



**Telford & Wrekin**  
**C O U N C I L**

**Addenbrooke House Ironmasters Way Telford TF3 4NT**

## **LICENSING COMMITTEE**

**Date Tuesday, 12 October 2021** **Time 6.00 pm**  
**Venue Telford Room, 3rd Floor Addenbrooke House, Ironmasters Way, Telford TF3 4NT**

### **Enquiries Regarding this Agenda**

Democratic Services	Jayne Clarke	01952 383205
Media Enquiries	Corporate Communications	01952 382406
Lead Officer	Angie Astley (Executive Director: Housing, Communities and Customer Services)	01952 383246

### **Committee Membership:**

Councillors A R H England, M B Hosken, J E Lavery, L A Murray,  
S J Reynolds, H Rhodes (Chair), M J Smith, B J Thompson and  
C R Turley (Vice-Chair)

### **Substitutes:**

Councillors M Boylan, E J Carter, C Cassar, G H Cook, V J Holt,  
K Middleton, T J Nelson, G L Offland, J M Seymour and D R W White

## **AGENDA**

- 1. Apologies for Absence**
- 2. Declarations of Interest**
- 3. Minutes of the Previous Meeting** 3 - 6  
To confirm the minutes of the previous meeting.
- 4. Review of Statement of Gambling Licensing Policy** 7 - 30

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## LICENSING COMMITTEE

### Minutes of a meeting of the Licensing Committee held on Tuesday, 29 June 2021 at 6.00 pm in Walker Room, Meeting Point House, Southwater Square, Telford TF3 4HS

**Present:** Councillors A R H England, S J Reynolds, H Rhodes (Chair), J M Seymour (as substitute for R T Kiernan), B J Thompson and C R Turley (Vice-Chair)

**In Attendance:** D Sargeant (Director - Neighbourhood & Enforcement Services), A Hunt (Public Protection Group Manager) and J Clarke (Democracy Officer (Elections))

#### **Apologies:**

None.

#### **LIC5      Declarations of Interest**

None.

#### **LIC6      Minutes of the Previous Meeting**

**RESOLVED** – that the minutes of the meeting of the Licensing Committee held on 16 March 2021 be confirmed and signed by the Chair.

#### **LIC7      Mobile Homes Fit and Proper Person Test & Fees Policy**

The Public Protection Manager presented the Mobile Homes Fit and Proper Person Test and Fees Policy and gave an overview of the key facts. Mobile home site owners needed a licence from the Council to operate and the Mobile Homes Act 2013 made amendments to earlier law and introduced a requirement for a manager of a site to be a fit and proper person. Under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person (England) Regulations 2020 set out that an owner must make an application to the Council between 1 July 2021 and 1 October 2021 for a relevant person to be assessed as a fit and proper person. A fit and proper person was required to be of sufficient integrity and good character to be involved in the management of a regulated site for mobile homes and not pose a risk to the welfare or safety of persons occupying the site who are likely to be over 50s. The application must be accompanied by the fee set by the Council and be compliant with the site licence, include long-term maintenance of the site, demonstrate a sufficient level of competence to manage the site and the management structure and funding arrangements for the site be in place. Other matters to be considered are the presence of convictions or if the person has been declared personally insolvent. Once the application has been received the local authority can grant the licence unconditionally, grant a licence subject to conditions or refuse the application. An appeals process for

applicants wishing to appeal any decision made was via a tribunal. A policy had been drawn up for applications and a guide for local authorities to undertake fit and proper persons test had been developed. The fee had regard to the impact on the livelihood of licence holders and a guide for fee setting for the fit and proper person test had also been drawn up to ensure a fair and transparent approach for local businesses and communities. The initial fee was set at £310 and this would be paid by the site owner upon any application for a fit and proper person and this would be reviewed in twelve months' time.

