

Subject:	Gambling Act 2005 – revised policy		
Date of Meeting:	17 December 2015 19 November 2015 – Licensing Committee		
Report of:	Director of Public Health		
Contact Officer:	Name:	Tim Nichols	Tel: 29-2163
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Gambling Act 2005 requires Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they propose to apply when exercising their functions, and they must publish the statement following the procedure set out in the Act, including whom they should consult.

2. RECOMMENDATIONS:

- 2.1 That the Director of Public Health agrees to refer the final version of the Statement of Gambling Policy to Full Council for adoption. (Appended)
- 2.2 That the final Statement of Gambling Policy is presented to Full Council.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Following Gambling Commission guidance, the council's current Gambling Statement was sent to all statutory consultees. This was a "quick" consultation as an interim review with some minor amendments, including changing the date and removing out of date information.

4. CONSULTATION

- 4.1 Consultation commenced 1 September 2015 and lasted 4 weeks. The existing statement of gambling policy was sent to consultees and was available on the council's website.
- 4.2 Responses were received from one business and a solicitor representing a business in the city. The responses were evaluated. Respondents were generally in favor. No proposals were made for any changes and therefore it is proposed to maintain our existing policy with out of date information removed. (See appendix 1).

4.3 Before publishing the Statement, the local authority is required to publish a notice of its intention to publish a statement. This must be done no less than two weeks before the statement is published. The notice must

- a) Specify the date on which the statement is to be published
- b) Specify the date on which the statement will come into effect
- c) Specify the internet address where the statement will be published and the address of the premises at which it may be inspected and
- d) Be published on the authority's website and in or on one or more of the following places
 - A local newspaper circulating in the area covered by the statement
 - A local newsletter, circular or similar document circulating in the area covered by the statement
 - A public notice board on or near the principal office of the authority's public notice board on the premises of public libraries in the area covered by the statement.

The statement must be published at least one month before it takes effect.

4.4 Timetable:

- Licensing Committee 19 November 15
- Full Council 17 December 2015
- Advertised and published during December 2015.
- January 2016 Revised Statement comes into effect

4.5 Officers are also in the process of re-writing the Gambling Statement of Principles in light of the forthcoming changes to the Licensing Conditions and Code of Practice (LCCP) and Guidance for Local Authorities (GLA), to incorporate the new social responsibility requirements which come into force in April 2016 for which we will carry out a 3 month consultation.

4.6 Officers recently carried out a test purchase operation of 6 gambling premises in Brighton & Hove, working with the Gambling Commission. 3 out of 6 premises failed the test purchase. This information has been passed to the relevant Primary Authority and Gambling Commission for any further action.

5. **FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

5.1 There are no financial implications arising from the production of this statement, as licensing fees are set at a level that will be cost neutral to the licensing authority.

Finance Officer Consulted: Michael Bentley

Date: 08/10/15

Legal Implications:

5.2 Local authority responsibilities include: upholding licensing objectives, publishing a three year licensing policy, determining applications for

premises licences and regulating members clubs – club gaming and machine permits. The Licensing Committee established under section 6 of the Licensing Act 2004 has authority to exercise functions under the Gambling Act 2005 with the exception of: a resolution not to issue casino licences, the three year licensing policy (full council) and setting fees.

Lawyer Consulted: Rebecca Sidell

Date: 08/10/15

Equalities Implications:

- 5.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling is one of the licensing objectives. The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. “Vulnerable persons” will not be defined but for regulatory purposes the assumption is 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. Operators should encourage where appropriate, strategies for self help and provide information on organisations where advice and help can be sought.

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments..

Sustainability Implications:

- 5.4 None.

Crime & Disorder Implications:

- 5.5 Gambling Commission Inspectors will have the main enforcement/compliance role. The police and licensing authority officers have powers of entry and inspection.

Risk and Opportunity Management Implications:

- 5.6 Gambling licensing objectives are:
- (a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime
 - (b) Ensuring gambling is conducted in a fair and open way
 - (c) Protection children and other vulnerable persons from being harmed or exploited by gambling.

Corporate / Citywide Implications:

- 5.7 Licensing authorities licence all gambling premises in the city: casinos, bingo, betting, tracks, adult gaming centres, family entertainment centres as well as administering notices and granting gaming permits.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1: Analysis of responses

Appendix 2: Revised Gambling Statement

Documents In Members' Rooms:

None

Background Documents:

None

Summary of responses

Responders R1-R3 Trade

From:	Response	<i>whether accommodated or reasons not</i>
Gosschalks Solicitors acting for the Association of British Bookmakers (ABB)	<p>The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.</p> <p>This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.</p> <p>The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.</p> <p>The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.</p> <p>It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling</p>	Support for current policy

rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the

"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a

national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said:

"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

	<p>By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.</p> <p>Local area risk assessments</p> <p>With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.</p> <p>Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.</p> <p>The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.</p> <p>Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to</p>	<p>To be included in next policy (currently being worked on).</p>
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	<p>their own operational processes informed by Statements of Principles and the local area profile.</p> <p>The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.</p> <p>Local Area Profiles – Need for an evidence based approach</p> <p>It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.</p> <p>This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.</p> <p>A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.</p> <p>We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.</p>	<p>To be included in next policy (currently being worked on).</p>
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Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

	<p>This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.</p> <p>Specific Policy Comments</p> <p>The ABB welcomes your light touch approach to the draft gambling policy and in particular, the acknowledgement that as far as betting offices are concerned, there is no evidence that betting offices have historically required door supervision and that there is no evidence that betting machines give rise to any concerns.</p> <p>The ABB also welcomes the acknowledgement within paragraph 4.2 that many betting offices are already located near schools. Operators already have policies and procedures to ensure that those under 18 cannot bet or indeed enter the premises and all staff are trained in this regard.</p> <p>As far as paragraph 2.17 is concerned, the policy would benefit from slight expansion to acknowledge that whilst the authority may limit the number of betting machines when there is evidence to do so, it cannot limit the number of gaming machines.</p> <p>Conclusion</p> <p>The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.</p> <p>ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory</p>	<p>Support for current policy</p>
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	<p>compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.</p> <p>Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.</p>	
Elizabeth Speed for Luxury Leisure	<p>On behalf of Luxury Leisure, I make the following comments in response to the above consultation draft (the "Draft"):-</p> <ol style="list-style-type: none"> 1. As the Authority will appreciate, in matters of regulation under the Gambling Act 2005, it is subject to the Regulators' Code. That code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that supports those it regulates to comply and grow. Additionally, when designing and reviewing policies, the Authority must, among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We suggest the Draft be amended to include an express statement that the Authority recognises that it is subject to and will comply with the Regulators' code in relation to matters of gambling licensing and enforcement. 2. The Draft acknowledges the existence of mandatory and default conditions which apply to each premises licence, which as the Authority will 	

	<p>appreciate, should not be duplicated by conditions attached by the Authority. The Authority will also appreciate that it is fundamental that each application is dealt with on its own merits. However, reference is made at Paragraph 9 to an Appendix of a “pool of model conditions”, which we do not have and cannot find on the website. This conflicts with the principle of each application being dealt with on its merits and may conflict with or duplicate areas already covered by the LCCP or mandatory or default conditions. We cannot comment in detail as we have not seen them. We would however point out that section 169 of the 2005 Act does not suggest a pool of conditions should be referred to or adopted – it simply says that conditions may be attached.</p> <p>3. Finally, as the Authority appreciates, children can take part in some gambling. As such, it is not appropriate to say, as is proposed at Paragraph 2.10, that children should not be in close proximity to gambling - plainly they are permitted to be so in relation to gambling they are permitted to participate in.</p>	<p>Agreed: children can be allowed in family entertainment centres</p>
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Brighton & Hove City Council

Brighton & Hove City Council

Gambling Statement

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1. Brighton and Hove City Council: Gambling Statement

1 Introduction

1.1 This statement has been prepared in accordance with the provisions of the Gambling Act 2005. Its purpose is to promote the gambling objectives, give weight to views of consultees listed below and set out a general approach to making gambling decisions. Brighton & Hove City Council as the licensing authority in relation to gambling must carry out its functions with a view to promoting the gambling objectives and this statement is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this Policy covers the following:

- Avoidance of unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation
- Demand for gaming premises
- Principle to be applied in exercising functions under Section 15 of the Act with respect to inspection of premises and the power under Section 346 of the Act to institute criminal proceedings
- Principle to be applied to determine whether a person is an interested party in relation to a premises licence, or in relation to an application for or in respect of a premises licence
- Consideration of applications
- Statement regarding casino resolution
- Information exchange
- Statement of principles

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

1.3 The statutory consultees are:-
(a) the chief officer of police for the authority's area;
(b) such persons as the licensing authority considers to represent the interests of persons carrying on gambling businesses in the authority's area;
(c) such 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 Act.

1.4 In addition to consultees in 1.3 above, a list of the persons or bodies consulted can be found at (12) on page 10.

Due consideration was given to all those who responded – the consultation period commenced 1 September 2015 and lasted 4 weeks.

1.5 This policy will come into force on 1 January 2016 by resolution of Full Council in December 2015 and will be reviewed and published at least every three years.

The review process will be undertaken using the same principles as the initial consultation process. The policy will also be under review in the interim periods; any revisions required by either process will also be the subject of consultation. It is also subject to guidance issued by the Government including any issued after the date of publication of this Statement.

- 1.6 Local Features** The population of Brighton & Hove is approximately 250,000, but this number increases significantly in the summer months with the influx of tourists. Eight million people visit this city-by-the-sea each year and it is also one of the top 10 most popular UK destinations for overseas visitors, with over 310,000 staying visitors per year and supporting over 13,000 local jobs. Brighton Marina is one of the largest in Europe, and the City is a major centre for heritage and culture, hosting the largest annual international arts festival in England every May. There are also two Universities, a City College and a large number of language schools, which together make the City very popular with students from many parts of the world. Thirty five percent of the population is aged 20-39, which is much higher than the national average. This is quite different from the large retirement age population associated with many coastal cities and reflects the City's reputation among young people as an attractive place to live.

The Office of National Statistics figures for 2003 show that in the three year period from 1998 to 2001 there has been a trend of increasing numbers of hotels, restaurants and bars in the city. Hotels have increased by 22%, restaurants by 16% and bars by 12% - this trend has not showed signs of change to date. This would seem to reflect the growing importance of the tourism and leisure industries to Brighton & Hove: increasing diverse groups of young people are attracted here as a leisure destination. A burgeoning music industry, a vibrant pub and club culture and being a place to party ensures that the city is on the leisure map. Brighton & Hove is also a major, internationally recognised leisure destination for the gay community. The city's proximity to London means that it is able to attract high spend, short stay visitors who are drawn to the pub and club scene in the city's centre.

- 1.7 The City of Brighton & Hove already provides many gambling facilities. There are two racetracks. Brighton Racecourse on Whitehawk Down has been a site of organised public racing since the late eighteenth century. Brighton and Hove were two of the 53 permitted areas in Great Britain with four casinos under the 1968 Act. There are numerous bingo and betting premises. As a seaside resort, there is a history of amusement arcades, likely to become family entertainment centres or adult gaming centres.

- 1.8 The types of applications covered by the licensing authority of Brighton & Hove City Council and relevant to this statement are:-

- To license premises for gambling activities
- To consider notices given for the temporary use of premises for gambling
- To grant permits for gaming and gaming machines in clubs
- To regulate gaming and gaming machines in alcohol licensed premises
- To grant permits to family entertainment centres for the use of certain lower stake gaming machines
- To grant permits for prize gaming
- To consider occasional use notices for betting at tracks

- To register small societies' lotteries

1.9 Family Entertainment Centres Applicants for permits for family entertainment centres will be required to submit enhanced criminal records bureau certificate and declaration from an applicant that he or she has not been convicted of a relevant offence.

1.10 Gambling decisions and functions may be taken or carried out by the licensing committee of Brighton & Hove City Council or delegated to the licensing sub-committee or in appropriate cases by officers of the authority. As many of the decisions will be purely administrative in nature, the principle of delegation to officers is adopted in the interests of speed, efficiency, and cost effectiveness. The terms of delegation of function are set out below.

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		If a representation made	If no representation made
Application for a variation to a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/club machine permits		If a representation made	If no representation made
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

1.11 The licensing authority shall foster ownership, coordination and partnership. Work shall include consultation with business managers to encourage understanding and ownership of policy and good practice.

1.12 Nothing in this policy shall undermine any person from applying for a variety of permissions under the Act and appropriate weight will be given to all relevant representations. Such representations will not include those that are frivolous or vexatious.

1.13 **Human Rights**

In considering applications, and taking enforcement action, licensing authorities are subject to The Human Rights Act and in particular the following relevant provisions of the European Convention on Human Rights:-

- Article 1, Protocol 1 - peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest.
- Article 6 - right to a fair hearing.
- Article 8 - respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life; and
- Article 10 – right to freedom of expression.

Licensing Authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being met.

2 Fundamental Principles

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

2.2 Applicants for premises licences will have to hold an operating licence from the Gambling Commission before the premises licence can be issued. The licensing authority will not need to investigate the suitability of an applicant since the Commission will have already done so for both operating and personal licences.

2.3 If, during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.

2.4 Licensing authorities will need to consider the location of premises in the context of this objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems e.g. with organised crime, the authority should think about what controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence. Section 169 of the Act allows the authority to impose conditions to prevent disorder.

2.5 Consideration may be given to imposition of conditions concerning:

- Security and door supervision – guarding premises against unauthorised access or occupation, or against outbreaks of disorder or against damage may only be undertaken by Security Industry Authority licensed personnel.
- As set by regulation.

2.6 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter

and that door supervision is both necessary and proportionate.

2.7 Ensuring that gambling is conducted in a fair and open way

Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter dealt with under the operating licence or personal licence.

2.8 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. Off-course operators with on-course facilities may be required to hold a separate betting premises licence for this area but this will not be a mandatory requirement and will be at the discretion of the racecourse and the betting operator.

2.9 Conditions may be imposed as set by regulation.

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

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises that are adult-only environments. Children must be protected from being "harmed or exploited by gambling" which in practice means preventing them from taking part in or being in close proximity to gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

2.11 Specific measures to prevent this may include:-

- a) Supervision of entrances
- b) Segregation of gambling from areas frequented by children
- c) Supervision of gaming machines in non-adult gambling specific premises
- d) Gaming machines in betting shops should not be visible from outside the premises
- e) Enhanced CRB checks may be required for all applicants in relation to Family Entertainment Centres and declaration from an applicant that he or she has not been convicted of a relevant offence

These considerations will be particularly relevant on tracks (where children will be permitted in the betting areas on race-days).

2.12 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. "Vulnerable persons" will not be defined but for the purposes of this policy the assumption is that this group includes people who from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem, a known compulsion to gamble or the effects of alcohol or drugs.

Operators should make information publicly available via leaflets etc about organisations that can provide advice and support, both in relation to gambling itself

and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

- 2.13 Consideration must be given, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling.
- 2.14 The licensing authority recognises the Children and Young People's Trust as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to: Children and Young People's Trust Assistant Director (Children's Social Care) King's House, Hove, BN3 2LS in its capacity as the responsible authority.
- 2.15 Children are permitted to enter family entertainment centres and may play category D machines.
- 2.16 Consideration may be given to imposing conditions concerning
- Installation of cash dispensers (ATMs) on premises (e.g. location)
 - As set by regulation.
- 2.17 Bookmakers shops: While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

3. Avoidance of unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation

- 3.1 This policy shall avoid unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation. Where appropriate, matters for consideration in gambling applications will not duplicate matters considered as part of any planning application.
- 3.2 The Licensing Committee should provide regular reports to the Planning Committee on the situation regarding licensed premises in the area. Such reports may include: the general impact of gambling related crime and disorder, numbers and types of applications per ward, results of applications/appeals, details of closing times, such other information as the committee deems appropriate.

4. Demand for gaming premises

- 4.1 Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its merits without regard to demand.
- 4.2 The licensing authority may comment on the location of premises in so far as the location relates to the licensing objectives. The general principals that will be applied when determining whether the location of proposed gambling premises is acceptable (with or without conditions) will reflect the licensing objectives. So for example, the

authority will consider very carefully whether applications for premises licences in respect of certain gambling premises located very close to a school, or a centre for gambling addicts should be granted in light of the third licensing objective. (Many betting offices are located near schools or in residential areas but under 18's are not permitted on the premises. The location of racecourses will not have altered and cannot be transferred to another location). However, each application will be considered on its merits and will depend on the type of gambling that it is proposed will be offered in the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will have to be taken into account.

5. Interested parties

- 5.1 Section 158 of the Act defines interested parties as persons who:
- a) live sufficiently close to the premises to be likely to be affected by the authorised activities
 - b) have business interests that might be affected by the authorised activities; or
 - c) represent persons who satisfy a) or b).

Persons who fall into c) above may include trade associations, trade unions, residents associations and tenants associations, and ward councillors or MPs.

Whether a person is an interested party with regard to particular premises will be considered on a case-by-case basis, judging each on its merits. The size of the premises and the activities taking place will be taken into account. Larger premises may affect people over a broader geographical area compared to smaller premises offering similar facilities.

6. Principle to be applied in exercising functions under Part 15 of the Act with respect to inspection of premises and the power under Section 346 of the Act to institute criminal proceedings

- 6.1 The Enforcement Concordat (now called the Regulatory Compliance Code) will be accepted as best practice. The Better Regulation Executive and Hampton review of regulatory inspections and enforcement will be used as models, as follows:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.

7 Statement regarding casino resolution

- 7.1 The licensing authority has not taken a decision to pass a resolution not to issue casino licences. The effect of a resolution would be not to issue new casino licences in Brighton & Hove.

8 Information Exchange and Integration of Strategies

- 8.1 The Commission may require authorities to provide information about applications covered by the gambling authority. This information will be provided in the format requested by the Commission.
- 8.2 This Policy will follow corporate guidelines regarding data protection and freedom of information. Where valid representations are received, a copy is sent to the applicant in order to facilitate discussions on the matters raised.
Please note: *names and addresses of those making representations will usually be disclosed to applicants.*
- 8.3 The gambling authority shall secure the proper integration of this policy with local crime prevention, planning, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, HM Revenue & Customs and the Community Safety Strategy representatives and following the guidance in community safety and crime and disorder strategy,
 - Liaising and consulting with the planning authority,
 - Liaising and consulting with tourism, stakeholder groups, business groups such as the City Centre Business Forum and the economic development functions for the Council.
 - Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- 8.4 The Statement of Gambling Policy will support the aims of the tourism strategy recognising the benefits for the tourism economy by creating a safer and more attractive City centre and improving competitiveness with other European Cities.
- 8.5 The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area, the employment situation of the area and the need for new investment and employment where appropriate to ensure that it considers these matters.
- 8.6 Planning permission is not a guarantee that permission to provide gambling will be granted. The two regimes work separately.

9. Standard Conditions

Appendix 2 (Section 169 of the Act) contains a pool of model conditions that may be imposed or excluded by the licensing authority. The Act provides that conditions may be attached to premises licences. Conditions may be attached in a number of ways:

- They may be attached automatically, having been set out on the face of the Act including mandatory and default conditions from the Secretary of State, or
- They may be attached to premises licences by licensing authorities. The authority should take decisions on individual conditions on a case-by-case basis and choose suitable and appropriate conditions to suit the specific needs of an individual premises' operation.

10. Enforcement

- 10.1 The enforcement of gambling law and the inspection of licensed premises will be detailed in the Protocol between the Gambling Commission, Brighton & Hove City Council and Sussex Police. This protocol will monitor compliance with the provisions of the Act and with licence conditions, and the investigation of suspected offences.
- 10.2 In general, the approach of the Commission will be that the authority which issues a licence or permit should take the lead in ensuring compliance with the licence and any conditions attached to it, including compliance with relevant codes of practice.
- 10.3 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

11. Contact Details, Advice and Guidance

- 11.1 Further details for applicants about the gambling and application process, including application forms, can be found:
- By contacting the Health & Safety and Licensing Team at: Bartholomew House, Bartholomew Square, Brighton BN1 1JP
 - By telephoning them on 01273 294429
 - By faxing on 01273 292169
 - E-mail ehl.safety@brighton-hove.gov.uk
 - Via www.brighton-hove.gov.uk (search under Licensing Act 2003 and follow the gambling links)
 - Via Customer Services Contact Centre
 - Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP
 - Police Licensing Unit, Police Station, John Street, Brighton BN2 2LA Tel: 01273 665523
 - Fire Authority East Sussex Fire and Rescue Service, Brighton & Hove Fire Safety, Office, Hove Fire Station, English Close, Hove, BN3 7EE, Tel: 01323 462130
 - Planning, Development Control, Hove Town Hall, Norton Road, Hove, BN3 1PT, Tel: 01273 290000
 - Environmental Health, Pollution Team, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP, Tel: 01273 290000
 - Child protection - Children and Young People's Trust, Assistant Director, (Children's Social Care), King's House, Hove, BN3 2LS
 - HMRC, National Registration Unit, Betting and Gaming, Portcullis House, 21 India Street, Glasgow, G2 4PZ. Tel: 0845 010 9000

12. Consultation was undertaken with the following:-

- the chief officer of police for the authority's area; and HM Revenue & Customs
- persons representing the interests of persons carrying on gambling businesses in the authority's area – including existing casino operators, the British Casino Association, betting shops and the Association of British Bookmakers, bingo premises, operators of amusement facilities in the area, the Racecourse Association,

Brighton Business Forum;

- persons who represent the interests of persons who are likely to be affected by the Act including faith groups, local residents and tenants associations, voluntary and community organisations working with children and young people, operators of small lotteries, organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations such as Citizens Advice Bureau, The Money Advice Trust and National Debtline, GamCare, Members and trade unions.

