

LICENSING AND REGULATION COMMITTEE

8 October 2015

GAMBLING ACT STATEMENT OF PRINCIPLES (POLICY) – DRAFT

REPORT OF HEAD OF ENVIRONMENTAL HEALTH & LICENSING

Contact Officer: Carol Stefanczuk Tel No: 01962 848 188
cstefanczuk@winchester.gov.uk

RECENT REFERENCES:

[GAMBLING ACT STATEMENT OF PRINCIPLES \(POLICY\) – CONSULTATION
DRAFT – DATED 18 JUNE 2015 \(MEETING 2 JULY 2015\)](#)

EXECUTIVE SUMMARY:

Under the Gambling Act 2005, the City Council as licensing authority is required to review and publish its Statement of Principles every three years. This Statement sets out the Council's approach to licensing issues under the Act. Prior to publishing the revised statement, a consultation exercise must be carried out.

The current Statement runs until 31 January 2016, and the Council therefore needs to review it and publish a new Statement for the three years from 1 February 2016. A revised draft Statement was prepared, attached as Appendix 1 to this report, to cover the three years from 1 February 2016. Members resolved to publish the draft as part of the consultation process.

The consultation ran from 20 July 2015 to 6 September 2015. During the consultation period comments were received from Coral, Association of British Bookmakers Ltd and the Assistant Director Environment.

RECOMMENDATIONS:

- 1 That the Committee consider whether any additional changes should be made to the Policy in view of the comments received.
- 2 That, subject to any amendments, the draft Statement of Principles attached at Appendix 1 be approved for adoption by the Council at its meeting of 4 November 2015.

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REPORT OF HEAD OF ENVIRONMENTAL HEALTH & LICENSING

DETAIL:

1 Introduction

- 1.1 Under Section 349 of the Gambling Act 2005 (the Act), the City Council is under a duty to prepare and publish a “Statement of Principles” every three years, setting out the principles which it proposes to apply in carrying out its functions under the Act.
- 1.2 The Council adopted the first Statement of Principles for the period from 1 February 2007 to 31 January 2010. It was reviewed for the period 1 February 2010 to 31 January 2013; the current Statement is due for review by 31 January 2016. This report deals with the preparation of the review of the Statement dated 31 January 2013 to 31 January 2016.
- 1.3 On 2 July 2015, the Licensing and Regulation Committee approved the draft statement for consultation.
- 1.4 The consultation was advertised on the Council’s website and notice board at the City Offices.
- 1.5 Relevant parties such as the Chief Officer of Hampshire Constabulary and the Gambling Commission were consulted. A full list of consultees can be found at Appendix 2.
- 1.6 During the consultation period, comments were received from; Coral, Association of British Bookmakers Ltd and the Assistant Director Environment. The responses can be found at Appendix 3.
- 1.7 The Committee are therefore asked to consider whether any additional changes should be made to the Policy in view of the comments received.

2 Comments

- 2.1 Coral and the Association of British Bookmakers (ABB) provided comments on Part B Section 2 in relation to risk assessments. Both do not consider that the paragraph; *“How the operator will address the risks associated with the proximity of schools, treatment/support centres, areas with a high concentration of residential properties and temporary accommodation”* should be included within the Policy.

- 2.2 Coral and the ABB state that there is no evidence to support the suggestion that premises operating in these areas would lead to a higher risk of undermining the licensing objectives.
- 2.3 The ABB also requests that where a local area profile is produced, that this document is included in the Council's Statement of Licensing Principles (Policy).
- 2.4 The Assistant Director Environment queried the wording of section 2.4 on page 6 regarding the licensing objective; ensuring that gambling is conducted in a fair and open way. A paragraph has been added to this section to include; *Where Winchester City Council suspects that gambling is not being conducted in a fair and open way, this would be brought to the attention of the Gambling Commission.*

3 Recommendation

- 3.1 It is recommended by the Head of Environmental Health & Licensing that, subject to any amendments, the Statement of Principles (Policy) for the Gambling Act 2005 be approved by the Council at its meeting on 4 November 2015.

OTHER CONSIDERATIONS:

4 COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

- 4.1 This report covers issues which affect the Outcomes of High Quality Environment and Active Communities.
- 4.2 There is no direct link to Portfolio Plans as the requirements under the Gambling Act 2005 are statutory functions.

5 RESOURCE IMPLICATIONS:

- 5.1 Income and expenditure is forecast to remain at existing levels and within the current approved budgets.

6 RISK MANAGEMENT ISSUES

- 6.1 There are no risk management issues which are relevant to this report.

BACKGROUND DOCUMENTS:

[Guidance to Licensing Authorities 4th Edition](#) – Gambling Commission September 2012

APPENDICES:

Appendix 1 Draft Statement of Principles – review October 2015

Appendix 2	Full list of consultees
Appendix 3	Comments received during consultation period



Winchester
City Council

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

David Ingram
Head of Environmental Health & Licensing
Winchester City Council

October 2015

This Statement of Principles will remain
in force from 31st January 2016 until 31st January 2019

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WINCHESTER CITY COUNCIL

GAMBLING ACT 2005

SECTION 349

Statement of Principles

The contents of this document are provided as information on the policy and principles of Winchester City Council in carrying out its functions in relation to the regulation of gambling. The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice.

The Statement of Principles as determined by Winchester City Council in respect of its licensing functions in relation to the Gambling Act 2005 for the three year period commencing 31st January 2016 is set out in this document. During the three year period, the document will be kept under regular review and, following a full consultation process, the Council will make such revisions to it, at such times, as it considers appropriate. Further statements of principles will be published every three years thereafter.

Publication

This statement or any subsequent revision of the statement will be published on the Winchester City Council website (www.winchester.gov.uk). The statement or any subsequent revision of the statement is also available for inspection at the following location:

Winchester City Council Offices at Colebrook Street, Winchester, Hants.

Declaration

In publishing this document, Winchester City Council has had regard to the licensing objectives of the Gambling Act 2005 (the Act), the guidance issued by the Gambling Commission and any responses from those consulted on the policy statement.

The Act introduced a new regulator for commercial gambling, the Gambling Commission (“the Gambling Commission”), which replaced the Gaming Board of Great Britain. Operators licences and personal licences are issued and regulated by the Gambling Commission whilst local authorities (such as Winchester City Council) are responsible for the issue and regulation of premises licences, and other permits.

The Act places responsibilities on licensing authorities in ways similar to the Licensing Act 2003. There are some interdependencies between the Licensing Act 2003 and the Gambling Act 2005 in terms of the framework for decision making and the procedures that must be followed. However Winchester City Council will take care to ensure that in dealing with applications under the Gambling Act it follows the procedures that the Gambling Act 2005 requires and only takes into account issues that are relevant to that Act. Care will be taken not to confuse Gambling Act considerations with those relevant to alcohol licensing or planning.