During the debate some members felt that it was pleasing to see that the undervaluing of properties was now being addressed and safeguarding measures put in place. It was asked if that the profiling relating to Market Town of Newport could be amended to include all local Market Towns. Concerns were raised as to how the Council would provide training for site owners. Other Members felt that this could be part of the fit and proper person test in order to ensure that persons put forward were competent and fully understood how to run an establishment. Questions came forward as to whether a site could employ a management company in place of the site owner, how would this information be checked especially in respect of convictions and harassment and would there be enhanced DBS checks undertaken? Members also asked how the Council could ensure that the cost of the annual licensing fee was not passed on to site resident and how many sites were currently within the Borough. Members asked if a review of the Policy could be brought before the Committee.

The Public Protection Manager informed Members that she would look at the local area profile and make this more inclusive. Training for site owners hadn't yet been looked in to but they would look into a range of relevant training courses or qualifications for this type of management but was currently following Government regulations and guidance and legal advice would be sought where necessary. With regard to management companies, their qualifications would be looked at when any application came forward and clarification would be sought if answers were not transparent. Convictions would come through via the DBS and there was a catch all question for "other relevant information". Limited Companies would be checked at Companies House for insolvency. Enhanced DBS checks would not be undertaken as spent convictions were not taken into account and the fit and proper person test was not a "regulated activity" as defined by the Disclosure and Barring Service. There were currently 8 mobile homes sites for permanent residence in the Borough. A review would be undertaken in 18 months' time but this may be done earlier if it was felt necessary and Members would be given regular updates.

Upon being put to the vote it was, unanimously:-

**RESOLVED- that**

- a) the Mobile Homes Fit and Proper Policy be approved;**

**b) the amendments to the Mobile Homes Fees and Charges Policy 2021-2022 be approved; and**

**c) the policies take effect from 1st July 2021.**

The meeting ended at 6.33 pm

**Chairman:** .....

**Date:** Tuesday, 12 October 2021

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**TELFORD & WREKIN COUNCIL**

**LICENSING COMMITTEE – 12<sup>TH</sup> OCTOBER 2021**

**REVIEW OF STATEMENT OF GAMBLING LICENSING POLICY**

**REPORT OF ANITA HUNT PUBLIC PROTECTION GROUP MANAGER**

**LEAD CABINET MEMBER – CLLR RICHARD OVERTON**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

- 1.1 The Statement of Gambling Licensing Policy for the Gambling Act 2005 is due for its 3 yearly review. Members of the Licensing Committee will need to consider the revised Statement of Licensing Principles following a recent consultation.

**2. RECOMMENDATIONS**

- 2.1 That the Licensing Committee recommend that the Statement of Gambling Licensing Policy for the Gambling Act 2005 is presented to Full Council for approval on 18<sup>th</sup> November 2021.

**3. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Every child, young person and adult lives well in their community. All neighbourhoods are a great place to live Everyone benefits from a thriving economy
	Will the proposals impact on specific groups of people?	
	Yes	<b>People of different ages</b> This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will

		<p>therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.</p> <p><b>People with ill health or people with a disability and People affected by deprivation</b>  In the policy, the Licensing Authority notes that as regards the term “vulnerable persons” the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes 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.” This licensing authority will consider this licensing objective on a case by case basis.</p>
<b>TARGET COMPLETION/DELIVERY DATE</b>	31 <sup>st</sup> January 2022	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	<p>The cost of the consultation exercise of the revised Statement of Gambling Licensing Policy was met from Public Protection budgets. Gambling license fees are calculated on a cost recovery basis and are subject to periodic review, the last review was undertaken in 2020/21.  MLB 16.09.21</p>
<b>LEGAL ISSUES</b>	Yes	<p>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 Gambling Licensing Policy that it proposes to apply when exercising its functions under the Act. The current Statement of Gambling Licensing Policy ends in January 2022. AG 20.01.2021</p>

<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	<p>The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.</p> <p>(i) That a failure to publish the Statement of Gambling Licensing Policy by 31<sup>st</sup> January 2022 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities by the Gambling Commission (5th edition) could give rise to challenge by way of judicial review. Having identified this risk, processes and procedures have been put in place to ensure that the review of the Statement of Gambling Licensing Policy is carried out in a manner and within a timescale that should minimise such a risk so far as possible.</p>
<b>IMPACT ON SPECIFIC WARDS</b>	Yes	This report has implications for all wards in the Borough.

## **PART B) – ADDITIONAL INFORMATION**

### **4. INFORMATION**

- 4.1 It is a statutory requirement to review the Statement of Gambling Licensing Policy every three years.
- 4.2 The current number of licences issued under the Gambling Act by Telford & Wrekin Council is :-
- *18 Betting Premises Licences*
  - *3 Bingo Premises Licences*
  - *2 Adult Gaming Centres*
- 4.3 After reviewing the Council's Policy and having had regard to the Guidance for Licensing Authorities issued by the Gambling Commission, one amendment has been made to the existing policy about Gaming Machines, paragraph 12. in the policy document (tracked). This is in line with an amendment the Gambling Commission have made to their Guidance. The rest of the policy remains unchanged.
- 4.4 Following the review undertaken by the Public Protection Team, the Chair of the Licensing Committee approved an 8-week consultation for the revised policy document from 1<sup>st</sup> July 2021 to 31<sup>st</sup> August 2021. There were no responses received to the consultation. A full list of consultees is attached at **Appendix A**.
- 4.5 The draft policy will require approval by Full Council on 18<sup>th</sup> November 2021 to enable publication of the updated policy on 3<sup>rd</sup> January 2022. The Statement of Gambling Licensing Policy will then take effect from 31<sup>st</sup> January 2022. The updated draft policy is attached at **Appendix B**.
- 4.6 The draft review of the Statement of Gambling Licensing Policy has been prepared in accordance with the Gambling Commission's "Guidance to licensing authorities".

### **5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

The following areas are included in the an inspection:

Policies and procedures designed to prevent underage gambling or problem gambling  
Information how to gamble responsibly  
Mandatory information on gaming machines  
Position of cash machines  
A test-purchasing regime is in place to ensure compliance

Premise supervision to ensure that children are prevented from entering/participating in gambling.  
Operation of and participation in a multi-operator exclusion scheme  
Set times and monetary thresholds when using higher stakes machines  
Evidence that policies, procedures and control measures mitigate risks identified within the Local Area Risk Assessment.

**6. PREVIOUS MINUTES**

There are no previous Minutes.

**7. BACKGROUND PAPERS**

7.1 Gambling Act 2005

7.2 Guidance to Licensing Authorities issued by the Gambling Commission – Updated 1<sup>st</sup> April 2021

**Report prepared by:**

Anita Hunt, Public Protection Group Manager 01952 381818

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## **Gambling Act 2005 – Review of the Council’s Statement of Licensing Policy**

### **List of Consultees**

Betting and Gaming Council (Formerly Association of British Bookmakers)  
Telford & Wrekin Town and Parish Councils  
Telford & Wrekin Borough Councillors  
Gamcare  
Gambling Commission  
British Amusement Catering Trade Association  
Borough of Telford & Wrekin Residents via the Council's Online Consultation Library  
Telford & Wrekin Council Public Health  
Telford & Wrekin Council Independent Safeguarding  
West Mercia Police  
Shropshire Fire Service  
The Bingo Association  
The Lotteries Council  
Merkur Casino  
Majestic Bingo  
Ladbrokes  
William Hill  
Woods Whur

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**Telford & Wrekin**

**C O U N C I L**

## **Public Protection**

# **Statement of Gambling Licensing Policy**

**To be approved by Full Council on 18th November 2021  
To be implemented on the 31<sup>st</sup> January 2022.**

## 1. Introduction

The purpose of the Statement of Gambling Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

The Gambling Act 2005 (the “Act”) requires this Licensing Authority to draft, consult on and publish a policy in relation to its responsibilities under the Act. Once published, this Policy Statement will be kept under constant review and, in any case, will be re-published after every three years. Before any revision of the Statement of Gambling Licensing Policy is published this Authority will carry out a full consultation exercise on the relevant sections. This version of the Statement of Gambling Licensing Policy has been published following the 3 year review and is for the period 2022 – 2025.

In carrying out its licensing functions under the Act, the Licensing Authority will act in accordance with the relevant legislation, adopt the principles of better regulation, regulate gambling in the public interest and aim to permit the use of premises for gambling as it thinks fit so long as it is:-

- in accordance with any relevant Codes 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 this Statement of Principles

In preparing this Statement of Principles, the following key organisations and agencies were consulted in accordance with Section 349(3) of the Act:-

- Chief Officer of Police West Mercia Police, Telford
- Association of British Bookmakers
- BACTA
- Gam Care

The consultation for this Statement of Principles took place between 1<sup>st</sup> July 2021 and 31<sup>st</sup> August 2021.

The full list of comments made and the consideration by the Council of those comments will be available once the consultation process has ended by request to: Licensing Service, Telford & Wrekin Council, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT and by email to [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk).

Information provided in response to the Consultation will be dealt with in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the General Data Protection Regulations and the Environmental Information Regulations (2004).

## 2. Local Area Profile

Telford & Wrekin Council (the Council) is situated in the ceremonial County of Shropshire which contains one other Unitary Council, Shropshire Council. The borough has a population of 179,900 living in 78,130 households, covering 112 square miles. It is made up of a mixture of urban and rural areas.

Telford & Wrekin is a place of socio-economic contrasts with parts of the borough amongst the most deprived nationally - comparable with inner cities – and other areas amongst the least deprived nationally.

More information on Local Area Profiles can be found on the [Council's website](#).

Telford & Wrekin Council is a Co-operative Council, working with local communities to create “Telford & Wrekin – the Place of Partnership, Enterprise and Innovation”. More information on the Council's Plan and Priorities can be found [here](#).

### **3. The Gambling Commission**

The Gambling Commission regulates gambling in the public interest. It does so :

- by keeping crime out of gambling:-
- by ensuring that gambling is conducted fairly and openly
- by protecting children and vulnerable people

The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission has issued Guidance under Section 25 of the Act regarding the manner in which local authorities exercise their licensing functions under the Act and in particular, the principles to be applied by local authorities.

The Commission has issued a number of codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, including the advertising of gambling facilities.

The Gambling Commission is responsible for issuing operating and personal licences.

For applicants further information can be accessed by using the following link :  
[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### **4. The Licensing Authority Responsibilities**

#### Authorised Activities

- “Gambling” is defined in the Gambling Act 2005 as either gaming, betting, or taking part in a lottery (a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance).
- Gaming means playing a game of chance for a prize.
- Betting means making or accepting a bet on the outcome of a race, competition, or other event or process; the likelihood of anything occurring or not occurring, or whether anything is true or not

#### Licensing Authority Functions

- Grant premises licences for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises

- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming
- Consider occasional use notices for betting at tracks
- Register small societies lotteries

Spread betting is regulated by The Financial Conduct Authority.

Remote Gambling is regulated by the Gambling Commission.

The National Lottery is regulated by the National Lottery Commission.

## **5. General Statement of Principles**

The Licensing Authority recognises the wide variety of premises which require a licence or a permit. These include casinos, betting shops, tracks, bingo halls, pubs, clubs and amusement arcades.

In carrying out its licensing functions, the Licensing Authority will have regard to any guidance issued by the Gambling Commission.

It is recognised that the statutory principles of good regulation and the Regulator's Code apply to Local Authorities and as such the Licensing Authority will have regard to them when fulfilling its regulatory functions under the Act.

The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Licensing Authority has established a good working relationship with the Gambling Commission and will continue to conduct joint inspection visits with the Commission and other responsible authorities as appropriate.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Licensing Authority may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect.

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

However, overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits.

## **6. The Licensing Objectives**

In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives.

