

Licensing and Public Safety Committee

Tuesday, 4th October 2022, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

Agenda

Apologies

1 Declarations of Any Interests

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

2 Public Questions

Members of the public who have requested the opportunity to ask a question(s) on an item on the agenda will be asked to put their question(s) to the Committee. Each member of the public will be allowed to ask one supplementary question within his/her allocated 3 minutes.

<https://democracy.chorley.gov.uk/documents/s67429/Appendix%203%20Standing%20Orders%20Aug%202016.pdf>

Minutes of the Licensing and Public Safety Committee

3 Minutes of meeting Wednesday, 6 July 2022 of Licensing and Public Safety Committee

(Pages 3 - 6)

4 Minutes of the General Licensing Sub-Committees

The minutes of the General Licensing Sub-Committee held on 21 September will be presented to the next meeting.

5 Minutes of the Licensing Act 2003 Sub-Committees

6 Minutes of meeting Thursday, 7 July 2022 of Licensing Act 2003 Sub-Committee

(Pages 7 - 10)

7 Minutes of meeting Thursday, 21 July 2022 of Licensing Act 2003 Sub-Committee

(To Follow)

8	Allocation of a Hackney Carriage Proprietor (Vehicle) Licence	(Pages 11 - 18)
	Report of the Director of Planning and Development attached.	
9	Revision of Statement of Principles under Gambling Act 2005	(Pages 19 - 70)
	Report of the Director of Planning and Development attached.	

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Licensing and Public Safety Committee Councillor Matthew Lynch (Chair), Councillor Margaret France (Vice-Chair) and Councillors Mark Clifford, Magda Cullens, Gordon France, Tommy Gray, Harold Heaton, Terry Howarth, Hasina Khan, Roy Lees, Michelle Le Marinel, Dedrah Moss, Alan Platt, Jean Sherwood and John Walker.

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[To view the procedure for public questions/ speaking click here and scroll to page 119](#)



Minutes of	Licensing and Public Safety Committee
Meeting date	Wednesday, 6 July 2022
Committee Members present:	Councillor Matthew Lynch (Chair) and Councillors Mark Clifford, Terry Howarth, Hasina Khan, Roy Lees, Dedrah Moss, Jean Sherwood and John Walker
Officers:	Nathan Howson (Enforcement Team Leader (Licensing)), Tasneem Safdar (Legal Services Team Leader) and Coral Astbury (Democratic and Member Services Officer)
Apologies:	Councillor Tom Gray, Michelle Le-Marinel and Alan Platt

1 Declarations of Any Interests

There were no declarations.

2 Public Questions

There were no public questions.

3 Minutes of meeting Wednesday, 3 November 2021 of Licensing and Public Safety Committee

Resolved: (Unanimously)

That the minutes are agreed as a correct record for signing by the Chair.

4 Minutes of meeting Wednesday, 3 November 2021 of General Licensing Sub-Committee

Resolved: (Unanimously)

That the minutes are agreed as a correct record for signing by the Chair.

5 Minutes of meeting Monday, 13 December 2021 of General Licensing Sub-Committee

Resolved: (Unanimously)

That the minutes are agreed as a correct record for signing by the Chair.

6 Minutes of meeting Wednesday, 2 March 2022 of General Licensing Sub-Committee

Resolved: (Unanimously)

That the minutes are agreed as a correct record for signing by the Chair.

7 Minutes of meeting Wednesday, 25 May 2022 of General Licensing Sub-Committee**Resolved: (Unanimously)**

That the minutes are agreed as a correct record for signing by the Chair.

8 Minutes of meeting Thursday, 31 March 2022 of General Licensing Sub-Committee**Resolved: (Unanimously)**

That the minutes are agreed as a correct record for signing by the Chair.

9 Minutes of meeting Monday, 15 November 2021 of Licensing Act 2003 Sub-Committee**Resolved: (Unanimously)**

That the minutes are agreed as a correct record for signing by the Chair.

10 Minutes of meeting Wednesday, 24 November 2021 of Licensing Act 2003 Sub-Committee**Resolved: (Unanimously)**

That the minutes are agreed as a correct record for signing by the Chair.

11 Minutes of meeting Wednesday, 23 February 2022 of Licensing Act 2003 Sub-Committee**Resolved: (Unanimously)**

That the minutes are agreed as a correct record for signing by the Chair.

12 Consideration of Criteria for the Allocation of a New Hackney Carriage Vehicle Licence

The committee considered a report of the Director of Planning and Development that requested members to consider, approve and adopt the Criteria for the Allocation of a New Hackney Carriage Vehicle licence as Council Policy.

The Enforcement Team Leader (Licensing) advised the criteria would give all parties a fair and open way of being considered. The tombola procedure had been used in previous years and was felt to be an appropriate way to administer the process. The committee could decide not to adopt the criteria, but this would slow the administrative process as the committee would need to decide each time how to give the licence.

The Enforcement Team Leader (Licensing) explained that the authority limits the number of hackney licences to 36 and following an expiry of a licence there was only 35 licensed hackney carriages. If the criteria were approved, any new Hackney Carriage would need to be a Wheelchair Accessible Vehicle (WAV) which would increase the authorities supply of WAV's.

Members commented that the procedure for selecting a new licence holder had been used previously and worked well. It was an open and transparent procedure with the draw filmed.

Members considered and debated the report, touching on issues relating to Climate Change and Air Quality. Some members on the committee were of the view that the criteria should be amended to require the vehicle to be carbon neutral. When discussing this topic, members noted the significant cost outlay of carbon neutral vehicles and that consultation with the trade would also need to be undertaken.

Members asked if the authority retained any control over the licence and referred to the fact that hackney licences could be sold on for up to £35,000. In response, the Enforcement Team Leader (Licensing) explained that the legislation only requires the authority to grant the licence, once it had been granted it was open for the driver to transfer. Drivers were required to notify the Council of the transfer, but they did not need to do anything further. The Enforcement Team Leader (Licensing) explained that officers would expect a person applying to submit an expression of interest to use that vehicle for a minimum of twelve months. If the licence was transferred within that period, then enforcement action could follow.

