

# **Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Licensing Committee to be held on 23 November 2015.**

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## **Subject:**

**Proposed Statement of Licensing Principles 2016-2019 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 8 December 2015.**

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## **Portfolio:**

**Neighbourhoods and Community Safety**

## **Overview & Scrutiny Area:**

**Environment & Waste Management**



## 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 8 December 2015.

## 2. BACKGROUND

- 2.1 The consultation draft of the statement of licensing principles for 2016-2019 has been available for public comment since 3 August 2015. The draft document was available on the Council's website, in public libraries and the consultation exercise was reported in the local press. Licensing Officers also directly consulted relevant authorities and organisations.

The consultation policy document is attached at Appendix 1.

- 2.2 The proposed changes largely reflect necessary updates following changes to gambling regulations and the Gambling Commission's statutory guidance. The main additions to the policy document are as follows:

### Sections 3.6 to 3.13

From April 2016 all premises licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and produce local risk assessments to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of licensing principles. Sections 3.6 to 3.13 of the policy document relate to this new requirement.

### Sections 6.3 and 6.4

Information regarding the prevention of child sexual exploitation within licensed premises has been included. This addition supports the on-going partnership work within the district to tackle sexual exploitation of children and young people.

Minor changes have also been made in response the public consultation exercise (detailed below).

- 2.3 The policy document seeks to reflect very detailed and substantial statutory guidance issued by the Gambling Commission made under the Act. This sets the parameters of what can and what should not be included within local statements of licensing principles.



2.4 The Gambling Act establishes three basic types of licence as follows:

1. **Personal Licences** – Required for persons defined as being involved in the management or operation of gambling establishments. The responsibility for the definition of such persons and licensing is that of the Gambling Commission.
2. **Operating Licences** – Required for the operator's of gambling facilities and are issued by the Gambling Commission.
3. **Premises Licences** – Relate to the actual premises where the gambling facilities take place. They are the responsibility of the Licensing Authority (as defined in the Licensing Act 2003).

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

### 3. PUBLIC CONSULTATION - RESPONSES RECEIVED

#### 3.1 Campaign for Fairer Gambling

The Campaign for Fairer Gambling's response focuses on betting shops and particularly the provision of 'fixed odds betting terminals' (also known as 'FOBTs' and 'B2' classified gaming machines). The Campaign for Fairer Gambling has requested the Licensing Authority:

- Consider the use of test purchasing to address not only the 'protection of the vulnerable' licensing objective and underage gambling, but also to test the effectiveness of self-exclusion procedures and anti-money laundering controls.
- Consider the imposition of premises licence conditions requiring minimum staffing levels in betting premises where fixed odds betting terminals and self-service betting terminals are available.
- Note the increase in the provision of 'Self Service Betting Terminals' in licensed betting shops and use available powers to control and monitor their use.
- That the statement of licensing principles contains a statement supporting further regulatory action against fixed odds betting terminals, with greater powers of control devolved to Councils.

A copy of the response is attached at Appendix 2.

#### Appraisal:

Comments from the organisation are noted. Section 10 of the policy document relates to betting premises and betting/gaming machines. Section 23 details the Licensing Authority's approach to licence conditions. No additional changes to the policy document are proposed.



Members may wish to consider whether they wish to support further regulatory action against fixed odds betting terminals and greater powers of control for Licensing Authorities separately.

### 3.2 Gosschalks Solicitors – Acting for the Association of British Bookmakers

The response details the Association of British Bookmakers approach to partnership working with local authorities and details its view on the implementation of the new local risk assessments in April 2016.

The Association is concerned with ensuring that any changes relating to risk assessments are not implemented in such a way as to undermine the “aim to permit” principle under s153 Gambling Act 2005. The Association also believes that operator’s should be allowed to gear their risk assessments to their own operational processes and not follow a form prescribed by a Licensing Authority.

The response also details specific comments relating to draft policy document as follows:

- Some of the terminology used in the document requires amendment to reflect the Gambling Act 2005 and the distinction between ‘betting machines’ and ‘gaming machines’ needs to be clearer.
- The list of factors which operator’s will need to consider when undertaking local area risk assessments at section 3.10 requires amendment to remove issues not related to the licensing objectives.
- The advertising of gambling is not an issue for consideration of the licensing authority as it is covered by the Gambling Commission’s Licence Conditions and Codes of Practice.
- The policy document should be clear that conditions would only be imposed on premises licences where there is evidence of a need to do so and not due to a ‘perceived need’.

A copy of the response is attached at Appendix 3.

#### Appraisal:

Some amendments have been made to the consultation document to reflect the terminology within the Gambling Act and the reference to advertising has been removed. The policy document is clear that decisions on licence conditions will be made on a case by case basis and will only be imposed where necessary.

With regards to risk assessments, the requirements at 3.10 of the policy document have been amended to be less prescriptive. It is anticipated that the Licensing Authority will produce a separate local area profile to map out key characteristics of the district. This local area profile will assist operators in producing their risk assessments.

The Licensing Authority does not intend to introduce prescribed ‘template’ risk assessments.



### 3.3 Coral Racing Limited

The response submitted by Coral Racing Limited states they are broadly supportive of the draft policy document. Specific comments on the draft document are as follows:

- In relation to risk assessments at Section 3.6 to 3.13, the company wish to highlight that they know of no evidence that the location of a licensed betting office within the proximity of schools and residential areas causes harm to the licensing objectives. Although local risk assessments are to be introduced, Coral Racing Limited believe these should be to assess specific risks to the licensing objectives and to assess whether control measures going beyond the standard control measures are needed. Inclusion of prescribed locations is not necessary.

A copy of the response is attached at Appendix 4.

#### Response:

As detailed at 3.2 above, requirements relating to risk assessments have been amended. Some examples of risks are included to assist any person considering the Statement of Licensing Principles.

### 3.4 Power Leisure Bookmakers Limited

The response from Power Leisure Bookmakers Limited makes reference to the Regulators Code, which was introduced in 2006 and requests that the policy document follows the better regulation principles detailed in the Code.

Specific comments regarding the policy document are as follows:

- When producing local risk assessments, operators should be allowed to assess their existing operational processes and any proposed measures to address substantiated risks should be proportionate to specific concerns. Risk profiles must be based upon factual evidence of gambling related harm, rather than theoretical risk.
- When considering risk assessments, the Licensing Authority should also consider the extensive policies already implemented by operators in accordance with the Gambling Commission's Licence Conditions and Codes of Practice to avoid duplicating operator licence requirements.
- The policy document should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance is not a licensing objective under the Gambling Act.
- Additional licence conditions should only be imposed in exceptional circumstances where evidence based risks are identified and existing provisions are considered inadequate.



- The additional paragraphs relating to Child Sexual Exploitation have no relevance to gambling. It is an operator's responsibility to protect children from being harmed or exploited by gambling and to request operators to safeguard against child sexual exploitation goes beyond the objectives of the Gambling Act.

A copy of the response is attached at Appendix 5

Response:

The comments are noted. The Regulators Code is detailed at Section 21 of the policy document, which has been updated to reflect amendments to the code. As detailed above, requirements relating to risk assessments have been amended.

With regards to the addition of information relating to child sexual exploitation, the policy document has been amended to clarify that prevention of child sexual exploitation does not relate to the licensing principles. However, information is still included in the policy.

#### **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 consultation draft statement of licensing principles sets out how the Authority proposes to achieve the licensing objectives when exercising its functions. When drafting the policy document, licensing authorities must have regard to guidance issued by the Gambling Commission and any Codes of Practice issued under the Act. The draft updated policy document takes account of current guidance and codes of practice.

- 6.3 The approved statement of licensing principles document must be published by the Council on or before the 31 January 2016. It is therefore necessary to have the final document approved by Council at its meeting of the 8 December 2015, 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.

## **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 Full Council that Appendix 1 to Document “E” 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 Environmental & Regulatory Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.

## **11. APPENDICES**

1. Consultation draft Statement of Gambling Principles (restricted circulation).
2. Consultation Response – Campaign for Fairer Gambling
3. Consultation Response – Gosschalks Solicitors, acting for the Association of British Bookmakers
4. Consultation Response – Coral Racing Limited
5. Consultation Response – Power Leisure Bookmakers Limited

## **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 2016-2019**

[DRAFT]

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November 2015

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

**CONTENTS**

<u>Part</u>	<u>Title</u>	<u>Page</u>
1.	<a href="#"><u>The Council's Licensing Authority's General Approach to Licensing</u></a>	3
2.	<a href="#"><u>Licensing Functions Covered by this Policy</u></a>	4
3.	<a href="#"><u>Achievement of Licensing Principles</u></a>	4
4.	<a href="#"><u>Preventing Gambling from being a Source of Crime and Disorder</u></a>	6
5.	<a href="#"><u>Ensuring Gambling is Conducted in a Fair and Open Way</u></a>	7
6.	<a href="#"><u>Protection of Children and Other Vulnerable People from Gambling</u></a>	8
7.	<a href="#"><u>Adult Gaming Centre</u></a>	9
8.	<a href="#"><u>Licensed Family Entertainment Centres</u></a>	10
9.	<a href="#"><u>Bingo Premises</u></a>	10
10.	<a href="#"><u>Betting Premises</u></a>	11
11.	<a href="#"><u>Betting Tracks</u></a>	12
12.	<a href="#"><u>Casinos</u></a>	13
13.	<a href="#"><u>Travelling Fairs</u></a>	14
14.	<a href="#"><u>Unlicensed Family Entertainment Centre Gaming Machine</u></a>	14
15.	<a href="#"><u>(Alcohol) Licensing Premises Gaming Machine Permits</u></a>	15
16.	<a href="#"><u>Prize Gaming Permits</u></a>	16
17.	<a href="#"><u>Club Gaming and Club Machines Permits</u></a>	16
18.	<a href="#"><u>Temporary Use Notices</u></a>	17
19.	<a href="#"><u>Occasional Use Notices</u></a>	17
20.	<a href="#"><u>Licensing Hours</u></a>	17
21.	<a href="#"><u>Effective Enforcement</u></a>	17
22.	<a href="#"><u>Exchange of Information</u></a>	18
23.	<a href="#"><u>Conditions of Licence</u></a>	19
24.	<a href="#"><u>The Licensing Process</u></a>	19
25.	<a href="#"><u>Scheme of Delegation of Functions</u></a>	21
26.	<a href="#"><u>The Consultation and Review Process</u></a>	22
27.	<a href="#"><u>Responsible Authorities in the Bradford District</u></a>	23
28.	<a href="#"><u>Useful Contacts</u></a>	24
29.	<a href="#"><u>Helpful Terminology</u></a>	28

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

- 1.1 The Bradford District is the fourth largest metropolitan district in England with a population of over 528,000. The district contains varied landscapes and covers 143 square miles, 60% of which is open countryside.

The district has four distinct areas: the City of Bradford in the South East, the river valleys, Airedale and Wharfedale and the upland Pennine areas to the South West which divide Airedale and Wharfedale.

Airedale covers Keighley, Bingley, Shipley and Saltaire village, which is a World Heritage Site. Wharfedale includes the former spa town of Ilkley, and the smaller towns of Burley and Addingham. There are also a number of smaller villages, such as Haworth Village.

- 1.2 The Council's Licensing Authority takes a positive approach to the licensing and regulation of events and betting and gaming establishments. It recognises the important role that well regulated, varied and safe entertainment can play in promoting the vitality and viability of the district's city and town centres, particularly the evening economy. It is also aware that tastes and trends change over time and that, in the light of increasing competition within the entertainment industry, any licensing system must be sufficiently flexible and responsive to new initiatives from the licensing industry and individuals.
- 1.3 In the light of the above, the Council's Licensing Authority, has adopted a tailored Licensing Enforcement Policy that can, in consultation with interested parties, be adjusted to demonstrate the Licensing Authority's commitment to be both flexible and responsive. This statement of principles should therefore be considered as complementary to the Licensing Enforcement Policy.
- 1.4 The Licensing Authority will take care to help businesses, event organisers and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly.
- 1.5 The Council's Licensing Authority is however aware of the statistical link between places providing entertainment, including facilities for gambling, and incidents of crime and disorder in the District and is seeking to address this with the West Yorkshire Police and other agencies through the Stronger Communities Partnership.
- 1.6 This Statement of Licensing Principles also 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 Council's Licensing Authority's obligations under section 17 of the Crime and Disorder Act 1998.

- 1.7 The meanings of any technical words or phrases used in this document are set out in Section 30 - Helpful Terminology.

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

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

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

- 3.1 Every application will be considered on its merits; however the Council's Licensing Authority has a duty under the Gambling Act 2005 to carry out its functions having regard to the three broad licensing objectives. 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
- 3.2 Applicants that do not seek to be reasonably 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 Council's Licensing Authority will however, as far as possible, assist applicants on how best to adequately address these matters (if this is possible) or where further advice and information can be obtained.
- 3.3 Overall, in making decisions about premises licences and temporary use notices, the Council's Licensing Authority's general approach will be to aim to permit the use of premises for gambling in so far as is appropriate and:
- in accordance with any relevant codes of practice issued under the Act;
  - in accordance with the guidance issued by the Gambling Commission;

- in accordance with this Statement of Licensing Principles; and
- is reasonably consistent with achievement of the licensing objectives.

3.4 The Council's Licensing Authority will also take account of these principles when considering applications for various types of permits under the Act. However, 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. Parts 14 to 17 of this Statement of Gambling Principles, outlines the Council's Licensing Authority's general approach when considering applications for various permits.

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

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).

3.6 Following revisions by the Gambling Commission to the Licensing Conditions and Codes of Practice (LCCP), from 6 April 2016 operators with premises licenses have an obligation 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.

3.7 Gambling operators will be 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 change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

3.8 The LCCP social responsibility code will require 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.

3.9 The introduction of 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.

3.10 Factors relating to the local area that operators will need to consider include types of premises and their operation in the surrounding area, for example, educational facilities, hospitals, mental health providers, hostels and support services.

3.11 Factors relating to the gambling operation, i.e. how the premise will be or is run, will include the operators 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. It may also include other elements such as:

- 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.

3.12 The design and layout of the premises is also a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout, reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

Some risk factors may require a combination of control measures to adequately mitigate the risk, such as:

- Staff training
- Security policies and procedures
- 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

3.13 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.

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

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

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

The Council's Licensing Authority will only expect applicants to take such action or precautions that are in their control, but would advise applicants to take appropriate advice from the police before making their licence or permit submissions. 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.

- 4.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council's Licensing Authority will, in consultation with the police or other relevant Responsible Authority, consider whether specific controls need to be applied to prevent gambling in those premises from being a source of crime and/or disorder.
- 4.4 The Council's Licensing Authority will expect applicants to co-operate with any initiatives promoted by West Yorkshire Police to tackle illegal drug misuse where premises are in an area where there is a recognised problem of drug dealing or taking associated with gambling premises.
- 4.5 Anyone applying to the Council's Licensing Authority for a premises licence will have to hold a gambling operating licence from the Gambling Commission before a premises licence can be issued. Those involved in managing the premises or supervising 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 Council's Licensing Authority, those concerns will be brought to the attention of the Gambling Commission for their investigation.

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

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

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

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

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

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

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

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

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

6.3 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:



- 6.4 The Council's 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.
- 6.5 Licensees should demonstrate that they have effective policies and procedures in place to prevent underage gambling, with the results of test purchasing operations or other action taken being made available to the Licensing Authority.
- 6.6 The Act provides for a code of practice on access to casino premises by children and young persons and the Council's Licensing Authority will work closely with the Police to ensure the implementation of the code of practice and appropriate enforcement of the law and any conditions of licence.
- 6.7 The Council's Licensing Authority does not seek to prohibit particular groups of adults from gambling, in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that "vulnerable persons" include:
- People who gamble more than they want to;
  - People who gamble beyond their means;
  - People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, or intoxication by alcohol or drugs.

## **7. Adult Gaming Centres**

- 7.1 Anyone wishing to operate an adult gaming centre will require an adult gaming centre premises licence from the Council's 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 under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:
- proof of age schemes and staff training in relation to proof of age schemes
  - 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

- 7.2 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](#).

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

- 8.1 Anyone wishing to operate a family entertainment centre will require a family entertainment centre premises licence from the Council’s 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 under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances and/or machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours

- 8.2 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.

- 8.3 The Council’s licensing authority will also take appropriate advice from the Gambling Commission concerning any conditions that apply to relevant operator licences stipulating the way in which the area containing any category C machines should be delineated. Account will also be taken of any mandatory or default conditions required to be attached to premises licences falling into this category.

## **9. Bingo Premises**

- 9.1 Commercial bingo halls will require a bingo premises licence from the Council. Amusement arcades providing prize bingo will require a prize gaming permit from the Council.
- 9.2 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game, other than on [category D machines](#). When considering applications of this type the Council will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

9.3 A limited number of gaming machines may also be made available at bingo licensed premises. Where [category C](#) or above machines are available in premises to which children are admitted, the Council's Licensing Authority will seek to ensure that:

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

## **10. Betting Premises**

10.1 Anyone wishing to operate a betting office will require a betting premises licence from the Council's Licensing Authority. Children and young persons will not be able to enter premises with a betting premises licence. Betting premises will be able to provide a limited number of gaming machines and some betting machines.

10.2 The Council's Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not generally exercise this power unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision exercised, especially where vulnerable people are concerned. Each application will be considered on its own individual merits.

10.3 The Council is aware of the general concern 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.

10.4 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.

- 10.5 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 were to arise relating to any of the operators premises.

## **11. Betting Tracks**

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

- 11.6 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.
- 11.7 Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their type and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. It may be necessary to impose such restrictions particularly where the floor area covered by the machines is extensive, leading to fears about proper supervision.
- 11.8 In line with the Gambling Commission's guidance the Council's Licensing Authority is also likely to attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public, such as made available in leaflet form from the track office.

## **12. Casinos**

- 12.1 Bradford Council has not passed a "no casino" resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this policy statement will be updated with details of that resolution.
- 12.2 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
- 12.3 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.
- 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 The Council's Licensing Authority will also, where appropriate, encourage and if necessary attach conditions requiring operators to provide parts of the casino premises that are located separate from gambling facilities and provide other authorised forms of entertainment or relaxation. It is considered that this will allow customers opportunities to have a break from gambling during their visit.

### **13. Travelling Fairs**

- 13.1 The Council's Licensing Authority will ensure that, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, that those facilities are merely incidental to the activities of the travelling fair.
- 13.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 13.3 It should be noted that there is a 27 day statutory maximum for the land being used as a fair per calendar year. This relates to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land on each occasion.

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

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

- 14.1 Where a 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.
- 14.2 An application for a permit will be considered only if the Council's Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and that West Yorkshire Police have been consulted on the application.  
Each application will be considered on its own merits; however the following broad principles will be followed when applications are considered.

- The Council's Licensing Authority will consider whether the applicant is suitable to hold a permit for an unlicensed family entertainment centre. In this regard any evidence of previous convictions that would raise questions about the applicant's suitability would be considered carefully.
- The proximity of the premises to facilities frequented by large numbers of children, e.g. schools and youth centres, and any evidence that this might contribute to problems related to truancy or other social problems.
- The steps proposed to be taken by the applicant to ensure that managers and staff working in the facility are trained in the general awareness of cases where children in their premises are truanting and how staff should deal with unsupervised children, or those whose behaviour on the premises may give rise to concern.
- The licensing objectives set out in paragraph 3.1 of this statement of Licensing Principles.

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

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

- 15.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the licensing authority. The Council's Licensing Authority may remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (e.g. that gaming has been provided in such a way that does not comply with any relevant code of practice issued by the Gambling Commission about the location and operation of the machines);
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.
- 15.2 If a premises wishes to have more than 2 machines, then the Council's Licensing Authority will consider any such application based upon the licensing objectives, the guidance issued by the Gambling Commission, and "such matters as it thinks relevant".
- 15.3 The Council's Licensing Authority will determine on a case by case basis what other relevant factors apply, but generally particular regard will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machines. Measures which will satisfy the authority that there will be no access may include positioning the adult machines within sight of the bar area so they can be easily supervised, or specific staff responsible for ensuring that these machines are not being used by those under 18. Advisory notices and signage may also be required.
- 15.4 As regards the protection of vulnerable persons, applicants will be expected to provide information leaflets and helpline telephone numbers for organisations such as [GamCare](#).
- 15.5 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.

- 15.6 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.
- 15.7 Permit holders must comply with any Code of Practice issued by the Gambling Commission about the location and operation of any machine.

## **16. Prize Gaming Permits**

- 16.1 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to apply in exercising their functions relating to prize gaming permits which may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the application permit.
- 16.2 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.

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

- 17.1 Members Clubs and Miners' Welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Machine Permit.
- 17.2 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.
- 17.3 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.

- 17.4 The Council's 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.



## **18. Temporary Use Notices**

- 18.1 There are a number of statutory limits as regards temporary use notices with regard to premises. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of “premises” or “a set of premises”, for the purpose of the Act, the Council’s Licensing Authority will consider, amongst other things, the ownership, occupation and control of the premises.

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

## **19. Occasional Use Notices**

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

## **20. Licensing Hours**

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

## **21. Effective Enforcement**

- 21.1 The Council’s Licensing Authority will properly investigate any complaints received about the running of premises where they are relevant and/or relate to the three Licensing Principles.
- 21.2 In accordance with the Council’s licensing Enforcement Policy, the Council’s Licensing Authority adopts a multi-agency approach to the enforcement of licensing breaches.

Consideration will be given as to the appropriate powers that should be used to address a problem where other agencies like the Police, Fire Authority or Gambling Commission also have their own powers. Formal enforcement will always be a last resort.

21.3 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.

21.4 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.

## **22. Exchange of Information**

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

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

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

## **23. Conditions of Licence**

23.1 The Council's Licensing Authority will only impose conditions that are necessary, 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.

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

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

## **24. The Licensing Process**

24.1 The Council's Licensing Authority encourages individual applicants to address the licensing principles before submitting applications for premises licences having regard to the type of premises, the licensable activities to be provided, the operational requirements, the nature of the location and the circumstances of the local community.

Application forms and guidance notes will be issued on request and will also be made available on Bradford Council's website at [www.bradford.gov.uk/licensing](http://www.bradford.gov.uk/licensing).

Early consultation with the Police, Fire Authority, other responsible authorities and local residents or businesses is recommended as this will make it less likely that objections will be received to the application.

24.2 Applicants are encouraged to consider any arrangements that they may need to make with operators of public transport in order to ensure the speedy and orderly transportation of customers where facilities are open until late.

24.3 When determining applications the Council's Licensing Authority will have regard to any guidance issued by the Gambling Commission, along with relevant Codes of Practice, the Licensing Principles and the relevant contents of this Statement of Principles. Any valid representations received from Interested Parties or Responsible Authorities will be considered.

24.4 An "Interested Party" is defined in the Act as a person who:

- lives sufficiently close to the premises to be likely to be affected by the activities taking place there;
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)

In deciding whether a person is an Interested Party 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 Council's Licensing Authority will take account of:

- the size of the premises
- the nature of the premises
- the nature of the authorised activities being proposed
- the distance of the premises from the person making the representation
- the characteristics of the complainant
- the potential impact of the premises

24.5 It is 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.

## 25. Scheme of Delegation of Functions

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

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Full Committee</u>	<u>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			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations made by the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises licence			X	
Application for club gaming/club machine permits			Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits			X	
Applications for other permits			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.

<u>Matter to be dealt with</u>	<u>Full Council</u>	<u>Full Committee</u>	<u>Licensing Panel</u>	<u>Officers</u>
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

25.2 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.

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

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

26.1 This Statement of Licensing Principles complies with the Council's Licensing Authority's duties under the Gambling Act 2005 and account has been taken of the guidance issued by the Gambling Commission under section 349 of the Act, Codes of Practice issued under the Act and the broad objectives of gambling licensing set out in part 3 of this document.

26.2 The Council's 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 and local businesses, 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.

26.3 This policy statement comes into effect on the 31 January 2016 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 2019.

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

Licensing Authority, Jacobs Well, Bradford, BD1 5RW

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, Jacobs Well, Bradford, BD1 5RW

Environmental Health, Jacobs Well, Bradford, BD1 5RW

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

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

Gambling Commission, Victoria Square, Birmingham, B2 2BP

## 28. Useful Contacts

<b>Contact</b>	<b>Details</b>
<p>Licensing Team</p> <p>Application forms, guidance and policy issues. Complaints about premises or applications for review of licences</p>	<p>Licensing Team City of Bradford Metropolitan District Council Environmental &amp; Regulatory Services Jacobs Well, Bradford BD1 5RW</p> <p>Telephone: 01274 432240 Email: <a href="mailto:licensingteam@bradford.gov.uk">licensingteam@bradford.gov.uk</a></p>
<p>Building Control Department</p> <p>Alterations to premises, structural alterations, access and facilities for disabled people.</p>	<p>Building Control Department City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 5RW</p> <p>Telephone: 01274 434432 Email: <a href="mailto:buildingcontrol@bradford.gov.uk">buildingcontrol@bradford.gov.uk</a></p>
<p>Environmental Protection</p> <p>Noise, food safety, cleansing and health &amp; safety.</p>	<p>Environmental Protection Department City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 5RW</p> <p>Telephone: 01274 434366 Email: <a href="mailto:ep.admin@bradford.gov.uk">ep.admin@bradford.gov.uk</a></p>
<p>Regeneration &amp; Culture</p> <p>Events in Centenary Square.</p>	<p>Regeneration &amp; Culture City of Bradford Metropolitan District Council City Hall, Bradford BD1 1HY</p> <p>Telephone: 01274 434783</p>
<p>Parks &amp; Landscape Service</p> <p>Use of Council's owned parks.</p>	<p>Parks &amp; Landscape Service City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 5RW</p> <p>Telephone: 01274 432648</p>
<p>Public Safety Liaison Group</p> <p>Event planning.</p>	<p>Emergency Planning Office City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 1HY</p> <p>Telephone: 01274 432011</p>



<b>Contact</b>	<b>Details</b>
<p>Gambling Commission</p> <p>Application forms for Operating and Personal Licences. Advice and Guidance Enforcement Issues</p>	<p>Gambling Commission Victoria Square Birmingham, West Midlands B2 2BP</p> <p>Telephone: 01212 306500 Email: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a></p>
<p>West Yorkshire Police</p> <p>Crime and disorder.</p>	<p>Licensing Section West Yorkshire Police Trafalgar House, Nelson Street Bradford, BD5 0DX</p> <p>Telephone: 01274 471446</p>
<p>West Yorkshire Fire &amp; Rescue Service</p> <p>Fire Safety.</p>	<p>West Yorkshire Fire &amp; Rescue Service Fire Protection Oakroyd Hall, Birkenshaw Bradford, BD11 2DY</p> <p>Telephone: 0113 3875724 Email: <a href="mailto:fire.safety@westyorkshirefire.gov.uk">fire.safety@westyorkshirefire.gov.uk</a></p>
<p>Yorkshire Ambulance Service</p> <p>Medical cover.</p>	<p>YAS NHS Springhill, Unit 41 Business Park Brindley Way, Wakefield WF2 0XQ</p> <p>Telephone: 0845 124 1241 Web: <a href="http://www.yas.nhs.uk">www.yas.nhs.uk</a></p>
<p>Social Services</p> <p>Child Protection.</p>	<p>Child Protection Unit City of Bradford Metropolitan District Council Sir Henry Mitchell House, 4 Manchester Road, Bradford, BD5 0QL</p> <p>Telephone: 01274 434361</p>
<p>Phonographic Performance Ltd (PPL)</p> <p>Public Performance and Broadcasting Rights.</p>	<p>Phonographic Performance Ltd 1 Upper James Street London W1F 9DE</p> <p>Telephone: 020 7534 1000 Email: <a href="mailto:info@ppluk.com">info@ppluk.com</a></p>
<p>Performing Rights Society (PRS)</p> <p>Copyright of music composers.</p>	<p>Performing Rights Society 29/33 Berners Street London W1T 3AB</p> <p>Telephone: 020 7580 5544 Email: <a href="mailto:customerservice@prsformusic.com">customerservice@prsformusic.com</a></p>

<b>Contact</b>	<b>Details</b>
<p>British Beer &amp; Pub Association (BBPA)</p> <p>Business interests of the UK's brewing and pub sectors.</p>	<p>British Beer &amp; Pub Association Ground Floor Brewers Hall Aldermanbury Square London EC2V 7HR</p> <p>Telephone: 020 7627 9191 Email: <a href="mailto:contact@beerandpub.com">contact@beerandpub.com</a> Web: <a href="http://www.beerandpub.com">www.beerandpub.com</a></p>
<p>British Board of Film Classification (BBFC)</p>	<p>British Board of Film Classification 3 Soho Square London W1D 3HD</p> <p>Telephone: 020 7440 1570 Email: <a href="mailto:feedback@bbfc.co.uk">feedback@bbfc.co.uk</a> Web: <a href="http://www.bbfc.co.uk">www.bbfc.co.uk</a></p>
<p>British Institute of Innkeeping (BII)</p> <p>Information and qualifications for the licensed retail sector.</p>	<p>British Institute of Innkeeping Infor House, 1 Lakeside Road Farnborough GU14 6XP</p> <p>Telephone: 01276 684449 Email: <a href="mailto:reception@bii.org">reception@bii.org</a> Web: <a href="http://www.bii.org">www.bii.org</a></p>
<p>Equality &amp; Human Rights Commission</p> <p>Advice, information and support for disabled people, employers and service providers.</p>	<p>Equality &amp; Human Rights Commission Equality Advisory Support Services Freepost FPN4431</p> <p>Telephone: 0808 800 0082 Web: <a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a> Email: <a href="mailto:correspondence@equalityhumanrights.com">correspondence@equalityhumanrights.com</a></p>
<p>Security Industry Authority</p> <p>Door Supervisors registration.</p>	<p>Security Industry Authority PO Box 1293 Liverpool L69 1AX</p> <p>Telephone: 0844 892 1025 Email: <a href="mailto:info@sia.homeoffice.gov.uk">info@sia.homeoffice.gov.uk</a> Web: <a href="http://www.sia.homeoffice.gov.uk">www.sia.homeoffice.gov.uk</a></p>
<p>Portman Group</p> <p>Responsible drinking advice and support for the government, media, industry and consumers.</p>	<p>The Portman Group 4<sup>th</sup> Floor 20 Conduit Street London, W1S 2XW</p> <p>Telephone: 020 7290 1460 Email: <a href="mailto:info@portmangroup.co.uk">info@portmangroup.co.uk</a> Web: <a href="http://www.portmangroup.org.uk">www.portmangroup.org.uk</a></p>

<b>Contact</b>	<b>Details</b>
Trading Standards	<p>West Yorkshire Trading Standards Nepshaw Lane South Morley, Leeds LS27 0QP</p> <p>Telephone: 0113 253 0241 Web: <a href="http://www.ts.wyjs.org.uk">www.ts.wyjs.org.uk</a> Email: <a href="mailto:info@wyjs.org.uk">info@wyjs.org.uk</a></p>
British Casino Association (BCA)	<p>The British Casino Association 38 Grosvenor Gardens London SW1W 0EB</p> <p>Telephone: 020 7730 1055 Web: <a href="http://britishcasinoassociation.org.uk">britishcasinoassociation.org.uk</a> Email: <a href="mailto:enquiries@britishcasinoassociation.org.uk">enquiries@britishcasinoassociation.org.uk</a></p>
British Amusements & Catering Trade Association (BACTA)	<p>British Amusements &amp; Catering Trade Association 134-136 Buckingham Palace Road London SW1W 9SA</p> <p>Telephone: 020 7730 6444 Email: <a href="mailto:info@bacta.org.uk">info@bacta.org.uk</a> Web: <a href="http://www.bacta.org.uk">www.bacta.org.uk</a></p>
Association of British Bookmakers (ABB)	<p>Association of British Bookmakers Warwick House 25 Buckingham Palace Road London, SW1W 0PP</p> <p>Telephone: 020 7434 2111 Web: <a href="http://www.abb.uk.com">www.abb.uk.com</a> Email: <a href="mailto:mail@abb.uk.com">mail@abb.uk.com</a></p>
Business In Sport & Leisure	<p>Business In Sport &amp; Leisure 46 Fields End Road Cheam, Surrey SM3 8NR</p> <p>Telephone: 020 8255 3782 Web: <a href="http://www.bisl.org">www.bisl.org</a> Email: <a href="mailto:amanda.fry@bisl.org">amanda.fry@bisl.org</a></p>
Casino Operators' Association (UK) (COA (UK))	<p>Casino Operators' Association COA (UK) 22 Arlington Street London SW1A 1RD</p> <p>Telephone: 0114 281 6191 Web: <a href="http://www.casinooperatorsassociation.org.uk">www.casinooperatorsassociation.org.uk</a> Email: <a href="mailto:gensec@coa-uk.org.uk">gensec@coa-uk.org.uk</a></p>

## **29. Helpful Terminology**

### **Licensing Authority**

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

### **Licensing Committee**

This is a committee of at least 10 but not more than 15 members of the local authority. It may appoint one or more sub-committees consisting of three members.

### **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.

### **Licensable Activities**

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

### **Interested Parties and Responsible Authorities**

The Act creates two categories of people/bodies that can make representations to a licensing authority about an application for a licence.

"Interested parties" are persons or businesses living/situated sufficiently close to the premises as to be likely to be affected by the authorised activities; or persons representing them (see paragraph 25,4).

"Responsible authorities" include the 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.

### **Gambling**

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

- gaming means playing a game of chance for a prize
- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not

- a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

### **Gambling Premises Licences**

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

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

### **Gambling Personal Licences**

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

### **Gambling Operating Licences**

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

### **Permits**

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

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

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

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

## **Conditions**

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

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

## **Mandatory and Default Conditions**

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

## **Relevant Representations**

The 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.

## **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.

## **Statement of Licensing Principles**

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

## **Temporary Use Notices**

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

## **Occasional Use Notices**

Procedures set out in the Act 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.

## **Provisional Statements**

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

## **Codes of Practice**

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

## **The Gambling Commission**

The Gambling Commission regulates gambling in the public interest.

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

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

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

### **Private Gaming**

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

### **Non-Commercial Gaming**

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

### **Self-Exclusion Schemes**

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

### **Categories of Gaming Machine**

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

<b>Category</b>	<b>Maximum stake</b>	<b>Maximum prize</b>
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100



<b>Category</b>	<b>Maximum stake</b>	<b>Maximum prize</b>
D	30p or £1 when non monetary prize	£8 or £50 when non monetary prize
D	10p when monetary prize	£5 when monetary prize
D	10p when combined money and non money prize other than coin pusher or penny falls machine	£8 (of which no more than £5 may be a monetary prize) when combined money and non money prize other than coin pusher or penny falls machine
D	20p when combined money and non money prize relating to coin pusher or penny falls machine	£20 (of which no more than £10 may be a monetary prize) when combined money and non money prize relating to coin pusher or penny falls machine

### Number of Gaming Machines by Premises Type

<b>Type</b>	<b>Gaming machines</b>
Large Casino	5-1 gaming machine / table ratio Category B to D for each table available for use. Maximum of 150 machines
Small Casino	2-1 gaming machine / table ratio Category B to D for each table available for use. Maximum 80 machines
Casinos established under the Gaming Act 1968	No machine / table ratio Maximum of 20 machines categories B to D or any number of C or D machines instead
Bingo Premises	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 Unlimited Category C Unlimited Category D
Betting Premises	4 gaming machines Category B2 to D
Track Betting premises where pool betting licence held	4 gaming machines Category B2 to D
Adult gaming centre	Maximum of 20% of the total number of gaming machines which are available for use on the premises Category B3 or B4 Unlimited Category C Unlimited Category D
Family Entertainment Centre with Operating Licence	Unlimited gaming machines Category C to D
Family Entertainment Centre with Gaming Permit	Unlimited gaming machines Category D
Members Club Premises	3 gaming machines Category B3A or B4 to D, only one of which may be a B3A machine

Type	Gaming machines
On sales alcohol licensed premises without food restriction	2 gaming machines Category C to D by notification Unlimited Category C to D with alcohol premises gaming machine permit

### 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.

### Definition of Premises

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

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

## **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.

## **Premises "ready for gambling"**

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

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

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process. First, whether the premises ought to be permitted to be used for gambling 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.



Date: 04 September 2015

Dear Council Leader,

**Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19**

As leader of the council, you will know that Licensing Authorities are required under the Gambling Act 2005 (the Act) to publish a statement of the principles which they propose to apply when exercising their functions in respect of gambling activity within their borough.

Under the Act, Licensing Authorities are required to consult those who represent the interests of persons who are likely to be affected by the exercise of the authority's functions. The [Campaign for Fairer Gambling](#) in conjunction with its more focused [Stop the FOBTs campaign](#) has prepared this consultation submission for the consideration of all Local Authority licensing committees with particular regard to dealing with the contentious issue of betting shops and Fixed Odds Betting Terminals (FOBTs/B2 classified gaming machines).

**We would appreciate if you could share the important contents of this mailing with your Chief Licensing Officer.**

Under the Act, Licensed Betting Offices (LBOs) are allowed a maximum of four B2 category gaming machines offering game content defined as B2 with stakes up to £100 per spin, B3 with stakes up to £2 per spin and category C with stakes up to £1 per spin. Also, the bookmakers have merged two game categories (B2 and B3), so in betting shops you can play a low stake £2 capped slot game that suddenly introduces the player to £10, £20, £30 plus stakes per spin.

Despite increasing evidence of the destructive social impact of high speed, high stake casino gaming in betting shops at stakes up to £100 per spin, the previous coalition government and the current Conservative government have failed to take either decisive or effective action to curb FOBTs.

The recent government response to [93 Councils led by Newham](#) calling for the stakes on FOBTs to be cut to £2 per spin laid the blame for the issue of proliferation of betting shops in town centres and consequently FOBTs, at the door of licencing authorities. Marcus Jones MP, Minister for Local Government, wrote:

*"It is perhaps an uncomfortable reality that every one of the betting shops that collectively have given rise to the concern at the heart of the submission relies on a premises licence granted by the local authority itself".*

He goes on to advise councils of their existing powers under the licensing process, which many local authorities already recognise as limited in scope.

However, he points to "few" local authorities having so far "made effective use of a provision of the Act that we see as being absolutely critical in managing the local gambling landscape". With this statement he is referring to the three year review of local gambling policy now under way across England, Scotland and Wales by local authorities such as yours.

In his letter to Newham, Marcus Jones MP, criticises councils for drafting "generic" and "template" based statements and that the Gambling Commission "will be placing much greater emphasis on the importance of the statements".

The Campaign for Fairer Gambling has prepared this submission for consideration as part of your review, taking into account the Minister's advice and focusing on the most prominent issue of contention for licensing authorities – licensed betting offices and the Fixed Odds Betting Terminals they operate.

## **Enforcement**

The main enforcement and compliance role for a licensing authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. One strategic methodology to measure compliance is to commission [test purchasing](#) of premises and staff employed on those premises to transact gambling.

The Gambling Commission (the Commission) notes that *"it is the responsibility of operators to manage the risks to the licensing objectives that their activities may present"*. Licensing authorities are rightly empowered to undertake test purchasing to ensure measures are being implemented effectively. Under guidance from the Commission, test purchasing to evaluate the effectiveness of measures in place on licensed premises concerning self-exclusion, under age controls, anti-money laundering policies and procedures are within the remit of a licensing authority.

However, in the period 2013/2014 across the whole of England, Scotland and Wales, of the two most highly represented licensed premises in high street locations – licensed betting offices (LBO) and adult gaming centres (AGC) - just 825 instances of test purchasing were recorded as being carried out by licensing authorities. To put this in context 599 (6%), of the 9,137 betting shops (to March 2014) and 226 (14%) of the 1,618 AGCs were subject to test purchasing by licensing authorities. Only 37 Councils carried out test purchasing last year.

In most cases, test purchasing focuses on the "protection of the vulnerable" licensing objective and consists of tests for under age access to gambling on licensed premises. However, the Commission is clear that the scope of test purchasing should include the effectiveness of self-exclusion procedures and anti-money laundering controls as well as under age controls. Money laundering in particular has been repeatedly highlighted as a particular area of concern around FOBTs both [low level](#) and more [highly-organised incidents](#) that revealed serious weaknesses in operator controls.

## **Premise Licence Conditions**

The Minister for Local Government, in his negative response to the Newham-led call for stakes on FOBTs to be cut to £2 per spin, said: *"The licensing process gives authorities considerable scope to attach conditions to licences where that is necessary to achieve the licensing objectives"*.

The tenth betting shop to open in London's China Town was subject to attached conditions by the Licensing Authority following concerns from the local community and representations from the Police. They included:

- A. Seating provided for use by customers whilst playing FOBTs must be secured to the floor – this is viewed as anticipating [aggressive behaviour](#) from FOBT players who suffer large losses
- B. a comprehensive CCTV system covering internal and external frontage with immediate availability to the police must be fitted
- C. an incident log of all incidents on the premises must be kept
- D. minimum 11.5 mm thickness security glass must be fitted to the service area
- E. a "behind the counter" attack alarm must be fitted and each member of staff must be issued with and required to carry on their person a personal fob attack alarm
- F. maglocks fitted to entrance and exit points and even toilet doors.
- G. a minimum of two staff to be present post 8 pm in the evening.

Whilst these measures have some merit in addressing the potential incidents that now occur in betting shops, they are indicative of an escalation in anti-social behaviour as a consequence of gambling activity in these licensed premises. In the first nine months of 2014, Police call outs to betting shops were already up by over 20% on the previous year.

The one condition that Licencing Authorities seem hesitant to impose and, when they do - as per Westminster - is done in a relatively lack lustre manner, is requiring an adequate number of staff on the premises. The number of people employed in the betting sector has fallen by 9,700 since 2008. The industry now staffs most LBOs with just one person. This is particularly risky for staff and undermines industry claims to be promoting "responsible gambling" and "player protection measures" when they absolve responsibility for their premises to one person, generally young and female, working for not much more than minimum wage levels.

No other gambling sector employs lone staffing as a standard policy. It is perceived as irresponsible to leave licensed premises, on which gambling is transacted, under the management and operation of one person. It is within the remit of licencing authorities to impose minimum staffing levels as a condition attached to LBO premises licences.

Locally determined conditions are recommended by the Commission who says: "*Where there are specific, evidenced risks or problems associated with a particular locality, or specific premises or class of premises, a licencing authority will be able to attach individual conditions to address this. That will be a matter for them in the light of local circumstances.*"

However, unlike the conditions attached to the new Soho betting shop that deal with issues that predominantly occur inside the premises, often disturbances occur outside the premises, causing a nuisance for other businesses or residential occupiers. Acts of vandalism against betting premises, youths gathering outside and anti-social behaviour upon leaving betting shops are common cause for concern and complaint. However, Licencing Authorities are unable deal with these issues under their licensing responsibilities. As the Commission notes: "*Unlike the Licensing Act, the Gambling Act does not include, as a specific licencing objective, the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.*" Hence the imposition of conditions to deal with problems emanating from betting shops but occurring outside of the premises is limited in scope.

It is estimated [over 100 betting shops per week suffer attacks on FOBTs](#) with very few instances being reported to the Police. These are criminal acts of vandalism always occurring as a consequence of heavy cash losses from FOBT usage. As Licencing Authorities are responsible for gambling activity that takes place on the premises it is perfectly warranted for a condition to be attached to individual or all licensed premises under the licencing authorities' remit, for the recording and reporting of all such incidents. This would not be considered a regulatory burden and is in keeping with the LA responsibility of keeping crime out of gambling.

Despite the Minister for Local Government pointing to conditions as providing "considerable scope", in the area of greatest concern, that of high stake, high speed FOBTs, a Licencing Authority has no control or powers. Section 172(10) of the Act provides that conditions may not relate to gaming machine categories, numbers, or method of operation and section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

Section 181 of the Act however contains an express power for licencing authorities to restrict the number of *betting machines*, their nature and circumstances in which they are made available for, by attaching a licence condition to a betting premises licence. These are not defined under the act as FOBTs. Section 181 of the Act refers to these machines as "accepting bets on real events" and betting operators now refer to them as Self Service Betting Terminals (SSBTs). Like the introduction of FOBTs, no controls over numbers per



premises have been agreed and it is left to Licencing Authorities, if they see fit, to control their numbers under guidance pertaining to floor space, service counter positions and ability of staff to monitor their use.

There are now estimated to be in excess of 5,000 SSBTs sited in betting shops and this is increasing each month. As with FOBTs, SSBTs are contributing to the further erosion of jobs in betting shops (down 9,700 since 2008) with one operator, Trafalgar Leisure, providing five SSBTs and four FOBTs at each of its licensed premises but they did not offer any human facing over-the-counter betting facilities.

The Gambling Commission lost in their attempt to declare these betting premises as providing “insufficient facilities for betting” and the consequence is that a betting shop will still be a betting shop even if it is used for no other purpose than making machines available for use on premises.

It is essential that Licensing Authorities have particular concern to the development of SSBTs in betting premises and in particular the content made available on what have been deemed “betting machines” and use their powers under section 181 of the Act to control and monitor their proliferation.

### **Closing note**

It is clear to Councils and Councillors that their ability to deal with and curb the proliferation of betting shops in town centres and high streets, as well as controlling the quantity of FOBTs available is severely restricted under the 2005 Gambling Act. Despite the Minister for Local Government’s view that licencing authorities are not making sufficient use of existing powers.

It is proposed to give Scotland the power to vary the number of FOBTs in new betting premises and, subject to amendments in the Scotland Bill, this could be extended as a retrospective power. No such power for Licensing Authorities in England and Wales is proposed just a continual reference to “existing powers”.

The view of the Campaign for Fairer Gambling is that the power to vary the number of FOBTs should be devolved to all Local Authorities and their Licensing Committees as is proposed for Scotland. However, it is not the quantity of machines that essentially creates the problem as can be seen from the latest Gambling Commission statistics.

<b>Sector/Machines</b>	<b>Terminals</b>	<b>Yield (millions)</b>	<b>Yield Share</b>
Betting Shops/B2	34,874	£1,613.60	68%
Bingo B3/4/C/D	52,506	£292.24	12%
Casino B1/2/3	2,925	£166.26	7%
AGC B3/4/C/D	50,530	£306.09	13%
<b>Totals</b>	<b>140,835</b>	<b>£2,378.19</b>	

Figures from the Gambling Commission Industry Statistics to September 2014

All gaming machines other than B2/FOBTs are capped at £2 and under per spin. It is the capacity for large losses that is facilitated by such a high staking capacity (£1 to £100 rather than 25 pence up to £2 as on most other gaming machines) that is the core of the problem regarding the B2 casino content.

As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils.

We urge all councils to support Newham in their action under the Sustainable Communities Act calling for the stakes on FOBTs to be brought in line with all other high street gaming machines at £2 per spin.

If you would like further information, please visit [www.stopthefobts.org](http://www.stopthefobts.org) or contact us at [info@stopthefobts.org](mailto:info@stopthefobts.org) to discuss in more detail.

Yours sincerely,

Derek Webb

Adrian Parkinson

Matt Zarb-Cousin

The Campaign for Fairer Gambling  
[www.fairergambling.org](http://www.fairergambling.org) / [www.stopthefobts.org](http://www.stopthefobts.org)



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Licensing Team  
Bradford Metropolitan District Council  
Environmental & Regulatory Services  
Jacobs Well  
BRADFORD  
BD1 5RW

Please ask for:

Direct Tel:

Email:

Our ref: RJT / DC / 097505.00004  
#GS434536

Your ref:

Date: 21 October 2015

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 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.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal 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 we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

### **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and 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 built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

*"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

### **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

### **Local area risk assessments**

With effect from 6<sup>th</sup> April 2016, under new Gambling Commission LCCP provisions, operators are 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 local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency 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 uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

### **Local Area Profiles – Need for an evidence based approach**

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

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

### **Concerns around increases in the regulatory burden on operators**

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes 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.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

### **Employing additional licence conditions**

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. 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 statements as to the need for evidence.

This would further 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.

### **Specific Policy Comments**

The draft statement of licensing principles issued by the licensing authority contains a number of paragraphs which also appear in the Authority's Licensing Act 2003 policy. A number of these paragraphs need to be amended. For example, within paragraph 3.1 there is reference to 'promoting' the licensing objectives. Under Gambling Act 2005, the licensing authority is required to "have regard" to the licensing objectives and applications must be "reasonably consistent" with the licensing objectives. The only body upon whom the Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. Any references to promote/promoting the licencing objectives need to be removed. Similarly, paragraph 3.2 refers to requirements to "address" the licencing objectives. Once again this is a principle relevant to a Licensing Act 2003 application. Applicants under Gambling Act 2005 are required only to demonstrate that an application is reasonably consistent with the licensing objectives.

Paragraph 3.10 contains a list of factors that operators will need to consider when undertaking a local area risk assessment. This list will need to be amended.

Local area risk assessments will be submitted from 6 April 2016 following the implementation of the new social responsibility and ordinary code provisions. The provisions require that licensees "assess the local risk to the licencing objectives posed by the provision of gambling facilities at each of their premises". The risk assessment, therefore, must relate to licencing objectives. Issues such as transport links, footfall, ethnicity, age and economic makeup of the local community or other gambling premises in the vicinity have no relevance as far as any risk to the licensing objectives are concerned. The list at paragraph 3.10, therefore need to be amended to identify any issues that may cause a risk to the licensing objectives.

Section 4 deals with the first licensing objective. Once again, this section appears to be borrowed from the Licencing Act 2003 policy, not least as it misrepresents the wording of the licencing

objective. It is respectfully submitted that the heading be amended to the correct wording of the licensing objective and it be clear that the licensing objective relates to gambling being a source of crime or disorder. Thereafter, the draft statement of principles would be assisted by a paragraph to make it clear that issues of nuisance are not relevant considerations and that the Gambling Commission has defined disorder as intending to mean activity that is more serious and disruptive than mere nuisance.

Paragraph 6.1 indicates that the licencing authority will seek to limit the way gambling facilities are advertised at the premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. The advertising of gambling premises is already heavily regulated and is covered by the licence conditions and codes of practice. Ordinary code provision 5.1.6 requires socially responsible advertising, compliance with CAP codes of practice and the gambling industry code for socially responsible advertising. The advertising of gambling premises is not, therefore, an issue for consideration by the licencing authority.

Section 10 deals with betting premises. This section needs to be amended so that there is a clear distinction between betting machines and gaming machines. In particular, paragraph 10.3 appears to confuse the two. This paragraph indicates that there is concern surrounding betting machines and an example is given of a fixed odds betting terminal. A fixed odds betting terminal is a gaming machine. There is no power to limit the number of gaming machines. The holder of a betting premises licence may make up to four gaming machines available for use. However, the authority may limit the number of betting machines by imposing condition.

Section 23 deals with conditions. The statement of principles would be assisted by an indication that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft statement of principles should make it clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. The policy should be clear that conditions will only be imposed where there is evidence of a need to do so and not in instances where there is 'perceived need' (paragraph 23.1) or if the authority simply has concerns.

## Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

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, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our 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.

Yours faithfully,

**GOSSCHALKS**

Licensing Team  
City of Bradford MDC  
3rd Floor North  
Jacob's Well  
Bradford  
BD1 5RW

29<sup>th</sup> October 2015

Dear Sir,

**Consultation on the City Of Bradford Metropolitan District Council's Statement of Principles – Gambling Act 2005**

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. Please note that when judging applications, the Council should not take into account of any moral objections to gambling and most Council's include a sentence to this effect.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6<sup>th</sup> April 2016) and are pleased to see this information included within the Draft Statement. Whilst each application will be judged on its merits as mentioned at several points within your statement, we would like to politely highlight that within the detail of the Risk Assessments required (Section 3.6 – 3.12 / pages 5/6 of your Draft Statement), Coral knows of no evidence that the location of a licensed betting office within the proximity of schools & residential areas causes harm to the licensing objectives. We appreciate that such locations are included within Gambling Commission guidance to councils but wish to ensure that by inclusion in the document, there is no inference that such locations in close proximity to the licensed premises, are at greater risk of causing harm to the licensing objectives.

Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems. Additionally, we have multiple shops placed alongside other high street businesses within communities in residential areas across the country, again with no indication that such premises are causing harm to the licensing objectives.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe



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that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. This can be accomplished without prescribing locations which by inclusion, could be suggested to be indicative of places at risk.

Coral are of the opinion that as there is no evidence that the proximity of such locations causes harm to the licensing objectives, it is best left to the operators to provide their own risk assessments. Naturally, if these do not meet the level desired by the Council, we would adjust to suit.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,

John Liddle  
Director of Development – Coral Retail

**Power Leisure Bookmakers Limited response to the City of Bradford Metropolitan District Council's Consultation on its draft Statement of Gambling Principles**

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives. Operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are the obligations and requirements now placed upon operators under the social responsibility provisions of the LCCP, which were introduced by the Gambling Commission earlier this year.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. The Regulator's Code also identifies that where local risks are to be addressed, an evidenced based approach should be taken.

Unnecessary burdens would include those which duplicate existing regulation. Licensing Authorities must therefore avoid approaches to regulation in their policy statements which mirror those already imposed by the Gambling Commission.

**General Policy Commentary**

The draft statement of principles should identify that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.

## **Location and local area risk assessment**

The Council is no doubt aware that under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. To ensure that better regulation principles are followed, operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas must only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Identification of theoretical risk factors such as area demographics, ethnicity, proximity to other premises and deprivation should only be included where local evidence is available, which quantifies the ascertainable risk to be mitigated (section 3.10). Any proposed measures to address risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators. We believe the draft policy must be amended to follow these principles, as the suggested draft does not adhere to better regulation.

Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns. It may not be proportional for applicants or existing licence holders to actively engage in investigations for unique localised risk factors where problems, which may be associated with gambling premises are not realised. Operators are under existing obligations to regularly review their policies and procedures incorporating risk assessment at a local premises level and, as such, it may not be appropriate for the Authority to prescribe the nature of such assessment as internal processes should already be responsive to evidence of changes in local operational risk profiles.

The Authority must consider the extensive policies, already implemented by operators, in accordance with the Gambling Commission's LCCP. Without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis of standardised procedures within new applications will not be proportionate or necessary, as this would duplicate the requirements under operating licence provisions. For example, whilst obligations with regard to advertising practice, self-exclusion, age verification, training and the provision of appropriate information are not conditions under sections 167 and 168 of the Gambling Act 2005, they are imposed as code provisions under the Licensing Conditions and Codes of Practice.

The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. The policy also states that consideration will be given to the location of proposed premises in particularly sensitive locations along with those areas with known high levels of crime and disorder (sections 4 and 6). In order to fully address any potential concerns, all risk profiles must be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission's LCCP, do not pose a gambling related risk to children and young people and additional measures, controls or conditions considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any additional proposed measures to mitigate those risks will only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation.

When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority must consider the prevalence of illegal gambling and ensure that any policies or controls proposed to address crime are proportionate to the existing operational procedures implemented and that they will effectively address any concerns identified.

There is an inherent conflict between paragraphs 4.6 and 4.2 with operators being asked to minimise potential disorder caused in the vicinity of premises, which may not be in their control. It is agreed that all businesses should endeavour to work in partnership with local authorities to address or report any issues of particular concern. However, it is the responsibility of Paddy Power to prevent gambling from being a source of disorder or from being associated with disorder and not to police disorder, which may be in the vicinity of but unrelated to gambling premises.

Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders at that time. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.

Any finalised policy must not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

### **Primary Authority**

Power Leisure Bookmakers Limited has established a Primary Authority Partnership with Reading Council. The primary authority worked with the Gambling Commission to develop a national inspection strategy to be implemented to help protect underage people from gambling. Such schemes enable a consistent approach to regulation and enforcement and provide a uniform standard.

### **Conditions**

Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.

### **Safeguarding against child sexual exploitation**

Paddy Power is concerned regarding the additional paragraphs regarding safeguarding against sexual exploitation (section 6.4).

The Gambling Act 2005 licensing objectives relating to children refers to protecting children and other vulnerable persons from being harmed or exploited by gambling. The additional paragraphs regarding safeguarding against child sexual exploitation have no relevance to gambling. There is no evidence to support the inclusion of this content within the policy statement. Children are not permitted to enter betting premises.

Child sexual exploitation is a serious matter. However it is the responsibility of Paddy Power to protect children from being harmed or exploited by gambling. To ask us to safeguard against child sexual exploitation goes beyond the objectives of the Gambling Act 2005. Whilst we agree that licence holders, indeed all businesses throughout society, should be aware of the risks of child sexual exploitation, commentary in this regard is not relevant to the objectives of the Gambling Act.

**Betting Premises**

At paragraph 10.3 the draft policy provides that applicant's should monitor the use Fixed Odds Betting Terminals to ensure excessive gambling does not take place. This paragraph should be amended as not only is 'excessive' a subjective criterion but it is not an applicant's duty to control individuals from gambling within their own defined limits. It is however the responsibility of all licence holders to ensure compliance with the Gambling Commission's LCCP, specifically social responsibility code provision 3.4. Operators are obliged to monitor customer behaviour for indicators of problem gambling and to implement effective interaction and self-exclusion policies and also to provide sufficient information to customers to ensure that all gambling is carried out in a responsible manner.

**Conclusion**

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives.