



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE CABINET**

**WEDNESDAY 7TH NOVEMBER 2012, AT 6.00 P.M.**

**THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**SUPPLEMENTARY DOCUMENTATION**

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

7. Minutes of the meeting of the Overview and Scrutiny Board held on 22nd October 2012 (Pages 1 - 6)
  - (a) To receive and note the minutes
  - (b) To consider any recommendations contained within the minutes
8. To receive a recommendation from the Licensing Committee held on 29th October 2012 relating to a Revised Statement of Gambling Principles (Pages 7 - 26)

**K. DICKS**  
**Chief Executive**

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

5th November 2012

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# Agenda Item 7

## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE OVERVIEW AND SCRUTINY BOARD**

**MONDAY, 22ND OCTOBER 2012 AT 6.00 P.M.**

PRESENT: Councillors S. R. Colella (Chairman), P. Lammas (Vice-Chairman), C. J. Bloore, J. S. Brogan, K. A. Grant-Pearce, Mrs. J. M. L. A. Griffiths, R. J. Laight, P. M. McDonald, Mrs. C. J. Spencer, C. R. Scurrall (Substitute) and L. J. Turner

Officers: Ms. J. Pickering, Ms. D. Poole, Ms. T. Beech, Ms. J. Bayley and Ms. A. Scarce

#### 45/12 **APOLOGIES**

Apologies for absence were received from Councillors Dr. B. T. Cooper, Mrs. R. L. Dent and S. P. Shannon.

#### 46/12 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

Councillor J. S. Brogan declared an other disclosable interest in respect of Minute No. 54/12 as reference was made to his employer under that item.

#### 47/12 **MINUTES**

The Minutes of the Overview and Scrutiny Board meeting held on 10th September 2012 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

#### 48/12 **PRESENTATION - TRANSFORMATION PERFORMANCE REPORTING**

The Board received a presentation from the Head of Transformation in respect of the Future of Performance Reporting. Members were provided with an overview of the Shared Services and systems thinking processes, including details of areas which had already been through the transformation intervention process and a detailed explanation of “the model for check” process. The following areas were also included within the presentation:

- The strategic purposes of the Council and how these had been established.
- Performance measures - how these could be used to control and improve the delivery of services and the capability and variation system.

- The use of Measures by managers and staff within their work on a daily basis and how those measures would enable managers to take the necessary action in order to improve performance.
- Performance Reporting –it was confirmed that this would continue to be on a quarterly basis and would initially be a combination of some old measures and new measures put in place following transformation.
- The use of operational and strategic measures, input from Portfolio Holders and the availability of reports on the intranet.

Following the presentation Members raised and discussed the following areas in more detail:

- The definition of value and failure demand
- The method of system thinking adopted by the Council and the savings and any financial implications arising from this.
- Members' involvement in providing local knowledge and residents' views.
- The difficulty in bench marking against other authorities in order to measure any improvements made from using the new processes.
- The implementation of the new performance reporting system (which would begin from April 2013) and any relevant training that would be provided for Members.
- The barriers to change and how to overcome those barriers.
- Checks that would be put in place to ensure that any problems within a service area were addressed as quickly as possible.
- Portfolio Holder involvement in the reporting process.
- The role of the Board in monitoring performance.

Officers confirmed that the Board would continue to receive the quarterly Customer Services Performance Report. After further discussion it was

**RESOLVED** that the presentation be noted.

49/12 **LOCAL STRATEGIC PARTNERSHIP - BOARD INVESTIGATION**

The Chairman informed Members that this item had been brought back to the Board for further consideration following the receipt of additional information. Members discussed the following areas in detail:

- The process of bringing this item back to the Board following its consideration at the meeting held on 10th September 2012.
- The provision of services to young people through the Positive Activities scheme and the role of the County Council.
- The investigation carried out in 2007 by the Air Quality Task Group and the opportunity to revisit the recommendations that were put forward and current areas of concern in respect of air quality within the District.

**RESOLVED:**

- (a) that a Task Group be established to undertake a more in-depth investigation into Air Quality and CO2 Emissions by re-visiting the Air Quality Task Group completed in December 2007 and that Councillor S. P. Shannon be appointed Chairman;
- (b) that a Task Group be establish to undertake a more in-depth investigation into Positive Activities for Young People in the district and that Councillor Mrs. J. M. L. A. Griffiths be appointment Chairman;
- (c) Members (who are not Members of the Cabinet) be invited to join the Task Groups. Should nominations exceed the recommended number of Members for a task group, details be brought to the Board meeting to be held on 19th November 2012 for further consideration and agreement; and
- (d) The Chairman of each Task Group report back to the Board meeting to be held on 19th November 2012 with details of the Terms of Reference.

50/12

**QUARTER 1 SICKNESS ABSENCE PERFORMANCE AND HEALTH REPORT**

The Board considered the Sickness Absence Performance and Health Report for the quarter ending 30th June 2012. The Executive Director, Finance and Resources provided Members with details of the recording of sickness absence for those teams which had become shared services with effect from 1st April 2012 and the recording method for those services which were currently only partially shared. Members were informed that the second quarterly report would include details of reasons for absences. Members were also provided with details of the Employee Assistance Programme which came into effect from 1st July 2012. Initial feedback in respect of this scheme from staff had been positive.

The following areas were discussed in detail:

- The introduction of Sickness clinics – which included the Head of Services, a representative from both Human Resources and the relevant union.
- The definition of long term sickness (the Executive Director, Finance and Resources to confirm the exact number of days) and the support provided in order to achieve a satisfactory outcome wherever possible in respect of long term sickness absence.
- Retirement due to ill health and the involvement of Occupational Health.
- A staff survey and the inclusion of a question in respect of the return to work interviews which are carried out. It was confirmed that the result of any such survey would be available to the Board for consideration.
- Officers to consider reflecting the number of staff absent due to sickness alongside the number of days lost by the Council due to sickness absence in future Sickness Absence Performance Monitoring reports.
- The review of the Sickness Absence Policy.

**RESOLVED** that the Sickness Absence Performance and Health Report be noted.

51/12 **6 MONTH SUMMARY OF ENVIRONMENTAL ENFORCEMENT ACTION TAKEN (1ST APRIL TO 30TH SEPTEMBER 2012)**

The Chairman reminded Members that the Board had requested this report following a presentation received at the meeting held on 23rd April 2012 and that it was for information only. Members discussed the following areas in detail:

- There had only been 1 dog fouling investigation in the 6 month period under review.
- The reasons why 45 of the 57 fly tipping investigations had resulted in no further action being taken.
- When vehicles were removed and disposed of by the Council what costs were incurred and did the Council seek reimbursement of these or did the Council receive any income from the disposal of such vehicles? (Officers to provide Members with further information.)
- Members commented that they had found it difficult to contact the Community Safety Team due to a change in work pattern. Although praise was given to the response received in respect of the Graffiti Team.

**RESOLVED** that the Board receive a further Summary of Environmental Enforcement Action Taken for the 3 months ending 31st December 2012 and that Officers be requested to attend in order to respond to Members' questions.

52/12 **OVERVIEW & SCRUTINY BOARD QUARTERLY RECOMMENDATION TRACKER**

The Board considered the Quarterly Recommendation Tracker and noted that a response was still awaited in respect of the recommendations from the Review of Recreation Road South Car Park Task Group.

53/12 **ACTIONS LIST**

The Board considered the Action List and noted that several actions remained outstanding. Officers confirmed that these would be followed up and responses provided as soon as possible. Actions arising from this meeting would also be included within the list.

54/12 **WCC HEALTH OVERVIEW & SCRUTINY COMMITTEE**

In the absence of the Board's representative, Councillor Dr. B. T. Cooper, the Chairman informed Members that the meeting of Worcestershire County Council Health Overview and Scrutiny Committee (HOSC) arranged for 11th October 2012 had been cancelled and the next meeting was due to take place on 6th November 2012. Any questions which Members would like Councillor

Dr. Cooper to raise at that meeting should be passed to Officers as soon as possible.

The Board discussed in detail the recent announcements from the Joint Service Review in respect of the Alexandra Hospital and asked that a written response be requested in respect of the outstanding points raised following the Board meeting held on 16th July 2012.

55/12 **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

Officers informed Members that the CCTV and Telecare Manager was unable to attend the Board meeting to be held on 19th November 2012 and therefore a presentation in respect of the role of CCTV Team would be put back to the meeting to be held on 19th December 2012.

It was noted that the Board meeting to be held on 19th November 2012 would now include updates and the consideration of the terms of reference in respect of the task groups agreed at Minute No. 49/12.

The Board discussed the format of the Budget Scrutiny meeting to be held on 4th December 2012 to which all Members would be invited. The Executive Director, Finance and Resources informed Members that the Council was not expecting to receive details of the Grant Settlement until the end of December 2012.

**RESOLVED** that subject to the above amendments, the Work Programme be noted.

56/12 **FORWARD PLAN OF KEY DECISIONS 1ST OCTOBER 2012 TO 31ST JANUARY 2013 (FOR INFORMATION ONLY)**

The Forward Plan of Key Decisions was noted by the Board.

The meeting closed at 7.36 p.m.

Chairman

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## LICENSING COMMITTEE – 29th October 2012

### RECOMMENDATIONS TO CABINET

#### REVISED STATEMENT OF GAMBLING PRINCIPLES 2013 / 2016

The Licensing Committee has considered a report detailing the recent consultation exercise undertaken with stakeholders in relation to the 2013 / 2016 Statement of Gambling Principles. The Gambling Act requires the Council to carry out a review of its Gambling Act 2005 - Statement of Gambling Principles every three years.

The Licensing Committee noted that no responses had been received within the consultation period.

It is therefore RECOMMENDED

that Cabinet notes the outcome of the consultation exercise and recommends to Council that the revised Statement of Gambling Principles 2013 / 2016 be adopted.

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**LICENSING  
COMMITTEE**

**Date: 29th October 2012**

**STATEMENT OF GAMBLING PRINCIPLES - REVIEW**

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 To advise members of the outcome of the recent consultation exercise undertaken with stakeholders in relation to the 2013 -2016 Statement of Gambling Principles and invite Members to make a recommendation to Full Council that the updated Statement be adopted.

**2. RECOMMENDATIONS**

- 2.1 That the Committee note the outcome of the consultation exercise and recommend to Council that the 2013 -2016 Statement of Gambling Principles be adopted.

**3. KEY ISSUES**

**Financial Implications**

- 3.1 There are no financial implications associated with this report, other than statutory consultation with licence holders and other interested parties.

**Legal Implications**

- 3.2 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies.
- 3.3 The statement of Policy will last for a maximum of three years but can be reviewed and revised by the authority at any time. The statement must be produced following consultation with the bodies specified in section 349(3) of the Gambling Act.
- 3.4 In addition to the legislative requirements guidance issued by the Gambling Commission sets out certain information that the

## **LICENSING COMMITTEE**

**Date: 29th October 2012**

Commission considered should be included in all licensing authority Statements of Policy.

- 3.5 It is anticipated that there may be changes to the Gambling Act before the next Statement is published. Any relevant changes will be brought to the attention of the Licensing Committee by way of report.

### **Service / Operational Implications**

- 3.6 The Gambling Act requires the Council to carry out a review of its Gambling Act 2005 – Statement of Gambling Principles which is used to determine all applications made under the terms of the Act, every three years.
- 3.7 The Council adopted its current Statement of Principles in January 2010. A review of the current document has now been completed. In conducting the review the Council as Licensing Authority consulted with all interested parties to ensure that the policy continues to reflect the local balance between the commercial interests of the licensed trade and the communities they serve and impact on.
- 3.8 The current Statement of Gambling Principles is due to expire in December 2012 and a new Statement of Principles must be in place by 31<sup>st</sup> January 2013.
- 3.9 The Statement of Gambling Principles was originally written in conjunction with the County Licensing Group representing all districts within Worcestershire. Since the introduction of Worcestershire Regulatory Services (WRS) in June 2010 the responsibility for overseeing gambling issues generally rests with officers from WRS.
- 3.10 A copy of the 2013 -2016 Statement of Gambling Principles is attached at **APPENDIX 1**. Officers can advise that there have been no significant changes to the legislation or guidance affecting gambling since the previous Statement of Principles was adopted by the Council. Members will see that subject to a limited number of very minor changes the new document that has been consulted on and is to be adopted is essentially the same in content as the previous version.
- 3.11 Members of the Licensing Committee received an earlier report on this matter on 11th June 2012 and authorised officers to proceed with a 12 week consultation exercise. The consultation period commenced closed on 17th October 2012. During the Consultation process, the following bodies were consulted -

**LICENSING  
COMMITTEE**

**Date: 29th October 2012**

- The Chief Police Officer for the District
- Hereford & Worcestershire Fire Authority
- Worcestershire County Council – Child Protection
- Persons representing the interests of those carrying on gambling businesses in Bromsgrove District
- Persons representing the interests of those who are likely to be affected by the exercise of Bromsgrove District Councils functions under the Gambling Act 2005.
- All District Councillors
- Parish and Town Councils
- Featured on the Council Web Page

3.12 Officers can confirm that no responses were received within the consultation period.

3.13 Accordingly, Members are asked to consider this report and make a recommendation to Council that that the 2013-2016 Statement of Gambling Principles be adopted.

**4. RISK MANAGEMENT**

4.1 Failure to consult on the Statement of Gambling Principles will result in the Council failing to exercise its duty under the requirements of the Gambling Act 2005.

**5. APPENDICES**

Appendix 1                      2013 -2016 Statement of Gambling Principles

**6. BACKGROUND PAPERS**

Gambling Commission Guidance to Local Authorities.

**AUTHOR OF REPORT**

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**Bromsgrove**  
District Council  
[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

# **REVISED STATEMENT OF PRINCIPLES**

## **GAMBLING ACT 2005**



**2013 - 2016**

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## Statement of Principles – Gambling Act 2005

### 1.0 Introduction

1.1 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.

1.2 Bromsgrove District Council's overall vision is "working together to build a district where people are proud to live and work, through community leadership and excellent services." 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.

1.3 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. We consulted widely upon this statement before finalising and publishing. The list of those persons and organisations consulted is appended. The consultation took place between August and October 2012 in line with HM Government Code of Practice on Consultation. Should you have any comments as regards this policy statement please send them via email or letter to:

[wrslicensing@worcsregservices.gov.uk](mailto:wrslicensing@worcsregservices.gov.uk)

This statement must be published at least every three years. The statement may also be reviewed from 'time to time' and any amended parts re-consulted upon.

1.4 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.

1.5 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.

### 2.0 Gambling Act 2005

2.1 This policy reflects our key objectives to provide value for money; to provide economic success that is shared by all; to improve health and wellbeing; to provide communities that are safe and feel safe.

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

- licence premises for gambling activities, including the issue of provisional statements,
- regulate and grant permits for gambling and gaming machines in clubs, including commercial 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,
- receive and endorse notices given for the temporary use notices,
- receive occasional use notices for betting at tracks,
- register small societies lotteries,
- Maintain public registers, and
- Provide information to the Gambling Commission on issued licences.

2.3 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.

### **3.0 Authorised Activities**

3.1 ‘Gambling’ is defined in the Act as 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.

### **4.0 General Statement of Principles**

4.1 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.

4.2 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.

4.3 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.

- 4.4 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.
- 4.5 Where an application is for a new premises licence, the responsible authorities may visit to check that gambling facilities meet all necessary legal requirements.
- 4.6 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.
- 4.7 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.
- 4.8 This statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

## **5.0 Preventing gambling from being a source of crime and disorder**

- 5.1 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.
- 5.2 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.
- 5.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, 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 Security Industry Authority (SIA) registered door supervisors.
- 5.4 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.

5.5 “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.

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

## **6.0 Ensuring gambling is conducted in a fair and open way**

6.1 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.

6.2 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.

## **7.0 Protecting children and vulnerable people from being harmed or exploited by gambling**

7.1 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.

7.2 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.

7.3 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.

7.4 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.

7.5 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.

7.6 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.

## 8.0 Premises licences

8.1 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

8.2 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 reasonably regarded as being separate 'premises'.

8.3 This will allow large, multiple unit premises such as tracks, shopping malls or service stations to obtain discrete premises licences, with appropriate safeguards in place. We will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. We will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partition, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.

8.4 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. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. We would also expect customers to be able to participate in the activity named on the premises licence.

8.5 The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and/or large casinos may be located. The District of Bromsgrove has not been identified as a suitable location for a casino, consequently we will be prevented from granting a Casino Premises Licence.

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

8.7 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.

8.8 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, as well as 'moral' objections to gambling. Equally, the grant of a premises licence would not

prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.

8.9 We are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.

8.10 We will only issue a premises licence once we are satisfied that the premises is ready to be used for gambling in the reasonably near future. Where we have agreed to grant a licence but substantial building works or alterations are still required we will impose a condition requiring the premises to be inspected on completion of the work and prior to the issue of the licence. Where the construction of a premises is not yet complete, or if they need alteration, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made as having a right to occupy the premises is a pre-condition to making a Premises Licence application.

8.11 We will apply a two stage consideration process if there is outstanding construction or alteration works at the premises:

- should the premises be permitted to be used for gambling;
- can appropriate conditions be imposed to cater for the situation that the premises is not yet in the state in which they should be before gambling takes place.

8.12 We are entitled to decide whether or not it is appropriate to grant a licence subject to conditions.

8.13 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.

8.14 We will maintain a public register of Premises Licence applications received which may be viewed at the Council Offices during normal office hours which are generally Monday – Friday 9am until 5pm.

## **9.0 Responsible authorities**

9.1 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 details for each of the responsible authorities identified are available on our website [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk), and will be sent on request.

- The Gambling Commission
- The Chief of Police for the area
- Fire & Rescue Service
- Bromsgrove District Council Planning Department
- Bromsgrove District Council Licensing Department
- Any other bodies identified in Regulation by the Secretary of State,
- Worcestershire Regulatory Services Environmental Services Department
- Worcestershire Safeguarding Children Board
- HM Revenue and Customs

- For vessels, the Environment Agency, British Waterways Board, Secretary of State.

9.2 Any concerns expressed by a Responsible Authority 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.

## 10.0 Interested Parties

10.1 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.

10.2 We will generally require written evidence that a person/body 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representations is sufficient. Whilst this may not apply to those elected ward members or MP or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal 'minority'.

10.3 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

10.4 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

10.5 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.

10.6 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.

## **11.0 Licence conditions**

11.1 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.

11.2 We will also ensure that where category C or above machines that are on offer in premises to which children are admitted are located in an area of the premises which is separated by a physical barrier to prevent access other than through a designated entrance; the designated area is supervised and observed by staff or the licence holder.

11.3 Examples of conditions which are likely to be attached in certain circumstances include those relating to opening hours, segregation of gambling from non-gambling areas frequented by children, SIA licensed door supervisors, appropriate signage for adult only areas, age limits, or keeping children and young persons away from gaming machines. We will also expect the applicant to offer their own suggestions as to way in which the licensing objectives can be promoted effectively.

11.4 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.

11.5 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.

## **12.0 Gaming Machines**

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

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

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

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



- 12.4 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.
- 12.5 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.

### **13.0 Temporary Use Notices**

- 13.1 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. We would 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. 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.
- 13.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

### **14.0 Occasional Use Notices**

- 14.1 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.

### **15.0 Lotteries**

- 15.1 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.
- 15.2 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.

## **16.0 Exchange of Information**

- 16.1 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.
- 16.2 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.
- 16.3 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](http://www.bromsgrove.gov.uk).
- 16.4 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.
- 16.5 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.

## **17.0 Enforcement Protocols**

- 17.1 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.
- 17.2 We will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, 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.

17.3 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.

17.4 We will also be mindful of future developments as regard the work of the Better Regulation Executive whilst carrying out our regulatory functions.

17.5 We will endeavour to be proportionate; accountable; consistent; transparent and targeted, as well as avoiding duplication with other regulatory regimes so far as possible.

## **18.0 Reviews**

18.1 A review of a premises licence can be made by interested parties or responsible authorities, however, we will decide if the review is to be carried out on the basis of the following:

- In accordance with any relevant Code of Practice and/or guidance issued by the GC
- Consistent with the licensing objectives
- In accordance with our statement of principles.

18.2 We will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether we would wish to alter/revoke or suspend the licence.

18.3 We can also initiate a review of a premises licence on the basis of any reason which we think is appropriate, including if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

18.4 Once a valid application for a review has been received by us, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether we should take any action in relation to the licence. The options available are:

- Add, remove or amend a licence condition;
- Remove or amend a default condition, such as opening hours;
- Suspend the premises licence for a period not exceeding 3 months;
- Revoke the licence.

**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 Citizens Advice Bureau and GamCare.