

Report of:	Head of Economic Prosperity
Contact Officer:	David Prosser-Davies
Telephone No:	01543 464202
Portfolio Leader:	Health and Wellbeing
Key Decision:	No
Report Track:	Council: 28/11/18

COUNCIL
28 NOVEMBER 2018
GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES

1 Purpose of Report

- 1.1 To seek approval and adoption of Cannock Chase District Council's revised Statement of Principles (Policy Statement) in respect of functions under the Gambling Act 2005 (the Act), following consultation on statutory review. The next review is due by January 2019.

2 Recommendation

- 2.1 That the Cannock Chase District Council approves and adopts the revised Gambling Act 2005 Policy Statement given at Appendix 1 to this report.

3 Key Issues and Reasons for Recommendation

- 3.1 The Gambling Act 2005 came into effect on 1 September 2007. Section 349 of the Act requires the Council to prepare and consult on a Policy Statement setting out the principles the Council will apply in exercising its functions under the Act.
- 3.2 The revised Policy Statement, covering 2019-2021, has been developed having regard to revised Gambling Commission Guidance to Licensing Authorities¹ and has been subject to a consultation process.
- 3.3 Four responses were received as part of the consultation process. These responses have been appraised by officers and are attached to the report as Appendices 2, 3, 4 and 5 respectively. These responses have been considered in preparing The Policy Statement.

4 Relationship to Corporate Priorities

4.1 The Policy Statement sets out how the Council will exercise its functions under the Act. The implementation of The Policy Statement and associated Environmental Health Enforcement Policy contributes to the Council's "Promoting Prosperity" and "Community Wellbeing" priorities through:

- Implementing risk-based, proportionate regulation;
- Ensuring high standards of regulatory compliance;
- Tackling non compliant businesses, so these do not gain unfair competitive advantage;
- Preventing gambling from becoming a source of crime and disorder, being associated with crime and disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

5 Report Detail

5.1 The Gambling Act 2005 (the Act) came into effect on 1 September 2007 and contains the regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting.

5.2 The Gambling Commission (the Commission) is the unified regulator for gambling in Great Britain. The Commission has responsibility for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters.

5.3 Licensing authorities license gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in clubs and miners' welfare institutes. In England and Wales local councils have these responsibilities.

5.4 The Council will carry out its functions under the Act and will aim to permit gambling in accordance with the three licensing objectives set out at Section 1 of the Act. The expectation is that gambling premises will ensure that the licensing objectives are met. The three licensing objectives are:

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

The Policy Statement explains in detail how the Council will ensure that premises promote these objectives.

- 5.5 Section 349 of the Act requires the Council to prepare and consult on a Policy Statement and to review the approved, adopted document to ensure its effectiveness in meeting the objectives of the Act.
- 5.6 A draft revised document was consulted on between 20 August 2018 and 23 September 2018. Every effort was made to bring it to the attention of everyone with an interest in gambling matters. A link on the Council's website also brought it to the attention of the wider public with details of how they could comment on it. The consultation document was also sent to the council's "Your Community, Your Voice" residents group.
- 5.7 The Council's Licensing Unit received responses from 4 consultees:
- Novomatic
 - Gamcare
 - Gambling Commission
 - Gosschalks Solicitors on behalf of the Association of British Bookmakers
- 5.8 These responses have been appraised by Officers and are attached to the report as Appendices 2, 3, 4 and 5 respectively.
- 5.9 The responses and appraisals were referred to the Council's Licensing & Public Protection Committee (L&PPC) for consideration on 6 October 2018. Following the consideration by the L&PPC, the Policy Statement is now offered for approval and adoption.

6 Implications

6.1 Financial

None.

6.2 Legal

The legal implications are set out throughout this report.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

Under section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area and is mindful of concerns over the use of gambling premises for criminal activity, for example money laundering, counterfeiting and drug dealing.

The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of promoting the licensing objectives.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

Failure to review the Gambling, Statement of Principles on a 3 year basis would be a breach of legislation and could leave the Council open to challenge or sanctions.

6.8 Equality & Diversity

The Policy Document will be made available in large print, Braille and as an audio version, on request.

6.9 Best Value

None.

7 Appendices to the Report

Appendix 1: Revised Gambling Act Policy Statement

Appendix 2: Response and Appraisal, Novomatic

Appendix 3: Response and Appraisal, Gamcare

Appendix 4: Response and Appraisal, Gambling Commission

Appendix 5: Response and Appraisal, British Bookmakers Association

Previous Consideration

Review of Gambling Act, Statement of Principles	Council	16/11/2016
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Background Papers

¹ Guidance to Licensing Authorities (5th Edition), Gambling Commission, published September 2015



CANNOCK CHASE DISTRICT COUNCIL

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES
2019 - 2021

Amended following consultation v2

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Contact details:

Licensing Unit
 Civic Centre
 PO Box 28
 Beecroft Road
 Cannock
 Staffs
 WS11 1BG

Phone: 01543 464244

Email: licensingunit@cannockchasedc.gov.uk

PART A – THE GAMBLING ACT 2005

1. The Licensing Objectives

- 1.1 Under the Gambling Act 2005 (the Act), Cannock Chase District Council is the Licensing Authority. The Council licenses premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to Cannock Chase District Council.
- 1.2 The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite operators licence and personal licence from the Gambling Commission before they approach the Council for a premises licence.
- 1.3 The Council is responsible for licensing premises where gambling activities are to take place. We are also responsible for a number of other matters which are listed in paragraph 12.1 below.
- 1.4 The Council will carry out its functions under the Act and will aim to permit gambling in accordance with the three licensing objectives set out at Section 1 of the Act. The expectation is that gambling premises will ensure that the licensing objectives are met. The three licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.5 More information on the licensing objectives can be found in Parts B and C of this document. It should be noted that the licensing objectives do not include ensuring public safety or the prevention of public nuisance.
- 1.6 When making decisions about applications for premises licences, the Council is bound by, and committed to, a statutory aim to permit gambling insofar as it thinks that any application is made:
- 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 Council's Statement of Principles.
- 1.7 The licensing authority would emphasise that moral or ethical objections to gambling are not valid reasons for the rejection of premises licences applications.

2. Introduction and consultation process

- 2.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act.
- 2.2 The Council consulted widely on the Statement of Principles before finalising and publishing. The list of those consulted during the 2018 consultation exercise is provided within paragraph 2.4 below.
- 2.3 The Council will continue to monitor the effectiveness of this policy and will consider changes to the policy in the light of any new legislation and/or developments affecting the local area. It will consult with stakeholders at the time it is considering any such changes. The Council must review and publish this statement of principles at least ever 3 years.
- 2.4 List of persons and agencies consulted by this authority:
- Staffordshire Police
 - Staffordshire Social Services
 - Current licence holders and trade associations
 - Staffordshire County Council Trading Standards
 - Representatives of local businesses
 - Local residents and their representatives
 - Town and Parish Councils
 - Local Member of Parliament
 - National bodies representing the gambling trade
 - National charities concerned with the social impact of gambling
 - Representatives of existing licence holders
 - Community Safety Partnership
 - Director of Public Health
- 2.5 The Statement of Principles consultation will took place between 20 August 2018 and 23 September 2018 and followed the Cabinet Office Guidance on Consultation Principles first published in July 2012 and last updated in March 2018. This document is available at:
<https://www.gov.uk/government/publications/consultation-principles-guidance>
- 2.6 The Council approved and adopted this Statement of Principles at full Council on 28 November 2018. The finalised document will be published via the Council's website at: www.cannockchasedc.gov.uk
- 2.7 The finalised document will be placed in District's public libraries as well as being available at the Civic Centre in Beecroft Road, Cannock.

3. Exchange of information and data protection

3.1 Licensing authorities are required to include in their policy, the principles which are to be applied to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act. It may also share information with other bodies responsible for auditing or administering public funds for these purposes, e.g. UK National Fraud Initiative.

3.2 The information that you have provided will be used by Cannock Chase Council, who are the data controller, to allow us to carry out our statutory obligations in relation to the administration, compliance and enforcement of the licensing function within the District. We will only share your information with agencies involved in licence processing or licensing enforcement where the law requires or permits us to do so. For further information, please see:

<https://www.cannockchasedc.gov.uk/council/about-council/data-protection/data-protection-privacy-notice>

4. Equality and Diversity

4.1 Through policies and service delivery, the Council's main aims for ensuring equality and diversity are to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between diverse communities

4.2 A link to the Council's Equalities and Diversities Policy can be found here-
<http://chaseweb.cannockchasedc.gov.uk/chief-executives-policy-and-performance/equality-and-diversity>

5. Crime and Disorder Act 1998

5.1 Under section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area and is mindful of concerns over the use of licensed premises for criminal activity, for example money laundering and drug dealing.

5.2 The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of promoting the licensing objectives.

6. The Licensing Framework

6.1 The Gambling Act 2005 changed the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with Central Government and local authorities to regulate gambling activity.

- 6.2 The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite operators licence and personal licence from the Gambling Commission before they approach the Council for a premises licence. In this way, the Gambling Commission is able to ensure that applicants have the correct credentials to operate gambling premises.
- 6.3 The Council's role is to ensure premises are suitable for providing gambling in accordance with the three licensing objectives and any Codes of Practice issued by the Gambling Commission. The Council also issues various permits and notices for smaller scale gambling.
- 6.4 The Council does not license large society lotteries or remote gambling through websites. These are regulated by the Gambling Commission. The National Lottery is not regulated by the Gambling Act 2005 but continues to be regulated by the National Lottery Commission under the National Lottery Act 1983.

7. Local area profile

- 7.1 By means of the web links given in paragraphs 8.14 - 8.17 below, the Council has provided wide ranging information on the local environment which should be taken into account by applicants who should explain within their local risk assessments, how they will address these areas of local concern. These web links are reviewed and updated on a regular basis so as to reflect changes to the local landscape.
- 7.2 There is no statutory duty on the licensing authority to complete an area profile; however, it is felt that both new applicants and existing operators would benefit from having a greater awareness of the local area and its associated risks. Importantly, "risk" in this context includes potential and emerging risks as well as actual risk.
- 7.3 Cannock Chase District Council (CCDC) is situated in the administrative area of Staffordshire County Council. The County contains 8 District Councils in addition, Stoke-on-Trent is a Unitary Authority. The Council area has a population of approximately 98,500 and in terms of area CCDC covers 7,887 hectares (approximately 30 square miles). The district is mainly rural with 60% of it classified as Green Belt. There are 3 main urban areas: Cannock, Rugeley and Hednesford. A map of the area is attached to this statement of principles.
- 7.4 According to Cannock Chase Council's District needs analysis 2017 the Government's Indices of Multiple Deprivation (IMD) 2015, Cannock Chase is ranked as the most deprived District in Staffordshire in the IMD 2015 with a rank of 133 out of 326 local authorities in England. The District is identified as being the most deprived in Staffordshire in terms of the proportion of the population experiencing deprivation relating to low income and those excluded from the labour market due to unemployment,

health or caring. Cannock Chase is also the most deprived District for education, skills and training although the District has better ratings in relation to housing and living environment.

- 7.5 The 2018 Locality Profile found that the population of Cannock Chase has a lower proportion of children under five and under 16 compared to England. There are however more people aged 16-64 compared to average and more older people aged 85 and over.
- 7.6 89% of Cannock Chase respondents to the "Feeling the Difference" survey from September 2014 to March 2016 were very/fairly satisfied with the local area during this period. This is similar to the proportion across other Staffordshire Districts.
- 7.7 Benefit claimant data from The Department for Work and Pensions (DWP) indicates that 3,980 people in Cannock Chase were claiming Employment and Support Allowance (ESA)/Incapacity Benefits in May 2016 - 6.3% of people in the District aged 16-64. This was above the Great Britain average (6.2%) but below the West Midlands average (6.4%).
- 7.8 Annual pay for all employee jobs in the District in the tax year that ended on 5th April 2016 (£26,016) indicates that the average house price is 5.7 times higher than the average annual income. Whilst this was a smaller difference than at County, Regional and National levels, annual pay in Cannock Chase was below the Staffordshire (£27, 641), West Midlands (£26, 278) and Great Britain (£28, 314) averages in 2016.
- 7.9 Total Recorded Crime rate in Cannock Chase (rate per 1,000) during 2014/15 was 53.7 which was above the County average of 45.2. However the District rate was below that for the West Midlands (56.9) and England (61.7)
- 7.10 The Council's strategic objectives are set out in the Corporate Plan, namely:
- Promoting prosperity
 - Community wellbeing
 - Sustaining safe & secure communities
 - Support vulnerable people
 - Promoting attractive and healthy environments
- 7.11 Cannock Chase District Council currently has approximately 20 gambling premises licences. Over half of those premises are betting facilities situated within the high streets of the 3 town centres; another quarter are adult gaming centres and a small number are bingo premises.
- 7.12 The Council will proactively engage with all responsible authorities as well as other organisations to ensure any new applications or applications to vary existing licences are assessed by taking the local area profile risks

into account. Applicants should therefore consider how they will address these risks.

8. Local Risk Assessment

8.1 The Gambling 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.

8.2 The Social Responsibility (SR) code requires applicants to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. It also requires them to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, applicants must take into account any relevant matters identified within this statement of principles.

8.3 Applicants are required to undertake a local risk assessment when applying for a new premises licence. Further, 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 any identified within this policy statement.
- Where there are significant changes at a premises that may affect the mitigation of local risks.

8.4 The Council encourages operators to keep a copy of the local risk assessment (LRA) at the premises at all times. The LRA must be provided to the Council when applying for a new premises licence or for a variation to the existing premises licence. Upon such application, the Council will seek to condition premises licences to require operators to keep a copy of the LRA on the premises at all times.

8.5 The risk assessment should set out measures the applicant has in place to address areas of local concern. In broad terms, the risk assessment should include reference to any specified local risk, how the operator intends to mitigate any risks identified and how the operator will monitor those risks.

8.6 There are no particular geographical areas where ethnic or cultural differences are considered to be of significance. There are however, areas of the District where socio-economic factors may need to be considered when drafting the local risk assessment. These factors are referred to within the materials referred to in paragraphs 8.14 to 8.17.

8.7 Over 60% of the District is green belt and therefore, the 3 town centres are the focal points for our local communities. Under the Rural and Urban Area Classification (2004) almost all of the Cannock Chase population live in an urban area (91%), compared with 81% nationally and 76% of Staffordshire.

- 8.8 As a result, the urban town centres contain the vast majority of gambling facilities which are licensed by the Council. Each town centre also contains a large concentration of premises which are licensed to sell alcohol as well as other amenities.
- 8.9 Applicants should note that each town centre also has a post 16 education facility and therefore, it may be appropriate for applicants to provide information on the line of sight within the premises as well as whether any door warning system or door supervision might be in place.
- 8.10 Cannock is our largest town centre with the largest night time economy. Cannock contains a large market square, a Hospital and a drug and alcohol rehabilitation centre. It is also more likely that homeless people will visit and/or migrate to Cannock as the town centre contains both the Council's Civic Centre and the Government Department of Work & Pensions Office.
- 8.11 This makes it more likely that Cannock town centre in particular will attract homeless people and those who might suffer mental health issues. The proximity of these vulnerable people to gambling facilities should not be encouraged. The local risk assessment should demonstrate how vulnerable people, including those with gambling dependencies, will be protected. Therefore, any application for the provision of gambling facilities within Cannock town centre may require enhanced safeguards around both entry and exclusion.
- 8.12 With these challenges in mind, The Council will expect applicants to have an understanding of the local profile and address the Council's concerns in respect of protecting children and other vulnerable people by ensuring that the licensing objectives are met.
- 8.13 The web links below are links to external documents which are intended to assist applicants in obtaining a greater understanding of the challenges which the Council face.
- 8.14 Public Health England, Cannock Chase District, Health Profile can be viewed at: <https://fingertips.phe.org.uk/profile/health-profiles>
- 8.15 Staffordshire Public Health supports the development of local health and wellbeing provision. This can be viewed at:
https://www.cannockchasedc.gov.uk/sites/default/files/health_and_wellbeing_strategy_2013-2018.pdf
- 8.16 Staffordshire County Council and the Staffordshire Observatory Locality Profile for the Cannock Chase District can be found at:
<https://www.staffordshireobservatory.org.uk/documents/LocalityProfiles/Locality-Profiles-2018/Cannock-Chase-Locality-Profile-2018i.pdf>

- 8.17 Cannock Chase Council's District Needs Analysis 2017, can be found at: https://www.cannockchasedc.gov.uk/sites/default/files/05-district_needs_analysis_and_ward_profiles_2017_rpt_-_cabinet_150617.pdf
- 8.18 Having considered the information provided above, applicants should provide the licensing authority with the policies and procedures they have in place, which are designed to prevent underage gambling. These policies and procedures should also take account of the structure and layout of the particular premises as well as any training provided to staff.
- 8.19 In the event of any application to vary a premises licence, operators will be required to provide the licensing authority with any age related compliance test results which relate to the premises concerned.
- 8.20 With respect to preventing vulnerable people from gambling, applicants must demonstrate how they intend to ensure that the licensing objective is met. This might include providing details about their own self exclusion schemes and their intentions towards the Multi Operator Self Exclusion Scheme (MOSES).
- 8.21 Details should also be provided of what responsible gambling information is made available to customers. This should include information from organisations such as Gambleaware <https://about.gambleaware.org/> and GamCare <http://www.gamcare.org.uk/>
- 8.22 Further information should be provided which detail what controls are in place for challenging excluded persons from entering into the premises and what arrangements are in place for monitoring the use of fixed odds betting terminals (FOBT).

9. Declaration

- 9.1 This Policy Statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence; these applications will be considered on their own merits and according to the statutory requirements of the Gambling Act 2005.
- 9.2 In producing the finalised Statement of Principles, the Council declares that it will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the Policy Statement.

10. Responsible Authorities

- 10.1 The Act allows certain agencies to act as responsible authorities. Responsible authorities are able to make representations about licence applications or apply for a review of an existing licence. Responsible authorities may also offer advice and guidance to applicants.

- 10.2 The Council is required by regulations to state the principles it will apply 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.
- 10.3 In accordance with the regulations, the Council designates the Staffordshire County Council, Local Safeguarding Children Board for this purpose.
- 10.4 The contact details of all the responsible authorities under the Gambling Act 2005 can be found on the Council's website at:
http://www.cannockchasedc.gov.uk/sites/default/files/gambling_act_2005_responsible_authorities.pdf

11. Interested Parties

- 11.1 Interested parties are people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as set out below.
- 11.2 For the purposes of this part, a person is an interested party if, in the opinion of the licensing authority which issued the licence 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 paragraphs (a) or (b).
- 11.3 The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:
- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission: Guidance to Local Authorities.
 - In order to determine if an interested party lives or has business interests sufficiently close to the premises to be likely to be affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.

12. Licensing Authority Functions

12.1 Licensing authorities are responsible under the Act for:

- Licensing premises where gambling activities are to take place by issuing premises licences
- Issuing provisional statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to commercial clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of up to two gaming machines
- Granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises under the Licensing Act 2003, where more than two machines are required
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and endorsing Temporary Use Notices
- Receiving Occasional Use Notices (for tracks)
- Providing information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- Maintaining registers of the permits and licences that are issued under these functions

12.2 The Council does not license remote gambling. This matter falls to the Gambling Commission.

PART B –THE LICENSING OBJECTIVES

13. Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

13.1 The Gambling Commission takes the lead role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however encourage licensing authorities to pay particular attention to the proposed location of gambling premises in terms of this licensing objective.

13.2 Such association with crime may include: money laundering; counterfeiting; drug dealing or any similar involvement in organised crime.

13.3 Operators are also encouraged to consider child protection issues such as the risk of child sexual exploitation.

14. Ensuring that Gambling is conducted in a fair and open way

- 14.1 The Gambling Commission takes the lead role in ensuring that gambling is conducted in a fair and open way and addresses this via operating and personal licences.
- 14.2 The Council will take operator licence conditions into account and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.
- 14.3 Examples of the specific steps the Council may take to address this area can be found in the various sections covering specific premises types in Part C of this document, and also in Part D which covers permits and notices.

15. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 15.1 This licensing objective seeks to prevent children from taking part in most types of gambling and where appropriate, the Council may require specific measures at particular premises which are designed to ensure that the licensing objectives are met.
- 15.2 Preventative measures may include the supervision of premises and machines and appropriate training for staff with regard to suspected truanting school children and how staff should deal in general with unsupervised children.
- 15.3 The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues with respect to this licensing objective.
- 15.4 The Council does not seek to offer a definition for the term “vulnerable people” but for regulatory purposes it will assume that this group includes elderly people, 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 a mental impairment, or because of the influence of alcohol or drugs.

PART C – PREMISES LICENCES

16. Introduction to Premises Licensing

- 16.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. Premises licences may, for example, be issued to amusement arcades, bingo halls and bookmakers.
- 16.2 Premises licences will be subject to the permissions/restrictions set out in the Gambling Act 2005 and regulations as well as specific mandatory and default conditions which will be detailed in regulations issued by the

Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

Definition of 'Premises'

- 16.3 Premises is defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to 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. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact within any given circumstances.
- 16.4 The Council will take particular care when 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, the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- 16.5 The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access; compatibility of the two establishments and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

Location

- 16.6 The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in the area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Council 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.
- 16.7 When considering the licensing objectives, the Council's may, upon receipt of any relevant representations, look at location as a specific issue. Location issues might include, but are not be limited to:
- The proximity of the premises to schools and vulnerable adult centres.
 - The proximity of the premises to residential areas where there may be a high concentration of families with children.

- The size of the premises and the nature of the activities taking place.
- The level of organised crime in the area.

16.8 Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

16.9 This policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how any concerns can be overcome.

Duplication with other regulatory regimes

16.10 The Council will seek to avoid any duplication with other statutory/regulatory systems such as planning. The Council 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 listen to and consider carefully any concerns about conditions which the licence holder cannot meet because of planning restrictions.

Conditions

16.11 Applications will be granted subject only to the mandatory and default conditions. Such conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. Conditions will only be attached to premises licences where there is evidence of a need to do so.

16.12 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, and/or related to the area where the premises is based.
- Fairly and reasonably related to the scale and type of premises; and,
- Reasonable in all other respects.

16.13 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures which the Council may consider. These include the use of door supervisors, supervision of adult gaming machines and appropriate signage for adult only areas. The Council will also expect the applicants to ensure that the licensing objectives are effectively met.

- 16.14 There are conditions which the Council cannot attach to premises licences which are:
- Any condition on the premises licence which makes it impossible for the applicant 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; and,
 - Conditions in relation to stakes, fees, winnings or prizes.

Door supervision

- 16.15 The Council may consider whether there is a need for door supervision in terms of the licensing objectives. Where door supervisors are required, it is the operator's responsibility to ensure that any persons employed in this capacity are fit and proper to carry out such duties.

17. Adult Gaming Centres and Licensed Family Entertainment Centres

- 17.1 Adult Gaming Centres (AGC's) are commonly found within town centre environments and are able to make category B, C and D gaming machines available to adults. Nobody under the age of 18 is permitted to enter an AGC.
- 17.2 Licensed Family Entertainment Centres (LFECs) are those premises which usually provide a range of amusements such as computer games and penny pushers. They may have a separate section set aside for adult only gaming machines with higher stakes and prizes and are able to make available a certain number of category C and D machines. Clear segregation must be in place so children do not access the areas where the category C machines are located.
- 17.3 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in the above premises. The Council will expect applicants to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to adult gaming centres or adult only gaming machine areas within the LFEC.
- 17.4 The Council will expect applicants to offer their own measures to meet the licensing objectives.
- 17.5 Appropriate measures/licence conditions may cover:
- Proof of age schemes (e.g. PASS schemes)
 - The use of Challenge 25 policy
 - The use of 'No ID No Entry' policy
 - CCTV
 - Door supervision
 - Supervision of machine areas

- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Staff training in the law and the provision of a named point of contact to help ensure compliance.
- Measures/training for staff on how to deal with suspected truanting school children and how to recognise signs of potential child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm
- Self-exclusion schemes and the provision of leaflets/helpline numbers to organisations such as GamCare, the Responsible Gambling Trust or GambleAware etc.
- Ensure that there is a policy in place which addresses the Multi operator self exclusion scheme (MOSES)

This list is not mandatory nor exhaustive and is merely indicative.

18. Casinos

- 18.1 The Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should 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.

19. Bingo Premises

- 19.1 Bingo is not statutorily defined within the Gambling Act 2005. Such premises may however, provide cash and prize bingo. In addition, bingo premises are also able to provide a limited number of gaming machines in line with the provisions of the Act.

- 19.2 It is important that where children are allowed to enter Bingo premises, that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the operator must ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only adults are admitted to the area where the machines are located
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and

- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

19.3 Other measures which applicants will need to consider in meeting the licensing objectives are outlined in paragraph 17.5 above.

20. Betting Premises

20.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises.

20.2 The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines and the nature and circumstances in which they are made available by attaching a licence condition to a betting premises licence. The Council is also aware that it is not possible to restrict the number of gaming machines which may be made available within betting premises.

20.3 When considering whether to impose a condition to restrict the number of betting machines in particular premises the Council, amongst other things, will 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.

20.4 Measures which applicants will need to consider in meeting the licensing objectives are outlined in paragraph 17.5 above.

21. Tracks

21.1 Currently the licensing authority does not licence any tracks which permit on-course betting. Where an application for a track premises licence is proposed, the applicant should contact the Council's Licensing Unit at the earliest opportunity. The Council's focus will be on the need to protect children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to premises are distinct. Children must be excluded from gambling areas where they are not permitted to enter.

22. Travelling Fairs

22.1 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

22.2 The 27 day statutory maximum for the land being used as a fair is per calendar year. This 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. Where appropriate, the Council will liaise with neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

23. Provisional Statements

23.1 The provisional statement process provides an alternative to making a premises licence application. The process permits an applicant to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling would be granted a premises licence when the building work is complete.

23.2 A provisional statement is not a licence and merely gives the holder some form of assurance that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required.

23.3 In terms of representations about premises licence applications, following 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 Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) which could not have been raised by objectors at the provisional licence stage; or
- b) which in the Authority's opinion reflect a change in the operator's circumstances

23.4 When determining a provisional statement application the Council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

PART D – PERMITS, TEMPORARY/OCCASIONAL USE NOTICES AND SMALL SOCIETY LOTTERY REGISTRATIONS

24. Unlicensed Family Entertainment Centre Gaming Machine Permits

24.1 The term 'Unlicensed Family Entertainment Centre' is one defined in the Act and refers to premises which provide category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are 'unlicensed' in that they do not require a premises licence but do require a permit to be able to provide category D machines. It should not be confused with a 'Licensed Family Entertainment Centre' which does require a premises licence because it contains both category C and D gaming machines.

24.2 In accordance with Gambling Commission guidance, the Council will carefully consider child protection issues when considering applications for permits. This consideration will generally engage two of the three licensing objectives: These are:

- Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

24.3 The Council will expect applicants to show that there are policies and procedures in place to protect children from harm from gambling and to promote wider child protection issues as part of the crime prevention objective. Policies must include appropriate measures/training for staff regarding how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises.

24.4 The Council will also expect 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

24.5 The Council is aware that an application for a permit may only be granted if the Chief Officer of Police has been consulted on the application.

24.6 In line with the Act the Council cannot attach conditions to this type of permit and the statement of principles only applies to initial applications and not to renewals.

25. Gaming Machine Permits in premises licensed for the sale of alcohol

25.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines of categories C and/or D. The premises merely need to notify the Council. The Council 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.

- 25.2 If a premises wishes to have more than two machines, then application must be made for a permit. The Council 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 it thinks relevant'. The Council considers that 'such matters' will be decided on a case by case basis, but generally regard will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will also 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
- 25.3 Measures which may satisfy the Council that there will be no access could include the adult machines being situated in close proximity to the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also help. Regarding the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as Gam Care.
- 25.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 25.5 The Council can decide to grant the application with a smaller number of machines and/or a different category of machines from that applied for. Conditions (other than these) cannot be attached
- 25.6 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.
- 25.7 A summary of gaming machine categories and entitlements can be found at Appendix B of the Guidance issued to licensing authorities by the Gambling Commission.
<http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities-5th-edition.aspx>

26. Prize Gaming Permits

- 26.1 The Council will expect the applicant to set out the types of gaming that he or she is intending to offer and 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.
- 26.2 In making its decision on an application for prize gaming permits, the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

26.3 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Council 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.

27. Club Gaming and Club Machines Permits

27.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), 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 (three machines of categories B, C or D).

27.2 To qualify for these special club permits, a members' club 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. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include workingmen's clubs, branches of the Royal British Legion and clubs with political affiliations.

27.3 Before granting the permit, the Council will need to satisfy itself that the premises meet the requirements of a members' club and that the majority of members are over 18 years of age.

27.4 The Council may only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied
- b) the applicant's premises are used wholly or mainly by children and/or young persons
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities

- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Gambling Commission or the Police.

28. Temporary Use Notices

- 28.1 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 useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 28.2 The Act makes a special reference, in the context of temporary use notices, to a 'set of premises' to try and ensure that large premises which cannot reasonably be reviewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes a 'set of premises' will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a 'set of premises', the Council will look at, amongst other things, the ownership/occupation and control of the premises.
- 28.3 The Council will be ready 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.

29. Occasional Use Notices (for Tracks)

- 29.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice.
- 29.2 The Council has very little discretion regarding these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

30. Small Society Lottery Registrations

- 30.1 The Act creates two principal classes of lotteries - licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries, there are four sub classes, one of which is small society lotteries.

30.2 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial

requirements set out in the Act. These may be administered by the Council for small societies who have a principal office in the area and wish to run such a lottery.

30.3 To be 'non-commercial', a society must be established and conducted:

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

30.4 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'

PART E – ENFORCEMENT

31. Enforcement Principles

31.1 The Council will work closely with other agencies in targeting known high risk premises. In doing so, we will follow Government guidance on better regulation.

31.2 The Council recognises that the Regulators Code applies to all activities under the Act. This will however, be most obvious in respect of the Councils inspection and enforcement duties and the powers to institute criminal proceedings. The Regulators' Code can be found at: <https://www.gov.uk/government/publications/regulators-code>

31.3 The Council will aim 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.

Targeted:

Regulation should be focused on the problem and minimise side effects.

- 31.4 The Council's Enforcement Policy, which explains how the Council deals with non-compliance and unlawful gambling activity can be found at: www.cannockchasedc.gov.uk/ehenforcementpolicy
- 31.5 Known enforcement issues which the Council's Licensing Unit will address include illegal gambling machines in takeaways and poker in pubs.
- 31.6 The Council will endeavour to avoid duplication with other regulatory regimes.
- 31.7 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licence conditions and other permissions. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission. In circumstances where the Council believes a premises requires a premises licence for gambling activities and no such licence is in force, the Council will notify the Gambling Commission.
- 31.8 The Council will also have regard to any guidance issued and keep itself informed of developments regarding the work of the Regulatory Delivery Division of the Department of Business Innovation and Skills in its consideration of the regulatory functions of local authorities.
- 31.9 Since October 2013, the Primary Authority scheme, under the terms of the Regulatory Enforcement and Sanctions (RES) Act 2008, has been extended to include age-restricted sales of gambling in England. The Council is aware that Primary Authority Partnerships have been agreed with a number of national bookmaking companies. The Council will follow any 'age-restricted sales of gambling' national inspection plans that are published on the Primary Authority register when considering proactive age-restricted sales (gambling) activity, including test purchasing.

32. Reviews

- 32.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked or suspended or that conditions may be amended or new conditions added.
- 32.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is:
- In accordance with any relevant Code of Practice issued by the Gambling Commission

- Reasonably consistent with the licensing objectives; and
- In accordance with this Authority's Statement of Gambling Policy.
- In accordance with any relevant guidance issued by the Gambling Commission

<http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities-5th-edition.aspx>

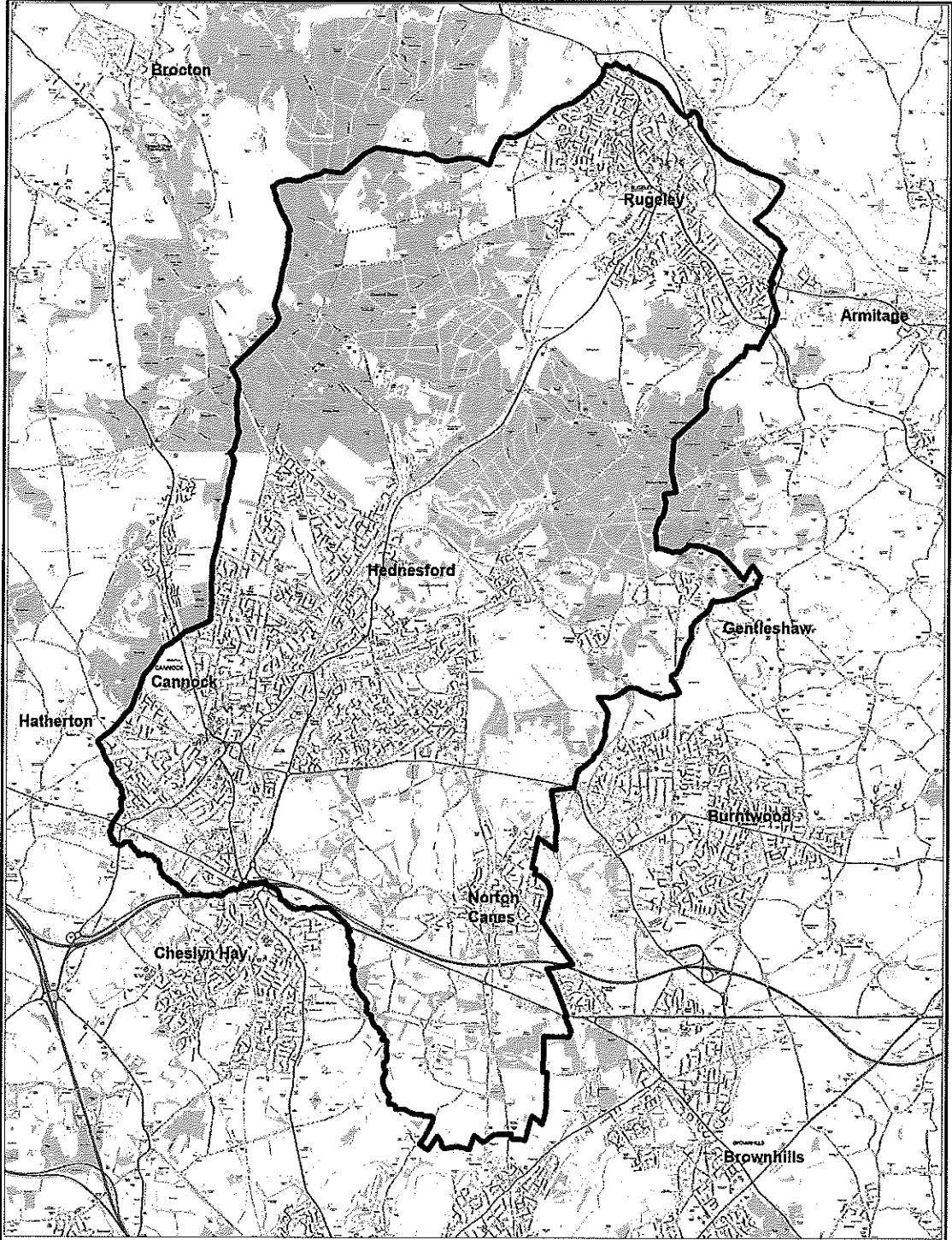
- 32.3 In addition the Council may also reject the application on the grounds that the request is frivolous, vexatious, will not cause the Authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.
- 32.4 The Council can also initiate a review of a licence on the basis of any reason which it thinks appropriate. This may for instance follow a second failed compliance test at the premises.
- 32.5 Before sitting as a member of the Licensing Sub Committee, members will need to attend a Gambling Act 2005 training session with officers from Legal Services and Licensing. Members will need to attend refresher training every year that they remain a member of the Licensing & Public Protection Committee.

33. Functions and Delegations

A table showing the delegation of functions within the Council can be found at Appendix G of the Gambling Commission Guidance: <http://www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Guidance-to-licensing-authorities-5th-edition.aspx>



Cannock Chase District Boundary



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The Gambling Act 2005 - Cannock Chase Council Statement of Principles Consultation

elizabeth speed [espeed@novomatic.co.uk]

Sent: 21 August 2018 16:22

To: LicensingUnit CCDC

Cc: Tracey Rose [Tracey.Rose@Luxury-Leisure.co.uk]

Dear Sirs

Gambling Act 2005 – Statement of Principles Consultation

Thank you for the opportunity to make comments in relation to the above consultation. On behalf of Talarius Limited we make the following points in relation to the consultation draft (the "Draft"):-

1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act") it is subject to the Regulators' Code. That Code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. While we note that the Draft refers to the Code in the context of Enforcement (para 31.2), we suggest that the Draft makes it clear that the Code applies generally to the Authority's activities under the Act.
2. We suggest that the Draft identifies the 3 year period it is to apply to.
3. Para 2.1: Under s 349 of the Act, the Draft is to set out the principles that the Authority proposes to apply in exercising their functions under the Act – not in exercising their functions generally. We accordingly suggest that this is clarified. Similarly, while we note the provisions at paragraphs 4 and 5, those are matters for other legislation – not under the Act and, we submit, therefore not matters for the Draft.
4. Para 8.4: The Local Risk Assessment (LRA) is a creature of the LCCP, which does not state that the LRA "**must be kept on the premises at all times**" as the Draft states. As such, while it may be a sensible recommendation, we do not think it is something that the Authority has the power to insist upon – that is for the Gambling Commission through its LCCP.
5. Para 8.6: We are not clear about what this paragraph is trying to say. As the Authority will appreciate, moral or religious objections to gambling are not valid objections under the Act and not relevant for LRAs. We suggest that this paragraph be reviewed and clarified or removed.
6. Para 15.1: As the heading makes clear, the Act is equally clear that the harm in question is restricted to harm caused by gambling. While matters of child protection issues such as CSE, are very important, with respect they are not matters for the first licensing objective, the Act or the Draft. They are for other regimes which, as the Draft confirms at paragraph 16.12 are not to be duplicated in this context.
7. Paras 16.6, 16.7 and 23.1: Contrary to the suggestions in the Draft, it is perfectly legitimate for an application to be made for a premises licence even though the premises are not finished or complete. We refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement. It was held by the court that the then current Guidance issued by the Commission was wrong. The Guidance was subsequently amended. As such, we suggest that the wording of these paras be amended to make it clear that applications for premises licences can be made regardless of whether the building in question is complete or finished. An applicant may apply for a provisional statement if the building is not complete, but it does not have to do so and can instead apply for licence.
8. Para 16.9: The matters listed are of course matters for the relevant LRA and we suggest that this is mentioned here. Without that reference, it might suggest that these factors alone might determine the application without reference to the LRA, when it is quite possible that policies and procedures can be put in

place to satisfactorily mitigate the risks.

9. Paras 19 and 20: We note that the list of possible measures/conditions set out for AGCs and FECs is not repeated for Bingo or Betting premises, despite the fact that such premises provide access to gaming machines as well as other activities, where stakes/prizes can be at least as great as in AGCs and FECs. The same issues apply. Indeed, the permitted stake level for B2 gaming machines present in Betting Premises is currently much higher than is allowed on gaming machines in AGCs, FECs or Bingo premises. We suggest that this unjustified inconsistency be remedied.
10. Para 24.3: We do not understand why "harm" in the context of UFEC permits is stated in the Draft to be broader than it is for licensed premises, where gaming machines of a higher category are present. Both types of permissions are creatures of the Act and subject to the same licensing objectives. The 3rd licensing objective is very clear that it relates to harm or exploitation by gambling. As such, we do not think it is correct that applicants for a permit under the Act can be expected to consider harm to children in a wider sense, and we suggest that this paragraph is corrected.

We hope that the above proves useful. If you have any questions, please to not hesitate to contact us.

Yours faithfully,

Elizabeth Speed
Group General Counsel
Novomatic UK

Direct +44 (0) 191 497 8222
Mobile +44 (0) 7808 571 588

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CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
GAMBLING ACT 2005

REVISED STATEMENT OF PRINCIPLES 2018

Reference number:

GA05/Principles2018/01

Date received:

21 August 2018

Name and address of respondent

Elizabeth Speed
Group General Counsel
Novomatic UK
Novomatic House
995 Great West Road
Brentford
TW8 9FY

Comments/observations made by respondent:

Novomatic have responded to the consultation of behalf of Talarius Ltd.

They make several specific points in connection with the draft

1. That the Regulators Code mentioned specifically in Paragraph 31.2 should applying to all activities under the Act.
2. There is a request for clarity about period of time to which the policy relates.
3. Comment is made about the wording of paragraph 2.1 of the draft and whether paragraphs 4 and 5 should form part of the Statement of Principles.
4. Novomatic recognise that asking operators to keep of a copy of the local risk assessment on their premises seems reasonable but question whether the local authority has the power to insist upon this.
5. There is uncertainty from the respondent as to the meaning of paragraph 8.6 of the draft document.
6. There are concern about duplicating other legal regimes because the policy asks operators to consider child protection in a wider context
7. Novomatic state that, following a court case in 2008, it is now possible for operators to make application for a premises licence even if those premises are not complete or finished.
8. Clarification is sought with respect to paragraph 16.9. Novomatic agree that the matters mentioned are relevant to the local risk assessment but point out that they are not the only matters which are relevant to the determination of an application.

9. There is concern that paragraphs 17, 19 & 20 are inconsistent because the list of measures and controls provided for in paragraph 17 are not repeated in paragraphs 19 and 20.
10. The respondent does not understand why protecting children from harm in UFEC is of greater importance than that in other gambling premises.

Appraisal of comments by the Authority:

NOVOMATIC UK represents the UK's largest gaming industry operation comprising manufacturing, operating and distribution of gaming and other amusement equipment. Their consultation response provides the licensing authority with an insight into the industry operators and the forensic nature of the response is helpful.

The appraisal of the consultation response is as follows:

1. There is a general understanding by all that the regulators code applies to all aspects of regulation, not just enforcement.
2. The draft policy covers the period 2019 to 2021.
3. The Council's Licensing Unit seeks to create policies which are of a consistently high standard. All licensing policies include mention of our statutory duties to ensure equality and diversity and to prevent crime.
4. The draft Statement of Principles requires operators to keep a copy of the local risk assessment on site. If necessary, a relevant condition can be imposed upon premises licences at the time of application.
5. Paragraph 8.6 is clear that the District does not have significant issues of ethnic, religion or cultural differences. The Council recognised however, that greater clarity might be required.
6. The local authority does not intend to duplicate other regimes but does wish, through its Statement of Principles, to ensure that operators are aware of their responsibilities around child protection.
7. The licensing authority notes the outcome of the 2008 court case and the effect that this has had on guidance to local authorities.
8. The comments are noted and will be clarified.
9. The perceived inconsistency is noted and will be remedied.
10. Novomatic's comments are noted however it does not seem unreasonable for the council's policy to reflect greater concern in areas where children are encouraged to be as opposed to areas where they are prohibited from being by law.

Proposed response by the Authority:

The local authority has carefully considered the consultation response from Novomatic UK and proposes to respond as follows:

1. The Statement of Principles will be amended to clarify the Council's commitment to the Regulators Code across all activities under the Act.
2. The revised Statement of Principles covers the period 2019 to 2021. This will be made clear on the finalised document.
3. Paragraph 2.1 will be amended to be more specific. Paragraphs 4 and 5 will remain unchanged as a result of this aspect of the consultation response.
4. Paragraph 8.4 of the Statement of Principles has been amended to encourage operators to keep a copy of the LRA at the premises. Upon submission of application, the licensing authority will seek to impose a condition upon the premises licence requiring compliance with this policy requirement.
5. Paragraph 8.6 has been amended to make reference to the other socio-economic factors which might be relevant to drafting a local risk assessment.
6. The Council accepts that harm in this context is specific to harm from gambling. However, the understanding of child protection responsibilities is important and the relevant paragraph has been moved from 15.1 to 13.3 and 24.3. This reflects the need to consider child protection as a crime and disorder issue.
7. The Statement of Principles will be amended to clarify that applications can be made for premises licences even where the premises is incomplete or unfinished. Paragraphs 16.6 and 16.7 will be deleted.
8. The Statement of Principles will be amended to make clear that the matters mentioned in paragraph 16.9 are not the only matters which can be taken into account when properly considering an application. The amended wording is at paragraph 16.7.
9. The Statement of Principles will be amended to remove the inconsistency and to include equivalent provisions for Bingo and Betting premises in sections 19 and 20.
10. Paragraph 24.3 of the Statement of Principles has been amended to reflect the need for a wider understanding of child protection responsibilities. It has been made clear that protecting children from harm is not only related to gambling but is also relevant to the crime protection objective.

Signed:

Agreed:

Date:

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Sean OMeara

From: Catherine Sweet [REDACTED]
Sent: 21 August 2018 16:34
To: LicensingUnit CCDC
Cc: Sean OMeara
Subject: RE: Consultation-Draft Statement of Principles 2019 to 2021
Attachments: GamCare Local Authorities Brochure 2018 (web-version).pdf; GamCare Training Brochure 2017.pdf

Hello,

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

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

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

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

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

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

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

Kind regards,
Catherine

Catherine Sweet
Head of Marketing and Communications



Click here to sign up to our free, monthly e-newsletter

From: Sean OMeara <SeanOMeara@cannockchasedc.gov.uk>
Sent: 20 August 2018 14:21
To: Info <Info@gamcare.org.uk>; 'info@gambleaware.org' <info@gambleaware.org>; 'info@iGamingBusiness.com' <info@iGamingBusiness.com>
Subject: Consultation-Draft Statement of Principles 2019 to 2021

This Message originated outside your organization.

20 August 2018

Dear Consultee,
Gambling Act 2005
Draft Statement of Principles 2019 to 2021

I write with reference to the above and to advise you that Cannock Chase District Council has published a draft copy of its revised Gambling Act Statement of Principles for the period 2019 to 2021.

The Council would be grateful if you could take the time to read the draft Statements of Principles and make comment upon it during the consultation period which runs between **20 August 2018 and 23 September 2018**.

If appropriate, I would also ask you to forward the draft Statement of Principles to another colleague or organisation who you think might have an interest in commenting upon it.

The draft Statement of Principles is available for online in the 'Business' section of the Council's website at:
www.cannockchasedc.gov.uk/draftGA05policy2018

I have attached a copy for your convenience.

Email comments should be made by no later than 23 September 2018 to: licensingunit@cannockchasedc.gov.uk

Your comments can also be sent by letter to:

Licensing Unit
Cannock Chase District Council
PO Box 28
Beecroft Road
Cannock

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
GAMBLING ACT 2005

REVISED STATEMENT OF PRINCIPLES 2018

Reference number:

GA05/Principles2018/02

Date received:

21 August 2018

Name and address of respondent

Catherine Sweet
Head of Marketing and Communications
GamCare.org.uk

Comments/observations made by respondent:

GamCare state that they do not have the resources to respond to individual draft consultations. They do however provide a generic response which confirms that the function of the statement of principles is to reflect local gambling concerns and make clear the local authority's expectation of gambling operators

GamCare do specifically ask that local authorities primarily consider applications from GamCare certified operators.

Appraisal of comments by the Authority:

GamCare is the leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. GamCare aim to support those affected by problem gambling through advice and treatment, and to minimise gambling-related harm through education, prevention and communication.

GamCare refer to a voluntary process where gambling premises operators can apply to be GamCare certified operators being assessed on their player protection measures and social responsibility standards. It appears that this process is still being developed and so far the list of certified operators include some, but not all, of the bingo operators and bookmakers.

Proposed response by the Authority:

No changes to the draft policy are required as a result of this consultation response. The licensing authority would encourage operators to obtain GamCare certification but cannot give priority to specific operators. We are obliged to consider every application on its own merits.

Signed:

Agreed:

Date:

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Sean OMeara

Subject: FW: Consultation-Draft Statement of Principles 2019 to 2021

From: Darren Shenton [<mailto:DShenton@gamblingcommission.gov.uk>]
Sent: 22 August 2018 11:07
To: LicensingUnit CCDC
Cc: Sean OMeara
Subject: Consultation-Draft Statement of Principles 2019 to 2021

Hi Sean,

I have to say I am Impressed.

As far as I am concerned, all the right stuff is in there including LAP materials etc.

Just one thing, at 31.9 you mention PA scheme and what you say there is fine (don't need to change it) but can I just remind you that there is no longer any NIS in place, now only assured advice.

Great job!

Regards.

Darren

Darren Shenton

Compliance Manager

GAMBLING COMMISSION

Tel (0121) 230 6903


dshenton@gamblingcommission.gov.uk

www.gamblingcommission.gov.uk

Confidential Call line 0121 230 6655

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CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
GAMBLING ACT 2005

REVISED STATEMENT OF PRINCIPLES 2018

Reference number:

GA05/Principles2018/03

Date received:

22 August 2018

Name and address of respondent

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Comments/observations made by respondent:

The Gambling Commission (GC) is satisfied that all the necessary policy elements are contained within the draft statement of principles but wish to remind the local authority that the Primary Authority (PA), National Inspection Strategy (NIS), no longer exists. In its place, local authorities provide nationally accepted assured advice on which gambling operators are able to rely.

Appraisal of comments by the Authority:

The Gambling Commission are the industry regulators and their response to the Council's draft consultation is most welcome. They are satisfied that all the necessary information is contained within draft statement of principles. This includes important information provided by the Council on its own Local Area Profile (LAP).

Proposed response by the Authority:

No changes to the draft policy are required as a result of this consultation response.

Signed:

Agreed:

Date:

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GOSSCHALKS
SOLICITORS

BY EMAIL ONLY
Licensing Department
Cannock Chase DC

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 097505.00005
#GS2169026
Your ref:
Date: 14th September 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also

believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and

socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account

based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Other concerns

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

Considerations specific to the Draft Gambling Act 2005 Statement of Principles.

On behalf of the ABB we welcome the light touch approach taken by the Statement of Principles, especially, the recognition within paragraph 16.13 that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives and that additional conditions would only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented.

We would respectfully submit, however that paragraph 8.19 should be re-drafted. This appears to require operators to provide test purchasing compliance results to the Licensing Authority. The requirement to test purchase is an SR Code provision and therefore performs part of the operating licence. It is a requirement that this information relating to compliance is provided to the Gambling Commission and it appears unduly onerous to duplicate this requirement. Accordingly, this paragraph should be re-drafted to remove this reference. .

Paragraph 20 would be assisted by a clear explanation of the distinction between betting machines, where there is the ability to restrict numbers, and gaming machines where there is no such ability. The holder of a Betting Premises Licence may make available for use up to four gaming machines of categories B, C or D.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



GOSSCHALKS

CANNOCK CHASE COUNCIL
CONSULTATION RESPONSE
GAMBLING ACT 2005

REVISED STATEMENT OF PRINCIPLES 2018

Reference number:

GA05/Principles2018/04

Date received:

14 September 2018

Name and address of respondent

Gosschalks Solicitors
Queens Gardens
Hull
HU1 3DZ

Comments/observations made by respondent:

The response to the consultation is made on behalf of the Association of British Bookmakers (ABB). Their response is very general in its approach.

The respondent makes 3 specific comments in respect to the Council draft statement of principles:

1. The respondent is content that paragraph 16.13 is an appropriate light touch approach to the imposition of conditions on licences.
2. The respondent submits that the reference in paragraph 8.19, asking operators to provide results of their test purchase operations to the Council, is an unnecessary duplication of effort because these results are already provided to the Gambling Commission.
3. Paragraph 20 makes mention of both gaming machines and betting machines. The respondent requests that the distinction between the two types of machines and the ability of the Council to restrict their numbers of betting machines but not gaming machines, is made clear.

Appraisal of comments by the Authority:

The licensing authority is grateful for the response on behalf of the ABB. The work they undertake is important in helping to ensure a high standard of compliance within the gambling industry

With respect to the 3 specific comments made, the local authority's appraisal of the draft document are made in the same order as they mentioned above:

1. The comments about paragraph 16.13 are noted.

2. Paragraph 8.19 of the draft statement of principles requires that information about test purchases is provided to the licensing authority upon appropriate application. This is important because the information will help the Council assess whether the premises is able to comply with the requirements of legislation, guidance, codes of practice and licence conditions.
3. The local authority notes the comments and agrees that the distinction between the two types of machines is important.

Proposed response by the Authority:

1. No changes to the draft policy are required as a result of this aspect of the consultation response.
2. The statement of principles will be amended to make it clear that the test purchase information is premises specific and is only required upon application to vary the premises licence. This information is readily available to the applicant and therefore the requirement is not considered to be onerous nor unreasonable.
3. Paragraph 20.2, makes mention of both gaming machines and betting machines and also makes clear the differing ability of the council to restrict their numbers. No changes to the draft policy are required as a result of this aspect of the consultation response.

Signed:

Agreed:

Date: