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## CONSULTATION ON DRAFT STATEMENT OF LICENSING PRINCIPLES FOR GAMBLING

### 1 SUMMARY

- 1.1 This report details responses to the consultation on the Council's draft policy for gambling that was carried out between 3 July 2006 and 2 October 2006.
- 1.2 It proposes changes to the original draft with suggested wording, where appropriate, and seeks Members' approval for placing before Council on 12 December 2006.
- 1.3 It also seeks Members' recommendations to Council on the question of whether or not the Licensing Authority should exercise its discretion to resolve not to issue casino licences.

### 2 INTRODUCTION

- 2.1 Section 349 of the Gambling Act 2005 requires the Council to determine and publish its gambling policy in respect of each 3-year period commencing on 3 January 2007.
- 2.2 The Act requires the Council to keep the policy under review throughout each period and to revise it as necessary. Prior to making any changes, or in advance of a new 3-year period, the Council must carry out a consultative process with Responsible Authorities defined by the Act and others who the Authority considers would have an interest in the policy.
- 2.3 The draft policy was considered and approved for consultation by the Licensing Committee on 26 June 2006. The policy was printed and circulated for consultation to those mentioned above and for display at local libraries and council offices. For ease of reference, the draft policy that was approved for consultation is appended (Appendix A).
- 2.4 Officers of the Licensing Unit carried out a programme of visits to premises holding permits or licences under the current regime to explain the changes brought about by the new Act.
- 2.5 In addition, the draft policy was published on the Council's website and articles were published in *Rochford District Matters* to explain the implications of the Act and to advertise the policy's existence.
- 2.6 A list of those to whom the policy was sent is shown at Appendix B.

### 3 RESPONSE TO CONSULTATION

- 3.1 At the conclusion of the consultative period 6 responses had been received that proposed alterations to the policy, they being from: -
  - BBPA (British Beer & Pub Association)

- 
- ABB (Gosschalks Solicitors, on behalf of the Association of British Bookmakers)
  - BACTA (British Amusement Catering Trades Association)
  - The Salvation Army
  - GAMCARE (National Association for Gambling Care, Educational resources and Training)
  - East of England Faiths Council
- 3.2 None of the Responsible Authorities responded to the consultation.
- 3.3 It will be seen that the only response to address specific sections within our draft policy was submitted by Gosschalks Solicitors on behalf of the trade, ie, bookmakers. The other responses are not specific to Rochford's policy but consist of general comments to be included in any draft policy statement.
- 3.4 A précis of the responses that have been received are shown at Appendix C. They include the respondent's wording in respect of their suggested amendments to the policy, where appropriate. In other cases, suggested courses of action to be taken by the Council are shown.
- 3.5 Copies of the responses received have been placed in the Members' Library.

### **Casino Resolution**

- 3.6 Section 166 of the Act gives the Licensing Authority discretion to resolve not to issue casino licences. Where a resolution is made it must be included in the gambling policy. Whilst there is no such requirement where the Authority decides not to pass a resolution, good practice would suggest its inclusion for clarity and transparency.
- 3.7 On 9 March 2006 the former Policy and Finance Committee considered a report by the Head of Housing, Health & Community Care concerning submission of a bid to the Casino Advisory Panel for allocation of one of the 17 new casino premises. The Committee resolved not to submit a bid on that occasion and to leave the question open for future consideration by Council in approving its gambling policy.
- 3.8 As part of the consultation process, attention was specially drawn to the Council seeking the views of those consulted as to the position the Council should take on the issue. None was received.
- 3.9 In considering whether or not to pass a resolution attention is drawn to the provisions of section 153 of the Act that states: - "In exercising their functions .... a licensing authority shall aim to permit the use of premises for gambling ...etc."

- 3.10 If a resolution is not passed, the Licensing Authority will only be able to refuse an application in extremely limited circumstances. It is therefore proposed that the Council does resolve not to issue premises licences for casinos.
- 3.11 Appendix D summarises the issues with regard to casino licences that the Authority may wish to consider in determining its policy.

#### **4 MISCELLANEOUS MATTERS**

##### **Policy Title**

- 4.1 The draft policy previously approved for consultation was entitled “Statement of Licensing Principles” and this terminology was also used within the document. This followed advice from the Local Authority Coordinators of Regulatory Services (LACORS).
- 4.2 However, since the Gambling Act and associated guidance refer to the Licensing Policy, to avoid any question or uncertainty about whether this is the Council’s policy document, it is recommended that it be titled “Statement of Licensing Policy (Gambling Act 2005)”, and that appropriate amendments be made throughout the document.

#### **5 RISK IMPLICATIONS**

##### **5.1 Strategic Risk**

There is a statutory obligation for the policy statement to be published by 3 January 2007. Amendments to the draft policy have to be decided and implemented for consideration and ratification by Full Council on 12 December 2006.

##### **5.2 Operational Risk**

There is a high risk that, if unchanged, those areas of the policy over which issues have been raised, particularly those by Gosschalks Solicitors, may form the basis for future legal challenge.

##### **5.3 Resource Risk**

In the absence of changes to those areas of the policy that have been challenged, there is the risk of Judicial Review being sought and, if successful, of costs being awarded against the Council.

##### **5.4 Reputation Risk**

If successfully challenged on the content of the policy, the Council’s reputation would be harmed.

### 5.5 Regulatory Risk

The Committee are bound by the provisions of the Act, the statutory guidance issued by the Gambling Commission and its own policy statement in administration of the licensing regime and in determining licensing issues. The Council cannot permit a situation to arise whereby its policy has not been approved by Full Council and published by 3 January 2007.

## 6 LEGAL IMPLICATIONS

- 6.1 There may be a potential for decisions made in determining licensing applications to become subject of judicial review or appeal if the policy statement has neither been approved by Full Council nor published by 3 January 2007, or the policy is subject to legal challenge.

## 7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

- (1) That responses received to the draft policy be considered and that appropriate amendments be agreed.

And **RECOMMENDS** to Council

- (2) That the Council does not issue premises licences in respect of casinos.
- (3) That it approves the amended Statement of Licensing Policy (Gambling Act 2005),
- (4) That the Head of Environmental Services be authorised to incorporate any inconsequential changes on an ongoing basis.

