



Meeting Agenda

Licensing Committee
Studio Room, Lowther Pavilion
17 October 2006, 10:00am

Membership Licensing Committee

CHAIRMAN - Councillor Dawn Prestwich

VICE-CHAIRMAN – Councillor Christine Akeroyd

Councillors

Elizabeth Clarkson

Janine Owen

Peter Collins

Albert Pounder

Susan Fazackerley

Louis Rigby

Dr Trevor Fiddler

Heather Speak

Karen Henshaw JP

Martin Taylor

Alfred Jealous NP

Keith Wright

Steve Mason

Contact: Lyndsey Lacey, St. Annes (01253) 658504, Email: lyndsey1@fylde.gov.uk



CORPORATE OBJECTIVES

The Council's investment and activities are focused on achieving our five key objectives which aim to :

- Conserve, protect and enhance the quality of the Fylde natural and built environment
- Work with partners to help maintain safe communities in which individuals and businesses can thrive
- Stimulate strong economic prosperity and regeneration within a diverse and vibrant economic environment
- Improve access to good quality local housing and promote the health and wellbeing and equality of opportunity of all people in the Borough
- Ensure we are an efficient and effective council.

CORE VALUES

In striving to achieve these objectives we have adopted a number of key values which underpin everything we do :

- Provide equal access to services whether you live in town, village or countryside,
- Provide effective leadership for the community,
- Value our staff and create a 'can do' culture,
- Work effectively through partnerships,
- Strive to achieve 'more with less'.



A G E N D A

PART I - MATTERS DELEGATED TO COMMITTEE

ITEM	PAGE
1. DECLARATIONS OF INTEREST: <i>In accordance with the Council's Code of Conduct, members are reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000.</i>	4
2. CONFIRMATION OF MINUTES: <i>To confirm as a correct record the Minutes of the Licensing Committee held on 31 May 2006.</i>	4
3. SUBSTITUTE MEMBERS: <i>Details of any substitute members notified in accordance with council procedure rule 25.3</i>	4
4. GAMBLING ACT 2005	5 – 50

REPORT



REPORT OF	MEETING	DATE	ITEM NO
CONSUMER WELLBEING AND PROTECTION	Licensing Committee	17 TH OCTOBER 2006	4

GAMBLING ACT 2005

Public item

This item is for consideration in the public part of the meeting.

Summary

The new Gambling Act 2005 is now partly in force. Current expectations are that the Act will be brought fully into effect on 1st September 2007 and that licensing authorities will begin to accept applications for gambling licenses from 30th April 2007. The Act imposes new duties on local authorities to licence premises used for gambling and seeks to control all forms of gambling. During 2006 the Council must consult on and adopt a licensing policy for gambling, in accordance with the Act.

Recommendations

1. Approve the draft Gambling Policy Statement detailed in Appendix 1, which has been developed from the draft guidance issued under Section 25 of the Gambling Act 2005 by the Secretary of State for Culture, Media and Sport, and amended where appropriate following the consultation process.
2. That the policy be put forward for approval by Cabinet and Full Council at their next respective meeting.

Cabinet Portfolio

The item falls within the following Cabinet Portfolio:

Community & Social Wellbeing (Councillor Miss P Fieldhouse)

Report

The Gambling Act requires the licensing authority to determine a statement of principles that they propose to apply when exercising their functions under the Act. Those who may be affected by it must be consulted as part of the process. In accordance with the Act the Authority is required to publish the policy statement by the 31st January 2007.

Following a report presented to the Licensing Committee meeting held on the 31st May 2006, the members approved a draft Licensing Policy, which has been prepared in accordance with the Act and guidance issued by the Gambling Commission.

In order to meet the Government's date for implementation of the Policy the formal consultation process commenced the beginning of June 2006. This was to allow for a 12-week consultation period in accordance with Cabinet Office guidance. The consultation period ended the beginning of September 2006.

In addition to the consultation process the draft report was presented to the Policy and Service Review Committee at their meeting held on the 13th July 2006.

The individuals and organisations to be consulted on the details of this policy are highlighted in Section 3.6 of the Policy. The draft Policy was also placed on the Council's web site

The volume of responses received has been limited. In total there has been 9 written responses.

All the written responses have been tabulated, together with officer comments (see enclosed Appendix 2). Where appropriate revisions to the Policy have been made.

In accordance with the Act the Policy requires ratification by Full Council prior to implementation.

IMPLICATIONS	
Finance	None

Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability	None
Health & Safety and Risk Management	None

Report Author	Tel	Date	Doc ID
STUART HANDLEY	(01253) 658603	2 ND OCTOBER 2006	

List of Background Papers		
Name of document	Date	Where available for inspection
Guidance to Licensing Authorities Consultation Document,	December 2005	Gambling Commission Berkshire House, 168-173 High Holborn, London WC1V 7AA



FYLDE BOROUGH COUNCIL



GAMBLING ACT 2005

Draft Gambling Policy Statement

Revision September 2006

	<u>CONTENTS</u>	Page
1	BACKGROUND	1
2	THE LICENSING OBJECTIVES	2
3	INTRODUCTION	2
	3.1 General	2
	3.2 Types of Licence	3
	3.3 Licensable Premises and Permits	3
	3.4 Licensing Authority Functions	3
	3.5 Profile of the Authority	4
	3.6 Consultation	5
4	DUPLICATION WITH OTHER REGULATORY REGIMES ETC	6
	4.1 Legislation	6
	4.2 Human Rights	6
	4.3 Discrimination	6
5	EXCHANGE OF INFORMATION	7
6	PREMISES LICENCES	7
	6.2 Demand for Premises	7
	6.3 Definition of Premises	7
	6.4 Location of Premises	8
	6.5 Achieving the Licensing Objectives	8
	(i) Preventing Crime and Disorder	8
	(ii) Ensuring that Gambling is Conducted in a Fair and Open Way	9
	(iii) Protecting children and other vulnerable persons	10
	6.6 Conditions	11
	(i) Door Supervisors	12
	6.7 Adult Gaming Centres	12
	6.8 (Licensed) Family Entertainment Centres	13
	6.9 Casinos	13
	6.10 Bingo Premises	14
	6.11 Betting Premises	14
	6.12 Tracks	15
	6.13 Travelling Fairs	16
7	REPRESENTATIONS	16
	7.2 Admissible and Relevant	16
	7.3 Frivolous or Vexatious or Likely to have no Influence on a Decision	17
	7.4 Responsible Authorities	17
	7.5 Interested Parties	17
8	REVIEW OF PREMISES LICENCES	19
9	PROVISIONAL STATEMENTS	19
10	PERMITS, NOTICES & LOTTERIES	20
	10.3 Unlicensed Family Entertainment Centres - Gaming Machine Permits	20
	10.4 Alcohol Licensed Premises - Gaming Machine Permits	21
	10.5 Prize Gaming Permits	22
	10.6 Club Gaming and Club Machines Permits	22
	10.7 Temporary Use Notices	23
	10.8 Occasional Use Notices	24
	10.9 Small Society Lotteries	24
11	ENFORCEMENT	24
12	COMPLAINTS	26
13	APPEALS	26
14	POLICY REVIEW	26
	APPENDIX A CONTACT DETAILS RESPONSIBLE AUTHORITIES	27
	APPENDIX B TABLE OF DELEGATIONS OF LICENSING FUNCTIONS	29

This Draft **Gambling Policy Statement** has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.

Text **highlighted** and in **red** within this document indicates amendments to the original draft recommended as a result of the responses received from the consultation exercise undertaken between June and August 2006

1. BACKGROUND

- 1.1 The Gambling Act 2005 (The Act) gave effect to the Government's proposals for the reform of the law on gambling. The Act, which received royal assent on the 7 April 2005, replaces most of the existing law about gambling in Great Britain and puts in place an improved, more comprehensive structure of gambling regulation covering practically all forms of gambling other than the national Lottery and spread betting.
- 1.2 One of the primary reasons for overhauling gambling regulation in the UK was the fact that so much of the existing legislation was out of date, particularly in light of advances in technology in recent years. The aim of this the new legislation is, therefore, to create a new framework of controls which are, as far as possible, flexible and can easily be applied to new technologies and future ways of providing services.
- 1.3 The Act introduces two comprehensive offences which are:-
 - providing facilities for gambling or
 - using premises for gambling without the appropriate licence, permit, or registration granted under the Act.
- 1.4 The Act introduces a new independent unified regulator for commercial gambling in Great Britain, the Gambling Commission (which takes over from the existing Gaming Board), and a new licensing regime to be operated by the commission or by licensing authorities depending on the matter to be licensed.
- 1.5 The Act also puts in place a strong role for local authorities in licensing gambling premises in their area, as well undertaking functions in relation to lower stake gaming machines.
- 1.6 Local authorities, as Licensing Authorities, will grant premises licenses for: casinos, betting offices and race tracks, bingo clubs, adult gaming centres and family entertainment centres. They will also issue permits for: gaming machines in members' clubs and licensed premises, gaming in members' clubs, prize gaming and unlicensed family entertainment centres. The issuing of temporary use notices and provisional statements (permission issued before a building is built or altered for the purpose of gambling) will also be the responsibility of Licensing Authorities. The Authority will also be responsible for the issue of occasional use notices at tracks.
- 1.7 A new system has also been introduced that will authorise premises that are not generally licensed for gambling purposes to be used for gambling for limited periods.
- 1.8 The Gambling Act 2005 requires the Council to prepare and publish a "Statement of Licensing Policy" that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

2 THE LICENSING OBJECTIVES

2.1 In exercising most of their functions under the Gambling Act 2005, licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Act namely:-

- 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

(It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling")

3 INTRODUCTION

3.1 General

3.1.1 The Gambling Act 2005 requires the licensing authority to determine a statement of the principles that they proposed to apply when exercising their functions under the Act. Those who may be affected by it must be consulted as part of the process. This statement must be published at least every three years and must also be reviewed from "time to time". Any amended parts must be re-consulted upon. The statement must then be re-published.

3.1.2 This draft "**Gambling Policy Statement**" in respect of the Gambling Act 2005 has been prepared having regard to the licensing objectives of the Gambling Act 2005 listed in paragraph 2.1, and the Guidance issued by the Gambling Commission. It is intended to be a discussion document leading to adoption by Fylde Borough Council of a formal **Gambling Policy Statement**.

3.1.3 The Council recognises that gambling is a legitimate pastime of many of the residents of Fylde but also understands the problems that can be caused by debt as a result of gambling. It is therefore necessary to ensure that the necessary safeguards are in place to protect the young and vulnerable. It will, accordingly, regulate gambling in the public interest but is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it considers that it is:-

- in accordance with any codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives; and
- in accordance with this **Gambling Policy Statement**

3.1.4 This **Gambling Policy Statement** will not override the right of any person to make an application, make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005. Nothing in this **Gambling Policy Statement** will detract from the principle that every application will be determined on the merits of the particular case.

3.1.5 It is intended that this policy will be adopted by the Full Council at its meeting on the 27th November 2006

3.2 Types of Licence

3.2.1 This document sets out the policies that this licensing authority will apply when making decisions upon applications or notifications made for:-

1. Premises Licences;
2. Temporary Use Notices;
3. Permits as required under the Act;
4. Registrations as required under the Act.

3.3 Licensable Premises and Permits

3.3.1 This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, including:-

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Family Entertainment Centres;
7. Club Gaming Permits;
8. Prize Gaming and Prize Gaming Permits;
9. Temporary Use Notices;
10. Registration of small society lotteries.

3.3.2 This policy does not address remote gambling as this is entirely controlled by the Gambling Commission. Remote gambling means gambling not associated with a premises such as internet gambling.

3.4 Licensing Authority Functions

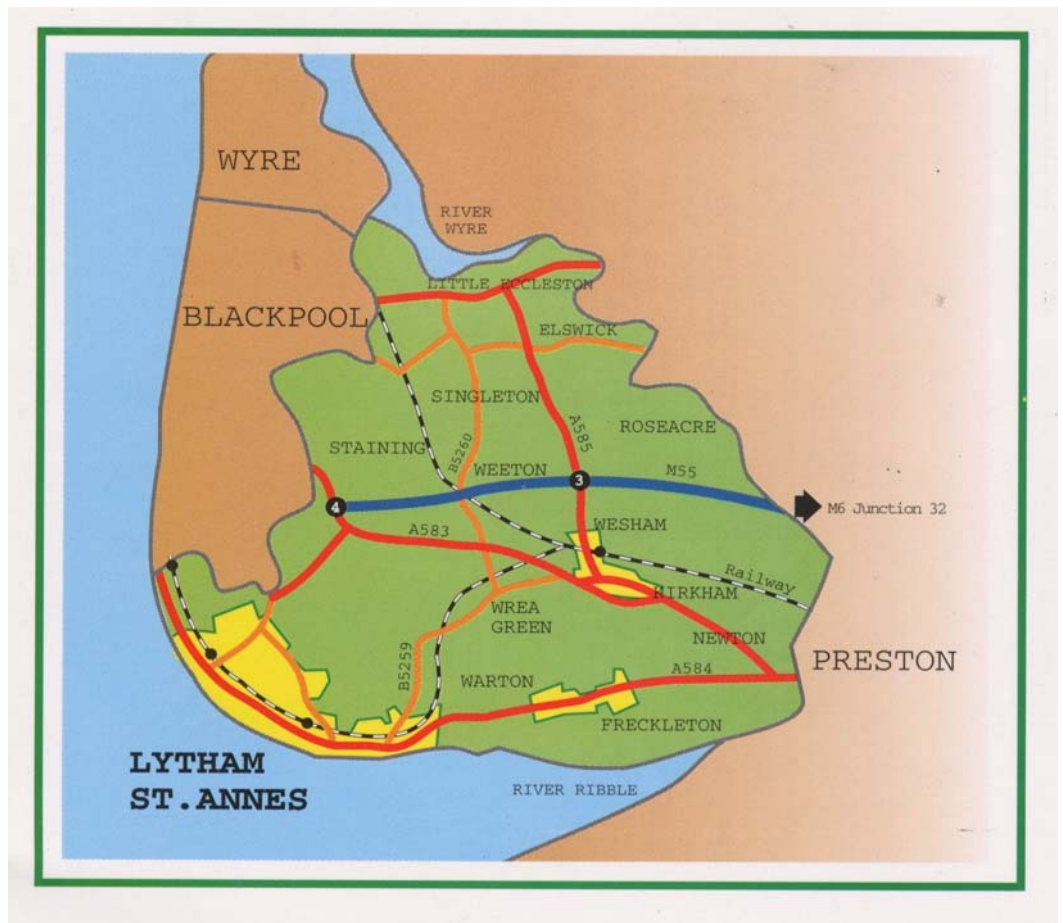
3.4.1 This policy covers all the functions of the licensing authority which include:-

- Responsibility for the licensing of premises where gambling activities take place by issuing premises licences
- Issue of Provisional Statements
- Regulation of members clubs and miners welfare institutions who may wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue of Club Machine Permits to Commercial Clubs
- Granting of permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of not more than two gaming machines
- Granting of Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the premises where two or more machines are required
- Registering small society lotteries
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use notices
- Receiving Occasional Use notices
- Providing information to the Gambling Commission regarding details of licences issued
- Maintaining registers of the permits and licences that are issued under these functions

3.5 Profile of the Authority

3.5.1 Fylde Borough Council is a coastal borough situated in the County of Lancashire, which contains 12 District Councils in total. The Council area has a population of 73,217 (2001 Census). This is expected to rise to 77,300 by 2010 with fewer children and more people over the age of 65. A large proportion of the area is rural in nature. The main towns within the borough are the resorts of Lytham and St Annes. Further inland the borough contains smaller urban areas at Wesham, Kirkham, Freckleton and Warton. It has a geographical area of 166 square km. Fylde is a reasonably affluent area, ranking 235th out of 354 English authorities, based on the government's indices of multiple deprivation.

3.5.2



- 3.5.3** The main concentrations of premises in the district providing any form of gambling and indeed the sale of alcohol, can be found in the town centres of St Annes, Lytham and the market town of Kirkham. There is one casino in the Borough which is located within St Annes and 2 Bingo Halls both of which are located within a large holiday centre on the Blackpool boundary. Seven betting shops are located in the area with 3 each in St Annes and Kirkham and one in Lytham. There are 8 amusement arcades associated with the holiday trade mostly located on holiday centres or complexes, caravan sites or on the pier at St. Annes. At present around 60 pubs and 20 clubs have permits for gaming machines as do up to a dozen premises that do not sell alcohol. These are primarily hotels along with a few taxi offices and a takeaway that will not be permitted any machines under the new legislation.

3.6 Consultation

3.6.1 There are a number of groups that have a stake in the gambling industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration. In finally determining this policy the following will have been consulted:

- The Chief Officer of Police
- Representatives of persons who represent the interests of people carrying on gambling businesses in the Authorities area.
- Representatives of persons who appear to the authority to represent the interests of people likely to be affected by the exercise of the authorities functions under the Gambling Act

3.6.2 The individuals and organisations being consulted on the details of this draft policy include:-

- The Chief Officer of Police
- The Fire Authority
- Representatives of businesses and residents in the borough
- ~~Representatives of local late night take-away food businesses~~
- Persons representing the interests of persons carrying on gambling businesses in the borough
- Fylde Community Safety Partnership
- Local licensing solicitors
- Representatives of child welfare groups
- Town and Parish Councils
- Youth organisations
- Gambling industry organisations and associations
- Gambler support organisations
- Faith groups

3.6.3 Consultation on this draft document will take place between 1st June 2006 until 31st August 2006 and will follow the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

Unfortunately, only responses which concern matters within the scope of the Guidance, Act and Codes of Practice can be considered. Even if there is a large response regarding a certain issue, the authority may be unable to deal with the issue under the Gambling Act. It may, however, be a matter for other legislation, for example planning.

Any comments should be made in writing to:

Stuart Handley
Commercial and Licensing Manager
Consumer Wellbeing and Protection Unit
Fylde Borough Council
Town Hall
Lytham St Annes
FY8 1LW
Tel: 01253 658658
E-mail: stuarth@fylde.gov.uk

Closing date for comments: 31st August 2006

Proper weight will be given to the views of all those consulted prior to this **Gambling Policy Statement** taking effect.

The full list of comments made and the consideration by the Council of those comments will be made available by request to the above and will be published on the Council's website: www.fylde.gov.uk/licensing

4 DUPLICATION WITH OTHER REGULATORY REGIMES ETC.

4.1 Legislation

4.1.1 In undertaking its licensing function under the Gambling Act 2005, this authority is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003;
6. The Race Relations Act 1976 (as amended);

4.1.2 The intention of this policy is not to duplicate other legislation or regulatory regimes. Every effort will be made to avoid any duplication with other statutory / regulatory systems that already place obligations on employers and operators, including planning. Whilst it will not consider whether a licence application is likely to be awarded planning or building consent, it will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

4.1.3 No account will be taken as to whether buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and will not form part of considerations for the premises licence.

4.2 Human Rights

4.2.1 The Human Rights Act 1998 incorporated the European Convention on Human rights and makes it unlawful for a local authority to act in a way, which is incompatible with a Convention right. This Authority will have particular regard to the following relevant provisions in determining licence applications:

Article 1 - of the First Protocol that every person is entitled to a peaceful enjoyment of his or her possessions

Article 6 - In the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an independent and impartial tribunal established by law

Article 8 - That everyone has the right to respect for his home and family life

Article 10 - Right to freedom of expression.

4.3 Discrimination

4.3.1 In undertaking its licensing function, the Council will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups

5 EXCHANGE OF INFORMATION

- 5.1** In fulfilling its functions and obligations under the Gambling Act 2005 this licensing authority will exchange information which it holds with other regulatory bodies including the Gambling Commission. In doing so it will have regard to any Guidance issued by the Gambling Commission on this matter as well as to any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Should any protocols be established relating to information exchange with other bodies then they will be made available.
- 5.2** The Gambling Commission will, similarly, provide to the licensing authority any information it holds for use in the exercise of the Authority's functions under the Act.
- 5.3** The licensing authority is required to maintain a register of the premises licences that it has issued. This register will be made available at any reasonable time to members of the public. Details of the availability of the register will be advertised on the Council's website. Copies of entries in the register may be taken subject to a reasonable charge being made.
- 5.4** The exchange of information will be in full compliance with the requirements of the Data Protection Act and freedom of information legislation in accordance with the Council's existing policies.
- 5.5** Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

6 PREMISES LICENCES

- 6.1** Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations made thereunder, as well as to specific mandatory and default conditions detailed in the regulations. This Authority may exclude default conditions and also attach others, where it believes it to be appropriate.
- 6.2 Demand for Premises**
 - 6.2.1** This licensing authority will not take into account whether or not there is an unmet demand for gambling premises when considering applications for premises licences. It also recognises that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution').
- 6.3 Definition of Premises**
 - 6.3.1** The term premises is defined in the Act as "any place". In determining whether different parts of a building can be properly regarded as being separate premises, for the purpose of an application, this Authority will always consider the particular circumstances of the case. In general, however, it will not consider areas of a building that are artificially or temporarily separate as different premises.
 - 6.3.2** The proper application of section 152 of the Act also means that, with the single exemption of tracks (i.e. a horse-race course, dog track or other premises where races or sporting events take place), different premises licences cannot apply in respect of a single premises at different times. There is no temporal element to a premises licence. Therefore, premises will not, for example, be licensed as a bingo hall on week days and a betting shop at weekends.

- 6.3.3** This Authority is very mindful of the need to protect children from being harmed by gambling. It sees this as, not only preventing them from taking part in gambling, but also ensuring that they are not permitted to be in close proximity to gambling. It considers it important that premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling. The Authority will, accordingly, pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). It will consider, for example, such issues as whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 6.3.4** In considering applications for multiple licences for a building or for a specific part of a building to be licensed, entrances and exits from parts of a building covered by one or more licences will be expected to be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area.
- 6.3.5** Applicants will need to be aware that they cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. A licence to use premises for gambling will, accordingly, only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. By requiring the building to be complete, the authority can, ensure that it and other responsible authorities with inspection rights may, if necessary, inspect it fully.

6.4 Location of Premises

- 6.4.1** This licensing authority is aware that demand issues cannot be considered with regard to the location of premises and will only consider the location of premises in the context of the licensing objectives. It will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 6.4.2** Likewise when an application for premises close to a school or other building holding vulnerable people or to a centre for gambling addicts is received the licensing authority will have to be satisfied that protecting children and vulnerable persons can be met.
- 6.4.3** Should any specific policy be decided upon as regards areas where gambling premises should not be located, this **Gambling Policy Statement** will be updated. It should be noted that any such policy would not preclude any application being made and each application will always be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

6.5 Achieving the Licensing Objectives

- 6.5.1** Decisions taken by this licensing authority and premises licences granted will, as far as possible, be consistent with the three licensing objectives detailed below and in accordance with any guidance issued to local authorities by the Gambling Commission. Specific policy issues in respect of each of the licensing objectives are set out below.

(i) Preventing Crime and Disorder

- 6.5.2** Where an application is received for a premises licence in an area which has high levels of organised crime or a history of crime and disorder the licensing authority will pay particular attention to the proposed location of the gambling premises in terms of this licensing objective and may decide to attach additional conditions such as the employment of door staff.

- 6.5.3** This licensing authority is aware of the distinction between disorder and nuisance will only seek to address issues of disorder under the Act if the disorder amounts to activity that is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance was required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.
- 6.5.4** The Gambling Commission has powers to make enquiries and investigate those who are involved in the control of a company or the provision of gambling. In considering applications for operating and personal licences the commission has stated it will take a serious view of any offences involving dishonesty committed by applicants or persons relevant to the application.
- 6.5.5** As it is a requirement for any applicant for a premises licence to also hold an operators licence, this Authority will not investigate the suitability of an applicant. However, if any information becomes apparent during the course of the processing of application which causes concern, the details will be forwarded to the Gambling Commission.
- 6.5.6** This licensing authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. The exercise of a high standard of control over licensed premises is, therefore, considered necessary. Applicants will be encouraged to discuss any necessary crime prevention procedures in their premises with the Authority's Licensing Officers and Lancashire Constabulary before making a formal application.
- 6.5.7** This Authority will take into account any representations made by responsible authorities, especially the police, when deciding if a particular application would be detrimental to this licensing objective and potentially result in an increase in crime and disorder.

(ii) Ensuring that Gambling is Conducted in a Fair and Open Way

- 6.5.8** It is noted that the Gambling Commission do not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way. They point out that this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. It is recognised, however, that there is more of a role with regard to tracks which is explained in more detail in the 'tracks' section below .
- 6.5.9** The Gambling Commission is concerned to ensure that, not only is gambling fair in the way it is played, but that the rules are transparent to players and they know what to expect.
It will achieve this by:-
- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry.
 - easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted.
 - the rules are fair
 - advertising is not misleading
 - the results of events and competitions on which commercial gambling takes place are public; and
 - machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.

(iii) Protecting children and other vulnerable persons

- 6.5.10** This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). It accepts that, whilst the licensing objective refers to protecting children from being harmed or exploited by gambling, in practice, that often means preventing them from taking part in or being in close proximity to gambling. It will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective.
- 6.5.11** This Authority will consult with the Lancashire Safeguarding Children Board on any application that indicates there may be concerns over access for children or vulnerable persons.
- 6.5.12** Each separate application will be judged on its merits before a decision is taken as to whether conditions to protect children are imposed on particular categories of premises. These may include such requirements as:-
- the supervision of entrances,
 - the segregation of gambling from other areas where children are admitted
 - the supervision of gaming machines in non adult gambling specific premises
 - the introduction of 'proof of age' schemes'
- 6.5.13** The authority will make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos. Particular attention will be paid to any such Codes of Practice regarding this licensing objective in relation to specific premises such as casinos. It will be a condition of a casino licence that adherence to any code of practice produced on access of children will be mandatory. The requirements of the code may include controls for the protection of children which:-
- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter the casino premises.
 - ensure that each entrance to the casino or gambling area is supervised by at least one person who is responsible for compliance with the code of practice; and
 - require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino.
- 6.5.14** It is not an aim of this policy to exclude any particular groups of adults from gambling, however, where vulnerable persons may come into contact with gambling appropriate measures will be taken to protect them. Whilst the neither the Gambling Commission nor the legislation offer no definition of "vulnerable persons" it will be assumed, for the purposes of this policy, that this group includes those who
- gamble more than they want to
 - gamble beyond their means
 - may not be able to make informed or balanced judgements about gambling because of mental impairment, alcohol or drugs.

This Authority will balance the need to introduce measures to protect vulnerable persons against the overall aim to permit the use of premises for gambling.

6.6 Conditions

6.6.1 The Act allows for conditions to be attached to premises licences by the following methods:-

- automatically, having been prescribed in the Act
- being attached by virtue of a Regulation made by the Secretary of State
- at the discretion of the licensing authority

6.6.2 Licensing Authorities are specifically precluded from conditions on licences which:-

- make it impossible to comply with an operating licence condition;
- relate to gaming machine categories, numbers, or methods of operation;
- provide that membership of a club or body is necessary to participate in the gambling facilities;
- relate to stakes, prizes, winnings or prizes.

6.6.3 Decisions will be taken on the imposition of individual conditions on a case by case basis, however this will be against the background contained in the Gambling Commission guidance and this **Gambling Policy Statement**.

6.6.4 The starting point in determining applications will be to grant the application without conditions. Conditions will only be considered where they are needed to meet the requirements of the licensing objectives, They will generally be considered unnecessary if they are already adequately covered by other legislation. Any conditions imposed by this Authority will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises. They will not be overly onerous and will be proportionate to the scale of the application and the risks involved. In particular any conditions imposed on licences will be: -

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

6.6.5 When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Control measures this licensing authority will consider utilising should there be a perceived need, include:-

- the use of door supervisors,
- supervision of adult gaming machines,
- appropriate signage for adult only areas

These are specifically dealt with under each of the licence types below. This licensing authority will, however, also consider that the licence applicant should offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

6.6.6 In the case of buildings which are subject to multiple premises licences, consideration will be given to specific measures which may be required. These may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

6.6.7 Where category C or above machines are on offer in premises to which children are admitted, this authority will ensure that:

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

These considerations will apply to premises including buildings where multiple premises licences are applicable.

6.6.8 This Authority will attempt to deal with the concerns raised in relevant representations by way of the imposition of conditions before considering refusing any application.

(i) Door Supervisors

6.6.9 Where a condition is attached to a premises licence which requires someone to be responsible for guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage, section 178 of the 2005 Act requires that such persons hold a relevant licence issued by the Security Industry Authority (SIA), where they are able to obtain one. It is, however, noted that the Gambling Act 2005 has amended the Private Security Industry Act 2001 so that door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the Security Industry Authority. This Authority, however, considers that it may, in some circumstances, be appropriate to impose specific requirements for suitably trained, door supervisors at casinos or bingo halls in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

6.6.10 For premises other than casinos and bingo premises, this authority may decide that **for particular premises where there is evidence that supervision from counters or other normal staff positions has proved inadequate to meet the licensing objectives, additional supervision of entrances / machines is appropriate. . The Authority** may decide, in the light of the particular circumstances, that these supervisors need to be SIA licensed. It will, however, not be automatically assumed that they need to be so licensed."

6.7 Adult Gaming Centres

6.7.1 The term adult entertainment centre was introduced by the Gambling Act 2003. Such premises are entitled to provide gaming machines which payout higher jackpots. The numbers and categories of higher jackpot machines that can be placed in adult gaming centres are specified in Regulations made by the Secretary of State.

6.7.3 This Authority's main concern in these premises is to protect children and vulnerable persons. In considering applications for a premises licence for an adult entertainment centre the licensing authority will, in particular, consider the measures put in place to prevent under 18s from gaining access to the premises. Such matters as the position of entrances, supervision and the use that other parts of the premises are put will be relevant.

6.7.4 Conditions may be attached to such licences to cover, amongst other matters, issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

6.8 Family Entertainment Centres (Licensed)

- 6.8.1** The Act created two classes of family entertainment centres, only one of which requires a premises licence.
- 6.8.2** Licensed family entertainment centres are permitted to provide category C gaming machines that have a maximum payout of £25. Unlicensed family entertainment centres can only provide category D machines that have a maximum payout of £5 cash or £8 in tokens. No limits are set on the numbers of machines in these categories.
- 6.8.3** Children are permitted in family entertainment centres but are not allowed to use any category C machines. In determining applications the licensing authority will consider any guidance issued by the Gambling Commission regarding the marking and segregation of such machines and the level of supervision required to protect children.
- 6.8.4** This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling and considers that the applicant should be able 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 the issues detailed in paragraph 6.7.4 above as well as measures / training for staff on how to deal with suspected truant school children on the premises This licensing authority will, in particular, have regard to any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated and will make itself aware of any mandatory or default conditions on these licences.

6.9 Casinos

- 6.9.1** This licensing authority currently has one licensed casino within its area. It has not passed a 'no casino' resolution under section 166 of the Gambling Act 2005 but is aware of its power to do so. Should at any time the Authority decide to pass such a resolution, this decision will be taken by way of a resolution of the Full Council following considered debate, the reasons for making the resolution will be given and this policy will be updated accordingly.
- 6.9.2** If the Secretary of State, by Regulation, enables the Authority to issue a new style casino licence they are aware that there may be a number of operators wishing to run such a casino. In such a situation this licensing authority will determine the successful bidder by following the procedure laid out in Schedule 9 of the Act. and in line with any regulations / codes of practice issued under the Gambling Act 2005.

6.9.3 The Gambling Commission has stated that further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises. Such guidance will be considered by this licensing authority when it is made available.

6.9.4 This licensing authority is aware that powers are provided, in the act, to allow them to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching conditions to a casino premises licence (where betting is permitted in the casino). It will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

6.10 Bingo Premises

6.10.1 This licensing authority acknowledges that children and young people can be allowed entry into bingo premises. It is, however, important that if children are allowed to enter such premises that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, this Authority will wish to ensure that sufficient measures are in place to ensure that:

- all such gaming machines are located in an area of the premises separate 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 the 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.

6.10.2 This licensing authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this authority once it is made available.

6.11 Betting Premises

6.11.1 Children are not permitted to enter premises licensed for betting and therefore this licensing authority will consider the measures which an applicant for a premises licence will be taking to prevent this.

6.11.2 This licensing authority will **generally only** consider whether to impose a condition **on to** any premises licence for a betting premises restricting the number and or nature of betting machines (not to be confused with gaming machines) and the circumstances in which those machines are available for use **when there is evidence that such machines have been or are likely to be used in breach of the licensing objectives. When considering such conditions, amongst other things, the size of the premises and the number of counter positions available for person-to-person transactions will be taken into account.** The authority will take into account those issues set out in 6.9.4 above when considering the number/ nature/circumstances of betting machines an operator wants to offer.

6.11.3 ~~As with casinos (see 6.9.4 above) powers are provided which allow restrictions to be imposed on betting machines in betting premises. The authority will take into account~~

those issues set out in 6.9.4 above when considering the number/nature/circumstances of betting machines an operator wants to offer.

6.12 Tracks

- 6.12.1** There are currently no tracks within the Borough. It is recognised, however, that tracks are different from other premises in that there may be more than one premises licence in effect (provided each licence relates to a specified area of the track.) and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences. Should an application be made for a track premises licence, it will be determined in accordance with the guidance of the gambling commission. This licensing authority will, however, especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 6.12.2** There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling at tracks. This Authority considers that premises licence applicants should be able to demonstrate that suitable measures will be in place to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided. As well as the introduction of a proof of age scheme, appropriate licence conditions may cover the issues detailed in paragraph 6.7.4 above.
- 6.12.3** Further guidance from the Gambling Commission is awaited as regards where Gaming Machines (as distinct from betting machines) may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that it will need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 6.12.4** In respect of betting machines at tracks, this authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 6.12.5** In accordance with Gambling Commission advice, this Authority will attach a condition to any track premises licences issued requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. (For example, the rules could be printed in the race-card or made available in leaflet form from the track office.)

- 6.12.6** This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences. It, however, accepts the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to licence they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- 6.12.7** This licensing authority also accepts the Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would then ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.
- 6.13 Travelling Fairs**
- 6.13.1** Whilst the Act defines a travelling fair as wholly or principally providing amusements, this licensing authority will decide, in each case, whether this the statutory definition is met on the evidence available.
- 6.13.2** Any number of category D gaming machines may be made available for use at travelling fairs subject to a requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair. This licensing authority will, decide, in each case, whether this requirement is met on the evidence available.
- 6.13.3** It is recognised that land may only be used for a travelling fair up to a maximum of 27 days in any calendar year and that such use applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will monitor whether land is used in excess of the statutory limit and will work with its neighbouring authorities to ensure that land that crosses its boundaries is similarly monitored so that the statutory limits are not exceeded.

7 REPRESENTATIONS

- 7.1** Only *Interested Parties* and *Responsible Authorities* (see below for definition) can make representations about licence applications, or apply for a review of an existing licence.
- 7.2 Admissible and Relevant**
- 7.2.1** A representation will only be admissible if it is from a responsible authority or interested party.
- 7.2.2** The only representations that are likely to be considered as relevant are those that relate to the licensing objectives (set out in 2.1 above), or that raise issues under the licensing **Gambling Policy Statement**, or the Commission's guidance or codes of practice. For example a representation which concerns public nuisance or public safety at the premises would not be considered to be relevant, as these are not licensing objectives but concerns over crime and disorder or the protection of children would be.

7.3 Frivolous or Vexatious or Likely to have no Influence on a Decision

7.3.1 This licensing authority will determine an application without a hearing if the representations are considered to be either frivolous or vexatious.

7.3.2 Decisions as to whether representations are frivolous, vexatious or likely to have no Influence on a Decision will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or a Panel of the Licensing Committee. These words will be judged to have their normal dictionary definitions. Frivolous will be interpreted as having little substance, as not serious or flippant whilst vexatious will be interpreted as having an ulterior motive or as vindictive.

7.3.3 A hearing will also be dispensed with if in the opinion of this Authority the substance of the representation will certainly not influence the Authorities determination of the application.

7.3.4 In the event of this Authority considering a representation to be frivolous or vexatious or as likely to have no influence on the decision, then the person who made the representation will be informed and the reasons for coming to such a conclusion will be clearly stated. There is no right of appeal against a determination that representations are not admissible

7.4 Responsible Authorities

7.4.1 A Responsible Authority is defined in the Act as:-

- A licensing authority in England and Wales in whose area the premises are wholly or partly situated
- The Gambling Commission
- The Chief Officer of Police for the police area in which the premises are wholly or partly situated
- The Fire and Rescue Authority for an area in which the premises are wholly or partly situated
- The local planning authority
- An Authority which has functions by virtue of an enactment in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area where the premises is wholly or partly situated
- A body which is designated in writing for by the licensing authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm
- Her Majesty's Commissioners of Custom and Excise.

Although current contact details for all responsible authorities listed above are included in Appendix A to this policy, it should be noted that the Secretary of State may from time to time amend this list by Regulation.

7.4.2 The Authority accepts that the protection of children and vulnerable persons is key responsibility under the Act. It considers that the most appropriate body to advise them about the protection of children is likely to be the Lancashire Safeguarding Children Board.

7.5 Interested Parties

7.5.1 Although each case will be determined on its individual merits, a person will generally be considered to be an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority, the person :

- lives sufficiently close to the premises to be likely to be affected by the authorised activities
- has business interests that might be affected by the authorised activities or
- represents either of the above

7.5.2 In determining whether or not a person “lives sufficiently close to the premises to be likely to be affected by the authorised activities”, account will be taken of the following factors:-

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment) and
- The nature of the complainant. (In terms of the nature of their interest rather than their personal. For example ‘sufficiently close to be likely to be affected’ could be interpreted differently for a private resident as distinct from a residential school with truancy problems or a hostel housing vulnerable persons.)

7.5.3 In determining whether a person’s business interest might be affected by the authorised activities, consideration will be given to the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. It will not, however, be considered sufficient to argue that a rival business will be a competitor in the same gambling sector. The Authority will have to be satisfied that the business would be likely to be directly affected. The question of demand will likewise not be considered. Factors which will be taken into account include:-

- The size of the premises
- The catchment area of the premises (i.e. how far people travel to visit) and;
- Whether the person making the representation has business interests in that catchment area that might be affected.

7.5.4 The Gambling Commission has recommended that licensing authorities include trade associations and trade unions, and residents’ and tenants’ associations as interested parties. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an Interested party under the terms of the Gambling Act 2005. (e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.)

7.5.5 Interested parties may be represented by advocates which include legal representatives and others, provided that they can produce written evidence that they have been authorised to act on behalf of the interested party.

7.5.6 Interested parties can be persons who are democratically elected such as councillors and MP’s. No specific evidence of being asked to represent an interested person will be required in these cases as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these, however, written evidence will generally be required that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be considered sufficient..

- 7.5.7 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee or Panel dealing with the licence application. If there are any doubts then the Council's Licensing Section should be contacted.

8 REVIEW OF PREMISES LICENCES

- 8.1 The review of a premises licence may be instigated by this licensing authority or at the request of a responsible authority or interested party. It is, however, for the licensing authority to decide whether the review is to be carried-out.
- 8.2 A request for review will not be granted by this Authority unless it is: is "relevant" i.e.
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Is consistent with the licensing objectives (see 2.1 above) and
 - In accordance with the Authority's **Gambling Policy Statement**.
- 8.3 The licensing authority will similarly not hold a review if, in the opinion of the authority, the grounds :-
1. are frivolous (see paragraph 9.3 above)
 2. are vexatious (see paragraph 9.3 above)
 3. 'will certainly not' cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence. (see paragraph 9.3 above)
 4. are substantially the same grounds cited in a previous application for a review relating to the same premises
 5. are substantially the same as representations made at the time of an application for a premises licence.

In the case of reasons 4 and 5 above, the Authority will take into account the time, which has passed since the earlier application.

- 8.4 A review can be held in relation to a class of premises or in relation to a particular premises.
- 8.5 This licensing authority will consider initiating a review themselves against a premises or class of premises if complaints are made against the use made of those premises or the measures put in place by licensees to comply with licence conditions. It may, however, decide to initiate a review of a licence on the basis of any reason relevant to its duties and functions under the Act, which it thinks is appropriate. The outcome of such a review may be the introduction of default conditions attached to all premises licences within that class.

9 PROVISIONAL STATEMENTS

- 9.1 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. It is recognised, therefore, that developers may wish to have some assurance that a premises licence would be granted before entering into a contract to develop land or renovate a property. In these circumstances an application can be made for a provisional statement.
- 9.2 This licensing authority recognises that it is a question of fact and degree as to whether premises are finished to such a degree that they can be fully inspected and considered for a premises licence.

- 9.3** Unlike an application for a premises licence applicants for provisional statements do not have to hold an operating licence from the commission. This licensing authority, when determining any such application will not speculate or take any account the likelihood or not of an operating licence being granted. Should the commission subsequently refuse an operating licence the provisional statement will not be able to be converted into a premises licence.
- 9.4** Any application for a provisional statement shall be treated in exactly the same way as would have been the case if the application had been for a premises licence and no regard will be taken of the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.
- 9.5** When an application is made for a premises licence for a premises which has the benefit of a provisional statement, this licensing authority will disregard any representations from responsible authorities or interested parties unless:
- They address matters that could not have been addressed in representations relating to the application for the provisional statement. or
 - They reflect a change in the applicants circumstances.

10 PERMITS, NOTICES & LOTTERIES

- 10.1** The Act allows for a number of gambling activities to take place outside of the licensing regime. These are authorised by permits which are issued by the Authority. These are :-
- Unlicensed family entertainment centres
 - Club gaming permits and club machine permits
 - Alcohol licensed premises gaming machine permits
 - Prize gaming permits.
- 10.2** The issue of all such permits will be undertaken by the licensing authority in accordance with the statutory procedures with regard to any guidance issued by the Gambling Commission.
- 10.3 Unlicensed Family Entertainment Centres-Gaming Machine Permits**
- 10.3.1** Where a premises does not hold a Premises Licence and wishes to provide gaming machines but does not wish to apply for a Family Entertainment Centre (FEC) premises licence as they only wish to offer category D gaming machines, it may apply to the licensing authority for a permit to do so. An application for a permit will only be considered if this Authority is satisfied that the premises will be used as an unlicensed FEC, and that the chief officer of police has been consulted on the application.
- 10.3.2** In considering applications for such permits this Authority will give weight to child protection issues. It will take into account the applicant's suitability including any convictions that they may have that would make them unsuitable to operate a family entertainment centre, the suitability of the premises in relation to their location as well as issues about disorder.

- 10.3.3** Although this licensing authority recognises that it cannot attach conditions to this type of permit, it anticipates that initial applicants for permits will be able to show that there are policies and procedures in place to protect children from harm. Harm in this context will not be construed as limited to harm from gambling but to include wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include CRB checks for staff, appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 10.3.4** Applicants will also be expected to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 10.3.5** This licensing authority has not currently formally adopted a Statement of Principles that they propose to apply when exercising their functions in considering applications for permits. Should it decide to do so it will be available from the licensing section (*see below*). Potential applicants / other interested persons are advised to check with the licensing department as to whether such a policy has been adopted.
- 10.3.6** Applications for renewal of a permit may only be refused 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.
- 10.4 Alcohol Licensed Premises - Gaming Machine Permits**
- 10.4.1** Premises licensed to sell alcohol for consumption on the premises may automatically have 2 gaming machines on the premises, of categories C and/or D, provided that they notify the licensing authority. The licensing authority can only 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 Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 10.4.2** If a premises wishes to have more than 2 machines, then it must apply for a permit. This Authority will consider such applications based upon the licensing objectives, as well as any guidance issued by the Gambling Commission and such matters as it considers to be relevant.
- 10.4.3** This licensing authority considers that such applications will be decided on a case by case basis. It will, however, have particular regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling. Applicants should be able to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to any adult only gaming machines.

10.4.4 Measures which will satisfy the authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

10.4.5 This licensing authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot, however, be attached. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

10.4.6 ~~It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for and be dealt with as an Adult Entertainment Centre premises licence.~~

10.5 Prize Gaming Permits

10.5.1 The Act provides for Licensing Authorities to prepare a statement of principles that they propose to apply in exercising their functions in respect of prize gaming permits which may, in particular, specify matters that it proposes to consider in determining the suitability of the applicant for a permit. This licensing authority has not prepared such a formal statement of principles. Should it decide to do so it will include details in a revised version of the statement of principles.

10.5.2 In making its decision on an application for prize gaming permits licensing authorities do not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

10.5.3 In considering applications for such permits this Authority will give particular weight to child protection issues. It will take into account the applicant's suitability including any convictions that they may have that would make them unsuitable to hold a prize gaming permit.

10.5.4 It should be noted that there are conditions in the Gambling Act 2005 by which a permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

10.6 Club Gaming and Club Machines Permits

10.6.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) can provide equal chance gaming and may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

- 10.6.2** This licensing authority is aware that: it may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 10.6.3** A 'fast-track' procedure is available for premises which hold a Club Premises Certificate under the Licensing Act 2003 whereby there is no opportunity for objections to be made by the Commission or the police. The grounds upon which an authority can refuse an application for such a permit are therefore reduced to the following:-
- (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 10.6.4** Gambling Commission guidance indicates that 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. (This may cover bridge and whist clubs). A members' club must be permanent in nature, not established to make commercial profit, and be controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.
- 10.6.5** There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- 10.7 Temporary Use Notices**
- 10.7.1** The notices allow for the temporary use of premises for gambling by the holder of a gambling operator licence without the building having the benefit of a premises licence. Such premises could include such places as hotels, conference centres and sporting venues.
- 10.7.2** Temporary Use Notices will only be granted to operators holding the relevant operators licence. For instance a betting operator could be permitted a licence to provide betting facilities at a snooker tournament.
- 10.7.3** The Act makes reference, in the context of temporary event notices, to a "set of premises" and provides that a set of premises is the subject of a temporary event notice if "any part" of the premise is the subject of the notice. This licensing authority considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", it will look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, this

Authority will need to consider whether different units are in fact different “sets of premises”, given that they may be occupied and controlled by different people. This Authority is likely to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

10.7.4 This licensing authority will hold a hearing if an objection notice is served unless all parties agree that a hearing is unnecessary.

10.7.5 In determining at a hearing whether to allow a temporary use notice to have effect the licensing authority will aim to permit the provision of gambling facilities in so far as it considers that it is :-

- in accordance with any code of practice or guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this **Gambling Policy Statement**.

10.8 Occasional Use Notices

10.8.1 The licensing authority has very little discretion with regard these notices which can be used to permit betting on tracks that operate on limited occasions. It will, however, ensure that the statutory limit of 8 days in a calendar year is not exceeded. It will also give careful consideration to the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

10.9 Small Society Lotteries

10.9.1 This licensing authority will take account of any guidance issued by the Gambling Commission in registering and controlling non commercial societies which are established and conducted:-

- for charitable purposes;
- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than private gain

11 ENFORCEMENT

11.1 This authority considers that, in general, the authority which issues the licence or permit should take the lead in ensuring compliance with the licence and any conditions attached to it, including compliance with the relevant codes of practice. The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is, therefore, to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for Operator and Personal Licences

11.2 The authority intends that the regulatory burden imposed by it will be the minimum consistent with the carrying out of its statutory duties. Accordingly its approach to ensuring compliance with licence conditions and codes of practice will be to apply a lighter touch to operators perceived by it as low risk and a heavier more intrusive touch to higher risk operators. There may be occasions in which particular circumstances give rise to breaches of both a premises and an operating licence. In such circumstances, it may be appropriate for the licensing authority and the Gambling Commission to each review the licences for which they are responsible, and the Gambling Commission will be a responsible authority in the premises licence review.

- 11.3 This Authority recognises that, in general, the Gambling Commission will also take the lead on the investigation and, where appropriate, the prosecution of illegal gambling and that it will deal with unlicensed premises and concerns about manufacture, supply or repair of gaming machines. It accepts, however that there may be occasions on which the Authority is better placed to take the lead, particularly where there is illegal activity on a smaller scale that is confined to its area.
- 11.4 This Authority will have regard to relevant guidance issued by the Gambling Commission, the Regulatory Compliance Code (formally the Enforcement Concordat) and the Authority's own Enforcement Policy in all its enforcement actions. It will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 11.5 In general any enforcement actions which the Authority takes or proposes will be-
- **Proportionate** - It will intervene when necessary to promote the licensing objectives. Remedies will be appropriate having regard to the risks posed and the costs of such remedies will be minimised.
 - **Accountable** - All decisions will be justified and will be subject to public scrutiny.
 - **Consistent** - All rules, conditions or standards will be imposed or implemented fairly across all.
 - **Transparent** - It will be open at all times and will endeavour to present regulations in a simple and user friendly way.
 - **Targeted** - Enforcement focus will be on those areas which are causing the most problems and will be aimed at minimising those problems and side effects.
- 11.6 As recommended by the Gambling Commission's Guidance, this licensing authority will adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice. Once a risk model for premises licences has been produced, this authority will consider its adoption.
- 11.7 A graduated response will always be taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Licensing-Committee or Panel, the issue of a Formal Caution or a referral for prosecution.
- 11.8 This licensing authority intends to use appropriate enforcement to promote the licensing objectives under the Act. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises.
- 11.9 The Authority will seek to work actively with the Police in enforcing gambling licensing legislation and intends to establish protocols with Lancashire Constabulary, Lancashire Trading Standards Department and Lancashire Fire and Rescue Service on enforcement issues to ensure an efficient deployment of police and council officers.

- 11.10 In accordance with the principle of transparency, the authority's enforcement/compliance protocols/written agreements as well as its risk methodology will be made available upon request.

12 COMPLAINTS AGAINST LICENSED PREMISES

- 12.1 This Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
- 12.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.
- 12.3 This process will not override the right of any interested party to ask that the licensing committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

13 APPEALS

- 13.1 A right of appeal exists to the applicant or any person making a relevant representation against a decision of the licensing authority.
- 13.2 An application for an appeal has to be made to the Magistrates Court within 21 days of being notified in writing of the decision.
- 13.3 This licensing authority will ensure that attention is drawn to this right of appeal when decision notices are served.

14 POLICY REVIEW

- 14.1 This policy takes effect on the 31st December 2006 and will remain in force for not more than 3 years. It will be subject to periodic reviews and further consultation.
- 14.2 When reviewing this policy account will be taken of any additional guidance issued by the Gambling Commission and the results of any consultations received.

APPENDIX A CONTACT DETAILS RESPONSIBLE AUTHORITIES

Contact details for Licensing Authority:

Licensing Team
Fylde Borough Council
Town Hall
Lytham St Annes
Lancs
FY8 1LW
Email: licensing@fylde.gov.uk Tel No: 01253 658658

Contact details of responsible authorities:

<i>Responsible Authority</i>	<i>Address</i>
The Gambling Commission	Gambling Commission Berkshire House 68/173 High Holborn London WC1V 7AA Tel 020 7306 6219
Police Authority	Lancashire Constabulary PS A Wood Licensing Department Western Division Bonny Street Blackpool Lancs FY1 5RL Tel No: 01253 293933
Fire Authority	FAO Station Officer Garrod Lancashire Fire and Rescue Service St Annes Fire Station St Andrews Road North St Annes Lancs FY8 2JQ Tel No: 01253 722268
Environmental Protection and Planning	C/O Licensing Team Fylde Borough Council Town Hall Lytham St Annes Lancashire FY8 1LW Email: licensing@fylde.gov.uk Tel No: 01253 658658
Protection of Children	Lancashire County Council Social Services Directorate PO Box 162 East Cliffe County Offices Preston PR1 3AR Tel No: 0845 053 0000

Her Majesty's Commissioners of Custom and Excise.
Boundary House
Cheadle Point
Cheadle
Cheshire
SK8 2JZ

APPENDIX B

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for gaming machine permits		For more than a total maximum of 4 machines or where representations have been received.	For up to a total maximum of 4 machines where no representations have been received or representations have been withdrawn
Applications for other permits			X
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	



Consultation on
Gambling Act 2005
Draft Gambling Policy Statement
(Statement of Principles)

**Summary of the Representations and
Responses Received**

Consultation Period: 1st June 2006 to 31st August 2006

SCHEDULE OF RESPONSES

Draft Gambling Policy Statement

(Statement of Principles)

Respondent	Comments	Assessment of Comments	Action Proposed
Fylde Borough Council Consumer Wellbeing & Protection	Although the original draft of the document was simply entitled Gambling Policy Statement, this was changed to Statement of Principles to accord with LACORS advice. The phrase "Statement of Principles" is, however, also used elsewhere both in the guidance and within some authority's policies to indicate the principles that the authority propose to apply in exercising their functions in respect of specific types of application including unlicensed family entertainment centres, prize gaming permits etc. It is accordingly suggested that, in order to avoid any future confusion the title of the document should revert back to Gambling Policy Statement.	Agreed.	Amend the title of the document from "Statement of Principles" to "Gambling Policy Statement." and make any consequential changes within the document.
Crown Leisure on behalf of the Cuerden Leisure Group	Consider that comment on the document at this stage would not be appropriate but would welcome the opportunity to express their opinion once the appropriate codes of practice have been issued centrally.	Not Applicable at this stage.	None Required.
The Racecourse Association Limited	Have no venues in the Fylde area and do not, therefore, wish to comment on the document.	Not Applicable.	None Required.
Gambling Commission	No comments on the draft policy other than a reminder that the Commission has recently changed its address from London to Birmingham.	Address change noted.	None Required.

Respondent	Comments	Assessment of Comments	Action Proposed
British Beer and Pub Association (also supported by the Association of Licensed Multiple Retailers and the Federation of Licensed Victuallers Association.)	<p>Make the point that their members have traditionally adopted a very responsible stance in respect of the control of amusement with prize machines, for example, by insisting on proof of age where there is any doubt that a player is over 18.</p> <p>Against this background the association feel that applications, for more than the automatic entitlement of 2 gaming machines, where the Gambling Commission Code of Practice is being adhered to, should always be granted and this approach should be reflected within the policy document.</p> <p>Would welcome inclusion within the policy of an outline of the application procedures for permits for more than 2 machines. Support the approach apparently being taken by some councils that up to 4 machines will automatically be granted without the need for a hearing.</p> <p>Whilst accepting that transitional arrangements in respect of existing machine permits have not yet been finalised, would like to see reference to such arrangements either within the document itself or in the form of separate guidance.</p>	<p>Most premises licensed to sell alcohol for consumption on the premises will have an automatic right to have 2 gaming machines, of categories C and/or D. If the government intended more than that number to be granted without consideration they would presumably have included this in the legislation. However, the law requires that pubs or similar premises wish to have more than 2 machines, then they need to apply for a permit. There is little doubt that adopting a formal policy of automatically granting such permits for a specified maximum number of gaming machines in pubs and similar premises would serve to reduce both administration and bureaucracy and prevent unnecessary hearings. This has, nevertheless, to be balanced against the requirements for the licensing authority to consider such applications based upon the licensing objectives, any guidance issued and “such matters” as they think relevant.” It is generally considered that “such matters” should be decided on a case by case basis with particular regard being had to the need for the protection of children and vulnerable persons from harm or being exploited by gambling. By this means each applicant will, hopefully, be able to show the authority that they will have sufficient measures in place to ensure, for example, that under 18 year olds do not have access to the adult only gaming machines. It would, however, perhaps be useful for applicants if requests for up to a maximum of 4 machines could be decided under delegated powers.</p> <p>As far as the inclusion of application procedures is concerned, both DCMS and LACORS guidance advise that gambling policy statements should be focussed upon ‘high level’ policy and “should not set-out the application processes, decision-making procedures etc.”</p> <p>As the respondents have noted, transitional arrangements have not yet been fully clarified by the issue of regulations, codes, guidance etc. Once they become clear separate detailed guidance will be provided for the existing holders of permits, licences etc.</p>	<p>The only amendment proposed to the draft policy document as a result of the comments received is in respect of the Table of Delegations (see below) but guidance will be issued, at the appropriate time, fully explaining the transitional arrangements, in order to assist current licence and permit holders.</p> <p>Add an additional line to the Table of Delegations, set out at Appendix B, to indicate that applications for permits requesting up to a maximum of 4 gaming machines may be dealt with by officers (ie. Consumer Wellbeing & Protection Executive Manager) under delegated powers, provided that no representations have been received against the proposal.</p> <p>No amendments proposed to the draft policy document as a result of the comments received in respect of application procedures or transitional arrangements.</p>

Respondent	Comments	Assessment of Comments	Action Proposed
Singleton Parish Council	Although paragraph 3.1.3 refers to the need for relevant safeguards to be in place, no mention is made in the list of consultees in paragraph 3.6.2 of Gamblers' Anonymous. – It would be useful to see if this organisation had any constructive comments	<p>The list of consultees in paragraph 3.6.2 was illustrative rather than definitive. Gamblers' Anonymous were in fact consulted on the draft policy as were the following other organisations which currently work with addictive gamblers and their families:</p> <p>Gamcare Gam-Anon Responsibility in Gambling Trust The Society for the Study of Gambling Responsible Gambling Solutions Ltd.</p> <p>It is, nevertheless, accepted that paragraph 3.6.2 could be usefully amended to reflect more fully the range of groups and organisations consulted.</p>	<p>Replace paragraph 3.6.2 with the following:</p> <p><i>The individuals and organisations being consulted on the details of this draft policy include:-</i></p> <ul style="list-style-type: none"> • The Chief Officer of Police • The Fire Authority • Representatives of businesses and residents in the borough • Persons representing the interests of persons carrying on gambling businesses in the borough • Fylde Community Safety Partnership • Local licensing solicitors • Representatives of child welfare groups • Town and Parish Councils • Youth organisations • Gambling industry organisations and associations • Gambler support organisations • Faith groups
Wyre Borough Council Licensing Unit	Paragraph 10.4.6 prescribes that, where alcohol licensed premises apply for a premises licence for their non-alcohol licensed areas, such applications would need to be applied for and be dealt with as Adult Entertainment Centres. It may well, however, not be the case that every application for permits, from alcohol licensed premises made in relation to their non-alcohol licensed areas would be for an adult gaming centre licence.	There is nothing in the Gambling Act or other legislation to justify that the stance that applications in respect of the non-alcohol licensed areas, of pubs and such premises would need to be applied for and be dealt with as Adult Entertainment Centres. Paragraph 10.4.6 it is not consistent with the Act, serves no useful purpose and could be deleted completely with each application of this type then simply being considered on it's merits.	Delete Paragraph 10.4.6 from the policy document

Respondent	Comments	Assessment of Comments	Action Proposed
<p>Chair of St Annes' Churches Together Peace & Justice Group</p>	<p>Considers that the document does not, in general, provide sufficient clear statements of principle in respect of issues such as access by young people to premises where gambling takes place. It seems to prefer to consider each application on an "ad hoc" basis with reference to the guidance. Clear statements of policy would help guide commercial interests and be relevant to representations (see para 7.2.2).</p> <p>Paragraph 6.5.10 is cited as a prime example of this failure to express clear policy guidelines on a matter of local importance in that referring to the Gambling Commission's Guidance and then saying that the Council will consider whether specific measures are required at particular premises in regard to the objective of protecting children and other vulnerable persons, is not seen as a statement of licensing policy.</p> <p>The point is made that the Council should have regard to the addictive nature of gambling which has long been a problem on the Fylde Coast. This should be acknowledged and wherever it is consistent with its licensing powers the Council's policy should be that young and vulnerable people be excluded. The Council itself should make this clear. It is not sufficient to merely "consult with the Lancashire Safeguarding Children's Board (para 6.5.11)</p>	<p>This criticism of the policy document is effectively that it is, in parts, too "woolly" and lacks detail on exactly how specific issues will be viewed. Whilst members may have some sympathy for this viewed and dealt with, it must, however, be borne in mind that significant constraints are placed on the authority on the format and content of its Gambling Policy.</p> <p>As well as having to adhere to the requirements of specific regulations, licensing authorities are required to have regard to the guidance issued by the Gambling Commission in formulating their policy document and are furthermore strongly advised to follow a template provided by LACORS.</p> <p>Guidance issued by both the Gambling Commission and LACORS constantly stresses to authorities that, "whilst statements of policy may set out a general approach to the exercise of functions under the Act, no statement of policy should override the right of any person to make an application under the Act and to have that application considered on its merits." Additionally, a statement of policy must not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so." Against this background of advice, it is perhaps not surprising that it appears to the respondent that the policy "seems to advocate considering each application on an ad hoc basis with reference to the guidance". As with the Licensing Act 2005, the pursuit of natural justice must always be paramount and therefore each application must be considered on its own merits.</p> <p>The commitment to consult on applications with the appropriate child protection agency is a statutory requirement. The guidance, however, asks authorities to identify this appropriate agency within their policy document. In this area the Lancashire Safeguarding Children's Board has been identified as the appropriate body and is therefore referred to at paragraph 6.5.11.</p>	<p>Given the constraints placed on the authority in terms of the format and content of their gambling policies, no amendments are proposed to the draft policy document as a result of the comments received.</p>

Respondent	Comments	Assessment of Comments	Action Proposed
Association of British Bookmakers	<p>Make the point that the industry has been very successful in policing itself and that generally bookmakers give rise to few or no problems or regulatory concerns. A primary objective of the association has been to help create betting environments in which the public enjoys fair and responsible gambling.</p> <p>The association makes a number of specific points in respect of improvements, which they would like to see incorporated in all gambling policies. In some cases (in the interests of consistency) they have actually put forward the wording which they would wish to see within the policy and these are indicated below by means of italics.</p> <p>Attention is drawn to the fact that door supervision has not been required at betting offices with control being perfectly well exercised from the premises counter. It is therefore suggested that the following text be included in the policy:-</p> <p><i>“... there is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.”</i></p> <p>The number of betting machines (rather than gambling machines) in betting offices is described as “vanishingly small”. Where they do exist there is no evidence to suggest that they are causing any harm. They are machines on which a bet may be placed without having to go to the counter and not machines upon which rapid gambling occurs.</p>	<p>The association appears to argue that because they have such a well controlled background, this should be recognised within the policy with betting offices being specifically singled out and allowed presumptions generally in favour of their activities.</p> <p>Despite the good history of bookmaker's premises, it is considered that the generic approach to gambling premises licensing adopted in the draft document and advocated by the LACORS template, should be maintained. It could well be argued that any move towards the approach suggested by the Association of British Bookmakers would only serve to fetter, to some extent, the discretion which is currently provided within the draft policy document.</p> <p>It is accepted that door supervision of betting shops will not normally be required. The act does not, however, prohibit such a condition provided it can be established that is necessary to meet the licensing objectives at a particular premises (for example, if there was evidence that supervision to prevent under age entry was inadequate without them.) The wording proposed is, nevertheless, considered to be unnecessarily restrictive. Paragraph 6.6.10 already deals with the possibility that door supervision may be required at premises other than casinos and bingo premises and 6.6.4 provides a commitment that no conditions will be imposed unless they are necessary, proportionate, fair and reasonable. A slight amendment to the wording of paragraph 6.6.10 could, however, usefully make it clear that additional door supervision would only be required where there was evidence that supervision had previously proved inadequate.</p>	<p>The amendments proposed to the draft policy document as a result of the comments received are set out below:-</p> <p>Paragraph 6.6.10 should be amended as follows (additional text in italics):-</p> <p>“For premises other than casinos and bingo premises, this authority may decide that <i>for particular premises where there is evidence that supervision from counters or other normal staff positions has proved inadequate to meet the licensing objectives, additional supervision of entrances / machines is appropriate.</i> The Authority may decide, in the light of the particular circumstances, that these supervisors need to be SIA licensed. It will, however, not be automatically assumed that they need to be so licensed.”</p>

Respondent	Comments	Assessment of Comments	Action Proposed
Association of British Bookmakers (continued)	<p>For these reasons it is suggested that the policy states that:-</p> <p><i>"While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter."</i></p> <p>Over the last 20 years or so betting offices have been consistently enlarged and improved to provide the more extensive facilities (toilets, comfortable seating, disability friendly, no smoking areas etc.) demanded by their customers. In order to achieve these improved standards it has sometimes been necessary to re-site premises within the same locality. This approach has been supported, under the former regime, by licensing authorities and it is hoped that the new licensing authorities will support this natural progress and improvement in the industry. It is, accordingly requested that the policy positively encourages, or at least states that the authority will give sympathetic consideration to re-sites within the same locality and to extensions in order to enhance the quality of the facility provided for the benefit of the betting public.</p>	<p>The association argue that the discretion provided in the Act, to limit the number of betting machines, should only be exercised where the use of such machines is contrary to the licensing objectives. Whilst not raised directly in this representation, paragraphs 6.11.2 and 6.11.3 in the policy which both deal with restrictions on betting machines could well be seen as somewhat repetitive. They could, therefore, usefully be combined together into a single paragraph which would, at the same time, make it clear that limits on the number of betting machines permitted would only be imposed where there is evidence that they have been or are likely to be used in breach of the licensing objectives.</p> <p>Whilst in practice it is likely that applications to re-site betting offices within the locality, in order to secure overall improved premises, are likely to be viewed sympathetically, it is considered that committing to such an approach within the policy would only serve to unreasonably fetter the authority's discretion.</p>	<p>The existing paragraphs 6.11.2 and 6.11.3 should be deleted and replaced with a new paragraph 6.11.2 which reads as follows:-</p> <p><i>"The Licensing Authority will generally only consider whether to impose a condition on any premises licence for a betting premises restricting the number, and/or nature of betting machines (not to be confused with gaming machines) and the circumstances in which those machines are available for use when there is evidence that such machines have been or are likely to be used in breach of the licensing objectives. The authority will take into account those issues set out in 6.9.4 above when considering the number/nature/circumstances of betting machines an operator wants to offer."</i></p> <p>No amendments proposed to the draft policy document as a result of the comments received in respect of re-siting.</p>

Respondent	Comments	Assessment of Comments	Action Proposed
Association of British Bookmakers (continued)	<p>In terms of enforcement it is requested that the policy includes wording along the following lines:-</p> <p><i>"The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual and whom the authority will contact first should any compliance queries or issues arise."</i></p> <p>In respect of paragraph 6.4, it should be noted that whilst many betting offices are located near schools in residential areas, under 18's are not permitted access. Equally, vulnerable persons are afforded protection through the extremely effective self-exclusion policies that most bookmakers operate. It is, therefore suggested that location should not be a factor when considering a betting office application.</p> <p>Finally, it is requested that paragraph 7.5.3 should be amended so that it is made clear that trade objectors will not automatically be excluded from making representations so long as the representations relate to the licensing objectives.</p>	<p>Whilst this is a reasonable idea, as stated above, gambling policy statements should be focussed upon high level' policy and should not necessarily set out the fine detail of procedures etc. There is, furthermore, no provision in the Gambling Act for the equivalent of a DPS as in the Licensing Act. The Gambling Commission will ensure that key people within the operation obtain personal licences and therefore it would be possible for licensing authorities to identify such persons. The arrangements proposed specifically for bookmakers can be achieved very well administratively by individual companies notifying the licensing office informally of a contact name and do not necessarily need to be included separately within the policy document.</p> <p>It is accepted that location is perhaps not quite such a critical issue in respect of betting offices as it would be for some other types of gambling premises. The policy, however, clearly states that each application will be considered on its merits. It is therefore open to applicants to argue the benefits of relocation at a hearing should a representation be made. Adopting the wording suggested would effectively mean that no consideration could be given in respect of the location of such premises whatever the circumstances.</p> <p>There is no intention whatsoever of precluding trade representations provided, of course, that they relate to the licensing objectives. Paragraph 7.5.3 already makes this clear. Indeed it confirms that business interests" will be given the widest possible interpretation and only requires that the Authority is satisfied that the business in question would be likely to be directly affected.</p>	<p>No amendments proposed to the draft policy document as a result of the comments received in respect of a single named point of contact, location or trade objectors.</p>

Respondent	Comments	Assessment of Comments	Action Proposed
British Casino Association	Wish to have the opportunity to comment in more detail once the guidance on existing casinos has been issued and, if necessary, incorporated into a further draft of the policy. They, nevertheless, make the point that the operation of casinos has been highly regulated for the past 40 years and as a consequence, the new legislation will not impact on the high level of integrity with which such premises have historically operated. The association argues that existing tight controls on entry and identity verification prevent casinos creating any nuisance to the local community and makes the point that this is one of the reasons why door supervisors were deemed unnecessary (paragraph 6.6.9). The existing statutory bar on under 18s is strictly enforced and the licence conditions suggested at paragraph 6.6.7 will, therefore, not be necessary.	Paragraph 6.6.7 of the draft document sets out the restrictions that are likely to be imposed in order to protect children where category C or higher machines are on offer in premises. The paragraph, however, already makes it clear in its opening line that these considerations will only apply "in premises to which children are admitted".	No specific amendment of paragraph 6.6.7 is necessary in respect of casino premises as they will not constitute "premises to which children are admitted".