

Crawley Borough Council

Report to Overview and Scrutiny Commission 28 November 2016

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Report to Cabinet 30 November 2016

Review of Statement of Licensing Policy Gambling Act 2005

Report of the Head of Economic and Environmental Services, **PES/222**

1. Purpose

- 1.1 To inform the Cabinet of the representations received following a 12 week public consultation period (which concluded on 25 September 2016) on the Review of Crawley Borough Council's Statement of Licensing Policy under the Gambling Act 2005.
- 1.2 To consider, and either accept or reject, the proposed amendments to the Policy as a result of the consultation on the Policy.
- 1.3 To ask Cabinet to recommend the amended Statement of Licensing Policy – Gambling Act 2005 as set out in Appendix A to Full Council for approval and adoption.

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the finalised report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet

- 2.2.1 The Cabinet is recommended to:

- (i) review the representations received following the consultation and to accept and incorporate those comments into a revised Statement of Licensing Policy (Gambling Act 2005), and,
- (ii) request that Full Council approves and adopts the Council's revised Statement Licensing (Gambling Act 2005) Policy.

3. Reasons for the Recommendations

- 3.1 It is a statutory requirement under the Gambling Act 2005 for a Licensing Authority to review and publish a Statement of its Licensing Policy every three years.

4. Background

- 4.1 Section 349 of the Gambling Act 2005 requires a licensing authority, before each successive period of 3 years, to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the Gambling Act 2005 in the coming 3 year period (referred to as the Statement of Licensing Policy Gambling Act 2005 in this report).
- 4.2 There is extensive national guidance published by the Gambling Commission (referred to in this report as Statutory Guidance). The Statutory Guidance includes guidance in respect of preparing, revising and publishing Gambling Policies. Local authorities must have regard to the Statutory Guidance.
- 4.3 The Council's existing Gambling Policy was developed and introduced with the implementation of the Gambling Act 2005 and has remained without change, challenge or complaint ever since.
- 4.4 Following publication of the recent Statutory Guidance in September 2015 by the Gambling Commission, Guidance to Licensing Authorities 5th Edition, the Council must now review its Gambling Policy for the borough of Crawley.
- 4.5 The vast majority of the latest version of the Statutory Guidance was unchanged in substance (save for some tidying up to remove certain duplication and improve ease of use). However, the main changes were in the following areas:
- A new general guidance section at the beginning of the document underpinning the statutory 'aim to permit gambling subject to being reasonably consistent with the licensing objectives' and the benefits of partnership working.
 - Relatively minor changes to reflect the coming into force of new arrangements for regulating online gambling.
- 4.6 The Statutory Guidance includes two substantive changes relevant to Gambling Policies, as follows:
- (i) Local Area Profiles
 - (ii) Operators Risk Assessments.
- 4.7 The optional to include Local Area Profiles – this is essentially a way of describing a process of gathering and presenting information about a locality and any particular areas of concern within that, to explain and underpin the approach that the licensing authority will apply, as set out in its Gambling Policy. The objective of such a profile is to set (map) out what the area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing. Crawley Borough Council will be working with West Sussex County Council to develop local area profiles over the next 12 months.
- 4.8 The requirement on risk assessment for operators took effect from April 2016.

5. Consultation

- 5.1 Before publishing its Gambling Policy for any three year period the Council must consult the persons listed in section 349(3) of the Gambling Act 2005. These are:

- The Chief Officer of Police
 - One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the borough
 - One or more persons who appear to the Council to represent persons who are likely to be affected by the exercise of the Council's functions under the Act.
- 5.2 The Statutory Guidance states that the list of persons to be consulted is deliberately wide so as to allow licensing authorities to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the Statement of Gambling Policy.
- 5.3 It was recommended that as part of the consultation process details of the proposed revised Statement Gambling Policy, together with an invitation to submit comments, be posted on the Council's website.
- 5.4 At the Cabinet meeting held on Wednesday 29th June 2016, Cabinet granted permission to the Head of Economic and Environmental Services to conduct the statutory consultation in respect of the proposed revised Statement of Gambling Policy.
- 5.5. Public consultation lasted for a period of 12 weeks (starting on 4th July - 25th Sept 2016) which included posting a copy of the document on the Council's website and the main Town Hall notice board. Notification was also sent to Ward Members, West Sussex County Council, Chief Officer Police, listed Responsible Authority's, local schools and representatives of the licensed premises.

6. Responses to the Consultation

- 6.1 As a result of our consultation process 3 responses were received as set out below;-

1. Luxury Leisure

A representative of the above submitted comments and listed seven points of interest.

2. Association of British Bookmakers (ABB)

A representative of the above submitted comments and listed 4 points of interest.

3. West Sussex County Council

Commented the definition of vulnerable "*seems a little generic and broad*" as relates to a local area profile.

A full summary of the above comments can be found attached as Appendix B to this report. A summary of the changes made to the policy document are also included for completeness. The original policy text and amended policy text have also been provided for ease of comparison Attached as Appendix C. The actual responses received are also attached at Appendix D.

Members are advised that changes have been made to the following paragraphs accordingly; 1.1, 1.2; 1.3; 1.6, 4.1; 4.2; 4.4; 4.5; 7.1. The amended policy is also attached as appendix A.

- 6.2 Following the statutory consultation process and after the Council has approved and adopted the Policy the Council must now publish its revised Statement Gambling Policy and advertise the publication by way of public notice, in accordance with legal requirements. The revised Statement Gambling Policy will come into effect on the date specified in the public notice which must be at least 4 weeks from the date of publication of the revised statement and public notice.

7. Staffing, Equalities, Financial, and Legal Implications

- 7.1 There are no extra staffing or financial implications to the Council.

The Statement of Licensing Policy is specified within the Council's Policy Framework therefore Full Council is required to consider and formally adopt the revised Policy.