The licensing objectives are:

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

### **Preventing gambling from being a source of crime or disorder**

The Gambling Commission plays the leading role in preventing gambling from being a source of crime and maintains rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the Licensing Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued, (unless the premises is a “track” for which an operating licence is not necessary). Therefore, the Licensing Authority is not generally concerned with the suitability of an applicant and where concerns about a person’s suitability arise, the Licensing Authority will bring those concerns to the attention of the Commission.

If an application for a licence or a permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include conditions being put on the licence, such as a requirement for door supervisors, although this would only be considered in cases where there is clear evidence that the premises in question are not being adequately supervised and door supervision is considered both necessary and proportionate.

This Licensing Authority is aware of the distinction between disorder and nuisance. Issues of disorder would normally only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it and whether those people live sufficiently close to be affected or have business interests that might be affected.

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

The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues are adequately addressed by the Commission through the operating and personal licensing regime.

Betting track operators do not need an operating licence from the Commission, the Licensing Authority may, if the circumstances warrant it, require conditions to be applied to the licence relating to the suitability of the environment in which the betting activity takes place.

## **Protecting children and other vulnerable people from gambling**

With limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are “adult only” environments.

It is noted that the Gambling Commission does not seek to offer a definition for the term “vulnerable persons” but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case by case basis.

In accordance with the Gambling Commission’s Guidance for Licensing Authorities, this Licensing Authority expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises. For example, this Authority will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres.

Appropriate measures may include supervision of entrances / machines, segregation of areas, training for staff as regards suspected truanting school children on the premises, training covering how staff would deal with unsupervised very young children being on the premises etc.

### **7. Premises licences**

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

- Casino premises
- Bingo premises
- Betting premises, including betting tracks
- Adult gaming centres
- Family entertainment centres

Premises can be “any place” but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being separate “premises”. With regard to “splitting” premises the Licensing Authority has particular regard to the Commission’s Guidance. Applicants will need to satisfy the Licensing Authority that premises are genuinely “different” and “separate” in each case.

Any entrances and exits from parts of a building covered by one or more licences need to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to “drift” accidentally into a gambling area from one licensed activity to another.

Applicants will need to satisfy the Licensing Authority that, in the case of “split” premises, the mandatory conditions can be complied with at all times. Where the Licensing Authority has

concerns about the use of premises for gambling these will generally be addressed through additional licence conditions.

Other than an application for a betting premises licence in respect of a track, the Licensing Authority is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

When considering applications for premises licences the Licensing Authority will consider each case on its own individual merits without regard to demand. With regard to primary gambling activity issues, the Licensing Authority will take into account any representations made by the Commission.

The Licensing Authority will maintain a register of premises licenses issued which will be available for public inspection on request. Please contact the Licensing Service by email: [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk)

## **8. Responsible Authorities**

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Licensing Authority if those representations are relevant to the licensing objectives.

Section 157 of the Act defines those authorities; for our purposes they are as follows:-

- The Gambling Commission
- The Chief Officer of Police
- Shropshire Fire & Rescue Service
- The Local Planning Authority
- Environmental Health
- Telford and Wrekin Safeguarding Children Board (SCB)
- HM Revenue and Customs
- A Licensing Authority in whose area the premises are wholly or partly situated

Any concerns expressed by a Responsible Authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and to the licensing objectives. In this regard the Licensing Authority will not generally take into account representations which are deemed to be irrelevant, for example:

- there are too many gambling premises in the locality
- planning permission has not been obtained for the premises
- the location of the premises is likely to lead to traffic congestion
- the premises will cause crowds to congregate in one area causing noise and nuisance

Each representation will be considered on its own individual merits.

## **9. Interested Parties**

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

An interested party is someone who:-

- lives sufficiently close to the premises likely to be affected by the authorised activities or,

- has business interests that might be affected by the authorised activities or,
- represents persons in either of the two groups above

The Licensing Authority is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an Interested Party.

Each case will be determined upon its merits, however, in determining whether someone lives sufficiently close to a particular premises so as to be affected, the Licensing Authority will take into account, among other things:-

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

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

- the size of the premises
- the catchment area of the premises (how far people travel to visit the premises)
- whether the person making the representation has business interests in the catchment area that might be affected

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

The Licensing Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:

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

#### Location

This Licensing Authority will have regard to this Statement of Licensing Principles, having, upon receipt of any relevant representation, to look at specific location issues which include:

- the possible impact that a gambling premises may have on any sensitive premises that provide services to children or young people or vulnerable people; for example a school or vulnerable adult centre;
- the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;
- the nature and size of the gambling activities taking place;
- any levels of crime in the area

## 10. Local Area Risk Assessments

All operators with Premises Licences now have an obligation to produce a local area risk assessment. This is to assist the local Licensing Authority when considering applications. This is a new requirement and therefore, constitutes a mandatory condition for licensees. This Licensing Authority expects that a copy of the Local Area Risk Assessment shall be kept on the premises.

Licensees will be required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the Licensing Authority's Statement of Licensing Principles.

Licensees must review (and update as necessary) their local area risk assessments:

- to take account of significant changes in local circumstances, including those identified in a Licensing Authority's Statement of Licensing Principles
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks
- when applying for a variation of a premises licence
- when applying for a new premises licence.

This Licensing Authority will expect the Local Area Risk Assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

Local area risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

Further information on Local Area Risk Assessments is available on the [Gambling Commission's website](#).

## 11. Conditions of Licence

Premises licences are subject to specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Licensing Authority will ensure that any conditions are:-

- relevant to the need to make the premises 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
- reasonable in all other respects

The Licensing Authority will not consider imposing conditions:

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

Conditions relating to the good conduct of gambling premises will primarily be set as mandatory or default conditions by the Secretary of State. The Licensing Authority will only consider imposing conditions in this regard in the light of local circumstances, especially where there are specific risks or problems associated with a particular locality, a specific premises or class of premises.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each case will be assessed on its own individual merits.

## 12. Gaming Machines

The Licensing Authority considers that a gaming machine is 'available for use' if a person can take steps to play it without the assistance of the operator.

More than the permitted number of machines may be physically located on a premises but the onus is on licensees to demonstrate that no more than the permitted number are 'available for use' at any one time.

## **13. Types of Premises Licences**

Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required and/or which is premises based, must apply to the Licensing Authority for a premises licence.

Premises licences can authorise the provision of facilities on:

- casino premises,
- bingo premises,
- betting premises including tracks and premises used by betting intermediaries,
- adult gaming centre premises, or
- family entertainment centre premises.

For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is this Licensing Authority's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.

### **Casinos**

This Licensing Authority has passed a 'no casino' resolution on the basis that there was no requirement to consider such a resolution in accordance with Section 166 Gambling Act 2005 and in line with advice provided by the Local Authorities Co-ordinators of Regulatory Services. Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority, no applications for casino premises licences will be considered. Any

applications received will be returned with a notification that a 'no-casino' resolution is in place.

This resolution came into effect on 31<sup>st</sup> January 2010.

## **Bingo**

The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

Commercial bingo halls will require a bingo premises licence from the Licensing Authority.

It is important that where children are allowed to enter premises licensed for bingo, they are not allowed to participate in any bingo game. When considering applications of this type, the Licensing Authority will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

A limited number of gaming machines may also be made available at bingo licensed premises.

Bingo is classed as equal chance gaming and it will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

As with the previous section in relation to bettering premises, if an application for variation is made to extend the licensing hours of bingo premises, the Licensing Authority will want to establish that the primary purpose of the premises throughout the extended period remains the provision of bingo facilities. Gaming machines may only be made available for use in licensed bingo premises on days when sufficient facilities for playing bingo are also available for use.

In this regard, in cases where bingo is being offered exclusively by means of electronic bingo terminals (EBTs) there must be more individual player positions made available for bingo than there are gaming machines available for use.

Where playing is permitted, on the licensed premise, using mobile electronic devices, then it should only be permitted within the licensed area.

## **Betting Premises**

Anyone wishing to operate a betting office will require a betting premises licence from the Licensing Authority. Children and young persons will not be able to enter premises with a betting premises licence.

Betting premises will be able to provide a limited number of gaming machines and some betting machines.

The Licensing Authority has powers under the Act to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not normally exercise this power unless there is clear evidence that such machines have been, or are likely to be used in a way, which adversely affects the promotion of the licensing objectives. In such cases the Licensing Authority will consider, among other things, the size of the

premises, the level of management and supervision especially where children, young persons and vulnerable people are concerned and also the ability of staff to closely monitor the use of such machines.

It is not possible for an operator to offer gaming machines on premises which are licensed for betting without offering sufficient facilities for betting. The Gambling Commission and the Licensing Authority take the view that customers need to be offered a balanced mix of betting and gaming machines, in line with the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling. "Betting" should therefore remain the primary element of the gambling facilities being offered. Betting may be provided by way of betting terminals or over a counter (i.e. face to face).

If the Licensing Authority receives an application to vary a betting premises licence in order to extend the opening hours, it will need to satisfy itself that the reason for the application is in line with the need for operators to ensure that the main gambling activity associated with the licence type is actually going to be offered at the premises and not replaced merely by making gaming machines available.

In other words, applicants will need to demonstrate that the extension of hours is not designed solely to benefit from the gaming machine entitlement and that the use of gaming machines remains ancillary to the "primary" purpose of the licence, i.e. to provide betting on the premises.

In all cases, each application will be considered on its own individual merits.

## **Tracks**

Only one premises licence can be issued for any particular premises at any time unless the premises are a "track". A track is a site where races or other sporting events take place.

Track operators are not required to hold an "operator's licence" granted by the Gambling Commission, therefore premises licences for tracks issued by the Licensing Authority may contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators have an important role to play, for example, in ensuring that betting areas are properly administered and supervised.

Unlike betting shops, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

When considering whether to exercise its powers to restrict the number of betting machines at a track the Licensing Authority will consider the circumstances of each individual application and among other things, will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

## **Adult Gaming Centres**

This Licensing Authority will specifically have 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, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as Gam Care.

This list is not mandatory, nor exhaustive and is merely indicative of example measures

### **Family Entertainment Centres (Licensed)**

This Licensing Authority will specifically have 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, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as Gam Care.

This list is not mandatory, nor exhaustive and is merely indicative of example measures.

This Licensing Authority will, as per the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **14. Permits**

The Licensing Authority will treat every application for a permit on its own merits, regardless of the number of machines applied for

If a licensed premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority 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.*"

Applicants for permits in respect of alcohol licensed premises may be asked to provide additional information, for example in the form of a plan, in order to satisfy the Licensing

Authority that the premises are suitable for the purpose and will not result in the “primary” use of the premises being changed to one of gambling.

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 being harmed 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 help.

In considering applications for Prize Gaming Permits the applicant should set out the types of gaming that he or she is intending to offer and demonstrate the following:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- that they have clear policies that outline the steps to be taken to protect children from harm.

It should also be noted that the holder of a permit must comply with the following Codes of Practice :

Code of Practice for gaming machines in alcohol licensed premises  
Code of Practice for equal chance gaming in alcohol licensed premises.

## **15. Small Society Lotteries**

The Licensing Authority will refuse applications for registration where it considers that:

- the society in question cannot be deemed to be non-commercial, or
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- the information provided in or with the application for registration is false or misleading, or
- an operating licence held by the applicant for registration has been revoked or, an application for an operating licence made by the applicant for registration has been refused, within the past five years.

The Licensing Authority will revoke the registered status of a society if it thinks that it would have had to, or would be entitled to, refuse an application for registration if it this Licensing Authority being made at that time.

## **16. Exchange of Information**

To ensure the licensing objectives are met the Licensing Authority will establish a close working relationship with the police, the Gambling Commission and where appropriate, other Responsible Authorities.

Subject to the provisions of the General Data Protection Regulations, this Licensing Authority will share any information it receives through the application process with the Gambling Commission and any relevant Responsible Authority. In doing so this Licensing Authority will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. Further information about the Council’s Data Protection

Statement of Principles, including how people can access personal information that this Licensing Authority hold about them is available on the Council's [website](#).

This Licensing Authority are committed to being open about what this Licensing Authority do and how this Licensing Authority come to our decisions in accordance with the spirit of the Freedom of Information Act 2000(FOIA). Further information including how to make a request for information under the Freedom of Information Act is available on the Council's [website](#).

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

Operators/premises are requested to share relevant information with the Licensing Authority about test purchasing (subject to primary authority agreements) and such information as the number of self-exclusion and underage attempts to gamble, in order to help the Licensing Authority develop its understanding about the risk of gambling in its area. The Authority may seek information from operators/premises for this purpose.

Details of applications and representations which are referred to the Licensing Sub Committee may be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. The personal details of those making representations may be disclosed to applicants and other parties to a Hearing and will normally only be withheld on the grounds of personal safety where the Licensing Authority is specifically requested to do so.

## 17. Enforcement Protocols

The Licensing Authority is required by Regulations under the Act to state the principles to be applied by it in exercising the functions under Part 15 of the Act in respect of the inspection of premises and powers under 346 of the Act to institute criminal proceedings in respect of the offences specified.

The Licensing Authority will have regard to the principles of better regulation and any Regulators' Code in force at the time. In addition, the Licensing Authority will act in accordance with the relevant legislation, be guided by the Commissioner's Guidance and will endeavour at all times to be:-

- proportionate – the Licensing Authority will only intervene when necessary and any remedies will be appropriate to the risk posed and costs identified and minimised
- accountable – decisions will be justified and subject to public scrutiny
- consistent – any rules and standards will be implemented fairly
- transparent – the Licensing Authority will be open and any licence conditions will be kept simple and user friendly
- targeted – regulation will be focused on the problem with the aim of minimising side effects

The Licensing Authority is committed to the principles of good enforcement and its [Enforcement Policy](#) sets out how it will go about achieving that aim.

Compliance with the Enforcement Policy will ensure that the Licensing Authority will strive to be fair, impartial, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation

of the suspect, victim, witness or offender. Decisions will not be influenced by improper or undue pressure from any source.

The purpose of the Licensing Authority's Enforcement Policy is to provide a framework to ensure that it works in an equitable, practical and consistent manner.

The Licensing Authority aims to prioritise and direct its regulatory effort effectively. It will aim to balance the need to protect the public from harm against the human rights of the individual and have regard to relevant Codes of Practice.

The Licensing Authority will work with the Commission, the police and other enforcing authorities to provide for the targeting of agreed problem or high risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained. The Licensing Authority will actively use the review process to deal with problem premises.

Test purchasing is one method by which the Licensing Authority, in partnership with the Gambling Commission can measure the compliance of licensed operators. In conducting test purchasing, the Licensing Authority may work in partnership with the Gambling Commission which have the primary responsibility for issues related to individual gambling premises. Test purchasing is also a means by which operators themselves can demonstrate the effectiveness of their policies and procedures.

## **18. The Licensing Process**

The Licensing Authority's licensing functions under the Act will be carried out by the Licensing Committee and Licensing Sub Committee and by officers acting under the delegated authority of the Licensing Committee.

Where there are relevant representations in respect of an application the matter will be determined by the Licensing Sub Committee, as will any application for the review of a licence.

This Statement of Licensing Principles is not intended to override the right of any person to make an application under the Act and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

### **Declaration**

In producing this Statement, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, any guidance issued by the Gambling Commission and any responses received from those consulted prior to the preparation of this Statement.

Those wishing to find information out about fees and the application process can visit the Council's [website](#), or contact the Licensing Service by telephoning 01952 381818 or by emailing [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk).