



BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

MONDAY, 10TH JULY 2006
AT 6.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors A. N. Blagg, A. J. Dent, Mrs. R. L. Dent, Mrs. K. M. Gall, M. H. Gill, Mrs. J. M. L. A. Griffiths, D. Hancox, G. H. R. Hulett, Ms. J. A. Marshall, N. Psirides JP, C. R. Scurrall, G. G. Selway and E. C. Tibby

AGENDA

Council Agendas and Minutes are available on our web-site at www.bromsgrove.gov.uk/meetings

1. Election of Chairman for the ensuing Municipal Year
2. Election of Vice-Chairman for the ensuing Municipal Year
3. To receive apologies for absence and notification of substitutes
4. To receive the Minutes of the last Meeting of the Committee held on 27th February 2006
5. To consider the Report of the Head of Planning and Environment Services relating to non-confidential and non-exempt items (attached)
6. To consider any other business, details of which have been notified to the Head of Legal and Democratic Services prior to the commencement of the Meeting and which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next Meeting of the Committee

K. DICKS
Acting Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

29th June 2006

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

Monday, 27th February 2006 at 6.00 p.m.

PRESENT: Councillors A. J. Dent (Chairman), D. Hancox (Vice-Chairman), Mrs. S. J. Baxter, Mrs. R. L. Dent, Mrs. K. M. Gall (substituting for Miss D. H. Campbell), M. H. Gill, Mrs. J. M. L. A. Griffiths, G. H. R. Hulett, N. Psirides J.P., C. R. Scurrall, G. G. Selway (substituting for S. R. Peters), S. P. Shannon and E. C. Tibby.

34/05

APOLOGIES

Apologies for absence were received from Councillors Miss D. H. Campbell and S. R. Peters.

35/05

MINUTES

The Minutes of the Meeting of the Committee held on 30th January 2006 were submitted.

RESOLVED: that the Minutes be approved and confirmed as a correct record.

36/05

REPORT OF THE INTERIM HEAD OF PLANNING AND ENVIRONMENT SERVICES RELATING TO NON-CONFIDENTIAL AND NON-EXEMPT ITEMS

The Report of the Interim Head of Planning and Environment Services relating to non-confidential and non-exempt items was submitted.

Arising therefrom:

(1) **STREET COLLECTION APPLICATION – BROMSGROVE LIONS CLUB**

RESOLVED: that the application made by Mr. P. Fletcher on behalf of the Bromsgrove Lions Club in aid of the Acorns Children's Hospice for a Street Collection to take place in Bromsgrove High Street on 8th April 2006 be approved, subject to the receipt of a satisfactory reference.

(2) **STREET COLLECTION APPLICATION – BROMSGROVE HOSPITAL CARNIVAL**

RESOLVED: that the application made by Mr. J. Evans on behalf of the Bromsgrove Hospital Carnival Committee for a Street Collection to take place in the Town Centre of Bromsgrove on 1st July 2006 be approved.

(3) **STREET TRADING CONSENT APPLICATION – BROMSGROVE HOSPITAL CARNIVAL COMMITTEE**

RESOLVED: that the application made by the Chairman of the Bromsgrove Hospital Carnival Committee for a Street Trading Consent in respect of the annual Elizabethan Street Market on Saturday, 24th June 2006, between the hours of 9.00 a.m. and 5.00 p.m., be approved, subject to the following conditions:

- (a) no interference shall be caused to vehicles servicing the shops in the High Street, Bromsgrove;
- (b) the stalls shall be erected in such positions so that no obstruction is caused to nearby shop entrances to the satisfaction of the Council's Head of Street Scene and Waste Management;
- (c) no vehicle shall be in attendance for the purpose of delivering or collecting stalls, goods etc., between the hours of 10.30 a.m. and 4.00 p.m.;
- (d) the applicant shall be responsible for all and any claims for damage or injury which may arise from their use of the High Street; and
- (e) a passage shall be kept open at all times for the access of emergency vehicles and at the prescribed times, viz., 10.30 a.m. and after 4.00 p.m., for the access of any vehicles.

(4) **LICENSING ACT 2003 – ENFORCEMENT PROTOCOL**

The Principal Licensing Officer reported that, following the successful implementation of the Licensing Act 2003, it was felt that there was a need to formalise enforcement responsibilities in respect of investigating and dealing with offences committed by licence holders in accordance with the new licensing laws.

In this regard, a suggested enforcement protocol, which had already been adopted by other neighbouring authorities, was considered.

RESOLVED: that the suggested Enforcement Protocol, as set out at Appendix A to the Report, be approved and adopted.

(5) **GAMBLING ACT 2005 – UPDATE**

The Principal Licensing Officer gave a brief update for Members on the implementation of the Gambling Act 2005, which received Royal Assent in April 2005. In this regard, it was reported that the Gambling Commission had issued the first of a series of documents which gave guidance to licensing authorities on the exercise of their functions under the new legislation.

The new Act repeals the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976. New responsibilities for the licensing authority include:

- licence premises for gambling activities;
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.

RESOLVED: that this item be noted.

(6) **STREET COLLECTION CALENDAR 2005/06 AND RETURNS**

RESOLVED: that this item be noted.

(7) **HOUSE TO HOUSE COLLECTION CALENDAR 2005/06 AND RETURNS**

RESOLVED: that this item be noted.

37/05

LOCAL GOVERNMENT ACT 1972

RESOLVED: that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the Meeting during the consideration of an item of business the subject of the following Minute on the grounds that it involves the likely disclosure of "Exempt Information" as defined in Part I of Schedule 12A to the Act, the relevant paragraph of that part being as set out below:-

Minute No.
38/05

Paragraph
4

38/05

REPORT OF THE INTERIM HEAD OF PLANNING AND ENVIRONMENT SERVICES CONTAINING CONFIDENTIAL OR EXEMPT ITEMS

The Report of the Interim Head of Planning and Environment Services containing confidential or exempt items was submitted.

Arising therefrom:

(1) **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE – REFERENCE D.1119**

RESOLVED: that this item be noted.

The Meeting closed at 6.22 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

10TH JULY 2006

REPORT OF THE HEAD OF PLANNING AND ENVIRONMENT SERVICES RELATING TO NON-CONFIDENTIAL AND NON-EXEMPT ITEMS

1. **APPLICATION TO PROHIBIT THE CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES - ASTON FIELDS**

The Council has received a request from West Mercia Police Authority, seeking that the Council considers making an Order to prohibit the consumption of alcohol in a designated public place in Aston Fields. The area affected by the proposed Order is the Recreation Ground, off Stoke Road, Aston Fields. A map outlining the area affected is attached at Appendix 'A' (*plan not available in on-line documentation*).

In accordance with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001, the Council is required to consult with Ward Councillors, Licensees of any licensed premises in the vicinity of the designated places, together with owners and occupiers of the land. In view that the Recreation Ground borders the District Ward of Slideslow, Councillors Selway and Mrs. Spencer have also been consulted on the proposal.

No objections have been received from those who have consulted.

Members' views are requested as to whether or not the Council should pursue the proposed Order.

Background Papers:

- (1) Emails received from Culture & Community Services dated 13th April and 19th June 2006
- (2) Email received from the Police Authority dated 1st June 2006
- (3) Letter received from the Ladybird Inn dated 19th June 2006.
- (4) Letter received from Councillor Shannon dated 19th June 2006.
- (5) Letter received from Councillor Ms. Marshall dated 22nd June 2006.
- (6) Email received from Councillor Selway dated 16th June 2006
- (7) Email received from Councillor Mrs. Spencer dated 11th June 2006

2. **APPLICATION TO PROHIBIT THE CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES - BROMSGROVE TOWN AREA**

The Council has received a request from West Mercia Police Authority, seeking that the Council considers making an Order to prohibit the consumption of alcohol in a number of designated public places in the Bromsgrove Town area, including Sanders Park, the Recreation Ground and the High Street. A map outlining the extent of the area is attached at Appendix 'B' (*plan not available in on-line documentation*).

In accordance with the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001, the Council is required to consult with the Ward

Councillors, Licensees of any licensed premises in the vicinity of the designated places, together with owners and occupiers of the land.

The consultation period closes on 6th July 2006; to date no objections have been received from those who have consulted. A verbal update will be given at the meeting following the closure of the consultation period.

Members' views are requested as to whether or not the Council should pursue the proposed Order.

Background Papers:

- (1) Communication received from Culture and Community Services on 23rd June 2006
- (2) Letter received from North Bromsgrove High School dated 19th June 2006

3. **GAMBLING ACT 2005 - STATEMENT OF GAMBLING POLICY**

To inform Members that in accordance with the Gambling Act 2005, the Council is required to prepare and publish a Statement of Gambling Policy, which will be used to determine all applications made under the terms of the Act. Such a Policy must be published before any functions under the Act are carried out. The Policy must be reviewed every three years and a further public consultation must take place; however, there is provision in the Act to keep the Policy under review during each three year period and that the Council may make such revisions to it as it considers appropriate.

However, because this is the first statement of Policy, the Council must consult a number of responsible bodies, including bodies representative of current licence holders. Consultees will therefore include:

- All Responsible Authorities, namely, the Police Authority, the Fire and Rescue Service; local Planning Authority, Environmental Health, Local Child Protection Committee; Customs and Excise
- District Councillors
- Parish Councils
- Premises Licence Holders under Licensing Act 2003
- Club Premises Certificate Holders under Licensing Act 2003
- Representatives of the Gaming Industry, including suppliers of Gaming facilities
- Existing permit holders under the Gaming Act 1968 and Lotteries and Amusements Act 1976
- One or more persons who represent the interests of persons who are likely to be affected by the licensing authority carrying out its functions under the Act.
- Public notices will also be placed in the local press, the Council's Website, public notice boards and 'Council Chat'.

Any comments received during the consultation period must be given proper consideration when the policy is determined before it is published.

The timetable for the consultation process will be as follows:

- Presentation of draft Statement of Policy to Executive Cabinet on 12th July 2006 seeking approval to carry out the consultation;
- The Policy document will be distributed to all consultees in the week commencing 17th July 2006;
- The consultation period will end on 1st September 2006;

- The final policy document will be presented to Council in November/December 2006 for ratification, following approval by Executive Cabinet on 4th October 2006.

Appended at Appendix 'C' is the Council's draft Statement of Gambling Policy, which is based on the Guidance issued by the Gambling Commission under Section 25 of the Act.

This Council has worked in partnership with the other district councils in the County including Herefordshire to produce a joint policy for Hereford and Worcester. This will provide consistency across the County.

Members may wish to note that the draft policy is scheduled to be presented to Executive Cabinet on 12th July seeking approval to carry out a consultation on its draft Statement of Gambling Policy.

D. HAMMOND
Head of Planning and Environment Services

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

29th June 2006

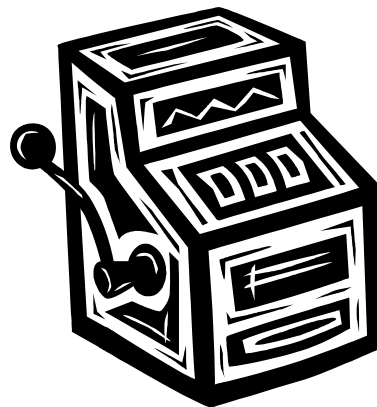


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Gambling Act 2005

Statement of Gambling Policy



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Statement of Principles – Gambling Act 2005

Introduction

Bromsgrove District Council is situated in the County of Worcestershire, which contains six District Councils in total. The Council area has a population of approximately 88,000 and in terms of area it covers approximately 84 square miles. The Council area is mainly rural in character (90% of the area is classed as Green Belt) with two central urban areas of Bromsgrove Town and Rubery. Whilst it is only 14 miles from central Birmingham, the Clent and Lickey Hills provide an important dividing line between the industrial Midlands and the rural landscape of North Worcestershire. A map showing the extent of the Council's boundary is attached at Appendix 'A'.

Bromsgrove District Council's overall vision is "an attractive, clean, healthy, safe and prosperous District where an improving quality of life is enjoyed equally by all." This statement accords with that vision in seeking to promote the licensing objectives set out in the Act, which are central to the regulatory regime created by the Act. These are:

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

We have produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as "the Act") and having had regard to the Gambling Commission's formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that we have consulted. The list of those persons and organisations consulted is appended.

We intend that this document should provide information and guidance on the general approach that we will take to licensing. A series of advice sheets with more specific guidance is available from our web site or will be sent on request; advice tailored to individuals is available by phone or to personal callers.

Nothing in this policy takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, below.

Gambling Act 2005

This policy reflects our key priorities to be an efficient and effective Council; to provide a clean, safe and attractive environment; to foster and sustain a strong and expanding economy; to provide sustainable culture and leisure opportunities; and to work with the public and our partners.

There are three licensing objectives which are central to the regulatory regime created by the Act. These are:-

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

The Act provides for gambling to be authorised in a number of different ways. Our main functions are to:

- licence premises for gambling activities,
- grant permits for gambling and gaming machines in clubs,
- regulate gaming and gaming machines in alcohol licensed premises,
- grant permits to family entertainment centres for the use of certain lower stake gaming machines,
- grant permits for prize gaming,
- consider notices given for the temporary use of premises for gaming,
- consider occasional use notices for betting at tracks, and
- register small societies lotteries.

The Gambling Commission regulates remote gambling and issues personal and operating licences for premises.

Spread betting is regulated by the Financial Services Authority.

The "National Lottery" is regulated by the National Lottery Commission.

The Gambling Commission

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.

In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.

Information about the Gambling Commission can be found on the Internet at:

www.gamblingcommission.gov.uk or by phone: 020 7306 6218.

Authorised Activities

'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

- gaming means playing a game of chance for a prize,
- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not, and
- a lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

General Statement of Principles

In carrying out our licensing functions in accordance with the Act, particularly with regard to premises licences, we will generally aim to permit the use of premises for gambling as long as it is considered to be :-

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any relevant Guidance issued by the Gambling Commission
- in accordance with this Statement of Principles, and
- reasonably consistent with the licensing objectives.

We will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.

We will ensure that in dealing with applications under the Act we follow the required procedures, and only take into account issues that are relevant. Specifically we will not have regard to "demand" when considering applications for gambling premises; nor will we consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). We will not reject an application on moral grounds. If we do decide to reject an application, we will make known our reasons for doing so.

Our current Council Constitution (including the scheme of delegation) details the way that we will discharge our functions under this Act. Details are available from the Licensing Department.

Where an application is for a new premises licence, the responsible authorities may visit to check that gambling facilities meet all necessary legal requirements.

Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.

If there are objections that can't be resolved informally, or we intend to impose extra conditions, we will hold a public hearing at which our licensing sub-committee will hear evidence and make a decision in accordance with the Act.

Preventing gambling from being a source of crime and disorder

The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before we will issue a licence to use premises for gambling.

In view that we will not issue a premises licence to someone who does not hold an operator's licence, we are not generally concerned with the suitability of an applicant. Where concerns about a person's suitability arise we will bring those concerns to the attention of the Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, we will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for SIA registered door supervisors.

Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it; we will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

"Disorder" is generally a matter for the Police; we will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers.

When making decisions relating to disorder, we will give due weight to comments made by the police.

Ensuring gambling is conducted in a fair and open way

The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.

Because betting track operators do not need an operating licence from the Commission we may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

Protecting children and vulnerable people from gambling

The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.

Codes of Practice, including advice about access by children and young persons may be published by the Gambling Commission for specific kinds of premises. Applicants will be expected to heed this advice where applicable.

We expect steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.

When determining a premises licence or permit we will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.

In seeking to protect vulnerable people we will include 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, perhaps due to a mental impairment, alcohol or drugs.

We will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.

Premises licences

A premises licence can authorise the provision of facilities at the following :

- casino premises
- bingo premises
- betting premises, including betting tracks
- adult gaming centres
- family entertainment centres

Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being separate 'premises'.

A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and people are not allowed to 'drift' accidentally into a gambling area.

There are currently no casinos operating within the District. There is no resolution to prohibit casinos in the District at present. Should the Council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. There is no right of appeal against this resolution.

The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which the new types of casinos created by the Act will be located. If the District of Bromsgrove has not been identified as a suitable location for a casino, then the Licensing Authority will be prevented from granting a Casino Premises Licence.

We will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.

Other than an application for a betting premises licence for a track, we are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

When considering applications for premises licences we will not take into account either the expected 'demand' for facilities or the likelihood of planning permission or building regulation approval being granted.

Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

We will maintain a public register of applications received and licences granted on the Internet at www.bromsgrove.gov.uk/licensing. Applications may also be viewed at the Customer Service Centre, during normal office hours which are generally Monday – Friday 9am until 5pm and Saturday 9am until 12 noon.

Responsible authorities

Responsible authorities are identified in the legislation, and have to be notified about licence applications so that they can identify any risks. The responsible authorities that we recognise are listed below, contact addresses and telephone numbers for each of the responsible authorities identified are available on our website, and will be sent on request.

- The Gambling Commission
- The Chief of Police for the area
- Fire & Rescue Service
- Bromsgrove Planning Department
- Environmental Services Department
- Bromsgrove Licensing Department
- Any other bodies identified in Regulation by the Secretary of State,
- For vessels, the Environment Agency, British Waterways Board, Secretary of State.
- Worcestershire Safeguarding Children Board
- HM Revenue and Customs

Any concerns expressed by a Responsible Authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. However, each representation will be considered on its own individual merits.

Interested Parties

An interested party is someone who :

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above.

In determining whether someone lives sufficiently close to a particular premises so as to be affected, we will take into account, among other things :

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complainant
- the potential impact of the premises

In determining whether a person has a business interest which could be affected the Council will consider, among other things :

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, we would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.

We may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision we will normally consider :

- who is making the representation and whether there is a history of making representations that are not relevant,
- whether it raises an issue relevant to the licensing objectives, or
- whether it raises issues specifically to do with the premises which are the subject of the application.

Licence conditions

In particular cases we may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. We will not have recourse to a pool of standard conditions.

Examples of some conditions which are likely to be attached in certain circumstances include those relating to opening hours, age limits, or keeping children and young persons away from gaming machines.

We will not seek to control those matters specified in the Act with conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission,
- relating to gaming machine categories or method of operation,
- which specify that membership of a club or other body is required, or
- in relation to stakes, fees, winnings or prizes.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

Gaming Machines

Gaming machines include all types of gambling activity which can take place on a machine, including betting on 'virtual' events.

The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including :

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.

We will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

Temporary Use Notices

These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.

Occasional Use Notices

We have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

Lotteries

All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission - unless they are 'exempt' lotteries as defined by the Act. One of those exemptions is for "small societies lotteries," which we will allow, after registration. We will maintain a register of small societies lotteries.

A society will be allowed to register with us if it is 'non-commercial', in other words, if it is established and conducted :

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

Exchange of Information

To ensure the licensing objectives are met, we will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Subject to the provisions of the Data Protection Act 1998, we will share any information we receive through the application process with the Gambling Commission and any relevant responsible authority. In doing so we will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that we hold about them by contacting our Information Management Officer.

We are committed to being open about what we do and how we come to our decisions, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment. Copies of our FOI publication scheme are available on request from our Information Management Officer or via the Council's website www.bromsgrove.gov.uk.

FOIA also provides the public with a general right of access to information held by public authorities, and subject to exemptions, be supplied with a copy of that information. Individual requests should be made in writing to the Information Management Officer or via the Council's website.

Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that we accept will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

Enforcement Protocols

The main enforcement and compliance role for us in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by us but will be notified to the Gambling Commission.

We will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.

The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.

List of Consultees

All Responsible Authorities

District Councillors

Parish Councils

Premises Licence Holders under Licensing Act 2003

Club Premises Certificate Holders under Licensing Act 2003

Representatives of the Gaming Industry, including suppliers of Gaming facilities and machines

Existing permit holders under the Gaming Act 1968 and Lotteries and Amusements Act 1976

Voluntary organisations, such as Citizens Advice Bureau and GamCare.