G Woolhouse

Corporate Director (External Services)

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### Background Papers: -

None

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## APPENDIX A

## Preface

The Gambling Act 2005 received Royal Assent on 7 April 2005, bringing a number of previous Acts regulating betting, gaming and lotteries into one regulatory piece of legislation.

In addition, the Government intends to introduce an order of 'transitional arrangements' to provide a swift and effective change from the old regimes to the new. The arrangements provide 'continuation' and 'grandfather' rights for existing licence and permit-holders. Details of the 'transitional arrangements' that are due for implementation from 1 September 2006, will be published on the Council's website on [www.rochford.gov.uk](http://www.rochford.gov.uk) when the order has been made.

The Act has established the Gambling Commission to be responsible for issuing operators and personal licences for gaming, bingo, betting, lotteries, manufacturing and supplying gaming machines and software. Licensing Authorities, within district councils, are to be responsible for issuing premise's licences and permits in respect of use of gaming machines.

The Gambling Act 2005 permits local authorities discretion as to the question of issuing a casino premises licence. The Licensing Authority may decide to: -

- pass a resolution not to issue a casino premises licence;
- accept applications for casino premises licences; or
- make no decision in either respect but to decide any applications on their own merit.

The Licensing Authority is required to publish a Statement of Licensing Principles setting out its policy for each 3-year period commencing on the 'first appointed day' set by the Secretary of State as 3 January 2007. The essential content, the method of preparation and the prescribed list of persons with whom the Authority must consult on the policy have been laid down in the Act, in guidance issued by the Gambling Commission and in regulations issued by the government.

The Licensing Authority is required to publish within its statement of principles any resolution it has taken in respect of casino licences. The Licensing Authority would be particularly interested in obtaining the views of those consulted on this draft statement of principles in respect of that matter.

Rochford District Council offers this draft statement of principles for consultation to a range of statutory bodies and others.

Our consultation will take place between 3 July 2006 and 2 October 2006.

This first policy has been drafted at a time when a number of regulations, operating and personal licence conditions, Codes of Practice and full guidance from the Gambling Commission have yet to be published. All references to the Gambling Commission's Guidance for Local Authorities in this statement refer to the guidance published in April 2006.

The Licensing Authority will publish appendices to this statement of principles setting out general information and guidance on the various requirements in respect of making applications, the fees payable, making representations, hearings and reviews. The appendices will be prepared subject to further guidance from the Gambling Commission and regulations passed by the government.

Amendments will be made at a later stage in respect of anything in documents, yet to be published, that impact upon the content of this statement. Where text is shown in italics within this document, it indicates those parts that are incomplete at the time of publication.

A full list of comments made in response to this consultative process, and details of the Council's consideration of those comments, will be available on request to the Licensing Unit, Rochford District Council, 3 – 19 South Street, Rochford, Essex, SS4 1BW or via the Council's website at: [www.rochford.gov.uk](http://www.rochford.gov.uk) after close of the consultation period.

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## 1 INTRODUCTION

- 1.1 This 'Statement of Licensing Principles' sets out the principles the Council, as the Licensing Authority under the Gambling Act 2005, proposes to apply in discharging its functions to licence premises for gambling and in respect of
- designating the body responsible for advising the authority on the protection of children from harm;
  - determining whether or not a person is an 'Interested Party';
  - exchanging information with the Gambling Commission and others; and
  - inspecting premises and instituting proceedings for offences.

### Description of the District

- 1.2 The area is predominantly rural in character with many smaller towns and villages and two main urban centres at Rochford and Rayleigh. It has a population of approximately 79000 people.
- 1.3 The District offers a wide and developing variety of commerce, culture, history, recreation and dwellings. The transport infrastructure is extensive and expanding, being provided by mainline railway to London and Southend, local bus and taxi services and, currently under development, London (Southend) airport.
- 1.4 At the time of publication of this policy, gambling in the district is carried out in 6 premises licensed for betting, 1 premise licensed as an amusement arcade and 90 premises (consisting mainly of public houses and clubs) with gaming machines. There are 26 small lotteries registered within the District.

### Consultation

- 1.5 The Gambling Act 2005 requires the Licensing Authority to publish a statement of licensing principles containing the principles that it proposes to apply when discharging its functions for each 3-year period, having consulted with:
- The Chief Officer of Police
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

The Licensing Authority consulted on this Statement of Licensing Principles between 3 July 2006 and 2 October 2006 by sending a copy to:

- each of the Responsible Authorities;
- each public library in the district;

- each Council office in the district;
- each Parish Council in the district;
- each premises in which gambling, gaming or betting is carried out in the district;
- each premises in the district with a gaming machine;

and by placing a copy of the policy on the Council's website.

- 1.6 The Authority also held open meetings for premise licence-holders and the public.
- 1.7 The full list of comments made and the Council's consideration of them is available upon request to The Licensing Manager, Rochford District Council, Council Offices, 3 – 19 South Street, Rochford, Essex, SS4 1BW or via the Council's website at [www.rochford.gov.uk](http://www.rochford.gov.uk)
- 1.8 This Statement of Licensing Principles has effect until 02 January 2010.
- 1.9 The Gambling Act 2005 also requires the Licensing Authority to monitor, review and, where appropriate, amend its statement and then re-publish it. The Licensing Authority will consult with those groups mentioned in paragraph 1.5 above prior to amending any part of the statement.

## 2 GENERAL PRINCIPLES

### THE LICENSING OBJECTIVES

- 2.1 In exercising most of its functions under The Gambling Act 2005, Licensing Authorities must have regards to the Licensing Objectives as set out in Section 1 of the Act.

#### **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.**

- 2.2 Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.
- 2.3 Where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.
- 2.4 The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a licensing objective under the Gambling Act.

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

- 2.5 The Licensing Authority will not generally be concerned with ensuring that gambling is conducted in a fair and open way as this is a matter more appropriate for the Gambling Commission.
- 2.6 The Licensing Authority notes however that, in relation to the licensing of tracks the Licensing Authority's role will be different from other premises in that track operators will not necessarily have an Operating Licence. In those circumstances, the Premises Licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

#### **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

- 2.7 The Licensing Authority considers this objective to mean preventing children from taking part in gambling, as well as restrictions on advertising so that gambling products are not aimed at or are, particularly attractive to children.
- 2.8 The Licensing Authority will consider whether specific measures, e.g. supervision of entrances / machines, segregation of areas etc. are required at particular premises with regard to this licensing objective, each case being dealt with on its own merits.
- 2.9 In considering applications in respect of premises, the Licensing Authority will pay attention to the proposed location of gambling premises in terms of this licensing objective. The Authority will have regard to any relevant Codes of

Practice issued by the Gambling Commission when considering specific premises, such as casinos.

- 2.10 The Authority regards the term “vulnerable persons” to apply to people who gamble more than they want to, people who gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. .

### **RESPONSIBILITIES UNDER THE ACT**

- 2.11 The Act has introduced a new licensing regime for commercial gambling to be conducted by the Gambling Commission and by Licensing Authorities.
- 2.12 The Gambling Act 2005 establishes each district and borough council as a Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under section 6 of the Licensing Act 2003. Rochford District Council is the Licensing Authority for the Rochford District.
- 2.13 The Gambling Commission are responsible for issuing operator’s and personal licences to persons and organisations who:
- operate a casino;
  - provide facilities for playing bingo or for pool betting;
  - act as intermediaries for betting;
  - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
  - manufacture, supply, install, adapt, maintain or repair gaming machines;
  - manufacture, supply, install or adapt gambling software; or
  - promote a lottery.
- 2.14 The Licensing Authority are responsible for: -
- licensing premises in which gambling takes place (other than internet and spread betting and the national lottery);
  - issuing permits for premises with gaming machines;
  - receiving notices for the temporary or occasional use of unlicensed premises for gambling; and
  - registration of small society lotteries.
- 2.15 Applications must be determined in a manner that is reasonably consistent with the licensing objectives.
- 2.16 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as it thinks it to be:

- consistent with the Codes of Practice
- consistent with Guidance issued by the Commission
- reasonably consistent with the Licensing Objectives
- in accordance with their Statement of Principles

2.17 Before the Licensing Authority can consider an application for a premises licence an operator's or personal licence, or both, must have been obtained from the Gambling Commission.

### DELEGATION

2.18 With the exception of the approval and review of its Statement of Licensing Principles, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making.

2.19 *Appendix X* contains a table setting out delegations in respect of how the Licensing Authority intends to discharge its various functions.

### STATEMENT OF LICENSING PRINCIPLES

2.20 The Licensing Authority is required by the Gambling Act 2005 to publish a Statement of Licensing Principles that they propose to apply when exercising their functions.

2.21 This statement must be published at least every 3 years and must also be reviewed periodically and, where appropriate, amended.

2.22 The Licensing Authority will consult with those groups mentioned in paragraph 1.5 above prior to amending any part of the policy and in preparing its Statement of Licensing Principles for each future 3-year period.

### APPROVAL OF POLICY

2.23 This Statement of Licensing Principles was approved at a meeting of the full Council on *(date to be inserted)* and takes effect on 03 January 2007.

2.24 Any comments concerning this statement should be sent via e-mail to [licensing@rochford.gov.uk](mailto:licensing@rochford.gov.uk) or by letter to the address shown at paragraph 1.7 above.

2.25 This statement will not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence as each will be considered on its own merit and according to the requirements of the Gambling Act 2005.

2.26 The policy can be viewed at the Council's offices or on the Council's website on [www.rochford.gov.uk](http://www.rochford.gov.uk)

## DECLARATION

2.27 In producing this Statement of Licensing Principles, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission under the Act and any responses from those consulted on the policy statement.

## Disclaimer

2.28 Appendices have been attached to this statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of Rochford District Council's Statement of Licensing Principles. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or of the Guidance or Regulations issued under the Act.

## RESPONSIBLE AUTHORITIES

2.29 The Gambling Act 2005 prescribes the Responsible Authorities that have statutory functions or are considered to be statutory consultees under the Act.

2.30 The Licensing Authority is required to designate in writing a body that is competent to advise it about the protection of children from harm. The Authority have applied the following principles in discharging its responsibility a:

-

- the need for the body to be responsible for an area cover the whole of the Licensing Authority's area
- the need for the body to be answerable to democratically elected persons rather than any particular invested interest group etc.

2.31 The Licensing Authority designates the Local Safeguarding Children's Board for this purpose.

2.32 The contact details of all the Responsible Authorities under the Gambling Act 2005 are shown in *Appendix X* to this policy.

## INTERESTED PARTIES

2.33 Interested Parties can make representations about licensing applications or apply for a review of an existing licence.

2.34 The principles the licensing authority will apply to determine whether a person is an interested party are that: -

- each case will be decided upon its merits;
- the authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the Gambling Commission's guidance for local authorities,

- the authority will also consider the Gambling Commission's guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 2.35 A person is an interested party in relation to an application for or in respect of a Premises Licence if, in the opinion of the Licensing Authority the person: -
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - (b) has business interests that might be affected by the authorised activities, or
  - (c) represents persons who satisfy paragraphs (a) or (b).
- 2.36 Interested parties can be persons who are democratically elected such as district and parish councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties.
- 2.37 District Councillors who are members of the Licensing Committee will not qualify to act in this way.
- 2.38 Other than persons mentioned in paragraphs 2.36 and 2.37, the Licensing Authority will generally require some form of confirmation that a person is authorised to represent an Interested Party.
- 2.39 The Licensing Authority considers that Trade Associations, Trade Unions and Residents and Tenants Associations qualify as "Interested Parties" where they can demonstrate that they represent persons in paragraph 2.36 (a) or (b).
- 2.40 This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 2.41 In determining if a person lives or has business interests sufficiently close to the premises that are likely to be affected by the authorised activities the Licensing Authority will consider the following factors: -
- The size of the premises.
  - The nature of the premises.
  - The distance of the premises from the location of the person making the representation.
  - The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment).
  - The nature of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.

- The catchment area of the premises (i.e. how far people travel to visit).
- Whether the person making the representation has business interests that might be affected in that catchment area.

### **CONSIDERATIONS IN LICENSING OF PREMISES**

2.42 The Licensing Authority will consider whether the grant of a licence or permit will result in issues of crime and disorder or exposing children or vulnerable adults to harm or of being exploited by gambling.

2.43 In considering applications, the Council will particularly take into account evidence of measures, which might include: -

- the procedures in place to conduct age verification checks and / or a proof-of-age scheme, where premises are subject to age restrictions;
- physical security features in the premises, e.g. the position of cash registers, CCTV installation;
- the design and layout of the premises, including physical separation of areas and location of entrances / entry points;
- door supervision and supervision of entrances / entry points and machine areas;
- training given to staff appropriate to the premises;
- notices or signage;
- specific opening hours.

2.44 As regards to the protection of vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, help line numbers for organisations such as Game Care, will be considered.

2.45 The list above is neither mandatory nor exhaustive and is merely indicative of example measures.

### **Door Supervisors**

2.46 Any person that is employed as a door supervisor at any premises other than a casino or bingo-hall has to be licensed by the Security Industry Authority (SIA).

### **Demand**

2.47 The question of demand is not an issue for consideration by the Licensing Authority.



**Location**

2.48 The question of where a premises is located will only be considered by the Authority within the context of the licensing objectives and each application will be decided on its own merit.

**EXCHANGE OF INFORMATION**

2.49 In its exchange of information with parties listed in schedule 6 of the Act the Licensing Authority will have regard to:

- the provisions of the Gambling Act 2005, which includes the provision that the Data Protection Act 1998 will not be contravened;
- the guidance issued by the Gambling Commission;
- the Data Protection Act 1998;
- the Human Rights Act 1998;
- the Freedom of Information 2000;
- the Environmental Information Regulations 2004;
- the Common Law Duty of Confidence;
- the Electronic Communications Act 2000
- Computer Misuse Act 1990
- Criminal Procedure and Investigations Act 1996
- Crime and Disorder Act 1998.

2.50 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail of: -

- Record of data disclosed.
- Project chronology.
- Notes of the meeting with other partners and recent correspondence from phone calls.

**LICENSING REGISTER**

2.51 The Licensing Authority is required to keep a public register and share information in it with the Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

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**ENFORCEMENT**

- 2.52 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will endeavour to be:
- Proportionate – intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
  - Accountable – authorities must be able to justify decisions and be subject to public scrutiny.
  - Consistent – rules and standards must be joined up and implemented fairly.
  - Transparent – enforcement should be open and keep regulations simple and user friendly.
  - Targeted – enforcement should be focused on the problems and minimise side effects.
- 2.53 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible and adopt a risk based inspection programme.
- 2.54 The main enforcement and compliance role of the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licence and other permissions that it authorises. The Gambling Commission will be the enforcement body for the operator and Personal Licences. It is also worth noting that concerns about manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 2.55 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.
- 2.56 The Licensing Authority's enforcement / compliance protocols and written agreements and details of the risk-based approach to inspection, when finalised, will be available by contacting the Licensing Section, Rochford District Council, 3– 19 South Street, Rochford, SS4 1BW, telephone 01702 318036 / 58 or by e-mail to: [licensing@rochford.gov.uk](mailto:licensing@rochford.gov.uk) or on the Council's website: [www.rochford.gov.uk](http://www.rochford.gov.uk)

### 3 PREMISES LICENCES

- 3.1 Premises Licences will be subject to the permissions / restrictions set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions or to attach others, where it is thought appropriate.
- 3.2 Licensing Authorities are required by the Gambling Act to aim to permit the use of premises for gambling so far as it thinks it is: -
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the Authority's Statement of Licensing Principles.

#### Definition of Premises –

- 3.3 A premise is defined in the Act as “any place”. It is for the Licensing Authority to decide whether different parts of the building can be properly regarded as being separate premises, which will always be a question of fact in the circumstances.
- 3.4 The Authority does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 3.5 Where applications are submitted for multiple licences for a building or for a specific part of a building to be licensed, the Authority expects that entrances and exits from a part or parts of a building covered by one or more licences should be separate and identifiable. This is to ensure a separation of different premises and that people do not ‘drift’ into a gambling area from another area that is not.
- 3.6 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises, which themselves may be licensed or unlicensed, and will consider, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act.
- 3.7 In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would or should be prohibited under the Act.
- 3.8 A full premises licence cannot be obtained until the premises have been constructed. The Licensing Authority will not grant a licence unless the

premises are ready to be used for gambling (but see also 'Provisional Statements').

### **Duplication With Other Regulatory Regimes**

3.9 Duplication with other statutory/ regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded Planning or Building Control consent, in its consideration of it.

### **Conditions**

3.10 Any conditions attached to premises licences will be proportionate and will be: -

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

3.11 Decisions upon individual conditions will be made on a case-by-case basis. Consideration will be given to using control measures, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. should there be a perceived need. Applicants will also be expected to offer their own suggestions as to the way in which the licensing objectives can be effectively met.

3.12 The Licensing Authority will not refuse an application for a premises licence where relevant objections can be dealt with by use of appropriate conditions.

3.13 For buildings subject to multiple premises licences, the Licensing Authority will consider specific measures that may be required, such as: -

- the supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children; and
- the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

3.14 It is noted that the Licensing Authority cannot attach conditions to premises licences that: -

- makes it impossible to comply with an Operating Licence condition;
- relate to gaming machine categories, numbers or method of operation;
- provide that membership of a club or body be required;
- relate to stakes, fees or winning of prizes.

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**PROVISIONAL STATEMENTS**

- 3.15 It is for the Licensing Authority to determine whether, as a question of fact and degree, premises are finished to a degree that they can be considered for a premises licence.
- 3.16 The Licensing Authority will generally require the building to be completed to enable the Authority to inspect it fully.
- 3.17 The Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with Planning or Building Law.

**CASINOS**

- 3.18 In consulting on the draft Statement of Licensing Principles, the Licensing Authority specifically invited comments on the question of casino premises licences.
- 3.19 At its meeting on 26 June 2006 the Authority agreed to permit applications to be made for a casino premises licence and that each application should be considered on its own merit.

**Casinos and competitive Bidding**

- 3.20 The Licensing Authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino there are likely to be a number of operators which will want to run a casino .
- 3.21 In such situations the Authority will run a competition in line with Regulations and Codes of Practice issued under the Gambling Act 2005 by the Secretary of State.

**BINGO PREMISES**

- 3.22 Bingo premises are not generally age-restricted, although certain areas within them may be, e.g. where machines of category C or above are situated.
- 3.23 The Licensing Authority will consider any further guidance to be issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

**DOOR SUPERVISORS**

- 3.24 The Licensing Authority requires any person employed at a casino or bingo-hall as a door supervisor to hold the BIIAB Level 2 National Certificate for Door Supervisors (or equivalent).

**CREDIT**

- 3.25 Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATM's) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

## BETTING MACHINES

- 3.26 The Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a Betting Premises Licence or, where applicable, to a Casino Premises Licence.
- 3.27 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things will consider: -
- the size of the premises;
  - the number of counter positions available for person to person transactions;
  - the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.
- 3.28 In deciding to impose conditions to limit the number of betting machines, each application will be on its own merit and account will be taken of Codes of Practice or Guidance issued under the Gambling Act 2005 by the Secretary of State.

## TRACKS

- 3.29 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.
- 3.30 The licensing authority will consider the need to ensure that entrances to each type of premises are distinct and that children are prevented from entering gambling areas where they are not permitted.

## ADULT GAMING CENTRES & FAMILY ENTERTAINMENT CENTRES

- 3.31 The Licensing Authority will consider the need to apply appropriate conditions in respect of delineating any area containing category C machines.

## REPRESENTATIONS & REVIEWS

- 3.32 Responsible Authorities (including the Licensing Authority) and Interested Parties may make representations and applications for review of a premises licence.
- 3.33 For the purposes of exercising the Licensing Authority's discretion, the persons authorised to make representations and apply for reviews of a premises licence are: -
- *Members of the Licensing Authority, other than Members of the Licensing Committee, and*
  - *the staff of the Council's Licensing Unit.*

*(The above may be amended to include or exclude such persons as the Council consider appropriate within the provisions of the Act)*

3.34 The Licensing Authority may determine that a representation: -

- is frivolous or vexatious,
- will certainly not influence the Authority's determination of the application or review to wish to alter/revoke/suspend the Licence,

3.35 The Licensing Authority may reject an application for review of a premises licence if they determine the grounds for the review: -

- do not raise a relevant issue to the principles contained in paragraph 3.3 above;
- are frivolous or vexatious;
- will certainly not cause the Authority to alter/revoke/suspend the Licence;
- are substantially the same as representations made in respect of the application for the premises licence.

3.36 There is no appeal against the Authority's determination of the relevance of a representation or an application for review.

### **TRAVELLING FAIRS**

3.37 It will fall to this Licensing Authority to decide if the statutory requirements that the facilities for gambling amount to no more than an ancillary amusement at the fair is met where Category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs.

3.38 The Licensing Authority will also consider if the applicant falls within the statutory definition of a travelling fair.

3.39 It has been noted that the statutory maximum of 27 days for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held regardless of whether or not it is the same travelling fair occupying the land.

3.40 Where the 27-day statutory limit is exceeded, a TUN will have to be issued or Premises Licence applied for, as appropriate.

3.41 This Licensing Authority will work with our neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

## 4 GAMING MACHINE PERMITS

### UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 4.1 A premises licence is unnecessary in respect of premises where gaming machines of category C only are to be provided. In such cases an application may be made to the Licensing Authority for a permit but the Authority has to be satisfied that the premises will be wholly or mainly used for making gaming machines available for use.
- 4.2 The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.
- 4.3 Where the Licensing Authority intend to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

#### Statement of Principles

- 4.4 The Licensing Authority will specifically have regard to those matters contained within section 2, paragraph 2.42 – 2.44 concerning matters to be considered in licensing of premises.
- 4.5 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 4.6 The efficiency of such policies and procedures will be considered on their merits and may, for example, include such measures as:
  - CRB checks for staff;
  - staff training in how to deal with suspected truant school children, or unsupervised, very young children on the premises, or children causing perceived problems on/around the premises.
- 4.7 The licensing authority will also expect that:
  - applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
  - the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
  - staff is trained to have a full understanding of the maximum stakes and prizes.



4.8 *Appendix X contains information on the method of applying, the forms to be used and additional documentation the Licensing Authority requires in determining the application.*

#### **(ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

4.9 A permit under this section cannot be issued in respect of premises for which a premises licence under the Gambling Act 2005 has been granted.

4.10 The licence-holder of a premises licence issued under the Licensing Act 2003 that authorises the sale of alcohol for consumption on the premises, is automatically entitled to a permit authorising the use of two gaming machines of categories C and/or D. The entitlement applies to premises where the sale of alcohol is not conditional also upon the sale and consumption of food.

4.11 It should be noted that those restaurants that did not seek to remove the restriction on the sale of alcohol with food that applied if they had a restaurant licence under the Licensing Act 1964, to a premise's licence under the 2003 Act did not seek to remove the restriction .

4.12 In order to take advantage of this entitlement, the premises licence-holder must notify the Licensing Authority of their intention to make gaming machines available for use and pay the prescribed fee.

4.13 Where a permit has been issued under section 34 of the Gaming Act 1968, the licence-holder must notify the Licensing Authority at least 2 months prior to it's date of expiry.

4.14 Once issued there is no requirement to renew a permit. An annual fee has to be paid on the anniversary of the permit's grant.

4.15 The Licensing Authority may issue licensed-premises gaming machine permits authorising the use of any number of categories C or D machines. In determining an application for an increase in the number of machines, the Licensing Authority will consider: -

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons;
- any documentary evidence, e.g. supporting statistical evidence providing details of usage, etc.;
- each application on its own merits;
- the Codes of Practice or Guidance issued under the Gambling Act 2005.

4.16 Where the Licensing Authority intend to refuse an application, or grant it for a different number or category of machines to that requested, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

4.17 *Appendix X contains information on the method of applying, the forms to be used and additional documentation the Licensing Authority requires in determining the application.*

4.18 The Licensing Authority may consider removing the automatic entitlement for a permit if: -

- provision of the machines is not reasonably consistent with the licensing objectives;
- gaming has taken place on the premises that breaches a condition of the Act, e.g. machines have been made available other than in a way that complies with requirements concerning their location and operation;
- the premises are mainly used for gaming;
- an offence under the Gambling Act 2005 has been committed on the premises.

4.19 Where the Licensing Authority consider exercising their powers to remove the entitlement, the permit-holder must be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

#### **PRIZE GAMING PERMITS**

4.20 Prize gaming is gaming in which the nature and size of the prize is not determined by the number of players or the amount paid for or raised by the gaming, the prizes having been determined before play commences, e.g. bingo with non-cash prizes. (Note: bingo with cash prizes and that carried on in commercial bingo halls will need to be licensed by the Gambling Commission.)

4.21 Prize gaming may be carried on in premises under a permit issued by the Licensing Authority.

4.22 The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the licensing objectives.

4.23 In determining an application, the Licensing Authority need not have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

4.24 Where the Licensing Authority intend to refuse an application, the applicant will be given the opportunity to make written or oral representations or both. A hearing will be held before the Licensing Sub-Committee for this purpose, unless all parties agree that it is unnecessary.

**Statement of Principles**

- 4.25 The Licensing Authority will specifically have regard to those matters contained within section 2, paragraph 2.42 – 2.44 concerning matters to be considered in licensing of premises.
- 4.26 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 4.27 The efficiency of such policies and procedures will be considered on their merits and may, for example, include such measures as: -
- CRB checks for staff;
  - staff training in how to deal with suspected truant school children, or unsupervised, very young children on the premises, or children causing perceived problems on/around the premises.
- 4.28 The Licensing Authority also expects that applicants: -
- set out the type/s of gaming that it is intended to be offered;
  - demonstrate a full understanding of the maximum stakes and prizes of the gaming that is permitted, and that staff receive appropriate training in relation to those matters;
  - have no relevant convictions (those that are set out in Schedule 7 of the Act).
- 4.29 *Appendix X contains information on the method of applying, the forms to be used and additional documentation the Licensing Authority requires in determining the application.*

**CLUB GAMING AND CLUB MACHINE PERMITS****Members' Clubs & Miners' Welfare Institutes**

- 4.30 Members' Clubs and Miner's Welfare Institutes may apply for either a Club Gaming Permit or Club Gaming Machine Permit.
- 4.31 Club Gaming Permits authorise the provision of equal-chance gaming, games of chance and a maximum of 3 gaming machines of category B4, C or D, equal chance gaming and other games of chance (as prescribed in regulations).
- 4.32 A Club Gaming Machine Permit enables the premises to provide a maximum of 3 gaming machines only, of category B, C or D.

**Commercial Clubs**

- 4.33 Commercial or proprietary clubs may only apply for a Club Gaming Machine Permit enabling the premises to provide a maximum of 3 gaming machines only, of category B, C or D.

- 4.34 Premises that have work-based members' social clubs, but which may not be licensed to sell or supply alcohol, may apply for a permit. This type of premises includes, for example, those where machines are sited in works' canteens.
- 4.35 Before granting a permit to premises described in the preceding paragraph, the Licensing Authority will need to be satisfied that the premises meet the requirements of a members' club and that the majority of members are over 18 years of age.
- 4.36 Both categories of permits have effect for 10 years. An annual fee has to be paid on the anniversary of the permit's grant.

## 5 TEMPORARY & OCCASIONAL USE NOTICES

### Temporary Use Notices (TUN's)

- 5.1 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. *Regulations will be issued by Secretary of State prescribing the activities to be covered.*
- 5.2 A set of premises is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a notice in respect to different parts.
- 5.3 In considering whether a place falls within the definition of "a set of premises", the Licensing Authorities will consider, amongst other things, the ownership / occupation and control of the premises.
- 5.4 The Licensing Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

### Occasional Use Notices (OUN's)

- 5.5 Occasional Use Notices apply only to tracks, which can be any part of a premise on which a race or other sporting event takes place or is intended to take place. Tracks need not be a permanent fixture.
- 5.6 OUN's are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a betting premises licence for the track.
- 5.7 The Licensing Authority has very little discretion as regards these notices, aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.
- 5.8 The Licensing Authority will, however, consider the definition of a "track" and whether the applicant is permitted to avail him/herself of the notice.

## 6 LOTTERIES

- 6.1 A lottery is unlawful unless it is run in accordance with an Operating Licence issued by the Gambling Commission or is exempt.
- 6.2 A Small Society Lottery is an exempt lottery and must be registered with the Licensing Authority.
- 6.3 Local authorities may promote a lottery for the benefit of the community under an operating licence issued by the Gambling Commission.
- 6.4 *Appendix X contains further information concerning lotteries, generally, and requirements for registration.*

## APPENDIX B

## CONSULTEES

All holders of premise's licences under Licensing Act 2003	All holders of club premise's certificates under the Licensing Act 2003
All holders of betting office licences	All holders of permits for Amusement With Prizes machines
Association of British Bookmakers	British Beer & Pub Association
British Casino Association	Business in Sport & Leisure
Capitol Coins Limited (suppliers of gaming machines)	Castle Point & Rochford PCT
Churches Together	Citizens Advice Bureau
Claremont Automatics Limited (suppliers of gaming machines)	Club & Institute Union
Coral Group	Essex County Fire & Rescue Service
Essex County Libraries (Within the District)	Essex Leisure Limited
Essex Police (Southend & Police HQ)	Gamblers Anonymous
Gambling Commission	GamCare
GamesTec Leisure Limited (suppliers of gaming machines)	Head of Child Protection, ECC
HM Customs & Excise	Manager of Environmental Protection Unit, Rochford District Council
Head of Planning & Transportation, Rochford District Council	Ladbrokes Group
Leisure Link Limited	Parish/Town Councils in the district
Responsibility in Gambling Trust	The Salvation Army
William Hill Limited	

## APPENDIX C

**Respondent: BBPA****1. Reference: Paragraph 4.10**

**Response:** The wording of the paragraph does not reflect the legal position in defining which premises may have amusement with prizes machines.

**Officer Comment:** The majority of restaurants converted their justice's licences for premises licences under the Licensing Act 2003 without removing the restriction of alcohol sales being conditional upon the sale of food. Those premises will not qualify for AWP machines.

**Suggested Action:** An explanatory paragraph is added to this part of the policy.

**2. Reference: Paragraph 4.13**

**Response:** The question of fees is still to be determined by Government. The paragraph should be reviewed when regulations have been made.

**Officer Comment:** The contents of the paragraph are intended to be generic.

**Suggested Action:** Amend the last sentence by deleting the reference to 'anniversary of the permit's grant'.

**3. Reference: Paragraph 4.14**

**Response:** The paragraphs are over prescriptive and there is no need to introduce additional criteria that applicants have to comply with. Additional information on the application process would be desirable.

**Officer Comment:** The Act provides for licensing authorities to decide what manner and form of application is made in respect of granting permits for alcohol-licensed premises for Amusement With Prizes machines. The information sought by the policy will aid in determining applications, particularly those for an increase in the numbers of machines to be provided.

**Suggested Action:** The wording should be retained. Additional wording should be included explaining the basis for when applications will be determined by delegation and when a hearing will be required. Information on the application process will be included in appendices to the policy.

**4. Reference: All**

**Response:** Additional guidance and information should be included concerning 'transitional arrangements' for alcohol-licensed premises and their entitlement to Amusement With Prizes machines in excess of the automatic entitlement of 2.

**Officer Comment:** As 'transitional arrangements' will not have effect other than at the commencement of the new regime, information will be included in appendices to the policy.

**Suggested Action:** Develop appendices.



**Respondent: Gosschalks for ABB****1. Reference: Paragraph 2.14**

**Response:** Notes that the list of Licensing Authority functions does not accord with the list contained in LACORS policy template.

**Officer Comment:** The list is intended to cover the 4 main areas of responsibility.

**Suggested Action:** An explanatory line of text at the end of that paragraph is inserted and a full list of functions be contained in appendices to the policy.

**2. Reference: Paragraph 2.38**

**Response:** It is suggested the wording be amended to 'This Authority will generally require written evidence that a person is authorised to represent an Interested Party'.

**Officer Comment:** The suggested wording is more prescriptive and accords with LACORS' template.

**Suggested Action:** The paragraph is amended as suggested.

**3. Reference: Paragraph 2.42 –4, 3.26**

**Response:** The policy contains nothing specifically about betting offices. It is suggested the authority should adopt a favourable policy in respect to re-siting of betting offices within the same locality, if requested, following expansion of the facilities offered within, and proposes wording to that effect. The suggestion is supported by reference to a High Court case.

**Officer Comment:** The policy deals with matters that will be considered in granting premises licences, generally, but does not address the question of re-siting existing licensed premises. Where a premise is intended to replace an existing premise, it is reasonable to expect the authority to view the licence application favourably, but this is entirely separate from any planning considerations.

**Suggested Action:** Add a paragraph after 2.44 that states 'The Licensing Authority will give favourable consideration to licence applications resulting from the re-siting of premises within the same locality and extensions in order to enhance the quality of facilities provided, but this is without prejudice to the determination of any planning application that may be required.'

**4. Reference: Paragraph 2.47**

**Response:** It is suggested that the current heading and wording is too abbreviated and does not accurately reflect the true position, and proposes alternative wording.

**Officer Comment:** The suggested wording by respondent appears reasonable.

**Suggested Action:** The heading is amended to 'Moral Objections / Unmet Demand' and the wording is amended to 'Moral objections to gambling are not a

valid reason to reject applications for premises licences and unmet demand is not a criterion for a Licensing Authority to consider.'

#### 5. Reference: Paragraph 2.53

**Response:** Asks for Policy to include a clear request to operators, where they have more than one premises in an authority's area, to provide a single point of contact for enforcement purposes.

**Officer Comment:** None.

**Suggested Action:** After 2.53 insert a new paragraph that states 'Where a single point of contact has been supplied by the operator of a number of premises within Rochford district, the authority will endeavour to contact that person first in respect of any enforcement issues that might arise.'

#### 6. Reference: Paragraph 3.11

**Response:** In drawing attention to the Gambling Commission guidance on imposing conditions on premise's licences, they suggest wording in respect of door supervision conditions for bookmaker's premise licences.

**Officer Comment:** The Act and Guidance are quite specific regarding imposing conditions on premise's licences. Paragraph 3.11 adequately describes circumstances that would be considered in putting conditions on premise's licences.

**Suggested Action:** To do nothing.

#### 7. Reference: Paragraph 3.25

**Response:** It is suggested that specific mention should be made that the restrictions concerning the placing of cash dispensers in licensed premises relates only to casinos and bingo premises.

**Officer Comment:** The paragraph already mentions those premises but does not make clear that restrictions/conditions may only be imposed in respect of casinos and bingo premises and not to other types of premises.

**Suggested Action:** The heading is amended to 'Credit & Cash Dispensers' and the wording is amended to 2 paragraphs –

(a) Credit facilities are prohibited etc.

(b) Cash machines may be sited in licensed premises but the Licensing Authority may impose conditions on their siting where they are installed in casinos or bingo premises.'

#### 8. Reference: Paragraph 3.26

**Response:** Additional wording is suggested in respect of the authority's discretion to limit the number of betting machines in betting offices, or to impose conditions.

**Officer Comment:** The majority of suggested wording is already incorporated into the paragraph. Some additional wording about evidencing problems in consideration of imposing limits would be appropriate.

**Suggested Action:** The bullet points of the paragraph are increased to include 'evidence that such machines have been or are likely to be used in breach of the licensing objectives'.