When using this document, reference should also be made to the Gambling Act 2005, any associated regulations and any guidance and advice issued by the Gambling Commission or the Department of Culture, Media and Sport and information contained on the Winchester City Council web site (www.winchester.gov.uk)

Introduction

The Winchester area is situated in the central part of the County of Hampshire. It covers an area of approximately 250 square miles, and is largely countryside, with urban areas being Winchester itself (the largest area in the District), with smaller towns such as New Alresford, Bishop's Waltham, and Wickham and many villages.

Tourism is a major part of the local economy and every year approximately 4.25 million visits are made to the area, particularly to Winchester City Centre.

The Winchester area faces many challenges if its special character is not to be eroded by the modern day pressures of people, housing, industry and traffic. It has a number of premises conducting gambling activities as follows:

- 7 betting premises
- Approximately 100 premises and members clubs licensed under the Licensing Act 2003
- 4 adult gaming centres
- 124 small society lotteries

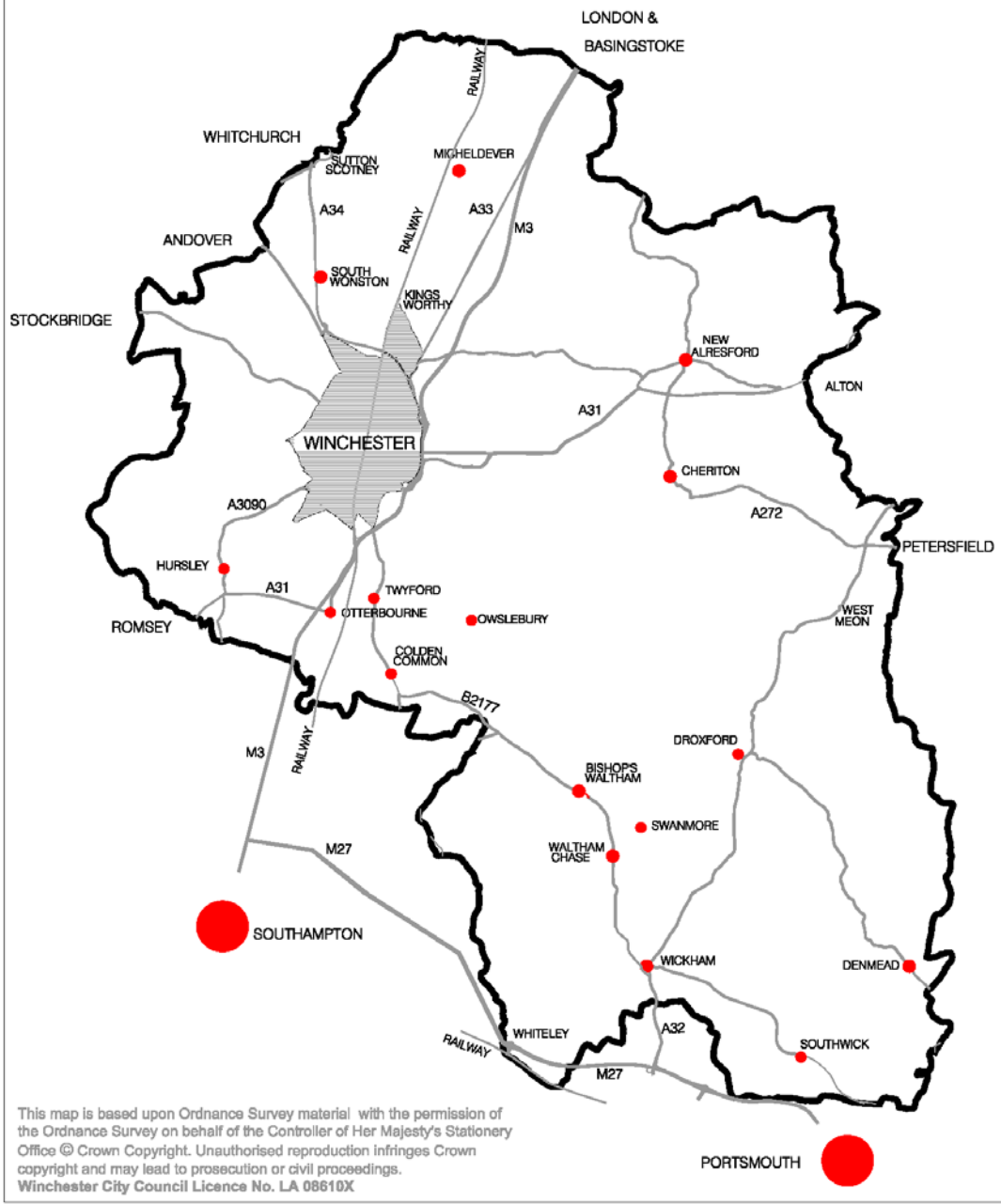
At the time of publication there are no bingo halls, tracks or casinos within the Winchester City Council area.

The Council recognises that legal gambling in a fair and open way, with suitable protection for vulnerable persons, is an important part of the District and contributes to the local economy and attention is drawn to the section 'Fundamental Principles' regarding demand, objections and locations for any application for gambling premises.

Winchester City Council has consulted the following on this Statement:

- The 'Responsible Authorities', namely the Chief Constable of Hampshire Constabulary, the Gambling Commission, Hampshire Fire and Rescue Service, Winchester City Council's Head of Development Management and Head of Environmental Health & Licensing, Hampshire County Council Safeguarding Unit, and H M Revenue and Customs;
- One or more persons who appeared to the City Council to represent the interests of persons carrying on gambling businesses in the Winchester area, namely the Association of British Bookmakers Ltd, BACTA, Australian 8 Ball Co. Ltd, Sceptre Leisure plc, Winchester Automatics Limited, Winchester BID and various breweries who hold Premises Licences within the District.
- One or more persons who appeared to the City Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act, namely all Ward Members, Parish Councils, Gamblers' Anonymous, Gam Care, National Problem Gambling Clinic, Winchester and Bishop's Waltham Citizens' Advice Bureaux offices, the Hampshire Hospitals NHS Foundation Trust, and known residents' associations.

General Location Map of Winchester City Council District



PART A

1. Winchester City Council Functions

1.1 As Licensing Authority for the purposes of the Gambling Act 2005, Winchester City Council will:

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

1.2 "Remote gambling" (gambling by means such as the internet, or telephone) will be regulated by the Gambling Commission via Operator Licences, and not the City Council.

Note – terms in italics are defined terms in the Gambling Act 2005. The Glossary in Appendix 1 sets out these and other terms in the Act.

2. Licensing Objectives

2.1 In exercising most of the functions under the Gambling Act 2005, Winchester City Council must have regard to the licensing objectives contained in that Act. In particular it must have regard to the licensing objectives when exercising its functions in relation to premises licences, temporary use notices and some permits. 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; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.2 In accordance with Section 153 of the Act, the City Council will aim to permit the use of premises for gambling in so far as the Council thinks is-

- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
- (b) in accordance with any relevant guidance issued by the Gambling Commission;
- (c) reasonably consistent with the licensing objectives;
- (d) in accordance with this Statement of Principles.

It should be noted that in considering gambling applications, these objectives are not the same as those in the Licensing Act 2003. In particular, they do not include considerations in relation to public safety or prevention of public nuisance.

2.3 The Gambling Commission will play a leading role in preventing gambling from being a source of crime. Winchester City Council will ~~also need~~ to consider the location of premises in the context of preventing gambling from being a source of crime or disorder. In this context, disorder means activity that is more serious and disruptive than mere nuisance and Winchester City Council will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

2.4 In ensuring that gambling is conducted in a fair and open way, Winchester City Council has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document. Also, where appropriate, Winchester City Council will pay attention to the information that is made available to customers using gambling facilities that are regulated by permits. Where Winchester City Council suspects that gambling is not being conducted in a fair and open way, this would be brought to the attention of the Gambling Commission.

2.5 The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling. Winchester City Council will therefore consider 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. Winchester City Council will also need to consider the location of premises in the context of protecting children and vulnerable persons.

2.6 Winchester City Council will encourage more dialogue with Operators to address social responsibility as advocated by the Gambling Commission. From April 2016, Operators must assess local risks and have policies, procedures and control measures in place to mitigate risk. Operators will be required to make reference to the Council's Statement of Principles in their risk assessments and share this with the City Council.

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2.62.7 Winchester City Council will seek to develop a Local Area Profile which will understand how gambling is provided within the district and what the risks are. The Local Area Profile will be separate to the Statement of Principles.

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3. Consultation on the statement of principles

3.1 Winchester City Council has consulted the following on this statement:

- The Chief Constable of Hampshire Constabulary;
- One or more persons who appeared to the City Council to represent the interests of persons carrying on gambling businesses in the Winchester area, namely the Association of British Bookmakers Ltd, Claremont Automatics Ltd, Australian 8 Ball Co. Ltd, Sceptre Leisure, Winchester Automatics Limited and various breweries who hold Premises Licences within the District.
- One or more persons who appeared to the City Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Act, namely all Ward Members, Parish Councils, Gamblers' Anonymous, Winchester and Bishop's Waltham Citizens' Advice Bureaux offices, the Mid-Hants Primary Care Trust, and known residents' associations.

3.2 Winchester City Council will also consult the above for any subsequent revision of the statement.

3.3 The Council's draft Statement will be published for consultation on 20 July 2015 and will allow until 6 September 2015 for comments.

3.4 The Statement will be presented at a meeting of the Full Council on 4 November 2015 for approval.

3.5 In determining its Statement of Principles (or any revision thereof), Winchester City Council will always:

- Have regard to the Gambling Commission Guidance to Licensing Authorities;
- Give appropriate weight to the views of those it has consulted.

- 3.6 In determining what weight to give to particular representations on its statement, the factors taken into account will always include:
- Who is making the representation in terms of their expertise or interest;
 - What their motivation may be for their views;
 - How many other people have expressed the same or similar views;
 - How far the representations relate to matters that the licensing authority should be including in its policy statement.
- 3.7 It will be for Winchester City Council to ensure that it looks at the views of consultees and considers carefully whether they should be taken into account, and to what extent (having regard to the above factors). Winchester City Council will always give reasons for the decisions it has made following consultation, details of which can be viewed on the Winchester City Council web-site or by contacting the Licensing Section at the City Council Offices, Colebrook Street, Winchester.
- 3.8 Any comments as regards this policy should be sent to:
- Licensing Manager
Winchester City Council
Colebrook Street
Winchester
SO23 9LJ
- Email: licensing@winchester.gov.uk

4. Fundamental Principles

- 4.1 In carrying out its functions, Winchester City Council will regulate gambling in the public interest and will have regard to the guidance issued under Section 25 of the Act. With the exception of premises licensing and temporary use notices, Winchester City Council may use its discretion where there are strong and defensible reasons for departing from the guidance, and Winchester City Council consider it right to do so. In any such case the City Council will clearly express and explain its reasons for doing so.
- 4.2 This Statement of Principles does not override the right of any person to make an application under the Act and to have that application considered on its merits. Additionally, this Statement of Principles does not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.
- 4.3 The Statement of Principles will not comment on the need for gambling premises. Unmet demand is not a criterion in considering an application for a premises licence, and each application will be considered on its merits without regard to demand.
- 4.4 The location of premises will only be commented on in so far as the location relates to the licensing objectives. Winchester City Council will consider very carefully applications for premises licences, permits and other authorities in respect of certain gambling premises that are located close to:

- Schools and young persons establishments;
- Young offenders premises;
- Centres established for assisting persons with a gambling addiction;
- Vulnerable adult centres;
- Residential areas where there are a high concentration of families with children;
- Temporary accommodation such as night shelters and hostels.

4.5 Each application will be considered on its merits, and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will be taken into account when reaching a decision on whether or not to grant a licence.

4.6 Moral objections to gambling will not be a reason to reject an application for premises licences. In rejecting an application, Winchester City Council will rely on reasons that demonstrate that the licensing objectives are not being met.

5. Operators

4.75.1 The City Council expects Operators to share relevant information at regular intervals or on request, such as:-

- results of test purchasing;
- number of refusals to underage persons;
- risk assessments for premises licensed prior to April 2016;
- details of staff training.

5.2 This list is not exhaustive. Other information may be requested where the City Council considers the information relevant for the purposes of the Gambling Act 2005.

5.3 Operators should actively participate in local schemes in relation to the safety and security of gambling premises, where available.

5.6. Responsible authorities and interested parties

5.16.1 When dealing with applications for and reviews of premises licences, Winchester City Council are obliged to consider representations from two categories of persons, referred to as “responsible authorities” and “interested parties.” (It should be noted that these are defined differently to those defined in the Licensing Act 2003). Representations made by persons other than responsible authorities or interested parties will be inadmissible.

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- | 5.26.2 Winchester City Council will only consider representations that are relevant, which are likely to be those that relate to the licensing objectives, or that raise issues under this policy statement, or the Commission's guidance or codes of practice (i.e. those matters mentioned in Section 153 of the Act).
- | 5.36.3 Winchester City Council will examine closely all representations to ensure that they are not frivolous or vexatious, which will include:
- 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
 - Whether it raises issues specifically to do with the premises that are the subject of the application.
- | 5.46.4 "Responsible authorities" are public bodies that must be notified of applications by the applicant. They are identified in Section 157 of the Gambling Act 2005, and include:-
- Winchester City Council as Licensing Authority;
 - The Gambling Commission;
 - The Chief Constable of Hampshire Constabulary;
 - Hampshire Fire and Rescue Service;
 - The Head of Development Management, Winchester City Council (the local planning authority);
 - The Head of Environmental Health & Licensing, Winchester City Council (responsible pollution to the environment/harm to human health);
 - The local safeguarding children board for Hampshire;
 - HM Revenue and Customs.
- | 5.56.5 Winchester City Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- | 5.66.6 Winchester City Council has designated the local safeguarding children board as the body which is competent to advise the authority about the protection of children, as the Board leads and co-ordinates arrangements for responsive work to protect children via a multi agency approach.

| 5.76.7 Winchester City Council will take care to ensure that the concerns that responsible authorities may have in relation to their own functions are not taken into account if they are not relevant to the application for a premises licence under the Act. The following are examples of representations not likely to be considered relevant:

- that there are already too many gambling premises in the locality (although may be relevant if it points to rising problems in crime, underage gambling or problem gambling);
- that the proposed premises is a fire risk;
- that the location of the premises is likely to lead to traffic congestion;
- that the premises will cause crowds of people to congregate in one area, which will be noisy and a nuisance

This list is not exhaustive and each case will be decided in the facts.

| 5.86.8 Winchester City Council will be unlikely to turn down an application for a premises licence where relevant objections can be dealt with through the use of conditions attached to the licence.

| 5.96.9 “Interested parties” are persons who may make representations or apply for a review of a licence or permit. Winchester City Council must be able to take the view that the “interested party”:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons in either of those two groups.

| 5.106.10 Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, the City Council will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

| 5.116.11 If interested parties wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Sub-Committee dealing with the licence application. If

there are any doubts then please contact the Democratic Services, Winchester City Council at City Council Offices, Colebrook Street, Winchester, SO23 9LJ, democracy@winchester.gov.uk, tel. 01962 848264.

| 5.126.12 Winchester City Council will take the following factors into account when determining what is “sufficiently close to the premises”:-

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant. This will not include the personal character of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.

| 5.136.13 Winchester City Council will take the following factors into account when determining who are “persons with business interests that could be affected”:-

- the size of the premises;
- the catchment area of the premises i.e. how far persons travel to visit; and
- whether the person making the representation has business interests in that catchment area that might be affected.

| 5.146.14 Winchester City Council considers the following to be “persons representing those” in the above categories:-

- Residents and tenants associations;
- Elected Members;
- Trade unions and trade associations.

| 5.156.15 The City Council will only accept representations from such persons where they represent someone who can be classed as an interested party, i.e. someone who lives sufficiently close the premises to be likely to be affected by the activities being applied for, or someone with business interests that could be affected.

| 5.166.16 The above considerations are not exhaustive, and Winchester City Council will have regard to anything an interested party, or persons representing them, say about his or her status to make representations.

5.476.17 Admissible and relevant representations can be made in writing to the Licensing Section Winchester City Council at City Council Offices, Colebrook Street, Winchester, SO23 9LJ, email licensing@winchester.gov.uk

6.7. Exchange of Information

6.47.1 Winchester City Council will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

7.2 Winchester City Council will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. Winchester City Council will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter ~~when it is published~~, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

6.27.3 Winchester City Council is required to provide the following information to the Gambling Commission:

Premises Licences and provisional statements

- Grant or rejection of an application for a premises licence or provisional statement
- A premises licence that has lapsed
- Grant or rejection of an application to reinstate a premises licence
- Grant or rejection of an application to transfer or vary a premises licence
- Where a review of a premises licence has been completed and the decision made
- Where a hearing is to be held where the Commission has made a representation
- Where a premises licence has been surrendered or revoked

Club Permits

- Grant or rejection of club gaming permit

Small Society Lottery registration

- Where a society has registered to operate small lotteries
- Where a society's registration to operate a small lottery has been cancelled
- Where a society has exceeded the permitted proceeds for small lotteries

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6.3 The issue of permits and temporary permissions and the number of inspections and reviews are provided as part of the annual return.

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6.47.4 Should any protocols be established by the City Council as regards information exchange with other bodies then they will be made available on the Winchester City Council website www.winchester.gov.uk/licensing.

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7.8. **Compliance and Enforcement**

7.18.1 The main enforcement and compliance role for Winchester City Council will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences it issues, and also the manufacture, supply or repair of gaming machines.

7.28.2 Winchester City Council will act in accordance with relevant legislation and guidance from the Commission and adopt the principles of better regulation.

7.38.3 Should any protocols be established as regards information exchange with other bodies then they will be made available on the Winchester City Council web-site www.winchester.gov.uk

7.48.4 Winchester City Council will adopt a risk-based inspection programme, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk premises.

7.58.5 In determining the level of risk in respect of premises, Winchester City Council will use the following criteria:

All regulatory inspections and enforcement will be:

- proportionate: intervention only when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- accountable: decisions must be justified, and 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: focused on the problem, and minimise side effects.

7.68.6 Winchester City Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

8.7 Winchester City Council recognises that certain bookmakers may have a number of premises within the same area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage,

operators are requested to give to the Council a single named point of contact, who should be a senior individual, and whom the Council will contact first should any compliance queries or issues arise.

7.78.8 Where there is strong/reliable intelligence or evidence linked to illegal gambling activity, the City Council will seek to work jointly with the Gambling Commission and Hampshire Constabulary.

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PART B

Premises licences

1. Consideration of applications

1.1 Winchester City Council will aim to permit the use of premises for gambling in so far as it thinks it:-

- in accordance with any relevant code of practice under Section 34 of the Gambling Act 2005;
- in accordance with any relevant guidance issued by the Commission under Section 25 of the Gambling Act 2005;
- reasonably consistent with the licensing objectives; and
- in accordance with this Statement of Principles.

1.2 The 'Fundamental Principles' section of this Statement are also relevant to the Council's approach to determining applications.

2. Risk Assessments

2.1 Operators applying for a new premises licence must provide a risk assessment in relation to that premises detailing how they will address the licensing objectives. The risk assessments should include:-

- How the operator will address the risks associated with the proximity of schools, treatment/support centres, areas with a high concentration of residential properties and temporary accommodation;
- The operator's Policy on how to adequately prevent children and young people from playing age restricted games or enter the premises, as applicable;
- How staff will be trained to identify risks whilst the premises are open;
- The operator's Policy for test purchasing;
- The operator's Policy in relation to levels of staffing for peak and 'at risk' times, i.e. lone working;
- The design and layout of premises to enable sight of entrance and machines;

4.2• How the Operator will engage with Winchester City Council and Hampshire Constabulary to appropriately address any issues in and around the premises.

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2.3. Conditions on premises licences

2.43.1 Winchester City Council will not attach conditions that limit the use of premises for gambling except where that is necessary as a result of the requirement to act:-

- in accordance with the Gambling Commission guidance, the Gambling Commission codes of practice or this Statement of Principles; or
- in a way that is reasonably consistent with the licensing objectives.

2.23.2 Winchester City Council cannot issue conditions on premises licences which:-

- make it impossible to comply with an operating licence condition;
- relate to gaming machine categories, numbers, or methods of operation;
- requires membership of a club or body; and
- imposes conditions in relation to stakes, fees, winnings or prizes.

2.33.3 Winchester City Council will ensure that any conditions imposed are proportionate to the circumstances which they are seeking to address, and that any premises licence conditions:-

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

2.43.4 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures which the City Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The City Council will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

2.53.5 Winchester City Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

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- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

| 2.63.6 These considerations will apply to premises including buildings where multiple premises licences are applicable.

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| 2.73.7 Winchester City Council will carefully consider the configuration of buildings in relation to the protection of children, particularly in multi-purpose developments. In particular Winchester City Council will look for measures that:

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- prevent children from participating in gambling, or being invited to gamble where this is not permitted by law;
- prevent children from having accidental access to, or to closely observe, gambling; and
- entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised.

| 2.83.8 Winchester City Council may require persons operating gambling premises to:

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- supervise entrances;
- segregate gambling areas from non-gambling areas frequented by children;
- supervise gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

| 3.4. **Planning permission and building regulations**

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| 3.14.1 Winchester City Council recognises that there should be a clear separation of the planning and licensing systems and licensing applications will be viewed independently of planning applications. To achieve this, close liaison will be maintained between the Planning and Licensing and Regulation Committees ("PC" and "L & R"). Licensing applications are not a re-run of the planning application and should not cut across decisions taken by the PC or following appeals against decisions by that Committee. L & R, where appropriate, will provide reports to PC and any appropriate review panels on the situation regarding licensed premises in the area including the general impact of gambling on the licensing objectives.

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| 3.24.2 Winchester City Council will not take into account matters not related to gambling and the licensing objectives, such as the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal. However, an applicant cannot obtain a full premises licence until

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the premises in which it is proposed to offer the gambling are constructed, but may apply for a provisional statement if the building is not yet complete.

| 3.34.3 It will be a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence.

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| 4.5. **Other legislation**

| 4.15.1 Winchester City Council will not take into account matters not related to gambling and the licensing objectives when considering an application for a premises licence. However, it is for the operator to ensure that premises comply with all other relevant legislation, such as fire safety, food safety and health & safety. It should be noted that the list is not exhaustive, and applicants must ensure that they comply with all other regulatory regimes in respect of their employees and the public.

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| 4.25.2 So far as is possible, this Statement of Principles will avoid duplicating those other regulatory regimes.

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| 5.6. **Provisional Statements**

| 5.16.1 Winchester City Council will consider provisional statement applications from persons in respect of premises that:-

- are expected to be constructed;
- expected to be altered; or
- expected to be acquired as a right to occupy.

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| 5.26.2 Responsible authorities and interested parties may make representations on applications for provisional statements.

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| 3.16.3 Once the premises have been constructed, altered or acquired, the holder of a provisional statement can return to Winchester City Council and put in an application for the necessary premises licence.

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| 5.36.4 No further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

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| 5.46.5 Winchester City Council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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- a) which could not have been raised by objectors at the provisional licence stage; or
- b) which in the City Council's opinion reflect a change in the operator's circumstances.

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6.7. Adult Gaming Centres

6.47.1 Winchester City Council 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.

6.27.2 The City Council will expect applicants to offer their own measures to meet the licensing objectives: however, appropriate measures/licence conditions may cover issues 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-barring schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

7.8. Licensed Family Entertainment Centres

7.48.1 Winchester City Council 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 Council, 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.

7.28.2 The City Council will expect applicants to offer their own measures to meet the licensing objectives: however, appropriate measures/licence conditions may cover issues such as:-

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

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- Measures / training for staff on how to deal with suspected truant school children on the premises.

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

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7.48.4 The City Council will 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. It will also make itself aware of any mandatory or default conditions on these premises licences when published.

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8.9. Tracks

8.19.1 Although it is possible for athletics tracks, sports grounds or motor racing circuits to be granted a premises licence to allow on-course betting, most track premises licences are expected to be issued in respect of horse racecourse or dog tracks. There are no such tracks within the Winchester City Council area. However, the following are issues that would need to be considered should an application be received.

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8.29.2 Winchester City Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. Winchester City Council will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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8.39.3 Winchester City Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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8.49.4 The City Council will expect applicants to offer their own measures to meet the licensing objectives: however, appropriate measures/licence conditions may cover issues such as:-

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- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-barring schemes;

- Provision of information leaflets/helpline numbers for organisations such as GamCare.

| **8.59.5** This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

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| **8.69.6** Gaming machines - Winchester City Council will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

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| **8.79.7** Betting machines – Winchester City Council will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

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| **8.89.8** Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

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| **8.99.9** Applications and plans - The City Council is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

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| **8.109.10** The City Council also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

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9.10. Casinos

9.410.1 No Casinos resolution – Winchester City Council has not passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution.

9.210.2 Casinos and competitive bidding – Winchester City Council is aware that where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a ‘competition’ under Schedule 9 of the Gambling Act 2005. The Council will run such a competition in line with any regulations issued under the Gambling Act 2005.

~~**9.310.3** Licence considerations/conditions – Winchester City Council will attach conditions to Casino premises licences in accordance with Guidance issued by the Gambling Commission. The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for local authorities – 17.30) This guidance will be considered by Winchester City Council when it is made available.~~

9.410.4 Betting machines - Winchester City Council will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

10.11. Bingo Premises

10.411.1 Winchester City Council notes the Gambling Commission's Guidance that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted Winchester City Council will seek to ensure that:-

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;

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- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

~~10.2 The Gambling Commission is expected to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the City Council once it is made available. When looking at the suitability and layout of a bingo premises the Licensing Authority will take into consideration guidance issued by the Gambling Commission.~~

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11.12. Betting premises

11.12.1 Betting machines – Winchester City Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

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12.13. Travelling Fairs

12.13.1 “Travelling Fairs” within the definition of the Gambling Act 2005 are able to provide gambling by certain types of machine, or by prize gaming, without a permit, provided they comply with certain restrictions.

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12.13.2 Where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs, the City Council’s role as licensing authority is to decide whether the facilities for gambling amount to no more than an ancillary amusement at the fair (which must be the case for the exemption to apply).

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12.13.3 Winchester City Council will also consider whether the applicant falls within the statutory definition of a travelling fair.

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12.13.4 Under the Gambling Act 2005, the exemption will only apply on land used as a fair for no more than 27 days per calendar year. This limit applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

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Part C

1. Permits

Unlicensed Family Entertainment Centre gaming machine permits

- 1.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to Winchester City Council for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 Winchester City Council need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.
- 1.3 Winchester City Council cannot attach conditions to this type of permit.

2. Statement of Principles

- 2.1 Winchester City Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits: however, they may include the following:-
 - appropriate measures/training for staff as regards suspected truant school children on the premises;
 - measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.
- 2.2 Winchester City Council will also expect:-
 - applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.

3. (Alcohol) Licensed premises gaming machines

- 3.1 There is provision in the Gambling Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D, provided they have notified the City Council. The

City Council can remove the automatic authorisation in respect of any particular premises if:-

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

3.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit. Winchester City Council will 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. The City Council considers that “such matters” will be decided on a case by case basis but generally it will take into account the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures might include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

3.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with, as an Adult Gaming Centre premises licence (see Part B Section 6 of this Statement).

3.4 Under the legislation, Winchester City Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

3.5 It should also be noted that the holder of a permit must comply with [the Gaming Machines in Alcohol Licensed Premises Code of Practice and any other Code of Practice issued by the Gambling Commission](#) ~~about the location and operation of the machine.~~ [An Authorised Local Authority Officer may visit licensed premises to check compliance.](#)

4. Prize Gaming Permits

- 4.1 In making its decision on an application for this permit Winchester City Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

5. Statement of Principles

- 5.1 The applicant should set out the types of gaming that he or she is intending to offer and should be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

- 5.2 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the City Council cannot attach conditions. The conditions in the Act are:-

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

6. Club Gaming and Club Machines Permits

- 6.1 Members' Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 6.2 Before granting the permit, Winchester City Council will need to satisfy itself that the premises meet the requirements of a members' club and may only grant the permit if the majority of members are over 18.
- 6.3 Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be

permanent in nature, not established to make commercial profit, and must be controlled by its members equally.

- 6.4 Winchester City Council may only refuse an application on the grounds that:-
- (a) the applicant does not fulfil the requirements for a members' or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the Police.
- 6.5 There is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds the City Council can refuse a permit are reduced. The grounds on which an application under the process may be refused are:-
- (a) that the club is established primarily for gaming, other than gaming prescribed under Schedule 12 of the Gambling Act;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
- 6.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises, and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

7. Temporary Use Notices

- 7.1 There are a number of statutory limits as regards Temporary Use Notices. The Winchester City Council will have to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site. In deciding this issue, the Council will look at the ownership/occupation and control of the premises, and other relevant matters.

8. Occasional Use Notices

- 8.1 These notices only relate to "tracks". Winchester City Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. However, the City Council will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Part D

MISCELLANEOUS

1. Reviews of premises licences

- 1.1 The purpose of a review will be to determine whether Winchester City Council should take any action in relation to a licence. If action is justified, Winchester City Council will have the following options:
- revoke the licence;
 - suspend the premises licence for a period not exceeding three months;
 - exclude a default condition imposed by the Secretary of State, or remove or amend such an exclusion; and
 - add, remove or amend a licence condition imposed by the licensing authority.
- 1.2 In determining what action, if any, should be taken following a review, Winchester City Council must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 1.3 An application for a review may be made by a responsible authority, an interested party or the authority itself. Generally, Winchester City Council must grant the application for a review, but may refuse it if it thinks that the grounds on which the review is sought:-
- a) are not relevant to the principles that must be applied by Winchester City Council in accordance with the Commission guidance/codes of practice, this Statement or the licensing objectives;
 - b) raises general objections to gambling as an activity, that is likely to be irrelevant to the principles contained in a) above;
 - c) are frivolous or vexatious;
 - d) will certainly not cause the City Council to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
 - e) are substantially the same grounds cited in a previous application relating to the same premises. Winchester City Council will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence; or
 - f) are substantially the same as representations made at the time the application for a premises licence was considered. As with e) above, Winchester City Council will take into account how much time has passed since the earlier application in reaching a judgement about whether it is reasonable to rely on this as a reason not to review the licence, but the underlying requirement will be that the licence should not be reviewed on the basis of the same arguments considered on the grant of the premises licence.

- 1.4 Winchester City Council will process applications for review without delay, so that both the applicant for a review and the premises operator know where they stand.
- 1.5 Winchester City Council will hold a hearing unless the applicant and any person who has made relevant representations consent to the review being conducted without one.
- 1.6 Winchester City Council will, as soon as possible, notify its decision to:-
 - the licence holder;
 - the applicant for review (if any);
 - the Commission;
 - any person who made representations;
 - the Chief Constable of Hampshire Constabulary; and
 - Her Majesty's Commissioners for Revenue and Customs.

2. Rights of appeal and judicial review

- 2.1 The Act provides an appeal process for any decision of Winchester City Council as licensing authority. The Council's decisions may also be challenged by an application for judicial review. Winchester City Council will:
 - give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
 - wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.
- 2.2 A person ("the appellant") wishing to appeal against the Council's decision must give notice of appeal to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by Winchester City Council of the decision.
- 2.3 Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

3. Other matters

- 3.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Winchester City Council web site www.winchester.gov.uk/licensing or by contacting the Licensing Team at Winchester City Council:-
 - Register of premises licences issued by Winchester City Council;
 - Fees;
 - Guidance on how to make an application;
 - List of responsible authorities and contact details;
 - Application forms, where appropriate;

- Making representations;
- Applying for a review of a licence.

DRAFT

Winchester City Council Delegations

Appendix 1

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)			x
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional transfer		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	
Making representations or seeking reviews as Licensing Authority.			x

Glossary

Appendix 2

Admissible Representations	Representations submitted by a Responsible Authority or interested party
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
Authorised Person	<p>A Licensing Officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons:</p> <ul style="list-style-type: none">• Inspectors appointed under the Fire Precautions Act 1971;• Inspectors appointed under the Health and Safety at Work, etc. Act 1974• Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995;• A person in a class prescribed in regulations by the Secretary of State.
Automated Roulette Equipment	<p>2 types:</p> <ol style="list-style-type: none">a) Linked to a live game of chance, e.g. Rouletteb) Plays live automated game, i.e. operates without human intervention
Automatic Conditions	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
AWP machines	Amusement with Prizes Machines
BACTA	British Amusement Catering Trade Association
Betting Intermediary	Offers services via remote communication, such as the internet.

Betting Ring	An area that is used for temporary 'on course' betting facilities.
Betting Machines	A machine designed or adapted for use to bet on future real events (not a Gaming Machine).
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more casino games.
Casino Games	Games of chance that are not equal chance gaming.
Casino Premises Licence Categories	<ul style="list-style-type: none"> a) Regional Casino Premises Licence b) Large Casino Premises Licence c) Small Casino Premises Licence d) Casinos permitted under transitional arrangements
Casino Resolution	Resolution not to issue Casino Premises Licences
Child	Individual who is less than 16 years old.
Christmas Day Period	Covers the period of 24 hours from midnight on 24 December.
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D)
Club Gaming Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B C or D), equal chance gaming and games of chance.
Commercial Club	<p>A club which</p> <ul style="list-style-type: none"> • is established and conducted wholly or mainly for purposes other than the provision of facilities for gaming • which is not established with the purpose of functioning only for a limited period of time, and • which has at least 25 individual members.

Or

- is established or conducted wholly or mainly for the purpose of the provision of facilities for gaming of a prescribed kind, and
- facilities are not provided for any other kind of gaming in the course of the club's activities.

Complex Lottery

An arrangement where:

- Persons are required to pay to participate in the arrangement;
- In the course of the arrangement, one or more prizes are allocated to one or more members of a class;
- The prizes are allocated by a series of processes; and
- The first of those processes relies wholly on chance.

Conditions

Conditions to be attached to licences by way of:

- Automatic provision
- Regulations provided by Sec. Of State
- Conditions provided by Gambling Commission
- Conditions provided by Licensing Authority

Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

Customer Lotteries

Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.

Default Conditions

Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

Delegated Powers

Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.

Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Disorder	No set interpretation but likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Domestic Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Dual Use Computer	Definition in forthcoming Regulations. Exempt from a Gaming Machine Permit.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
EBT	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:</p> <ul style="list-style-type: none"> • Small Society Lottery (required to register with Licensing Authorities. • Incidental Non Commercial Lotteries • Private Lotteries • Customer Lotteries
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

- Family Entertainment Centre** Family Entertainment Centre is
- premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use, and
 - Licensed Family Entertainment Centre means premises in respect of which a Family Entertainment Centre Premises Licence has effect.

Fixed Odds Betting General betting on tracks.

Gaming Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.

Gaming Machine Machine covering all types of gambling activity, including betting on virtual events.

Machine category	Maximum stake <u>(from Jan 2014)</u>	Maximum prize <u>(from Jan 2014)</u>
A	Unlimited	Unlimited
B1	£52	£10,000*4,000
B2	£100 (in multiples of £10)	£500
B3	£24	£500
B3A	£24	£500
B4	£24	£400250
C	£1	£10070
D non-money prize (other than crane grab machine <u>or a coin pusher or penny falls machine</u>)	30p	£8
D non-money prize (crane grab machine)	£1	£50

D money prize (<u>other than a coin pusher or penny falls machine</u>)	10p	£5
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	<u>240p</u>	<u>£2045</u> (of which no more than <u>£108</u> may be a money prize)

* with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

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Guidance to Licensing Authorities

Guidance issued by the Gambling Commission ~~dated April 2006~~.

Human Rights Act 1998

Article 1: Protocol 1 – the right to peaceful enjoyment of possessions

Articles: 1, 6, 8 and 10

Article 6: - the right to a fair hearing

Article 8: - the right of respect for private and family life

Article 10: - the right to freedom of expression

Inadmissible Representation

A representation not made by a Responsible Authority or Interested Party.

Incidental Non Commercial Lottery

A lottery promoted wholly for purposes other than private gain, and which are incidental to non commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).

Information Exchange

Exchanging of information with other regulatory bodies under the Gambling Act.

Interested Party

A person who:

- Lives sufficiently close to the premises to be likely affected by the authorised activities
- Has business interests that might be affected by the authorised activities
- Represents persons in either of the above groups

Irrelevant Representations

- Where other legislation can cover the representation
- Demand
- Competition

Judicial Review

Legal challenge where a party believes that the decision taken by the Licensing Authority is:

- Illegal, i.e. beyond the powers available to the Licensing Authority
- Procedural impropriety or unfairness
- Irrational

Judicial Review - Orders

1. Mandatory Order – compels the reviewed body to do something
2. Prohibitory Order – compels it to refrain from doing something
3. A 'declaration' – sets out the court's view on the legality of a particular course of action
4. Quashing Order – nullifies a decision and remits it for reconsideration
5. Injunction – similar to Mandatory or Prohibitory Order

Large Lottery

Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.

Licensed Lottery

Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating Licences will be required.

Licensing Objectives

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

Live Gaming

Gambling on a live game as it happens.

Lottery

An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

Lottery Tickets

Tickets that must:

- Identify the promoting society
- State the price of the ticket, which must be the same for all tickets
- State the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and
- State the date of the draw, or enable the date of the draw to be determined.

Mandatory Conditions

Conditions that must be attached to a licence. This may apply to all Premises Licences, to a class of Premises Licence or licences for specified circumstances.

Members Club

A club that must

- have at least 25 members
- be established and conducted 'wholly or mainly' for purposes other than gaming
- be permanent in nature
- not established to make commercial profit

- controlled by its members equally.

Non commercial event	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
Non Commercial Society	A society established and conducted: <ul style="list-style-type: none"> • for charitable purposes • for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or • for any other non commercial purpose other than that of private gain.
Occasional Use Notice	Betting may be permitted on a 'track' without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting – Tracks	Betting that takes place in self contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place
Operating Licences	Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non remote gambling.
Permits	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
Personal Licence	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.

Pool Betting – Tracks	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
Premises	Defined as ‘any place’. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
Premises Licence	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres
Private Lotteries	<p>3 Types of Private Lotteries:</p> <ul style="list-style-type: none"> • Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society • Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises • Residents’ Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises.
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	<p>Where an applicant can make an application to the Licensing Authority in respect of premises that he:</p> <ul style="list-style-type: none"> • Expects to be constructed • Expects to be altered • Expects to acquire a right to occupy.
Racino	Casino located at a racecourse.

Relevant Representations	Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.
Responsible Authorities	<p>Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:</p> <ul style="list-style-type: none"> • The Licensing Authority in whose area the premises is partly or wholly situated; • The Gambling Commission; • The Chief Officer of Hampshire Constabulary; • Hampshire Fire & Rescue Service; • The Head of Development Management, Winchester City Council (the Local Planning Authority); • The Head of Environmental Health & Licensing, Winchester City Council (responsible for pollution to the environment/harm to human health); • The Local Safeguarding Children Board for Hampshire; • HM Revenue & Customs • Authority in relation to vulnerable adults (yet to be decided by Sec. of State) • Vessels only – Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. <ul style="list-style-type: none"> ○ Environment Agency ○ British Waterways Board ○ Maritime & Coastguard Agency

SIA Security Industry Authority

Simple Lottery An arrangement where:

- Persons are required to pay to participate in the arrangement

- In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and
- The prizes are allocated by a process which relies wholly on chance.

Skills with Prizes

A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance, e.g. trivia game machine, Formula 1 simulators, shooting game. Skills Machines are unregulated.

Small Lottery

Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

Small Society Lottery

A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

Small Operations

Independent on course betting operators with only one or two employees or a bookmaker running just one shop.

Society

The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.

Statement of Principles

Matters taken into account when considering an applicant's suitability for applications for FEC Permits.

Temporary Use Notice

To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

Totalisator or Tote

Pool betting on tracks.

Touch Bet Roulette

Where a player gambles on a live game of chance without actually being seated.

Track

Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.

Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted
Vessel	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.
Vessel and Relevant Licensing Authority	The Licensing Authority for the area in which the vessel is usually moored or berthed.
Virtual Betting	Machine that takes bets on virtual races, i.e. mages generated by computer to resemble races or other events.
Vulnerable Persons	No set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
Young Person	An individual who is not a child but who is less than 18 years old.

By Letter

Chief Constable of Hampshire Constabulary	Police Headquarters	West Hill	Romsey Road	Winchester	SO22 5DB
Police and Crime Commissioner for Hampshire	St George's Chambers	St George's Street	Winchester	Hampshire	SO23 8AJ
Association of British Bookmakers Ltd	Ground Floor	Warwick House	25 Buckingham Palace Road	London	SW1W 0PP
BACTA	134 Buckingham Palace Road	London			SW1W 9SA
Australian 8 Ball Co Ltd	3 Victory Close	Woolsbridge Industrial Park	Wimborne	Dorset	BH21 6SX
Sceptre Leisure plc	139 Brookfield Place	Walton Summit	Bamber Bridge	Preston	PR5 8BF
Winchester Automatics Limited	1 Mill Street	Eastleigh	Hampshire		SO50 4HF
Gamblers' Anonymous	Croft House	Settlement Garden Street	Sheffield		S1 4BJ
Gam Care	Head Office	2nd Floor	7-11 St John's Hill	London	SW11 1TR
National Problem Gambling Clinic	Crowther Market	282 North End Road	London		SW6 1NH
Winchester Citizens Advice Bureau	68 St George's Street	Winchester	Hampshire		SO23 8AH
Bishops Waltham Citizens Advice Bureau	Well House	2 Brook Street	Bishops Waltham	Southampton	SO32 1AX
Hampshire Hospitals NHS Foundation Trust	Royal Hampshire County Hospital	Romsey Road	Winchester	Hampshire	SO22 5DG
Diocesan Registrar	Diocese of Portsmouth	St Edmund's House	Bishop Crispian Way	Portsmouth	PO1 3QA
Mr. Abdul Kayum	c/o Bangkok Brasserie	33 Jewry Street	Winchester	Hampshire	SO23 8RY
The United Church	Jewry Street	Winchester			SO23 8RZ
Diocesan Registrar	Diocese of Winchester	42/44 Castle Street	Salisbury	Wiltshire	SP1 3TX

By Email

Winchester City Council	All Members
Parish Clerks	
Winchester City Council	Head of Environment
Winchester City Council	Head of Planning
Winchester City Council	Community Safety
Compton (TA)	Sue Down (Chair)
Weeke Tenants & Residents Association	Ruth Harrison (Chair)
North Stanmore Residents Association	David Chafe (Secretary) Judith Steventon Baker (Chair)
TACT	
Trinity Centre	Sue
Night Shelter	Michele
Friends of the Family	
Winchester Youth Counselling	
Olive Branch Counselling	
Homestart Meon Valley	

Homestart Winchester & Districts
Winchester Young Carers
Street Reach
Punch Taverns
Fuller Smith & Turner Greene King Retailing Limited
Enterprise Inns Plc
Marstons Plc Wadworth and Co. Limited
Gambling Commission Hampshire Fire and Rescue Service
Hampshire County Council
H M Revenue and Customs
Winchester BID Chris Turner
Winchester BID Jane Bastock



Licensing Section
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

4th September 2015

Dear Sir

Consultation on Winchester City Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are broadly supportive of the document; it again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of moral objections to gambling.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion and are pleased to see this detail included within the document. Within Part B, Paragraph 2 (page 16) though, the document identifies a range of premises which by their inclusion, may suggest that applications near to such locations could be deemed high risk. Notably; schools, treatment/support centres and areas with a high concentration of residential properties and temporary accommodation

Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any of these propositions.

- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 641600
Tel: 020 3288 7000 Fax: 020 3288 7050



1800+ shops



mobile



coral.co.uk



0800 242 232

a company

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no evidence that there is a link between such venues and a betting office), however notwithstanding this, such locations would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours sincerely,

John Liddle
Director of Development – Coral Retail

Winchester City Council: Gambling Policy Statement of Principles consultation | ABB response

September 2015

Introduction

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the current consultation on the Council's review of its gambling policy statement.

This sets out the ABB approach to partnership working with local authorities and details any areas of concern within the draft statement, including our 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.

We are concerned to ensure these changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle.

In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.

It is important that this is also set within the context of declining betting shop numbers. 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.

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.

We welcome that the draft statement references that "Winchester City Council will encourage more dialogue with Operators to address social responsibility as advocated by the Gambling Commission."

▪ LGA – ABB Betting Partnership Framework

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

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

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

The framework builds on earlier examples of joint working between councils and the industry, for example the 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.

Learnings 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. This should be considered with regards the reference in paragraph 5 that operators may be expected to share the results of test purchasing at regular intervals with the Council. In order to avoid duplication or over regulation we would advise that the Primary Authority for the operator should always be consulted in the first instance with regards issues on age verification.

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

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

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

From April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and 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.

The ABB supports this 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.

- **Evidence based approach**

It is important that any risks identified 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 and licensing policy statements.

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.

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.

There is no evidence that proximity of young or vulnerable people to a betting premises would impact the ability of the shop to uphold the licensing objectives. This is because all operators already have strict policies and procedures in place to prevent the access of under-age people to the premises and to ensure the protection of vulnerable people. The mere increased proximity of either of those groups to the premises would not affect this.

Therefore we object to the inclusion within paragraph 2.1 (Part B) of a requirement for the operator to respond to risks associated with close proximity to schools, treatment centres, or a high proportion of residential properties and temporary accommodation. There is no empirical evidence to support the suggestion that premises operating in these areas would lead to higher risk to the licensing objectives.

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.

- **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.

- **Additional concerns**

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.

Conclusion

The ABB and our members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, 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.

Contact: For any responses or requests for additional information please contact Lauren Hilton, Public Affairs Executive (laurenhilton@abb.uk.com / 020 7434 2111).

Carol Stefanczuk

From: Licensing
Subject: FW: Gambling Act 2005 - Consultation on Statement of Principles 20/07/15 to 06/09/15

From: Simon Finch
Sent: 29 July 2015 17:09
To: Licensing
Cc: Julie Pinnock; David Ingram
Subject: RE: Gambling Act 2005 - Consultation on Statement of Principles 20/07/15 to 06/09/15

A few comments mainly relating to the Council's role as local planning authority:

- Page 3 - I think the appropriate titles are Head of Development Management and Head of Environmental Health and Licensing.
- Para 2.4 – A general comment but I wonder if this could be re-phrased slightly as it is one of the objectives under the Act (ensuring gambling is conducted in a fair and open way) so presumably we have to consider it so far as relevant to an application albeit the national guidance suggests that, for places like Winchester, this is likely to be limited in most cases as we don't have premises, like race tracks, where this objective may be more relevant.
- What mechanism is in place to consult Development Management on licence applications?
- 4.1 – The committee which deals with planning applications is now called the Planning Committee. Development Management is the service that deals with planning applications.

Thanks

Simon Finch
Assistant Director Environment
Tel: 01962 848271