An amendment was proposed by Councillor Mark Clifford and seconded by Councillor Dedrah Moss to stipulate within the criteria that the vehicle should be Wheelchair Accessible and a net zero emission vehicle. Upon taking the vote, the amendment failed (4:6:0)

It was subsequently proposed by Councillor Aaron Beaver and seconded by Councillor Roy Lees that the recommendations be accepted as outlined within the report. It was therefore,

Resolved: (6:4:0)

1. That the committee approve the Criteria for the Allocation of a New Hackney Carriage Vehicle Licence.
2. The authority is delegated to the Director of Planning and Development to carry out the administrative process of inviting applications of interest to be made and for applications to be brought before the next Licensing and Public Safety Committee for selection by "tombola" method, in accordance with the criteria.
3. The criteria is adopted as the Council's policy and appended to the Hackney Carriage and Private Hire Licensing Policy as Appendix 5, with the authority being delegated to the Director of Planning and Development to make amendments to the criteria as and when required, in consultation with the Chair or Vice-Chair of the Licensing and Public Safety Committee.

Chair

Date



Minutes of **Licensing Act 2003 Sub-Committee**

Meeting date **Thursday, 7 July 2022**

Committee Members present: Councillor Matthew Lynch (Chair), and Councillors Mark Clifford and Jean Sherwood

Officers: Elizabeth Walsh (Senior Solicitor), Coral Astbury (Democratic and Member Services Officer) and Usman Gazra (Enforcement Officer (Licensing))

1 Declarations of Any Interests

There were no declarations of any interest.

2 Procedure

The Chair outlined the procedure to be followed for the hearing.

3 Exclusion of the Public and Press

Resolved:

That the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

4 Determination of whether to suspend or revoke a Personal Licence- DT

The Director of Planning and Development submitted a report for the Licensing Act 2003 Sub-Committee to inform members that the Personal Licence holder has been convicted of a relevant offence and to request that members decide whether to suspend or revoke the licence.

The Personal Licence Holder (PLH) was not present at the hearing.

The Enforcement Officer (Licensing) advised that the PLH was granted his licence on 6 August 2018 and on 19 September 2019 the licence holder duly notified the Council of a change of address and a replacement licence was issued.

On 29 April 2022, the licence holder was convicted of driving a motor vehicle with the breath alcohol limit exceeding the prescribed limit. The prescribed limit is 35 micrograms per 100 milliliters of breath. The licence holder's breath contained 109 micrograms of alcohol per 100 milliliters of breath, over 3 times the legal limit. The vehicle was being driven on Pall Mall, Chorley.

The Enforcement Officer (Licensing) explained that Section 128 of the Licensing Act 2003 requires a PLH charged with a relevant offence to produce a copy of their licence to the Court and that the licence holder had failed to comply with this duty. In addition, Section 132 of the Act requires a PLH convicted of a relevant offence to give the Licensing Authority, as soon as reasonable practicable after the conviction, a notice containing details of the nature and date of the conviction and any sentence imposed in respect of it. The licence holder had also failed to comply with this duty.

Members asked if the PLH would be aware of what a relevant offence was. In response, the Enforcement Officer (Licensing) explained that PLH undergo training which provides information on the relevant offences they must comply with.

Members referred to the representation received from the PLH on 17 May 2022 and asked if any representations had been received in support of the PLH such as military veterans or medical evidence. It was confirmed by the Enforcement Officer (Licensing) that no additional supporting representations had been received.

Members asked if the Council's Statement of Licensing Policy distinguished between being slightly over the limit and being three times over the limit, as in the PLH case. The Enforcement Officer (Licensing) confirmed it did not.

In response to a question from the Sub-Committee's Legal Advisor, the Enforcement Officer (Licensing) confirmed that the PLH did not declare his personal licence to the Court and had provided no explanation to Officers as to why he did not declare it.

The Enforcement Officer (Licensing) confirmed that the PLH was not currently employed in a premises where he was acting as licence holder.

RESOLVED:

The Licensing Sub Committee considered the request whether to suspend or revoke the Licence. Members considered the Licensing Objectives as follows:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Members are under a duty as the licensing authority to take such steps as it deems appropriate to promote the licensing objectives in the interests of the wider community and not those of the individual licence holder.

In coming to its decision, Members had regard to:

- Section 182 Guidance of the Licensing Act 2003, specifically paragraphs 4.45
- The Council's Statement of Licensing Policy effective from 2021-2026
- The Licensing Act 2003

The Licensing Sub Committee carefully considered the representations in relation to the Personal Licence Holder's relevant conviction. Members were disappointed that the Licence Holder did not attend the committee to explain what had happened.

It is noted that the Court was not aware the PLH was a Personal Licence Holder, therefore the Court was unable to comment on his Personal Licence or make a decision regarding that Personal Licence. Members took this into account. Members were minded that the function of the Court and its aims are different to that of the Licensing Authority and that the Authority must carry out its functions with a view to promoting the Licensing Objectives.

The Sub Committee have considered the amended guidance issued under Section 182 of the Licensing Act, together with the Council's Statement of Licensing Policy, in particular those paragraphs referred to within the report.

After careful consideration, Members resolved to revoke the Personal Licence, for the following reasons:

- The Seriousness of the offence
- Failure to notify the Council about the offence and his failure to notify his change of address (2 years)
- That he failed to notify the Court about his Personal Licence.

Chair

Date

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Report of	Meeting	Date
Director (Planning and Development)	Licensing and Public Safety Committee	Tuesday, 4 October 2022

Allocation of a Hackney Carriage Proprietor (Vehicle) Licence

Is this report confidential?	No
Is this decision key?	No

Purpose of the Report

- To inform the Committee that, following invitation, members of the trade have submitted expressions of interest in being allocated a hackney carriage vehicle licence.
- For the Committee to carry out a tombola in order to select those to be invited to make an application for a hackney carriage vehicle licence.

Recommendations

- That the Committee note the information contained within the report and, if satisfied the correct process has been followed, undertake the tombola.
- That all expressions of interest are drawn from the tombola to provide an audit trail showing all valid expressions were entered into the draw.
- That the Committee note and confirm that being drawn from the tombola does not give a guaranteed right to a licence and that the usual criteria for the grant of a licence shall apply.

Reasons for recommendations

- The Committee determined the process to be followed at the meeting on 6th July 2022 and decided that the tombola method is a fair and equitable way of allocating the licence.

Other options considered and rejected

- No other options considered. The recommendations are the result of a previous Committee decision.

Corporate priorities

- The report relates to the following corporate priorities:

Involving residents in improving their local area and equality of access for all	A strong local economy
Clean, safe and healthy communities	An ambitious council that does more to meet the needs of residents and the local area

Background to the report

9. On 6th July 2022, members resolved to adopt the Criteria for the Allocation of a New Hackney Carriage Vehicle Licence as Council policy. A copy is appended at [Appendix 1](#). This criteria set out the standards and also the process to be carried out when a new hackney carriage vehicle licence became available.
10. A hackney carriage vehicle licence became available in May 2022.

Inviting expressions of interest

11. In accordance with the criteria, the Enforcement Team leader (Licensing) wrote to all current holders of a Private Hire and Hackney Carriage Driver licence and Private Hire Operator licence on 25th July 2022, providing them with a copy of the criteria and inviting them to submit an expression of interest. The criteria and form were also advertised on the Council's website.
12. The period of time during which expressions of interest were invited opened on 25th July 2022 and closed on 21st August 2022. In total, seventeen expressions of interest were received. In order to assess compliance with the criteria, Council records have been searched and the Companies House Disqualified Directors and the gov.uk Bankruptcy and Insolvency Register has also been searched
13. Two of the expressions of interest were received after the closing date and were considered to be unsuitable. Eight other expressions were considered to be unsuitable for the following reasons:

Criteria	Number of Applications Unsuitable
Resides with person who already holds a Hackney Carriage	1
Has not held a licence with Chorley Council for at least 3 consecutive years	3
Been proprietor of a hackney carriage vehicle licence in the preceding 5 years	1
Not resident in or liable to pay business rates in Chorley	1
Failure to report convictions/ penalty points at time expressions of interest are invited	2

14. In accordance with the criteria, these applicants were not notified that their expression was unsuitable and shall not be entered into the draw.
15. This leaves seven expressions of interest which are suitable to be entered into the draw. Each of these licence holders have been notified and invited to attend the Committee if they so wish. A copy of the letter is appended at [Appendix 2](#).

Action following the draw

16. If the Committee approve the recommendations and undertake the tombola, officers shall note the order in which the expressions of interest are drawn. The first drawn will be invited to make an application for a hackney carriage vehicle licence, in accordance with the Criteria. If, on the expiry of 2 months a suitable application has not been submitted, the next

application draw shall be invited to make an application. This shall continue for the third drawn.

Climate change and air quality

- 17. The work noted in this report does not have an impact on the Councils Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.

Equality and diversity

- 18. The criteria for the allocation of the licence requires the vehicle presented to be a wheelchair accessible vehicle. The licence which expired in May 2022 was not a wheelchair accessible vehicle and so this will increase the provision of WAVs in the Borough by one.

Risk

- 19. There is possibility of litigation by those applicants who are not selected via the tombola method. It is important that the process is therefore conducted fairly and openly in order to mitigate against this risk.

Comments of the Statutory Finance Officer

- 20. There are no direct financial implications of this report.

Comments of the Monitoring Officer

- 21. Section 37 of the Town Police Clauses Act 1847 as amended by section 16 of the Transport Act 1985 provides that a Council may only limit the number of licensed hackney carriages if it is satisfied that there is no significant unmet demand for the services of hackney carriages.
- 22. In the event of any challenge to the Council’s policy of restricting the number of hackney carriages, reliance can be placed on the findings of the most recent survey in respect of unmet demand.
- 23. As hackney carriage vehicle licences are highly sought after, there is always the possibility of a legal challenge to the allocation process, or an appeal by an unsuccessful applicant. In order to mitigate the risk, it is important that Members should be seen to act fairly and openly. The Council’s established tombola method would also assist in mitigating the risk.
- 24. Case law has established that the premium attached to a hackney carriage proprietor’s licence in a district where numbers are limited is not property protected by the Human Rights Act 1998.
- 25. Any person who is refused the grant of a hackney carriage proprietor licence would have the right of appeal to the Crown Court within 21 days of receiving notice of the decision.

Appendices

Appendix	Description
Appendix 1	Criteria for the Allocation of a new Hackney Carriage Vehicle Licence
Appendix 2	Confirmation of suitable application and invitation to attend Committee

Report Author:	Email:	Telephone:	Date:
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Nathan Howson	Nathan.Howson@chorley.gov.uk	01257 515665	02/09/22
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CRITERIA FOR THE ALLOCATION OF A NEW HACKNEY CARRIAGE VEHICLE LICENCE

This policy sets out the Council's approach when there is availability for a new hackney carriage vehicle licence to be granted. This could be following the natural expiry of a licence or following the revocation or surrender of it.

Only persons who fully meet the criteria will ultimately be entered into the draw in order to be invited to apply for a licence.

When a licence becomes available, the Council will write to existing Hackney Carriage Drivers (HCD), Private Hire Drivers (PHD) and Private Hire Operators (PHO), inviting them to submit expressions of interest in accordance with this document. The period within which a licence holder may submit an expression of interest will be included in this correspondence. This correspondence can be via electronic methods. The Council will also display a notice on its website setting out the criteria and inviting expressions of interest.

Any person wishing to submit an expression of interest should read and ensure they fully meet the criteria in this document. Where a licence holder submits an expression of interest but does not meet the criteria, they will not be entered into the draw and the licensing team will not notify them that they have not met the criteria.

On the expiry of the period during which expressions can be submitted, a sift will be carried out to sort those expressions which meet the criteria. These will then be placed into sealed envelopes and a "tombola-style" draw shall be carried out at the next Licensing and Public Safety Committee. Any person wishing to attend such meeting shall be permitted to in accordance with the existing procedures.

At the meeting, 3 envelopes shall be drawn. The first shall be given the opportunity to apply for the grant of a hackney carriage vehicle licence. If, on the expiry of 2 months from the draw, the first applicant has not applied and had a vehicle test, the second name drawn shall be invited to make an application. Again, if the second person does not make an application and had a vehicle test within 2 months of being invited to make an application, the third person shall be invited. If the third person draw does not make an application and submit the vehicle for test within 2 months, then the initial allocation process will be carried out again. Those who had previously been drawn but failed to apply shall be excluded from submitting expressions of interest. In any case, an application will only be accepted where it meets the criteria set out in this policy and any other applicable Council policy and requirement.

Nothing in this document affects the Council's absolute discretion to determine whether to grant a hackney carriage vehicle licence.

The Criteria

1. The applicant must be an existing licence holder at the time the period for submitting expressions of interest opens. They must have held a licence for a minimum period of 3 consecutive years, immediately preceding the date expressions of interest are invited. In this section, a licence means a Hackney Carriage or Private Hire Driver Licence, or a Private Hire Operator Licence, issued by Chorley Council.

2. Expressions of interest cannot be submitted by persons who already hold (whether a full or part share in) a Hackney Carriage Vehicle licence or from anyone who resides at the same address as an existing Hackney Carriage Vehicle Licence holder.
3. Only 1 expression of interest shall be accepted per address.
4. Expressions of interest cannot be submitted by persons who have held a Hackney Carriage Vehicle licence in the five years immediately preceding the date expressions of interest are invited.
5. Expressions of interest cannot be submitted by any person who has, in the 5 years preceding the date expressions of interest are opened, had a Hackney Carriage or Private Hire Driver licence, Hackney Carriage or Private Hire Vehicle Licence or Private Hire Operator licence refused or revoked by this or any other Authority.
6. Expressions of interest will only be accepted from persons who are registered to vote in Chorley or a person who is liable to pay business rates to Chorley Council or exerts significant control over a company liable to pay business rates to Chorley Council.
7. The applicant must not currently be declared bankrupt or have been excluded from directing a business by order of a court.
8. The applicant must be free from convictions, motoring or otherwise, at the time expressions of interest are invited, other than those which have already been declared and considered by the Council. The same is true for any pending prosecutions.
9. The applicant is required to be the owner and driver of the vehicle. The licence will be awarded on a sole proprietorship basis. The applicant must have the legal capacity to hold a licence. The owner and driver must have completed, or have booked onto, the Wheelchair Assessment course with a company contracted by Chorley Council to provide such a course.
10. Applicants shall be required to declare that they intend to make use of the licence personally in Chorley for a minimum of 12 months. Disciplinary action would likely result against those found to be breaching this.
11. Vehicles shall be less than 5 years old at the time of the application, this shall be measured from the date of first registration shown on the logbook. Imported vehicles shall not be considered suitable.
12. The vehicle which is presented must be a Wheelchair Accessible Vehicle (WAV) as defined in our existing policy. This licence will be for a WAV in perpetuity and a licence will only be granted when it is sought for an appropriate WAV.
13. Vehicles must be purpose-built hackney carriages and purpose-built to carry wheelchair users.
14. Any other considerations, which may fairly and reasonably relate to the grant of a hackney carriage licence and appear to the Council to be relevant including the proposed area of operation of the vehicle in respect of area to be worked, may be taken into account at the time of the award of the said licence.

Dear ,

**Re: Expression of Interest in being Allocated new Hackney Carriage Vehicle Licence
Confirmation of meeting Criteria and Invitation to observe draw**

I write following your recent expression of interest in being allocated a hackney carriage vehicle licence. Your expression of interest has been considered in line with the Council's Criteria for the Allocation of a New Hackney Carriage Vehicle Licence and I am pleased to inform you that your submission has been considered to meet the criteria.

Your expression will therefore be entered into the draw, with the chance to be allocated the licence.

The draw will be carried out at a meeting of the Licensing and Public Safety Committee, to be held on **Tuesday 4th October 2022 at 1830hrs in the Council Chamber, Town Hall, Market Street, Chorley, PR7 1DP.**

The report and appendices regarding this matter will be made available on the Council's website approximately a week before the Committee date.

This is a public meeting and so you are able to attend as an observer.

Yours sincerely,

Nathan Howson
Enforcement Team Leader (Licensing)

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Report of	Meeting	Date
Director (Planning and Development)	Licensing and Public Safety Committee	Tuesday 4 th October 2022

Revision of Statement of Principles under Gambling Act 2005

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

- To approve the revision of the Statement of Principles (the Principles) under the Gambling Act 2005 (the Act).

Recommendations

- That the Committee approves the approach to consultation as set out in the report,
- That authority is delegated to the Director (Planning and Development), in consultation with the Chair of this Committee, to make such changes to the Principles as are appropriate in response to consultation responses.
- That the Committee recommends to Council that the Principles (subject to any revisions by the Director in consultation with Chair) be approved, published and implemented 4 weeks after its publication.

Reasons for recommendations

- The Act requires a licensing authority to consider revision to the Principles every 3 years. The Principles are due for revision this year.

Other options considered and rejected

- No other options were considered. It is a statutory duty to consider revision to the Principles.

Corporate priorities

- The report relates to the following corporate priorities:

Involving residents in improving their local area and equality of access for all	A strong local economy
Clean, safe and healthy communities	An ambitious council that does more to meet the needs of residents and the local area

Background to the report

8. The Gambling Act 2005 (the Act) is concerned with the regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling, although councils have no role in the regulation of remote gambling.
9. Chorley Council has responsibilities under the Act to issue premises licences, permits and notices in respect of premises where it is proposed that gambling should take place. The Council is also responsible for the registration of small society lotteries.
10. Section 349 of the Act requires all licensing authorities to prepare and publish a Statement of Principles (the Principles) that they intend to apply in exercising their functions under the Act. These Principles will last for a maximum of three years but can be reviewed and revised by the Authority at any time during that period.
11. The Council last reviewed its Principles in 2019 and so a revision is now due.

Amendments to the Statement of Principles

12. The revised draft Statement of Principles is appended at Appendix 1 of the report. The changes in this revision are largely to update some of the information which has become out of date and to improve and clarify any issues in the existing document. There are no major legislative changes which have been included in this revision.
13. A summary of the changes is appended at Appendix 2.

Consultation

14. Based upon the fact that the proposed amendments are minor and relate largely to non-legislative changes, the consultation exercise being proposed on the draft revision is to run for 4 weeks. This is considered to be appropriate given the minor nature of the proposed changes.
15. The Act requires licensing authorities to consult the following when making any revision to its Principles:
 - The Chief Officer of Police for the authority's area,
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
16. It is proposed that all premises carrying on gambling and/or betting activities in Chorley are sent the consultation documents, in addition to a number of other bodies. Details of all consultees can be found in Appendix A of the Statement of Principles.
17. It is proposed that the consultation therefore runs between 6th October and 3rd November.

Climate change and air quality

18. The work noted in this report does not have an impact on the Council's Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.

Equality and diversity

19. The work noted in this report does not have an impact on equality and diversity. An equality impact assessment is appended as Appendix 3.

Risk

20. There is a risk of litigation if the authority fails to comply with its statutory duty to review the Principles. Decisions made by the authority would be at greater risk of challenge if the authority could not demonstrate that its Principles had been published in accordance with the legislation. Litigation comes with it the risk of costs being awarded against the authority.
21. The authority could be exposed to reputational risk if it failed to publish its principles in accordance with the Act.

Comments of the Statutory Finance Officer

22. There are no direct financial implications of this report.

Comments of the Monitoring Officer

23. The duty to review the policy every three years is addressed within the body of the report. When determining applications made under the Gambling Act 2005 the Council must have regard to any relevant codes of practice and guidance issued by the Gambling Commission, the licensing objectives and the Statement of Principles, so the latter is necessary when decisions are made.

Appendices

Appendix	Description
Appendix 1	Draft Revised Statement of Principles
Appendix 2	Summary of Changes
Appendix 3	Equality Impact Assessment

Report Author:	Email:	Telephone:	Date:
Nathan Howson (Enforcement Team Leader (Licensing))	Nathan.Howson@chorley.gov.uk	01257 515665	

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Gambling Act 2005

Statement of Principles

Date of Issue: 23rd November 2019 to 22nd November 2022



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Part A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005 (the Act), licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

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

Chorley Borough Council (the authority) is aware that, as per Section 153, 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 thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- in accordance with the authority’s statement of licensing policy.

2. Introduction

The authority is required by the Act to publish a Statement of Principles (Statement) which they propose to apply when exercising their functions. This Statement must be published at least every three years. The Statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement must then be republished.

The authority will consult widely upon this Statement before finalising and publishing. A list of those persons who will be consulted is provided at Appendix A. The Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

The authority recognises that the best means of promoting the licensing objectives is through co-operation and partnership of all the responsible authorities, local businesses and residents.

This Statement was considered for approval at a meeting of the Council on DATE and published via our website on or by DATE.

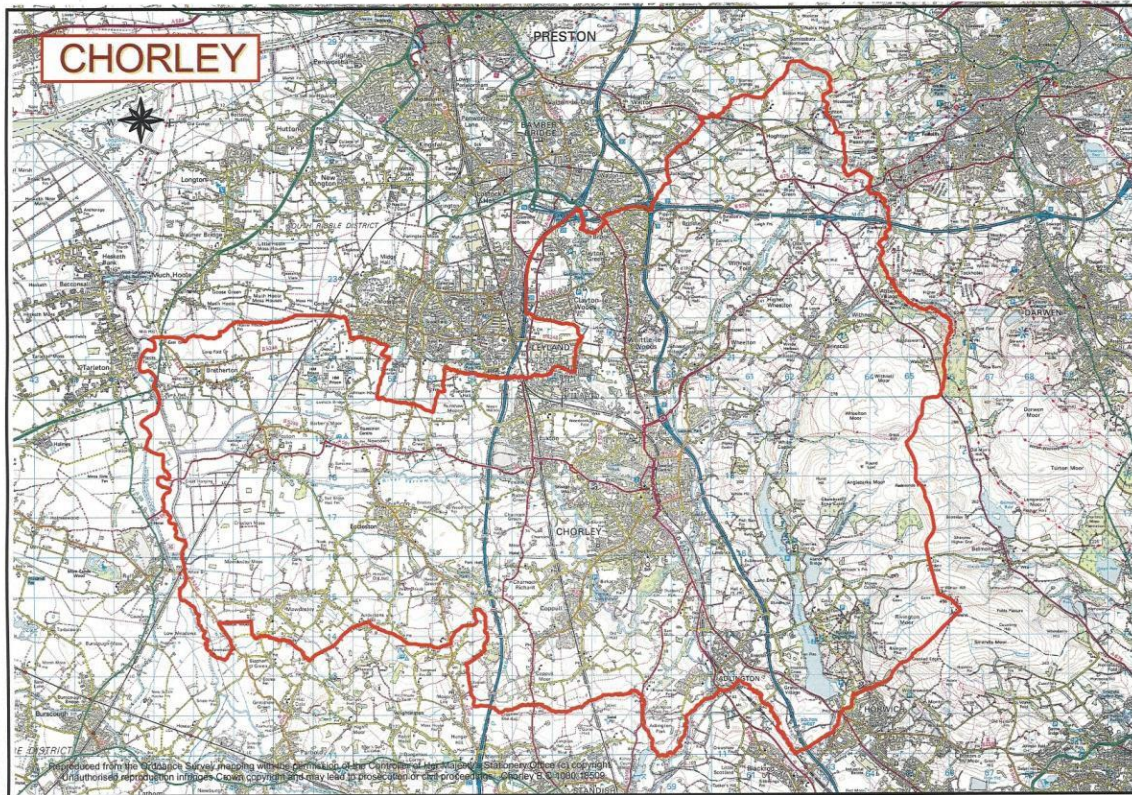
It should be noted that this Statement does not override the right of any person to make an application, make representations about an application or apply for a review of a licence as each will be considered on its own merits and according to the statutory requirements of the Act.

3. Area Profile

Chorley Council is situated in the County of Lancashire, which contains 12 District Councils and 2 unitary authorities.

The Borough, which includes 23 parishes, has a population of approximately 117,800, who live in 14 wards. The Borough is characterised by its large amount of green space, with 30.9% of its population living in rural areas.

To Chorley's eastern border lies the West Pennine Moor which is sparsely populated. This is in contrast to the central spine of the borough which is more urban. In the West, the borough merges into the Lancashire Plain and is dotted with villages and hamlets.



At the time of writing, Chorley has 6 licensed betting premises and 6 licensed Adult Gaming Centre.

4. Local Area Profile

The authority has not undertaken a local area profile at this stage. The authority does however recognise that gambling-related health harm is often unknown and complex. The authority also notes that nationally, 2.1% of the UK's population are recognised as problem gamblers. This Statement recognises that further work is necessary to understand the local picture of gambling-related harm in the Borough.

5. Local Risk Assessments

The Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for operators to consider local risks.

Social Responsibility (SR) code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- when applying for a variation of a premises licence;
- to take account of significant changes in local circumstances, including those identified in this policy statement; and
- where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

This authority will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.
- how vulnerable people, including people with gambling dependencies are protected.

5.5 This authority will also expect local risk assessments to include, specifically, any relevant information about:

- Self exclusion details
- Attempts to gamble by under 18s
- Outcome(s) of test purchase results
- ASB issues on incident logs
- Police reports and call outs
- Sharing information with nearby agencies e.g. treatment centres
- Any protections in place when footfall is the highest
- Details of any best practise schemes such as Betwatch or similar

The SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority. Both provisions took effect from 6 April 2016.

Where concerns do exist, perhaps prompted by new or existing risks, the licensing authority will request that the licensee share a copy of its own risk assessment which will Statement of Principles - Gambling Act 2005 (2021) 6 set out the measures the licensee has in place to address specific concerns. This practice should reduce the

occasions on which a premises review and the imposition of licence conditions are required.

6. Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the policy statement.

7. Responsible Authorities

We are required by regulations to state the principles we will apply in exercising our powers under Section 157(h) of the Act, to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area,
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group, etc.

In accordance with the suggestion in the Gambling Commission's Guidance to Local Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Bodies under the Gambling Act 2005 are available on the Council's website at: www.chorley.gov.uk

8. Interested Parties

Interested Parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licences or to which the application is made, the person:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) Has business interests that might be affected by the authorised activities; or
- c) Represents persons who satisfy paragraph (a) or (b)".

We are required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its own merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Local Authorities. It will also consider 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.

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 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, this authority will generally require written evidence 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 business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

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 dealing with the licence application. If there are any doubts, please contact Licensing, Chorley Council, Civic Offices, Union Street, Chorley. PR7 1AL. Telephone: 01257 515151.

9. Exchange of Information

Licensing authorities are required to include in their statements, the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the General Data Protection Regulations contained within the Data Protection Act 2018, will not be contravened. This licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

The Gambling Commission is legally obliged to maintain certain information in registers, and to make that information available for inspection by the public

Public registers and registers held as public records: The Gambling Commission maintains a register of all licensed operators and of individuals who hold a personal licence.

10. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act, with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Local Authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to local authorities, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission, in particular at Part 36; and
- The principles set out in this statement of licensing policy.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licence and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments with regard to the Department of Business, Innovation and Skills in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to

Licensing, Chorley Council, Civic Offices, Union Street, Chorley PR7 1AL or via the website at www.chorley.gov.uk.

The Council will take account of the Gambling Commissions guidance document issued in February 2015 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.

Where there is a Primary Authority scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. Further information, including an index of all Primary Authority arrangements can be found at:

<https://primary-authority.beis.gov.uk/par>.

11. Licensing authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange'); and
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This is regulated by the Gambling Commission via operating licences.

Part B

Premises Licences: Consideration of Applications

1. General Principles

Premises Licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

1a. Decision Making

This licensing authority is aware that in making decisions about premises licences, it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on code 8, the social responsibility code which came into force on 6 April 2016. The council will have regard to this code when considering applications.

1b. Definition of "premises"

Premises is defined in the Act as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities

should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission stated in its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 16 High Street. But, that does not mean that 16 High Street cannot be the subject of separate premises licence for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

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

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

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

- Do the premises have a separate registration for business rates;
- Is the premises’ neighbouring premises owned by the same person or someone else?;
- Can each of the premises be accessed from the street or a public passageway?; and
- Can the premises only be accessed from any other gambling premises?

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

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

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

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino;

- an adult gaming centre; and
- a betting premises, other than a track.

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

1c. Premises “ready for gambling”

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

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

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

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

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence. More detailed examples of the circumstances in which such a licence may be granted can be found at part 7 of the Guidance.

1d. Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making.

Operators will be expected to demonstrate in their local risk assessment (LRA) the impact of the provision of gambling facilities in a particular area on the licensing objectives.

As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any

specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.

However, this authority would expect an operator's local risk assessment (LRA) to consider for example the proximity of their premises in relation to schools, hospitals and centres where children or vulnerable groups may be present.

It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

1e. Planning

The Gambling Commission Guidance to Licensing Authorities stated:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those 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 not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

1f. Duplication with other regulatory regimes

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, 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.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary

planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence

Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. For Local Authorities with tracks: There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – This licensing authority has noted the Gambling Commission's Guidance 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).

With regards to children and young person's we recommend that the following matters are considered by operators when making their risk assessment: -

- Institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as leisure centres, cinemas etc.;
- Any premises where children congregate including bus stops, cafes, shops, and any other place where children are attracted;
- Any areas that are prone to issues of anti-social behaviour, under-age drinking etc. involving children; and

- Recorded incidents of attempted under-age gambling

In reference to the term “vulnerable persons” we note that the Gambling Commission or statute law is not seeking to offer a definition but the Commission states that “it will for regulatory purposes assume that this group includes: -

- People who gamble more than they want to;
- People who gamble beyond their means; and
- People who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.

With regards to matters relating to vulnerable adults we recommend the following matters are considered by operators when making their risk assessments: -

- Information held by licensees regarding self-exclusions and incidents of under-age gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends; and
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor’s surgeries, housing association offices, addiction clinics or help centres, places where alcohol or drug dependent people may congregate etc.

This licensing authority will consider promotion of this licensing objective on a common sense, case by case basis. We will also take account of the Codes of Practice regarding this objective in relation to specific types of premises.

Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice (LCCP) issued in 2015 (revised May 2019) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

- In particular operators must ensure that;
 - all staff are trained;

- that all customers are supervised when on gambling premises; and
- must have procedures for identifying customers who are at risk of gambling related harm.

The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

Conditions - Any conditions attached to licences will be proportionate and will be:

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include 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. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

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

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective 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.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

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

Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

Sharing Local Risk Assessments – The new code provision of 10.1.2 under the revised Licence Condition Codes of Practice from the Commission came into force in April 2016. Under this provision it states:

Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

In accordance with the new LCCP requirement, the authority will expect licensees to submit their local risk assessment when making an application in accordance with the code of practice's requirements.

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls. The council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes; and
- 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.

3. (Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the

applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

We will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres. For example, such measures may include, but would not be limited to, the following: -

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Specific opening hours;
- Self-exclusion schemes;
- Notices / signage;
- Provision of information leaflets / helpline numbers for organisations such as GamCare;
- Measures / training for staff on how to deal with suspected truanting school children on the premises and how to recognise signs of potential child sexual exploitation; and
- Clear policies that outline the steps to be taken to protect children from harm.

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

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their

licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This Authority notes that the maximum number of category B gaming machines provided shall not be greater than 20% of the total number of gaming machines made available on the premises. It also notes the guidance at part 18 regarding the unusual circumstances where an existing premises is split and additional bingo premises licences are acquired for these portions of the whole premises. The Authority shall not permit the total entitlement for category B gaming machines for the whole premises to be made available in one portion of the premises.

Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting premises

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes; and
- 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.

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines - This licensing authority will, as per Part 6 of 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 or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer. It is an offence for those under 18 to bet.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is

not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

8. Travelling Fairs

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the

case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- add, remove or amend a licence condition imposed by the licensing authority;
- exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the Commission;
- any person who made representations;
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART C

Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities will want to give weight to child protection issues."

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits

(Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority however the entitlement ceases when the premises licence holder leaves and the new premises licence holder needs to re-notify the licensing authority.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight 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 of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and/or helpline numbers for organisations such as GamCare.

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

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot 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.

3. Prize Gaming Permits

The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law; and
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but it must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

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

The conditions in the Act are:

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

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) 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 B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B3A or B4 to D).

Gambling Commission Guidance states: "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. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

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.

5. Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of

premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices:

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

PART D

Licence Conditions and Codes of Practice (LCCP)

The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk.

- The code requires operators;
 - To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm;
 - To have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work;
 - To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading; and
 - To produce a risk assessment on individual premises and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

Risk Assessments

Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints. **There is an expectation that a copy of the Local Risk Assessment will be kept on the premises.**

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities; and
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

The council expects the following matters to be considered by operators when making their risk assessment.

- Matters relating to children and young persons, including;
 - Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.;
 - Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted;
 - Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.; and
 - Recorded incidents of attempted underage gambling.
- Matters relating to vulnerable adults, including;
 - Information held by the licensee regarding self-exclusions and incidences of underage gambling;
 - Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends; and
 - Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

Other issues that may be considered could include:

Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

Appendix A Schedule of Consultees

Current Licence Holders

Responsible Authorities

Director of Public Health

Casino Operators' Association

British Amusement Catering Trade Association (BACTA)

British Casino Association (BCA)

Association of British Bookmakers Ltd (ABB)

The Bingo Association

Lotteries Council

Hospice Lotteries Association

Citizens Advice Bureau

GamCare, 2&3 Baden Place, Crosby Row, London, SE1 1YW

Gamblers Anonymous, PO Box 5382, London, W1A 6SA

Independent Betting Arbitration Service, PO Box 44781, London, SW1W 0WR

Appendix B

Summary of licensing authority delegations permitted

N.B.: the matter of delegations is subject to a separate report and will be inserted here once agreed.

Reference	Summary of Change
Page 1	Date of Issue updated to reflect new version of Policy
Page 3	“(the Act)” added after “Gambling Act 2005”. “(the Commission)” added after “Gambling Commission” “This licensing authority” changed to “Chorley Borough Council (the authority)” Added “is” after in so far as it thinks “it”.
Page 3-4	New Introduction written
Page 4-5	Old Introduction moved under new heading 3. Area Profile. Updated population based on Census 2021 and updated to reflect boundary changes.
Page 7	New section inserted- 4. Local Area Profile New Section inserted- 5. Local Risk Assessments
Page 8/9	Updated numbering to headings to reflect new sections Removed reference to Director of Customer and Digital at end of Interested Parties section
Page 11	Removed reference to Director of Customer and Digital
Page 16	Removed duplication from 1d. Location, regarding Local Risk Assessments which has been inserted earlier into the policy.
Page 17	Added “control” to the end sentence under 1e. Planning
Page 20/21	Removed paragraph starting “applicants may wish to refer...”
Page 22	Inserted new section “Sharing Local Risk Assessments”
Page 39	List of consultees amended

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Impact Assessment (IA)

Name of the project, policy, service, or strategy:	Revision of Statement of Principles under Gambling Act 2005		
Responsible officer:	Nathan Howson		
Service Lead:			
Date of assessment:	07/09/22	Date of review:	07/09/25



WORKING TOGETHER

Introduction

Overview

What is an Impact Assessment?

The Impact Assessment is a tool to ensure that any policy, project, strategy, or service is assessed to consider any positive or negative impacts for all our residents with regards to equalities, health and sustainability. It is important that this is done in a timely manner and ideally it should precede the start of the project, policy or strategy concerned at Chorley Council or South Ribble Borough Council.

Who is the Impact Assessment for?

The responsibility of conducting the Impact Assessment is with the leading officer of the policy that is being assessed, with service leads responsible for the final sign off of the assessment. Once complete and signed off, the Impact Assessments are submitted to Performance and Partnerships, who are responsible for storing, monitoring, and ensuring the quality of the assessments. The assessment tool covers both Chorley and South Ribble Borough Council.

Why do we need to do Impact Assessments?

As Councils, we are committed as community leaders, service providers, and employers. Therefore, we will work to ensure that everybody is afforded equality of opportunity and good life chances. The Impact Assessment is a tool we use to ensure that we fulfil these commitments and thus meet our legal duties.

Instructions

Quick steps for completion

Follow the quick steps below when completing the Impact Assessment:

1. Sections: There are three sections to the Impact Assessment. These include:

- Equality impact: the impact on the nine equality strands, which include age, disability, sex, gender reassignment, race, religion, sexual orientation, pregnancy and maternity, and marriage and civil partnership. See the **Equality Framework**.
- Health and environmental impact: the impact on health and wellbeing as well as the environment.
- Reputational impact: the impact on the Councils' reputation and our ability to deliver our key priorities. Reference should be made to the Corporate Strategies.

2. Rating and evidence: Each section has a number of questions that should be given a rating and evidence given for why the rating has been selected. This allows us to quantify the impact. The rating key is outlined below:

Code	Description
P	Positive impact
N	Negative impact
NI	Neutral impact

3. Actions: Once a rating is given, actions should be identified to mitigate any negative impacts or maximise any positive impacts of the policy, project, or strategy that is being assessed.

4. Sign off: Once the assessment is completed, sign off is required by a Service Lead.

5. Submit: Once signed off, the Impact Assessment should be sent to the Performance and Partnerships Team, who will store the assessment securely and check for quality.

6. Follow up: Actions should be implemented and changes should be made to the policy, project, or strategy that has been assessed, with follow ups conducted annually to monitor progress.

Information and Support

Contact details

To submit your completed Impact Assessment or for guidance and support, please contact Performance and Partnerships at performance@chorley.gov.uk or performance@southribble.gov.uk

Equality Impact

Area for consideration	P	N	NI	Evidence	Further action required
What potential impact does this activity have upon:					
Those of different ages?			X		
Those with physical or mental disability?			X		
Those who have undergone or are undergoing gender reassignment?			X		
Those who are pregnant or are parents?			X		
Those of different races?			X		
Those of different religions or beliefs?			X		
Those of different sexes?			X		
Those of different sexual orientations?			X		
Those who are married or in a civil partnership?			X		
Socio-economic equality or social cohesion?			X		

Health, Social and Environmental Impact

Area for consideration	P	N	NI	Evidence	Further action required
What potential impact does this activity have upon:					
Enabling residents to start well (pre-birth to 19)? <i>(Please consider childhood obesity, vulnerable families, and pregnancy care)</i>	X			The policy requires applicants for premises licences to conduct local risk assessments and, in completing these risk assessments, must take account of a number of matters related to protecting children and other vulnerable persons from being harmed or exploited by gambling.	
Enabling residents to live well (16 to 75 years)? <i>(Please consider mental and physical wellbeing, living environment, healthy lifestyles, and improving outcomes)</i>	X			The policy requires applicants for premises licences to conduct local risk assessments which take account of problem gambling. Conducting risk assessment will ensure businesses which are regulated will have fully considered risk and will need to implement measures to address them.	
Enabling residents to age well (over 65 years)? <i>(Please consider social isolation, living independently, dementia, and supporting carers and families)</i>			X		
Natural environment? <i>(Please consider impact on habitation, ecosystems, and biodiversity)</i>			X		
Air quality and pollution? <i>(Please consider impact on climate change, waste generation, and health)</i>			X		

<p>Natural resources? <i>(Please consider the use of materials and as well as transport methods and their sustainability)</i></p>			X		
<p>Rurality? <i>(Please consider the impact of those who live in rural communities, their access to services/activities)</i></p>			X		

Strategic Impact

Area for consideration	P	N	NI	Evidence	Further action required
What potential impact does this activity make upon:					
The Councils' reputation? <i>(Please consider impact on trust, confidence, our role as community leaders, and providing value for money)</i>			X		
Our ability to deliver the Corporate Strategy? <i>(Please refer to the Strategic Objectives)</i>	X			<p>Clean, safe and healthy homes and communities.</p> <p>The Gambling Act 2005 requires the Council to have a comprehensive Statement of Principles, setting out how it will carry out its functions. The Council must carry out its functions in such a way so as to promote the licensing objectives:</p> <ul style="list-style-type: none"> • 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 people from being harmed or exploited by gambling. 	

Area for consideration	P	N	NI	Evidence	Further action required
What potential impact does this activity make upon:					
				Carrying on its functions in this way supports the corporate priority of having safe and healthy communities.	

Impact Assessment Action Plan

If any further actions were identified through the Impact Assessment, then they should be listed in the table below:

Action	Start Date	End Date	Lead Officer

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