**Respondent: The Salvation Army**

**1. Reference: None (specific to our policy)**

**Response:** In order to prevent children from playing category D gaming machines, in accordance with the Act, requests the Authority insists that applicants demonstrate appropriate measures for preventing, monitoring and challenging underage gambling and that this is evidenced by building design, location, signage, staffing levels and working practices. In particular would encourage the authority not to grant licences for premises within close proximity to activities aimed at children, e.g. cinemas, leisure centres etc.

**Officer Comment:** The issues raised are not specific to our policy but appear to have been tabled as a general response to the consultation process nationally.

**Suggested Action:** As the policy describes the matters that will be considered by the authority in determining applications and the measures that applicants are expected to demonstrate in promoting the licensing objectives, no action is proposed.

**2. Reference: None (specific to our policy)**

**Response:** The authority should consider ways in which to monitor the impact of licensed premises on vulnerable or young persons and the community at large.

**Officer Comment:** The de-regulation under the Act is unlikely to have a dramatic effect in the district as, currently, there are only 6 premises likely to be licensed (5 betting offices and 1 amusement arcade). Public houses form the greatest number of premises offering any forms of gambling facilities, i.e. gaming machines.

**Suggested Action:** None at this stage.

**Respondent: GAMCARE**

**1. Reference: None (specific to our policy)**

**Response:** Suggests the Council should set up programmes to assist residents with gambling addictions, to assume a greater degree of responsibility for exercising a duty of care and 'corporate parenting'. Also offer to visit the authority to explain how their organisation could be of assistance.

**Officer Comment:** No amendment necessary to the policy but details of GAMCARE and the facilities offered should be included in the appendices, on the website and by leaflets being made available in council reception areas.

**Suggested Action:** Information will be made available as described above.

**2. Reference: None (specific to our policy)**

**Response:** A 13-point catalogue of suggested restrictions or conditions to be considered was attached for consideration.

**Officer Comment:** Most items catalogued form part of the Act, Guidance or policy.

**Suggested Action:** None.

**Respondent: BACTA**

**1. Reference: None (specific to our policy)**

**Response:** A generalised response to the provisions of the Gambling Act 2005, Guidance issued by Gambling Commission and forthcoming regulations with reference to the conduct of licensing authorities in exercising their functions in respect of premises having gaming machines.

**Officer Comment:** No reference has been made to Rochford's policy.

**Suggested Action:** None

**Respondent: East of England Faiths Council**

**1. Reference: Casino Resolution**

**Response:** Urges the Council to pass a 'no casinos' resolution.

**Officer Comment:** The issue is raised for consideration within the main report.

**Suggested Action:** A recommendation to Council is sought.

**2. Reference: None (specific to our policy)**

**Response:** A generalised response to the provisions of the Gambling Act 2005, Guidance issued by Gambling Commission and forthcoming regulations with reference to the conduct of licensing authorities in exercising their functions.

**Officer Comment:** Some of the proposed measures are beyond the scope of the authority to impose, e.g. in respect of designating a body competent to advise on safeguarding children, the authority cannot influence the numbers of personnel that body will employ, the level of their training or the terms of reference in their deployment. Other matters referred to are, generally, within the scope of the Act, Guidance, regulations or our policy.

**Suggested Action:** None required.

**3. Reference: All**

**Response:** Seeks a response from the authority on what and how views expressed in the response will be incorporated into the policy.

**Officer Comment:** Not a matter for consideration.

**Suggested Action:** An appropriate response to be made by the Licensing Unit following approval of the policy.

## APPENDIX D

## CASINO CONSIDERATIONS

1. The Act provides for 3 new classes of casino to be built of which, initially, there are to be 1 regional and 8 each large and small casinos. Regulations will allow the Secretary of State to increase the number of new casinos in future years.
2. The geographical distribution of casinos has to be determined by the Secretary of State (SoS) based upon recommendations of the Casino Advisory Panel. Licensing Authorities will not be able to issue premises licences for casinos unless authorised by SoS.
3. Authorities had to submit bids to SoS in relation to the initial allocation of the 17 new casino licences. As future allocations are likely to be on a limited basis also, a similar process may have to be undertaken.
4. The last round of bidding had to be supported by evidence in 8 elements: -
  - a. Type of area – to include population base, e.g. size, socio – economic and ethnicity characteristics and levels of educational attainment; current levels of tourism infrastructure (hotels, entertainment facilities, transport); strategies for tourism, leisure and gambling; principal needs of regeneration; any other factors making the area a good ground for testing social impact of gambling.
  - b. Social impact – to include assessment of social impact if a casino is built; assessment of existing gambling; policies to counter any negative social impacts or optimise positive social cohesion, including approved budgets; initiatives to manage social impacts; existing/planned relationships with voluntary organisations to support impact policies.
  - c. Need for regeneration – to include how the proposal will assist regeneration; employment benefits; public and private investment levels and timing; economic value created by the proposal; identifying particular areas that would benefit, and why; how additional economic activity will offset potential leakage of money from the local economy; any other regeneration outputs being sought.
  - d. Willingness to licence – to include council resolutions in favour of licensing, including minutes of meetings; polling / market research / consultations to establish local support; support by Local Strategic Partnership; expressions of support by national / local organisations; objections.
  - e. Probability of implementation – to include feasibility of proposals; market demand analysis; catchments area / customer base; criteria to identify appropriate / sustainable localities for siting of casino; current provision for gambling; impact of competition on existing

casinos; effect of a concentration of casinos; analysis of investment potential; current level of investor interest; changes to gambling spend.

- f. Regional context – to include relevant policy context of Regional Spatial Strategies and relationship with Local Development Framework; how achieving regional economic objectives for employment, skills and regeneration would be assisted.
  - g. Community benefits – to include what community benefits are expected from the licensing and town planning processes.
  - h. Unique characteristics – to include what aspects of the proposal are unique that would differentiate it from similar proposals in the locality.
5. Based upon experience of the immediate past, the competition for future limited allocations of casino licences will be intense and will have to include: -
- (a) exceptional and persuasive arguments concerning the need for regeneration, increased employment opportunities and the demonstrative acquisition of social benefits to the area,
  - (b) potential investment from both the public and private sectors,
  - (c) evidence that authorities have already addressed the subject in their strategic plans dealing with leisure, tourism and spatial planning having consulted with local businesses and residents and gained their support.