who live in less deprived areas.

Wardle (2015) looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (Astbury & Wardle, 2016).

Bradford has wide variation in deprivation across the district with 27% of the districts population living in the 10% most deprived areas in England and 6% of the population living in the 10% least deprived areas in England. Bradford is also ranked the 5th most income deprived local authority in England.

Homeless – The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.

Mental ill health – There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.

Being a problem or at risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm that the conclusion that the relationship between problem gambling and mental ill health may be cyclical.

Substance abuse/misuse – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (Wardle, 2015). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (Dowling et al, 2015).

There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time.

Personality traits/cognitive distortions – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (Johansson et al, 2009). However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

Problem gamblers seeking treatment – Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right (Wardle, 2015).

8. Local Risk Assessments – Premises Licensing

- 8.1 Under the Gambling Commission’s Licensing Conditions and Codes of Practice (LCCP), operators with premises licenses are required to produce local risk assessments under the LCCP Social Responsibility Code. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.
- 8.2 Gambling operators are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate those risks. This is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.
- 8.3 The LCCP social responsibility code requires operators to undertake a risk assessment for all new applications. The code also requires operators to review (and to update as necessary) their local risk assessment to take account of any significant changes to local circumstances or significant changes to the premises or when a variation to the existing premises licence is undertaken by the licensee.
- 8.4 The social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. The risk based approach provides a better understanding of, and enables a proportionate response, to risk.
- 8.5 The Licensing Authority recommends the following factors are considered by operators when undertaking local risk assessments:
 - (i) The local area:
 - The types of premises and their operation in the area.
 - Whether the premises is in an area of deprivation.
 - Whether the premises is in an area subject to high levels of crime and/or disorder.
 - The demographics of the area in relation to vulnerable groups.

- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.

(ii) The gambling operation

- Policies and procedures which have been put in place to meet the requirements of the business, the Act and specific code provision within the LCCP
- The gambling products it provides in the premises.
- The facilities to enable gambling within premises.
- The staffing levels within the premises.
- The level and requirement for staff training.
- The security and crime prevention arrangements it has in place.
- How it advertises locally and on the premises.
- The marketing material within premises.
- The display and provision of information to customers.

(iii) The design and layout of the premises

- The location of gambling facilities
- The design and location of cashier counters
- The design of the exterior of the premises to enable staff to view the entrance to the premises to prevent access by children.
- CCTV cameras

(iv) Protection of children and vulnerable people, including people with gambling dependencies.

- Training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of information regarding self-exclusion and gaming trends.
- Gaming trends that may coincide with days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council one stop shops, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of places where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

8.6 The Licensing Authority will assess the risks identified and the measures implemented to mitigate those risks. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local risks. A copy of the risk assessments should be held on the premises and be available for inspection by licensing officers.

9. Adult Gaming Centres

9.1 Anyone wishing to operate an adult gaming centre will require an adult gaming centre premises licence from the Licensing Authority. The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under 18 do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes and age scheme training for staff
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Change machines
- Advertising sources of help for problem gamblers

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

The Licensing Authority recommends that licence holders support and are in partnership with GamCare.

10. Licensed Family Entertainment Centres

10.1 Anyone wishing to operate a family entertainment centre will require a family entertainment centre premises licence from the Licensing Authority. The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to

satisfy the authority that there will be sufficient measures to ensure that persons under 18 years do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes and age scheme training for staff
- CCTV
- Door supervisors
- Supervision of entrances and/or machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

10.2 Measures including the use of self-barring schemes, provision of prominent information leaflets and helpline telephone numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in order to protect children and vulnerable persons.

10.3 The 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.

11. Bingo Premises

11.1 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.

11.2 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.

11.3 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 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.

- 11.4 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 operators licence from the Gambling Commission and a premises licence issued from the Licensing Authority.

12. Betting Premises

- 12.1 Anyone wishing to operate a betting office will require a betting premises licence from the 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.
- 12.2 The 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 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.
- 12.3 The Council is aware of the concerns surrounding gaming machines that permit high volumes of betting activity by individuals, for example Fixed Odds Betting Terminals (FOBTs). Applicants should consider where such gaming machines are located to ensure adequate supervision and compliance with relevant Licence Conditions and Codes of Practice.
- 12.4 Measures including the use of self-exclusion schemes, provision of prominent information leaflets and helpline telephone numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in order to protect vulnerable persons.
- 12.5 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 arise relating to any of the operators premises.

13. Betting Tracks

- 13.1 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.
- 13.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the 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.

- 13.3 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.
- 13.4 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.
- 13.5 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, take 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 and age scheme training for staff
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- The location of gaming machines

- 13.6 Measures including the use of self-exclusion schemes, provision of information leaflets and helpline telephone numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in relation to the protection of children and vulnerable people.
- 13.7 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 track betting premises licence. It may be necessary to impose such restrictions particularly where the floor area covered by the machines is extensive.
- 13.8 In line with the Gambling Commission's guidance the 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.

14. Casinos

- 14.1 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.
- 14.2 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 the 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
- 14.3 When considering the number, nature and circumstances of betting machines proposed in premises, the 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.
- 14.4 Measures including the use of self-exclusion schemes, provision of prominent information leaflets and helpline telephone numbers for organisations such as [GamCare](#) will be expected to be taken by licensees in order to protect vulnerable persons.
- 14.5 The 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.

15. Travelling Fairs

- 15.1 The 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 travelling fairs, that those facilities are merely incidental to the activities of the travelling fair.
- 15.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 15.3 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 travelling fairs occupying the land on each occasion.

The 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.

16. Unlicensed Family Entertainment Centre Gaming Machine Permits

- 16.1 Where a premises 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.
- 16.2 An application for a permit will be considered only if the 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 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).
- 16.3 It should be noted that the Licensing Authority cannot attach conditions to this type of permit.
- 16.4 It should be noted that with regard to renewals as opposed to grants of these permits, the 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.

17. (Alcohol) Licensed Premises Gaming Machine Permits

- 17.1 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 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.
- 17.2 If a premises wishes to have more than 2 machines, then the Licensing Authority will consider any such application based upon the licensing objectives, the guidance issued by the Gambling Commission, and any other relevant matters.
- 17.3 The 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 specific staff responsible for ensuring that these machines are not being used by those under 18. Advisory notices and signage may also be required.
- 17.4 As regards the protection of vulnerable persons, applicants will be expected to provide information leaflets and helpline telephone numbers for organisations such as [GamCare](#).
- 17.5 It is recognised 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.
- 17.6 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.
- 17.7 Permit holders must comply with any code of practice issued by the Gambling Commission about the location and operation of any machine.

18. Prize Gaming Permits

- 18.1 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 authority propose to consider in determining the suitability of the application permit.
- 18.2 The licensing authority has not prepared a statement of principles. Each application will be treated on its own merits having regard to guidance issued by the Gambling Commission guidance.

19. Club Gaming and Club Gaming Machines Permits

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

- 19.4 The Licensing Authority may only refuse an application on one or more of the following grounds;
- 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.

20. Temporary Use Notices

- 20.1 There are a number of statutory limits for temporary use notices for 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 Licensing Authority will consider, amongst other things, the ownership, occupation and control of the premises.
- 20.2 The 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.

21. Occasional Use Notices

- 21.1 The 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.

22. Licensing Hours

- 22.1 The 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.
- 22.2 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 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.

23. Effective Enforcement

- 23.1 The 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.
- 23.2 The 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.
- 23.3 The Licensing Authority will have regard to the Regulators Code and any guidance issued under the Legislative and Regulatory Reform Act 2006 when taking enforcement action by being:
- **Proportionate:** The Licensing Authority will only intervene when necessary, remedies will be appropriate to the risk posed, and the costs of complying identified and minimised.
 - **Consistent:** Rules and standards will be implemented fairly.
 - **Accountable:** Any decisions will be justifiable and reasons for taking action given, with any right of appeal clearly explained.
 - **Transparent:** Licence conditions will be kept simple and user friendly and reasons will always be given for decisions.
 - **Targeted:** Any action or requirements will be focused on risk, with previous compliance records recognised where appropriate.

23.4 The main enforcement and compliance role for the 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. Concerns about manufacture, supply or repair of gaming machines will also be dealt with by the Gambling Commission.

24. Exchange of Information

24.1 The 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 effectively 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.

24.2 The licensing Authority will ensure that the General Data Protection Regulations 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.

24.3 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.

25. Conditions of Licence

25.1 All premises licences are subject to mandatory and default conditions, which are usually sufficient to ensure premises are operated in line with the licensing objectives.

25.2 The Licensing Authority will only impose additional conditions that are necessary, having regard to the licensing principles or other relevant legitimate concerns. 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.

Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of control measures the licensing authority will consider using should there be an evidence of risk to the licensing objectives. Such conditions may include, for example, the use of door supervisors, supervision of gaming and betting machines, appropriate signage for adult-only areas.

The 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.

25.3 The 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.

26. The Licensing Process

26.1 The 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.

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.

26.2 When determining applications the 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.

26.3 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 the 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 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 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

26.4 It is recognised 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 Licensing Committee or Licensing Panel. A scheme of delegation for dealing with various applications and decisions has been agreed and is set out below.

27. Scheme of Delegation of Functions

27.1 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>Licensing Panel</u>	<u>Officers</u>
Three year Gambling Policy	X			
Policy not to permit casinos	X			
Fee setting – when appropriate		X		
Application for premises licence: - Grant - Variation - Transfer - Provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises 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	

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Full Committee</u>	<u>Licensing Panel</u>	<u>Officers</u>
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 or vexatious				X
Decision as Responsible Authority to call for a review of a Premises Licence				X

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

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

28. The Consultation and Review Process

28.1 This Statement of Licensing Principles complies with the 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 document.

28.2 The Licensing Authority has consulted with a wide range of stakeholders in reviewing this statement of principles. Consultees include the statutory consultees under the Gambling Act, representatives of local residents, local businesses and local voluntary organisations, trade representatives and industry associations, elected members of Council and other Council Services.

Careful consideration has been given to all responses received from individuals and bodies consulted before adoption of this Statement.

- 28.3 This policy statement comes into effect on the 31 January 2019 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 31 January 2021.

29. Responsible Authorities in the Bradford District

Licensing Authority, Argus Chambers, Hall Ings, Bradford, BD1 1HX

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

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

Planning Services, Britannia House, Hall Ings, Bradford, BD1 1HX

Environmental Health, Britannia House, Hall Ings, Bradford, BD1 1HX

Bradford Safeguarding Children Board, c/o Child Protection Unit, Sir Henry Mitchell House, 4 Manchester Road, Bradford, BD5 0QL

HM Revenue & Customs, Excise Processing Teams, BX19 1GL

Gambling Commission, Victoria Square, Birmingham, B2 2BP

30. Helpful Terminology (A-Z)

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 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.

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.

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.

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 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

Gaming Machine Age Restrictions

Persons under 18 year of age 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.

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 Licensing Authority can issue a premises licence.

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 mangers of facilities, but also might cover a croupier working in a casino. These licensing are issued by the Gambling Commission.

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 of the holder. Applications are dealt with by the local authority for the area where the premises are situated.

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 licensing authority, 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.

Licensable Activities

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

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.

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 having regard to the licensing objectives.

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 Licensing Authority. A default condition is one that will automatically apply unless the Licensing Authority considers that there are grounds for excluding it.

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.

Occasional Use Notices

Procedures set out in the Act allow 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 for point to point races because the “track” or sporting event does not need to be a permanent fixture.

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 Licensing Authority. Similarly, premises licenced to sell alcohol will require a permit. Certain types of registered members clubs also require permits, as opposed to premises licences.

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 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.”

The 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.

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.

Provisional Statements

This procedure allows a prospective developer to apply for a statement from the 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.

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 and 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.

Relevant Representations

The Gambling Act does not use the term “objections”. Instead 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.

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.

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, having regards to 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.

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.

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).

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From: Catherine Sweet [mailto:catherine.sweet@gamcare.org.uk]
Sent: 26 July 2018 12:21
To: Licensing Team
Subject: RE: Gambling Policy Review - City of Bradford Metropolitan District Council

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If

you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

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: Iain Corby [mailto:iain@gambleaware.org]
Sent: 07 August 2018 13:55
To: Licensing Team
Subject: FW: Gambling Policy Review - City of Bradford Metropolitan District Council

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

GambleAware is an independent charity tasked to fund research, education and treatment services to help to reduce gambling-related harms in Great Britain. We work in partnership with the Gambling Commission and its independent advisors, the Responsible Gambling Strategy Board, to deliver many aspects of the National Responsible Gambling Strategy.

Due to the resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, we do strongly commend two recent publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers.

<https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>

<https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

We fully support local authorities which conduct an analysis to identify areas with increased levels of risk for any reason, but particularly where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling related harm – children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services – and include additional licence requirements to mitigate this increased level of risk.

We do not hold data at local authority level for treatment services. We are undertaking a needs assessment for treatment services which we expect will report early in 2019, and this will give councils insight into the expected level of need in their areas. The report will be published on our website here when it is available:

<https://about.gambleaware.org/research/research-publications/>

Kind regards,

Iain Corby
Deputy Chief Executive

GambleAware®

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From: Mandy Veti [mailto:mveti@gamblingcommission.gov.uk]
Sent: 14 August 2018 17:05
To: Tracy McLuckie
Subject: RE: Gambling Policy Review - City of Bradford Metropolitan District Council

Tracy

Thank you very much for this, this looks really comprehensive.

My only comments are around the risk assessments.

The first is a money laundering risk assessment (under LC 12.1.1) as follows:

Licensees must conduct an assessment of the risks of their business being used for money laundering and terrorist financing. Such risk assessment must be appropriate and must be reviewed as necessary in the light of any changes of circumstances, including the introduction of new products or technology, new methods of payment by customers, changes in the customer demographic or any other material changes, and in any event reviewed at least annually.

Although we would probably expect this to be kept at the Head Office for larger operators but the understanding would be needed on the premises (and for the monitoring checklist).

The second is a local areas risk assessment (SR 10.1.1)

Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy¹.

We would expect that the local area risk assessment to be on the premises and available for inspection (see this link for further information <http://www.gamblingcommission.gov.uk/for-licensing-authorities/Local-risk-assessments.aspx>)

The LCCP has been slightly updated and can be found at <http://www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice-April-2018.pdf>

If you need anything else please let me know.

Many thanks and kind regards
Mandy

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BY EMAIL ONLY
Licensing Department
Bradford Metropolitan District Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 097505.00005
#GS2219881
Your ref:
Date: 19 October 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 with regard, to the requirements for local area risk assessments.

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 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.

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.

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 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

Considerations specific to the Draft Statement of Licensing Principles 2019-2021

Paragraph 7.5 requires that the results of test purchasing operations be made available to the Licensing Authority. This requirement unnecessarily duplicates the requirement that these results must be given to the Gambling Commission. It is the Gambling Commission that issues the operating licence following a thorough investigation into the policies and procedures of an operator. If the Gambling Commission believes there to be an issue with these policies and procedures then it will liaise with the operator. To include a requirement that the Licensing Authority must be advised is unnecessary, burdensome and there is the potential for conflicting advice from both the Gambling Commission and Licensing Authority. We respectfully submit that the Gambling Commission as the expert in this field should be left to liaise with the operator over any potential improvements to policies and procedures and accordingly the requirement to share test purchase results with the Licensing Authority should be deleted.

Paragraph 7.9 refers to a suicide audit and acknowledges that there is no evidence to what extent gambling addiction has contributed to this. This is a wholly pejorative statement and has no place in the statement of principles. Accordingly, references to this should be deleted.

Similarly, the commentary in Paragraph 7.10 should be deleted. The purpose of the statement of principles is to outline the principles that the Licensing Authority will apply when exercising its functions under Gambling Act 2005. One of those functions is to “aim to permit” the use of premises for gambling and to give snapshots of research without a contextual background has no place within the statement of principles.

If these paragraphs are to remain in the statement of principles then the final paragraph that indicates that problem gambling among all adults in Britain is running at less than 1% should be

included at the beginning in order that all of the otherwise pejorative statements are made in context.

Paragraph 25 explains the Licensing Authority's approach to the imposition of conditions on the premises licences. This section would be assisted by a clear explanation that all Gambling Act 2005 premises licences are subject to mandatory and default conditions and that these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The statement of principles should also state that additional conditions will only be considered where there is clear 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.

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