- 7.2 Members must ensure that they exercise their decision making powers in a manner Which is compliant with the Human Rights Act 1998, and the principles of natural justice.

- 7.3 The Council is required to consider the impact any decision may have on crime and disorder in the area (Crime & Disorder Act 1998) which states as follows;

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent;

(a) Crime and disorder in its area(including anti-social and other behaviour adversely affecting the local environment, and

(b) The misuse of drugs, alcohol and other substances in its area, and

(c) Re-offending in its area.

- 7.4 Pursuant to s149 of the Equality Act 2010, the Council when making decisions must have regard to the 'public sector equality duty'. In summary, this means that the Council must, in the exercise of its functions, have due regard to the need to-

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.

(b) Advance equality of opportunity between persons who have a relevant protected characteristic and persons who do not share it.

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The characteristics protected by the Equality Act are:

age

disability

gender reassignment

marriage/civil partnership

pregnancy/maternity

race

religion/belief

gender and sexual orientation

7.5 An equality impact assessment has been carried out and this is attached as Appendix E.

8. Reasons for the Recommendations

8.1 It is a statutory requirement under the Gambling Act 2005 for a Licensing Authority to prepare a Statement of its Licensing policy every three years.

9. Background Papers

- Gambling Act 2005
- Guidance to Licensing Authorities (GLA) 5th edition (Sept 15) by the Gambling Commission.

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Crawley Borough Council

Proposed revised Statement of Licensing Policy

In Regards to

The Gambling Act 2005

For the period 2016 - 2019

Crawley Borough Council

Gambling Act 2005

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1. Statement of Licensing Policy

1.1 Licensing Objectives

In this policy a reference to the licensing objectives is a reference to the objectives of:-

- 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.

1.2 Introduction

The Council as licensing authority (LA) for the Borough of Crawley in accordance with section 349 of the Act is required to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply when making decisions on applications made under the Act. The form of the statement is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities contains further information on the form of the council's policy document.

The Council is responsible for granting premises licenses within the Borough in respect of: -

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

Crawley Borough Council is situated in the County of West Sussex, which contains 7 District Councils and 1 County Council in total. The Council area has a population of approx. 109,000 making it the second largest in the County in terms of population. In terms of area it is the second smallest, covering 44.7 square kilometres. A map of the district is contained in Appendix A.

1.3 Glossary of Terms

Within this Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives:	As defined in section 1.1 (above).
Council:	Means Crawley Borough Council
District:	Means the area of West Sussex administered by Crawley Borough Council – see map in Appendix A
Licence:	As defined in section 1.4 below.
Applications:	Means applications for Licences or Permits defined in section 1.4 below.
Notifications:	Means notifications of Temporary Use Notices, Occasional Use Notices and licensed premises gaming machine notices.

Act:	Means the Gambling Act 2005
Regulations:	Means Regulations made under the Gambling Act 2005
Premises:	Means any place and includes a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means any specified condition provided by regulations to be attached to a licence
Betting Machines:	These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter, not to be confused with gaming machines.
Responsible Authority:	<p>For the purposes of the Gambling Act 2005, the following are responsible authorities in relation to premises:</p> <ul style="list-style-type: none"> • The Licensing Authority (Crawley Borough Council) • The Gambling Commission • Sussex Police • West Sussex Fire & Rescue Service • Head of Planning Services, Development Control, Crawley Borough Council • Head of Environmental Services, Crawley Borough Council • Children's Safeguarding Unit, Social Services, West Sussex County Council (WSSCC) • HM Revenues and Customs
Interested Party:	<p>For the purposes of the Gambling Act 2005, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:</p> <ul style="list-style-type: none"> • Lives sufficiently close to the premises to be likely to be affected by the authorised activities. • Has business interests that might be affected by the authorised activities; this could also include, for example, trade associations, charities, faith groups and medical practices. • Represents persons who satisfy either of the above; for example Residents' and Tenants' Associations. • When considering whether a person is an interested party, each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the Gambling Commission's Guidance to Local Authorities.

1.4 Types of Licence

This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:

- Premises Licenses;
- Temporary Use Notices;
- Occasional Use Notices;
- Permits as required under the Act; and
- Registrations as required under the Act.

1.5 Licensable Premises and Permits

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

Casinos;
Bingo Premises;
Betting Premises;
Tracks;
Adult Gaming Centres;
Licensed Family Entertainment Centres;
Unlicensed Family Entertainment Centres;
Club Gaming Permits;
Club Machine Permits;
Alcohol licensed premises gaming machine permits / notices
Prize Gaming Permits;
Occasional Use Notices;
Temporary Use Notices; and
Registrations of small society lotteries.

1.6 General Principles

Nothing in this 'Statement of Policy' will:

- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
- Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to grant the application, subject only to existing mandatory and default conditions. Section 169 conditions (imposed or excluded by the licensing authority) will only be considered where they are needed to meet the requirements of the licensing objectives. Any such conditions applied will not be overly onerous but will be proportionate to the scale of the application and the 'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. Any imposition of conditions or actions to be taken will be evidentially based

All applicants for premises licences will be required to set out how they will promote the Licensing Objectives, as specified in section 1.1 above, and what measures they intend to employ to ensure compliance with them.

When determining an application to grant, variation of a premises licence or whether to review a premises licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned. Each case will, however, be determined on its merits.

Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

Licensing is about the control of licensed premises, Temporary Use Notices or Occasional Use Notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.

When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may, by regulation, provide for specific conditions to be attached to a Premises Licence as either “mandatory” or “default” conditions. In determining an application, the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

In this respect, the Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

- Planning controls;
- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments;
- Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;

The power of the police, other responsible authorities or a local resident or business to seek a review of the licence.

Objectors will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 1.1 above, before the Licensing Authority will be able to consider it.

Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premises under consideration, puts themselves forward as representing the interests of residents in the vicinity, the Licensing Authority will normally ask them to provide evidence that they are acting as representatives of others.

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

1.7 Advisory body for the Protection of Children from Harm

Crawley Borough Council, as the Licensing Authority, designates the Children's Safeguarding Unit as the competent authority to provide advice on the protection of children from harm.

The Children's Safeguarding Unit (formerly the Child Protection Agency) is the West Sussex County Council Social Services' child protection unit and operates throughout the county of West Sussex, covering the Borough of Crawley and has the specialist knowledge and expertise to fulfil this role.

1.8 Consultees

This Statement of Licensing Policy is subject to formal consultation with:

- Sussex Police;
- West Sussex Fire & Rescue Service;
- The Children's Safeguarding Unit;
- Crawley Community Safety Partnership;
- Representatives of the holders of the various licences for premises in the Borough who are affected by this policy;
- Persons and businesses likely to be affected by authorised gambling within the Borough (For further information, see Appendix D)

In determining its statement of policy, the licensing authority must give appropriate weight to the views of those it has consulted. In deciding what weight to give, the factors to be taken into account include:

- who is making the representations,
- the nature of their interest and their expertise
- relevance of the factors to the licensing objectives
- how many other people have expressed the same or similar views

1.9 Information Exchange

In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information the Council will conform to the requirements of the Gambling Act, data protection and freedom of information legislation in accordance with the Council's existing policies.

Contact details of those persons making representations and details of the representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representation or applying for a review of a premises licence should be aware these details will be disclosed.

1.10 Declaration

In producing the final document, this licensing authority declares that it has had 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 statement.

2. Legislation, Policies and Strategies

2.1 Licensing Authority Functions

Licensing Authorities are required under the Act to:

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

It should be noted that local authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licenses.

2.2 Legislation

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:

- I. Section 17 of the Crime and Disorder Act 1988;
- II. Human Rights Act 1998;
- III. Health and Safety at Work etc. Act 1974;
- IV. Environmental Protection Act 1990;
- V. Anti-Social Behaviour, Crime and Policing Act 2014;
- VI. Equality Act 2010.

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

2.3 Relationship with Planning Policies

When determining an application, regard cannot, under the terms of the Act, be given to planning or building control permissions and/or any planning restrictions.

Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Gambling Act 2005. The issue of a Provisional Grant of a premises licence is a separate and distinct process to the granting of Planning Permission. Planning and Building Control permissions will have to be sought and approved before any development takes place.

2.4 National Strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the licensing function.

2.5 Local Strategies and Policies

The Council will consider applications with reference to other adopted local policies, including the following:

- I. The Council's Corporate Strategy
- II. Community Safety Strategy
- III. General Enforcement Policy
- IV. Local Area Profiles

2.6 Integrating Strategies

By consulting widely prior to this policy statement being published the Council will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

However any evaluation and granting of a premises licence or permit will be in keeping with licensing objectives of the Gambling Act 2005.

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require operators of gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities within the Borough as regards deprivation is provided at;

http://www.crawley.gov.uk/pub_livx/groups/webcontent/documents/report/int010669.pdf

Or national statistics can be found at:-

<https://www.ons.gov.uk/>

The Council recognises that licensing applications should not be seen as a re-run of the planning application process and there will be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

In order to avoid duplication with other statutory regimes as far as possible the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

3. Decision Making

3.1 Committee Terms of Reference

A licensing sub-committee of three ward members will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward councillors will not sit on a sub-committee involving an application within their ward.

The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the Full Council that are not associated with the Gambling Act 2005.

Where a councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

The licensing sub-committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing Committee will refer to the Full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Committee or a licensing sub-committee shall be accompanied with clear reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

The Council's licensing officers will deal with all other licence applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or panels. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case.

3.2 Allocation of Decision making Responsibilities

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a sub-committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, will be delegated to Council officers.

The Table shown at Appendix B sets out the agreed scheme of delegation of decisions and functions to Licensing Committee, sub-committees and officers. This form of delegation is without prejudice to officers referring an application to a sub-committee, or to Full Committee, or Committee to Full Council, if considered appropriate in the circumstances of any particular case.

3.3 Licensing Reviews

The Council will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may be that activities, including the following, are taking place:

- a. Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crimes;
- b. Use of licensed premises for the sale and distribution of illegal firearms;
- c. Use of licensed premises for prostitution or the sale of unlawful pornography;
- d. Use of licensed premises as a base for organised criminal activity;
- e. Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- f. Use of licensed premises for the sale of smuggled tobacco or goods;
- g. The use of licensed premises for the sale of stolen goods.
- h. Children and/or vulnerable persons are put at risk

Due consideration will be given to all relevant representations unless they fit the following:

- I. the grounds are frivolous;
- II. the grounds are vexatious;
- III. the grounds are irrelevant;
- IV. the grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the Premises Licence;
- V. the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- VI. the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

A Premises Licence may also be reviewed by the Licensing Authority on its own volition.

4. Local Standards

4.1 Applications

An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry out the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not been determined

Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives

4.2 Location

The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can be.

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.

When determining an application to grant or vary a premises licence or whether to review a premises licence, regard will be taken as to the proximity of the premises to schools vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned.

Although the Council will have particular regard to such matters, careful consideration will be given to the applicants submitted risk assessment(s) and the mitigating steps that are proposed to deal with any possible issues that may dispel any such concerns. Each case will however be determined on its merits.

The following issues are examples only and are not mandatory or exhaustive;

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time.
- If at any time the number of staff available on the premises is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.

4.3 Assessment of Need

Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Gambling Act 2005.

4.4 Conditions

Conditions may be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Council will principally draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

Conditions attached to the premises licences will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed circuit television cameras may be appropriate in certain premises.

4.5 Enforcement

The Council is a signatory to the Regulators' Code and is subject to the Code in the exercise of its regulatory powers and obligations. The Regulators Code is based upon the principles of consistency, transparency and proportionality.

The Regulators' Code proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence such as failing to maintain certain records may be dealt with purely by way of a written warning. More serious offences or repeated offences that have been committed over a period of time may result in referral to the Sub-Committee, the issue of a Formal Caution or a referral for prosecution.

Premises may be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed by the premises i.e. those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk.

When determining risk, consideration will be given to:-

- I. the nature of the gambling activities carried out on the premises
- II. the location of the premises in relation to schools etc.
- III. the procedures put in place by the management to meet the licensing objectives

Additional random monitoring visits may be made, at the discretion of the licensing team, where it is considered necessary to meet the needs of the licensing objective or following receipt of complaint. The Borough will be monitored for unlicensed premises.

The Council will seek to work actively with the police in enforcing licensing legislation. It encourages the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998.

The Council recognizes that certain bookmakers have a number of premises within our area. In order to ensure that any compliance issues are recognized and resolved at the earliest stage, operators will be requested to give the Council a single named

point of contact, who should be a senior individual, and whom the Council will seek to contact first should any compliance queries or issues arise.

4.6 Casinos

There is no resolution to prohibit casinos in the Borough at present. However, the Council reserves its right to review this situation and may at some time in the future, resolve not to permit casinos.

Should the Council choose to make such a resolution, this will be a resolution of Full Council following considered debate and the reasons for making the resolution will be given.

4.7 Unlicensed Family Entertainment Centre (uFEC) gaming machine permits

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to this licensing authority for a permit. UFEC's may offer any number of category D machines only in reliance on a gaming machine permit.

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used 'wholly or mainly' as an unlicensed Family Entertainment Centre and if the chief officer of police has been consulted on the application. (A permit will not therefore be granted for an entire complex, shopping centre, airport, etc.).

The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence is in effect for the same premises.

In considering the application, the licensing authority shall have regard to this Statement of Gambling Policy, the relevant guidance issued by the Gambling Commission and may also have regard to the licensing objectives (Schedule 10, paragraph 7 of the Act).

The licensing authority may also consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
- that employees are trained to have a full understanding of the maximum stakes and prizes

Relevant considerations to take into account would be the applicant's suitability, such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre; and the suitability of the premises in relation to their location and issues about disorder.

Applications must therefore be completed and submitted on the Council approved application form, accompanied by the following:-

- prescribed fee,
- a satisfactory plan outlining the layout of the proposed authorized premises inclusive of entrance/exit(s), fixed furniture/fittings, location of the various gaming machines and supervisory station(s)).

- Public liability insurance certificate for a minimum cover of £5 million.
- Operating Schedule outlining how the applicant proposes to promote the licensing objectives.
- The applicant (individual or each company director) will provide a recent (within one month of issue) DBS check together with a list of all staff names to be employed at the premises, such a list to be updated following the termination or employment of any new member of staff. A recent (within one month of issue) DBS check will be required for each employee before they take up their relevant post.

Given that the premises is likely to appeal particularly to children and young persons, the Licensing Authority will give considerable weight to matters relating to the protection

of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.

- A permit shall cease to have effect at the end of the period of ten years beginning with the date specified unless it ceases to have effect before that time in accordance with legislation, or it is renewed.
- A permit shall lapse if the holder ceases to occupy the premises specified.
- A permit shall not take effect if on the date specified the person to whom the permit is issued is not an occupier of the premises as specified.
- A permit shall lapse if the licensing authority notify the holder that the premises are not being used as a family entertainment centre (premises used wholly or mainly for use of gaming machine not above category D as defined in the Act).
- A permit shall lapse if the holder ceases to exist, or goes into liquidation (within the meaning of section 247(2) of the Insolvency Act 1986).
- A permit shall cease to have effect if the holder gives to the licensing authority notice of surrender, and either the permit, or a statement explaining why it is not reasonably practicable to produce the permit.

4.8 Alcohol Licensed premises and gaming machine permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

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

Where appropriate and depending on the individual circumstances of the premise the Council in general may consider granting a permit for more than 2 machines without the need to hold a hearing.

This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as Game Care.

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

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

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Alcohol licensed premises are able to provide some equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission.

4.9 Door Supervisors

The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime.

The Council will make a door supervisor requirement if there is clear evidence that the premises cannot be adequately supervised and that supervision is necessary and appropriate.

4.10 Betting Machines

While the Council has authority as to the number, nature and circumstances of use of betting machines, it will consider limiting the number where there is clear evidence that such machines have been or are likely to be used in breach in the licensing objectives. Where there is such evidence, this authority may consider, when viewing the licence, the ability of staff to monitor the use of such machines.

5.0 Preventing Gambling from being a source of Crime and Disorder

The Council will, when determining applications, consider whether the grant of a premises licence is likely to result in an increase in crime and disorder.

The Gambling Commission, in its guidance for local authorities, has noted that

“disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.”

This authority agrees with this statement.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council and/or the Sussex Police before making a formal application.

In considering licence applications, the Council will particularly take into account the following:

1. The design and layout of the premises;
2. The training given to staff in crime prevention measures appropriate to those premises;
3. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
4. Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
5. The likelihood of any violence, public order or policing problem if the licence is granted.

6.0 Ensuring Gambling Is Conducted In A Fair And Open Way

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the Personal Licence, both of which are the responsibility of the Gambling Commission.

7.0 The Protection of Children and other Vulnerable Persons

7.1 Access to licensed premises

With limited exceptions, the access of children and young persons to those gambling premises, which are adult only environments, will not be permitted.

The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. In so doing the Council will focus on premises which are accessible by children.

The Council will consult with the Local Children Safeguarding Unit and / or Sussex Police on any application that indicates there may be concerns over access for children or vulnerable persons.

The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises.

This may include such requirements as:

- I. Supervision of entrances;
- II. Segregation of gambling areas from areas frequented by children;
- III. Supervision of gaming machines in non-adult gambling specific premises.

7.2 Vulnerable Persons

The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children but it will assume, for regulatory purposes, that 'vulnerable persons' includes :

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

8.0 Complaints against Licensed Premises

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.

Where an interested party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the Council may initially recommend a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all relevant representations unless they are considered to be frivolous, vexatious or repetitious.

9.0 Further Information

Further information about the Gambling Act 2005, this Statement of Licensing Policy and about the application process, including application forms and guidance notes can be obtained from:

The Licensing Team
Environment & Planning Directorate
Crawley Borough Council
Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ
Tel: 01293 438289
Fax: 01293 438604
Email: licensing@ Crawley.gov.uk
Website: www.crawley.gov.uk

Information is also available from the

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6500
Website: www.gamblingcommission.gov.uk

Appendix A

Borough of Crawley



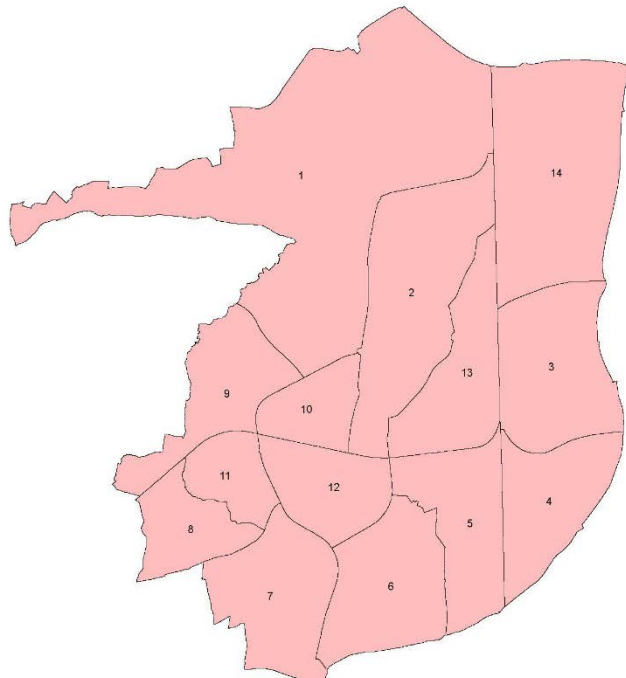
Shown within West Sussex

Geography

Status:	Borough
Region:	South East England
Admin. County:	West Sussex
Area:	44.97 km ²
Admin. HQ:	Crawley

Neighbourhoods of Crawley

1. Langley Green
2. Northgate
3. Pound Hill
4. Maidenbower
5. Furnace Green
6. Tilgate
7. Broadfield
8. Bewbush
9. Ifield
10. West Green
11. Gossops Greer
12. Southgate
13. Three Bridges
14. Forge Wood



Appendix B

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		(Portfolio holder)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as whether a representation is frivolous, vexatious or repetitive			X

Contact Details for Relevant Authorities

<p><u>The Licensing Authority</u> Premises Licensing Crawley Borough Council Town Hall, The Boulevard Crawley West Sussex, RH10 1UZ</p>	<p><u>WSCC Fire & Rescue Service</u> (FAO Fire Safety) West Sussex Fire & Rescue Service Business Fire Safety Horsham Fire Station Hurst Road Horsham West Sussex RH12 2DN</p>
<p><u>HM Revenue & Customs</u> National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</p>	<p><u>Chief Officer of Police</u> Licensing Section Horsham Police Station Hurst Road Horsham West Sussex RH12 2DJ</p>
<p><u>Children's Safeguarding Unit</u> Room 24 Durban House Durban Road Bognor Regis PO22 9RE</p>	<p><u>Gambling Commission</u> Victoria Square House Victoria Square Birmingham B2 4BP</p>
<p><u>Crawley Borough Council</u> (Planning) Crawley Borough Council Town Hall The Boulevard Crawley West Sussex RH10 1UZ</p>	
<p><u>Crawley Borough Council</u> (Environmental Protection) Crawley Borough Council Town Hall The Boulevard Crawley West Sussex RH10 1UZ</p>	<p><u>Crawley Borough Council</u> (Health & Safety) Crawley Borough Council Town Hall The Boulevard Crawley West Sussex RH10 1UZ</p>

Consultees

Elected Members, Crawley Borough Council
The Gambling Commission
Sussex Police
West Sussex Fire & Rescue Service
Head of Planning Services, Crawley Borough Council
Children's Safeguarding Unit, West Sussex County Council
HM Revenues and Customs
Crawley Local Strategic Partnership
Representatives of the holders of the various licenses for premises in the Borough who are affected by this policy
Members of the public who are affected by this policy

Note: This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by this policy

Mr. APL Baldock
Environmental Health Manager
Crawley Borough Council
Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

Summary of Responses to the Consultation

As a result of the statutory consultation process 4 responses were received from the following;

1. Luxury Leisure;
Proposed slight changes to paragraphs 4.1; 4.2; 4.4 & 7.1;
(Highlighted in Appendix C)
2. Association of British Bookmakers (ABB);
Solicitors acting on behalf of the ABB submitted a six page document on behalf of their client making reference to paragraphs 1.1 - 1.2 - 1.3 & 1.6 to 'promoting the licensing objectives' which is duty on the Gambling Commission as opposed to a licensing authority, distinction between gaming machines and betting machines.
(Highlighted in Appendix C)
3. West Sussex County Council
Spoke about the broad definition of 'vulnerable individuals' and the use of 'local area profiles'.
4. CBC Planning; No comment

The following provides the relevant extracts from the revised Statement of Licensing policy (Gambling Act 2005) where further amendments are proposed. The text marked in red and crossed through illustrates text to be removed from the draft document. The text marked in green illustrates new additions to text.

1.1 Licensing Objectives

~~The Gambling Act 2005 (the Act) requires that the Council carry out its various licensing functions with a view to promoting the following three licensing objectives:~~

In this policy a reference to the licensing objectives is a reference to the objectives of:-

- 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

1.2 Introduction

The Council as licensing authority (LA) for the Borough of Crawley in accordance with section 349 of the Act is required to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply ~~to promote the licensing objectives~~ when making decisions on applications made under the Act. The form of the statement is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007. The Gambling Commission's Guidance to licensing authorities contains further information on the form of the council's policy document.

1.3 Glossary of Terms

Within this Statement of Policy, the following words and terms are defined as stated:

Betting Machines: These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter, not to be confused with ~~AWP's~~ - gaming machines.

1.6 General Principles

The starting point in determining applications will be to grant the application, ~~subject only to existing mandatory and default conditions. Section 169 conditions (imposed or excluded by the licensing authority)~~ will only be considered where they are needed to meet the requirements of the licensing objectives. Any such conditions applied will not be overly onerous but will be proportionate to the scale of the application and the 'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. ~~Any imposition of conditions or actions to be taken will be evidentially based.~~

4.1 Applications

An application for a premise licence can only be made by a person who either holds an operating licence authorising him to carry out the activity in respect of which a premises

licence is sought, OR has made an application for an operating licence which has not been determined.

Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote the Licensing Objectives. ~~in the form of a written Operating Schedule.~~

4.2 Location

The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can be.

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.

When determining an application to grant or vary a premises licence or whether to review a premises licence, regard will be taken as to the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned.

Although the Council will have particular regard to such matters, careful consideration will be given to the applicants submitted risk assessment(s) and the mitigating steps that are proposed to deal with any possible issues that may dispel any such concerns. Each case will however be determined on its merits.

~~Other matters that the assessment may include:~~

The following issues are examples only and are not mandatory or exhaustive;

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time.
- If at any time the number of staff available on the premises is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.

4.4 Conditions

Conditions ~~will~~ may be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Council will principally draw upon the

advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

4.5 Enforcement

The Council is a signatory to the Regulators' Code and ~~will follow the principles set out in it~~ is subject to the Code in the exercise of its regulatory powers and obligations. The Regulators Code is based upon the principles of consistency, transparency and proportionality.

7.1 Access to licensed premises

The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. ~~In so doing the Council will focus on premises which are accessible by children.~~



Tony Baldock – Environmental Services Manager
Crawley Council
Town Hall
The Boulevard
Crawley
West Sussex
RH10 1UZ

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / LHF / 097505.00004
#GS962258
Your ref:
Date: 12 September 2016

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. Our 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 2016-19 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 our 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 at 31 Mar 2016 were 8,809 - a decline of over 300 since March 2014, when there were 9,137 recorded.
- recent 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 are 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 we and our 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 contact us.

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 what 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 our 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 2016-2019 Statement of Principles

Within paragraphs 1.1 and 1.2 there are references to the council being required to promote the licensing objectives. Similarly, within paragraph 1.6, there is a reference to steps that an applicant will take to promote the licensing objectives. We respectfully submit that these references be amended as these are more relevant to a Licensing Act 2003 statement of policy than to a Gambling Act 2005 statement of principles. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. The licensing authority is required to "aim to permit" the use of premises for gambling whilst operators are required to ensure that their premises operate in a manner that is reasonably consistent with the licensing objectives.

Within the glossary of terms at paragraph 1.3, there is a reference to betting machines. The glossary should be amended so that there is a clear distinction between betting machines and all gaming machines rather than simply AWP's. Whilst the licensing authority has the ability to limit the number of betting machines within a betting office environment, there is no such power to limit the number of gaming machines. A betting premises licence authorises the holder to make available for use up to 4 gaming machines of categories B, C or D.

We welcome the acknowledgment within paragraph 1.6 that conditions will only be considered where they are needed. The second paragraph in this section should be redrafted so that it is clear both that all Gambling Act 2005 premises licences are subject to existing mandatory and default conditions and that those conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The paragraph indicates that the Secretary of State may provide for mandatory or default conditions. This section should be clear that there are existing mandatory and default conditions.

We welcome the acknowledgment throughout the statement of principles that the licensing authority will need to be satisfied on the evidence if action is to be taken/conditions are to be imposed. The evidential basis for the imposition of conditions/actions to be taken is crucial and we would support any amendments to the policy that made this clearer.

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

Lyons, Michael

From: elizabeth speed <elizabethspeed@luxuryleisure.co.uk>
Sent: 30 August 2016 12:59
To: Lyons, Michael
Cc: Tracey Rose
Subject: Gambling Act 2005 - Statement of Principles Consultation

Dear Sirs,

On behalf of Luxury Leisure, I make the following comments in response to the above consultation (the Draft):-

1. Paragraph 4.1 states that applicants for a licence or variation must submit an operating schedule with details of how it will promote the licensing objectives. With respect, this requirement may be relevant to applications under the Licensing Act, but it does not relate to the Gambling Act (the Act). The requirements for an application under the Act are set out in the Gambling Act (Premises Licences and Provisional Statements) Regulations 2007.
2. It is proposed in the third paragraph under 4.2 of the Draft, that "regard will be taken as to the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children." This is to suggest that gambling premises (of any kind) are not accepted in particular areas and we do not think that the confirmation that "Each case will, however, be determined on its merits" is sufficient to dispel this (wrong) conclusion. While the Council may have particular regard to such matters, the applicant's risk assessment, and in particular the mitigation steps that are proposed to deal with any possible issues may dispel any concerns. It is important that this missing factor is addressed in the Draft.
3. We note that the Council has not elected to provide a Local Area Profile (LAP) of the Borough, as recommended by the Gambling Commission. While applicants will no doubt do their best to provide full and appropriate local risk assessments (LRAs), the lack of a LAP must be taken into consideration. In particular and with respect, applicants and licence holders will not have access to detailed information on "the demographics of the area in relation to vulnerable groups" in the area. It might be able to identify places where such people may seek treatment in the area, but demographic evidence on where they live etc., will not be within the applicant's knowledge.
4. The Draft details some matters that might be included in the LRA at the end of 4.2. The inclusion of specific matters risks that they will be expected to be included as a matter of course, even where they are not relevant. If examples are to be included, it must be made clear that they are possible examples only and not mandatory or exhaustive.
5. Paragraph 4.4 is headed "Conditions" and alarmingly states " Conditions will be applied...." rather than "conditions may be applied...." (emphasis added) and then only is necessary as well as proportionate and appropriate.
6. We are pleased that the Council has included a statement that it is subject to the Regulators' Code. However, that Code covers more than enforcement issues and we would suggest that a statement to that effect is included to confirm that the Council is subject to the Code in its exercise of its regulatory powers and obligations generally. This includes a requirement to support those which it regulates to comply and grow, when it exercises its powers. We would point out that this in turn requires the Council as a regulator to minimise the costs of compliance for those it regulates.
7. It is legal for children to play Category D machines on appropriately licensed/permitted premises. Accordingly, we suggest the insertion of "where children can participate" at the end of the second paragraph of 7.1

I hope that you will find the above useful. If you have any questions, please let me know.

Yours sincerely,

Elizabeth Speed
Group General Counsel
Novomatic UK
For Luxury Leisure

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Lyons, Michael

From: Guy Pace <guy.pace@westsussex.gov.uk>
Sent: 25 August 2016 15:38
To: Lyons, Michael
Subject: Revised Statement of Gambling Policy consultation

Importance: High

Hi Mike,

I hope this finds you well. Thank you for forwarding me the consultation.

I'm pleased to see the revised statement refers to Community Safety and the Safer West Sussex Partnership. Just a couple of points from me and some colleagues I have spoken to from our Vulnerable Individuals Team .

In terms of vulnerable individuals, it seems that this is pretty much covered in its own dedicated section, which is to be welcomed. Colleagues would have preferred to see a bit more about how the policy can safeguard vulnerable adults who are not defined within the context of gambling issues – for example, people who might not fully understand what gambling entails, and so on.

The definition of vulnerable adults is very wide and a bit basic. Some colleagues would also have preferred to see some specific safeguarding actions and activities within that section; at the moment it feels a little generic and broad and relates mainly to children and the LSCB. This section could usefully outline key ways that vulnerable adults can be protected against harm from gambling and may need to make more reference to consultation and engagement/liaison with the Safeguarding Adults Board?

Can I ask Mike has Crawley used a local area profile to assess the local environment and landscape in order to map local risks?

If so, is this to be included within the body of your statement of policy? I ask because clearly there are significant benefits for both the licensing authority and operators, in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risks, thereby taking into account possible future emerging risks, rather than reflecting current risks only. I do however appreciate that completion of a local area profile is not a requirement on licensing authorities.

Also from a Serious & Organised Crime angle I was thinking if there are further considerations for the policy? For example we now have the draft local Crawley SOC profile that we will be discussing at the SOC meeting on the 27th September, this identifies key risks and vulnerabilities for Crawley.

I hope this is helpful feedback.

Regards,

Guy

Guy Pace | Principal Community Safety Officer (Crime Reduction) Community Safety & Wellbeing , Communities & Public Protection Directorate ,

West Sussex County Council | Location: 2nd Floor, East Wing, County Hall, Chichester. PO19 1RG

Internal: 24221 | External: 0330 222 4221 | E-mail: guy.pace@westsussex.gov.uk

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Lyons, Michael

From: McPherson, Jean
Sent: 12 July 2016 13:04
To: Lyons, Michael
Subject: RE: Consultation Letter 11 07 2016. - Crawley Borough Council, West Sussex

Mike
No planning comments.

Jean McPherson
Group Manager (Development Management)

From: Lyons, Michael
Sent: 12 July 2016 11:52
To: McPherson, Jean <Jean.McPherson@crawley.gov.uk>
Subject: FW: Consultation Letter 11 07 2016. - Crawley Borough Council, West Sussex

Good morning,

The Council is the Licensing Authority under the Gambling Act 2005 (the Act) for the Borough of Crawley. One of the requirements of the Act is that the Licensing Authority has in place a Statement of Gambling Policy (Gambling Policy – please see attachment). Following recent changes to the Gambling Commission 'Licence Conditions and Codes of Practice' (LCCP) and Statutory Guidance (Sept 2015) the Council is reviewing our Gambling Policy and would like to take your views into account before making any decision. The review consultation period has now commenced and will continue for approximately 12 weeks to expire on the 25th September 2016.

Any comments regarding the content of our proposed policy to me please before the expiry of the consultation period – thank you in anticipation.

Regards
Mike Lyons
Senior Licensing Officer
01293 438698

Appendix E

EQUALITY IMPACT ASSESSMENT

Name of activity:	'Review of Gambling Act 2005 Licensing Policy Statement of Principles	Date Completed:	17/11/2016
Directorate / Division responsible for activity:	Economic and Environmental Services	Lead Officer:	Tony Baldock Environmental Services Manager
Existing Activity	x	New / Proposed Activity	<input type="checkbox"/>
		Changing / Updated Activity	<input type="checkbox"/>

What are the aims / main purposes of the activity? (Why is it needed? What are the main intended outcomes?)

To revise the Council's licensing policy with regards to its Statement of Principles in accordance the Gambling Act 2005

What are the main actions and processes involved?

Statutory review of our existing policy taking into account recent changes and legal requirements.

Who is intended to benefit & who are the main stakeholders? (e.g. tenants, residents, customers or staff. How will they benefit?)

The purpose of the review is to enable the Licensing Authority to make decisions based on our policy following revision and statutory consultation. The ultimate beneficiary of this policy will be the local community – in particular children, vulnerable persons, for which Crawley Borough Council has a duty to protect.

Have you already consulted on / researched the activity? (What consultation has taken place & what were the key findings?
What evidence already exists? Are there any gaps that need further investigation? What still needs to be done?)

The policy has been updated in-line with changes to legislation and statutory guidance. Trade, schools, elected members, public and other agencies have been liaised with to ensure parity where appropriate in delivery of this policy.

Appendix E

The policy works in association with the following;

- Statutory Guidance
- Gambling Act 2005

Impact on people with a protected characteristic (What is the potential impact of the activity? Are the impacts high, medium or low?)		
Protected characteristics / groups	Is there an impact (Yes / No)	If Yes, what is it and identify whether it is positive or negative
Age (older / younger people, children)	Yes	The policy applies to people of all ages
Disability (people with physical / sensory impairment or mental disability)	Yes	Positive - The policy applies to all children and vulnerable persons.
Gender reassignment (the process of transitioning from one gender to another.)	No	The policy makes no reference to gender and is applied equally to all children and vulnerable persons.
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	No	The policy makes no reference to race and applies equally to all children and vulnerable persons regardless of Race..
Religion & belief (religious faith or other group with a recognised belief system)	No	The policy makes no reference to religion or belief and applies equally to all children, and vulnerable persons regardless of Religion & Belief.
Sexual orientation (lesbian, gay, bisexual, heterosexual)	No	The policy makes no reference to sexual orientation and applies equally to all children, vulnerable persons regardless of Sexual Orientation.

Appendix E

<p>What evidence has been used to assess the likely impacts? (e.g. demographic profiles, research reports, academic research, benchmarking reports, consultation activities, staff surveys, customer surveys, public surveys, complaints, grievances, disciplinary cases, employment tribunal cases, ombudsman cases, media reports)</p>			
<p>Legislation</p> <ul style="list-style-type: none"> - The Gambling Act 2005 <p>Statutory guidance</p> <ul style="list-style-type: none"> - 5th edition September 2015. <p>Local Area Profiles</p> <ul style="list-style-type: none"> - Key role in the protection of children and vulnerable persons 			
<p>What resource implications are there to deliver actions from this EIA? (Quantify: people, time, budget, etc.)</p>			
<p>No additional resource required</p>			
<p>Outcome following initial assessment</p>			
<p>Does the activity have a positive impact on any of the protected groups or contribute to promoting equality, equal opportunities and improving relations within target groups?</p>	<p>Yes</p>	<p>If yes, record the evidence below. If no STOP and re-examine the activity.</p> <p>The policy supports the council's duties to protect children and vulnerable persons with regards to gambling.</p>	
<p>Does the activity have a negative impact on any of the protected groups, i.e. disadvantage them in any way.</p>	<p>No</p>	<p>If yes, identify necessary changes and record appropriate actions below. If no, record the evidence and assessment is complete.</p>	
<p>Decision following initial assessment</p>			
<p>Continue with existing or introduce new / planned activity</p>	<p>Yes</p>	<p>Amend activity based on identified actions</p>	<p>No</p>

Appendix E

Action Plan (Has the EIA identified any positive or negative impact on any of the protected groups which requires action? E.g. adjustments to the approach or documents, changes to terminology, broadening parameters of policy, etc. If so record any actions to be undertaken and monitored)			
Impact identified	Action required	Lead Officer	Deadline
Impact on the trade.	Revision of the Councils policy with regards to the Statement of Licensing Principles in accordance with the Gambling Act 2005	Tony Baldock	2017

Monitoring & Review	
Date of last review or Impact Assessment:	Not known
It is recommended that this policy is reviewed whenever there are updates to relevant legislation and statutory guidance as and when required.	Ongoing
Date of next 3 year Impact Assessment (from the date of this EIA):	November 2019

Date EIA completed:	17 November 2016
Signed by Person Completing:	Tony Baldock
Date Sent to HR and Equalities Team:	17 November 2016
Approved by Head of Service:	Clem Smith

NB – The original signed hard copy & an electronic copy should be kept within your Department for audit purposes. Send an electronic copy to the OD Officer in HR & Development. Also, please complete the summary document overleaf. This will be included on the Council's website.

The EIA Toolkit provides guidance on completing EIAs & HR&D can provide further advice.

Crawley Borough Council Equality Impact Assessment



Completed Equality Impact Assessment	Key findings	Future actions
<p>Directorate / Division: Economic & Environmental Services</p> <p>Function or policy name: Statement of Licensing Principles In accordance with the Gambling Act 2005</p> <p>Officer completing assessment (Job title): Tony Baldock Environmental Services Manager</p> <p>Date of assessment: 17 November 2016</p>	<p>The policy has been reviewed and revised following changes to legislation and statutory guidance following consultation with submitted comments included.</p> <p>Comments submitted following statutory consultation included in final draft. Three year statutory revision.</p> <p>Once this policy is approved, the Council as Licensing Authority will be able to make decisions regarding all aspect of gambling in accordance with the Gambling Act 2005.</p>	<p>This policy is fit for purpose. It will be regularly reviewed and updated when changes to legislation or statutory guidance are implemented</p> <p>Ongoing three yearly statutory revision – or to be regularly reviewed, particularly after changes in legislation or statutory guidance.</p> <p>Ongoing processing of applications and enforcement actions.</p>