

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

Governance and Commissioning

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Huddersfield

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Please ask for: Nicola Sylvester

Email: nicola.sylvester@kirklees.gov.uk

Monday 22 January 2024

Notice of Meeting

Dear Member

Licensing Panel

The **Licensing Panel** will meet in the **Council Chamber - Town Hall, Huddersfield** at **9.30 am** on **Tuesday 30 January 2024**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Licensing Panel members are:-

Member

Councillor Amanda Pinnock (Chair)

Councillor Mohan Sokhal

Councillor Donna Bellamy

Agenda

Reports or Explanatory Notes Attached

Pages

1: Declaration of Interests

1 - 2

Members will be asked to say if there are any items on the Agenda in which they have any disclosable pecuniary interests or any other interests, which may prevent them from participating in any discussion of the items or participating in any vote upon the items.

2: Admission of the Public

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Panel.

3: Deputations/Petitions

The Panel will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

4: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

5: Application of the Grant of an Adult Gaming Premises Licence under the Gambling Act 2005 - Royal Amusements, 23 Northgate, Dewsbury, WF13 1DS 3 - 138

To consider the application at 9:30am.

Contact: Rox Javaid, Licensing Officer, 01484 221000

6: Licensing Act 2003 - Application for the Grant of a Premises Licence: Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HL 139 - 162

To consider the application at 10:15am.

Contact: Jordan Barrett, Licensing Officer, 01484 221000

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Licensing Panel			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Licensing Panel

Date: Tuesday 30th January 2024

Title of report: Application for the Grant of an Adult Gaming Premises Licence under the Gambling Act 2005 – Royal Amusements, 23 Northgate, Dewsbury WF13 1DS

Purpose of report: To determine the application.

Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards? Decisions having a particularly significant effect on a single ward may also be treated as if they were key decisions.	Not applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Fiona Goldsmith – on behalf of Rachel Spencer-Henshall Strategic Director (Environment and Climate Change)
Is it also signed off by the Service Director for Finance?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member <u>portfolio</u>	Cllr Mussarat Pervaiz

Electoral wards affected: Dewsbury East

Ward councillors consulted: Dewsbury East

Public or private: Public

Has GDPR been considered? GDPR has been considered and appropriate sections of the report have been amended.

1. Summary

1.1 The purpose of this report is to inform Members of an application for Grant of an Adult Gaming Centre application which because of representations, has been referred to this panel for determination.

2. Information required to take a decision

2.1 Application

2.1.1 On 13th December 2023 an application was received for the Grant of an Adult Gaming Premises Licence, 23 Northgate, Dewsbury.

The applicant holds an operator's licence issued by the Gambling Commission licence number 000-0025-N-102210-09.

The applicant has attached with his application.

- The Adult Gaming Local Risk Assessment,
- Local Area and Site Profile
- How the 3 licensing objectives will be addressed by the applicant.

Copies of the Application can be seen at **Appendix A**.

Location Plan and Distance from applicant's premises can be seen at **Appendix B**.

2.1.2 Initially three Ward Councillors made representations to the application, following the concerns raised by the applicant's legal representative regarding the relevance of the objections one of the ward Councillors has withdrawn their objection. Copies of the two representations can be seen at **Appendix C**.

2.1.3 The applicant's legal representative has submitted proposed conditions for consideration following the submission of the representations, copies can be seen at **Appendix D**.

2.1.4 In addition, the applicant's legal representative has raised concerns that the representations are not valid as they believe they have been made on 'moral and ethical' grounds.

2.2 Gambling Act Statement of Principles 2022 – 2025

Members considering the application should take note of the Authority's Statement of Principles 2022 – 2025, which provides the following guidance on how members should approach the application and representations(s):

1. The Licensing Objectives

In exercising their functions under the Gambling Act 2005, Licensing Authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

In making decisions about premises licences the Council should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing policy.

2. Adult Gaming Centres

The 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.

The Council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes – all holders of general operating licenses for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility

- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Documented procedures on how employees will monitor the licensed area to ensure they are not being used by persons under the age of 18
- Occasional spot checks for children / young persons in adult only areas

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

2.3 Gambling Commission Guidance to licensing authorities

5 – Statutory aim to permit gambling

- 1.19. The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is both that the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

3. Implications for the Council

3.1 Working with People

Residents of Kirklees need to be confident that under the Gambling Act licence holders are in a position to uphold the three gambling objectives. The committee is required to take appropriate action where licence holders fall short of their duties under the Gambling Act 2005. This will support both the licensing objectives and the Council's own vision and corporate plan which is to be a district which combines a strong, sustainable economy with a great quality of life – leading to thriving communities, growing businesses, high prosperity, and low inequality where people enjoy better health throughout their lives.

3.2 Working with Partners

The Council's licensing team work closely with partnering agencies, named, 'Responsible Authorities' under the Gambling Act 2005, these include The Gambling Commission, West Yorkshire Police, Fire Service, Local Safeguarding Children Board, Planning, Environmental Health, and HM Revenue and Customs.

3.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

3.4 Climate Change and Air Quality

There are no climate change or air quality implications contained in this report.

3.5 Improving outcomes for children

A key objective of the Gambling Act is the protection of children and vulnerable persons from being harmed, and any decision made by the Council, in its capacity as Licensing Authority, will have regard to this objective.

3.6 Financial Implications for the people living or working in Kirklees

The decision members make may have financial implications for the applicant.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

In determining the applications Members should have regard to the Gambling Act 2005, Guidance issued by the Gambling Commission and the Councils Statement of Principles. The applicant or any other person who made the relevant representations.

4. Consultation

4.1 Consultation has taken place in accordance with the requirements of the Gambling Act 2005. Representations have been received from three ward Councillors.

5. Engagement

5.1 Engagement is not a requirement as set out in the Gambling Act 2005.

6. Next steps and timelines

6.1 In determining the applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives.

6.2 Licensing Authorities are bound by a statutory aim to permit gambling and must accept premises applications so long as they are made in accordance with:

- The Gambling commission's codes of practice
- The Guidance to local authorities
- The licensing authority's own statement of principles
- The three licensing objectives

6.3 In view of the above, and the representations from the applicant's legal representative, members are requested to consider the application and the relevance of the representations and decide whether:

- a) To grant the licence.
- b) To refuse the licence.
- c) To grant the licence and attach conditions to it.

7. Officer recommendations and reasons

7.1 Members of the panel are requested to determine the application.

8. Cabinet Portfolio Holder's recommendations

8.1 Not applicable

9. Contact officer

Rox Javaid – Licensing Officer
Tel: 01484 221000 (ext 70545)
Email: rox.javaid@kirklees.gov.uk

10. Background Papers and History of Decisions

Appendix A – Application.

Appendix B – Location plan and table showing distance from applicants premises.

Appendix C – Representations.

Appendix D – Proposed conditions.

Appendix E – Gambling Act – Statement of Principles 2022 – 2025.

Appendix F – Councillor Handbook.

Link to Gambling commission guidance - [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk)

11. Service Director responsible

Katherine Armitage
Service Director – Environmental Strategy and Climate Change
Tel: 01484 221000
Email: Katherine.armitage@kirklees.gov.uk

Appendix A

Our Ref: AY/AGC/DEWSBURY

Your Ref:

Email: info@liberty-solicitors.co.uk

11 December 2023

Dear Sirs

By e-mail to licensing@kirklees.gov.uk

Gambling Act 2005 ("the Act")

Application for an Adult Gaming Centre Premises Licence ("AGC") for Royal Amusements, 23 Northgate, Dewsbury, WF13 1DS ("the Premises")

Applicant – [REDACTED]

We write on behalf of the above named Client and enclose an application for an Adult Gaming Centre ("AGC") premises licence to operate an AGC at 23 Northgate, Dewsbury, WF13 1DS ("the "Premises").

Our Client is a regional operator and has been operating Adult Gaming Centres since the mid 1980's. Our client currently has 10 operational premises in and around West Yorkshire and Greater Manchester. None of our Clients AGC licences have ever suffered complaint from any Police Force or review from any Licencing Authority, nor has our Clients operating licencing, issued by the Gambling Commission, suffered a review. This demonstrates the ability to uphold and comply with the licensing objectives and run premises with due diligence over a 40 year period.

Our Client has in place a strong management team which he heads and is very much 'hands on.'



**LIBERTY
SOLICITORS**

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Regulatory body

Authorised and Regulated by the Solicitors Regulation Authority (No. 655161)

Legal Aid Agency

Contracted with the Legal Aid Agency to provide Criminal and Civil Legal Aid

Principal

Alias Yousaf

Branch Office:

37 Grattan Road, Bradford, BD1 2LU

Tel: 01274 744 899

Fax: 01274 718 689

24Hr: 07888 444 999

Our Client and his management team have always worked in partnership with licencing authorities and police forces and listened carefully to any concerns expressed.

Our Client takes very seriously the importance of appropriate induction and refresher training for staff who work in his licenced premises and who manage the estate.

In addition, the grant to our Client of his operating licence by the Gambling Commission confirms their satisfaction with his integrity, competence, finances and operating model.

As with all of our Clients other licenced AGCsites, the operation of the Premises will be fully compliant with:

1. The Gambling Act 2005,
2. The relevant mandatory and default conditions set out in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 and
3. The Gambling Commission's Licence Conditions and Codes of Practice.

Our Clients operations at the Premises will, as a matter of course, promote and comply with the licensing objectives, particularly in the following ways: -

1. Prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;

a) A Local Area Risk Assessment (enclosed) has been prepared for the Premises using;

- local knowledge,
- the Gambling Commission Statement of Principles for Licensing and Regulation,
- the Gambling Licencing Policy of the Local Authority
- area vulnerability maps and
- Geofutures Gambling Research

b) The Premises (no different to all our Clients other premises) will have a digital and high definition CCTV system installed to Home Office Guidance standards (with extensive coverage as can be seen from the enclosed plan) and maintained in a good working condition to ensure continuous quality of image capture and retention where

- Cameras are sited to observe the entrance doors from the outside and inside

- Cameras on the entrances capture full frame shots of the heads and shoulders of all persons entering the premises and are capable of identification
- Cameras will be sited to cover all areas to which the public have access including any outside smoking area
- Cameras will record 24/7 regardless of premises opening hours
- CCTV system will provide a linked recording of the date, time of any image
- CCTV system will have a monitor to review images and recordings
- A member of staff trained in operating CCTV will always be on site at the venue during times open to the public
- CCTV footage will be kept for 31 days
- CCTV equipment will have a suitable export method, e.g. CD/DVD writer / USB
- CCTV footage will be available to the Police, on request

c) The operating model of our Client is such that

- Staffing levels are set following a security risk assessment
- Multiple staff members circulate throughout the premises and actively supervise and interact with customers rather than sitting behind a counter
- Customer levels are low, with usually only a handful of customers in the premises
- Double digit numbers occur very rarely - this means that problem behaviour is immediately identified, recorded and dealt with
- All staff are induction and refresher trained in recognising individuals who might be under the influence of drink or drugs
- The layout of the premises (being rectangular and without support pillars) facilitates effective supervision, such that there is always clear lines of sight – the layout is not suited for groups to gather
- The premises are well lit both inside and out
- Staff are provided with portable alarm activators if required
- Good quality CCTV is used throughout and customers are aware they are monitored
- Staff members do not carry floats
- Safes are time-delayed
- Anti-money laundering systems are used on the machines
- the cash handling processes are detailed, safe and secure
- The locational and social context is part of induction training for all staff
- Staff are also trained in how to deal with difficult customers
- Any incidents are logged and reviewed by the management team
- Premises are fitted with maglocks, enabling entry to be controlled when necessary
- Our Client maintains good liaison with local Neighbourhood Policing Teams, Police officers with designated licencing duties, Police Forces and local authority licencing departments and local authority licencing officers

- Our Client is always happy to liaise with the Police and Licencing Department to discuss his local security risk assessment

d) Staff training at induction and by way of refresher is an important part of the way our Client operates. Training covers a wide range of areas including legislative and licence requirements and matters of social responsibility (eg stakes and prizes, age verification procedures; identification of and interaction with vulnerable persons; and signposting) and is provided face to face.

2. Ensure that gambling is conducted in a fair and open way

As the Local Authority will be aware, compliance and promotion of this licensing objective is primarily a matter for the Gambling Commission and the operator. The Gambling Commission granted our Client an operating licence in 2007 following the Gambling Act 2005 coming into force. As set out above, our Clients operating licencing, issued by the Gambling Commission has not suffered a review.

In addition, our Client, across his estate operates in an open and transparent fashion having a hands on approach to management and working alongside an experienced senior management team.

3. Protect children and other vulnerable persons from being harmed or exploited by gambling

a) A Local Area Risk Assessment (enclosed) has been prepared for the Premises using;

- local knowledge,
- the Gambling Commission Statement of Principles for Licensing and Regulation,
- the Gambling Licencing Policy of the Local Authority
- area vulnerability maps and
- Geofutures Gambling Research

b) The Premises (no different all of our Clients other premises) have the following internal and external layouts where

- The premises are well lit both inside and out
- The exterior contains no advertising or marketing which might be attractive to children
- The entrance to the premises leads into a foyer and so gambling cannot be seen from the outside unlike, say, in betting offices and pubs
- The exterior - and the interior - contain prominent messaging stating that Under 18's are prohibited from entering
- The layout of the premises (being rectangular and without support pillars) facilitates effective supervision, as there are always clear lines of sight to all parts of the premises

c) The operating model of our Client is such that

- Staffing levels are set following a security risk assessment and multiple staff members circulate throughout the premises and actively supervise and interact with customers on arrival into the premises
- Those entering are greeted by staff members, so that their appearance is checked immediately
- Customer levels are low, with usually only a handful of customers in the premises
- Alcohol is not permitted in any of our Clients premises
- All staff are induction and refresher trained in recognising individuals who might be under the influence of drink or drugs
- Those who are intoxicated through alcohol or drugs are not permitted on the premises
- The layout of premises across the AGC estate (being rectangular and without support pillars) facilitates effective supervision, as there is always clear lines of sight to all parts of the premises
- Children are not allowed in the applicant's premises
- A Challenge 25 policy will operate at the Premises (as is the standard across our Clients estate of AGC's) and training on this policy is given at induction and refreshed to all members of staff
- All promotional material is specifically designed such that it will not appeal to nor encourage the use of the premises by children or young people
- "Stay in Control" posters and leaflets with the GamCare helpline number are located both prominently and discretely in the premises
- All machines display responsible gambling messages with helpline contact details
- Customers are encouraged to access clearly advertised resources to assist them with managing their gambling behaviour
- As required by the Gambling Commission's Licence Conditions and Codes of Practice, there are systems, policies and procedures in place for customer interaction and self-exclusion, operated by staff who are induction and refresher trained, overseen by an experienced management team
- Staff are trained in recognising customers who may be experiencing difficulties or stress and are able to signpost individuals to external support services as part of such an interaction.
- Self-exclusion is offered to customers who experience difficulties with gambling (in accordance with our Clients operating licence)
- With our Client being a member of a multi-operator self-exclusion scheme for AGCs administered by BACTA (the trade body which represents the amusement and gaming machine industry in the UK) and with all sites in the estate having access to a tablet / ipad and so staff across the estate receive alerts in relation to self-exclusions from other parts of the country and from other operators and are therefore able to identify any person who has self- excluded with another operator
- In the event a customer who has self-excluded makes a request to return to gambling, a meeting will first be held with a trained member of staff before re-admittance is agreed

d) Staff training at induction and by way of refresher is an important part of the way our Client operates. Training covers a wide range of areas including legislative and licence requirements and matters of social responsibility (eg stakes and prizes, age verification procedures; identification of and interaction with vulnerable persons; and signposting) and is provided face to face.

Having had regard to the information provided, please find enclosed;


- 1 The application form ;
- 2 The Local Area Risk Assessment for the premises;
- 3 A plan of the premises – showing the proposed locations of CCTV cameras, where the CCTV cameras are in purple and the gaming machines are in red

We confirm;

- 1 I that within 7 days of the date on which the application is made the Responsible authorities (details of which have been kindly confirmed by your licensing officers) will be served with notice of the application in statutory form.
- 2 The required press notice will be published in the Rotherham Advertiser within 10 working days, starting on the day after the date the application is made
- 4 the required site notice will, from the date on which the application is made, be displayed for 28 consecutive days

We look forward to your acknowledgement of receipt of the application and whether any further information is required from us.

Yours faithfully


Liberty Solicitors

**Application for a premises licence
under the Gambling Act 2005 (standard form)**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
- To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

Regional Casino <input type="checkbox"/>	Large Casino <input type="checkbox"/>	Small Casino <input type="checkbox"/>
Bingo <input type="checkbox"/>	Adult Gaming Centre <input checked="" type="checkbox"/>	Family Entertainment Centre <input type="checkbox"/>
Betting (Track) <input type="checkbox"/>	Betting (Other) <input type="checkbox"/>	

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: Other name(s):

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – *[delete as appropriate]*):

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

000-002568-N-102210-009

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Section B

Application on behalf of an organisation

6. Name of applicant business or organisation:

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

Postcode:

8(a) The number of the applicant's operating licence (as given in the operating licence):

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known): **ROYAL AMUSEMENTS**

11. Address of the premises (or, if none, give a description of the premises and their location):

23 NORTHGATE

DEWSBURY

Postcode: **WF13 1DS**

12. Telephone number at premises (if known):

Rox Javid

Subject: FW: Royal Amusements AGC Licence

From: >
Sent: Wednesday, December 13, 2023 4:13 PM
To: Rox Javid <Rox.Javid@kirklees.gov.uk>

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Rox Javid

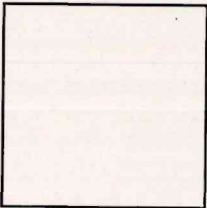
Our Client Royal Amusements
Application for AGC Licence

Thank you for your call earlier today – we tried to call you on 01484 221000 EXT 70545 but we were unable to reach you.

The answer at Part 4, Question 15a is NO.

I would be grateful if this could be endorsed accordingly on our behalf.

Regards



LEEDS: 0113 2448857
BRADFORD: 01274 744899
FREE 24HR ADVICE LINE
TEL: 07 888 444 999

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13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

GROUND FLOOR OF 23 NORTHGATE, DEWSBURY, WF13 1DS

14(a) Are the premises situated in more than one licensing authority area?

~~Yes~~/No [delete as appropriate]

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made:**

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? Yes/No [delete as appropriate]
 [Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon	<i>hh:mm</i>	<i>hh:mm</i>	
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? Yes/No [*delete as appropriate*]

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority? Yes/ No [*delete as appropriate*]

19(b). If the answer to question 19(a) is yes, please provide full details:

20. Please set out any other matters which you consider to be relevant to your application:

Please see attached covering letter with the application

Part 6 – Declarations and Checklist (Please tick)

~~I/~~We confirm that, to the best of my/ our knowledge, the information contained in this application is true. ~~I/~~ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

~~I/~~We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- ~~I/~~we understand that if the above requirements are not complied with the application may be rejected
- ~~I/~~we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date:

(11/12/2023) ✓

Capacity: OWNER

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date:

(dd/mm/yyyy)

Capacity:

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

24. Postal address for correspondence associated with this application:

Postcode:

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

Personal Data

We have recently updated our Privacy Notice about how we use personal data provided to the Council. Further information can be found at:

<http://www.kirklees.gov.uk/beta/information-and-data/pdf/privacy-notice-licensing-gambling-act.pdf>

Adult Gaming Centre Local Risk Assessment

Premises Name:	Royal Amusements
Premises Address:	23 Northgate, Dewsbury
Premises Post Code:	WF13 1DS
Premises Licence Number:	TBC
Category of Premises:	AGC

Organisation

Operating Company:	Royal Amusements
Operating Licence Number:	TBC

Assessment Writer

Name of Person Writing this Assessment:	Alison Vainard
Position within Company or Name of Authorised Agent:	
Date of this Assessment	
Date that Original Assessment was Written	

The Gambling Act 2005 – The Licensing Objectives

The Gambling Act 2005 sets out three licensing objectives:

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

In compliance with the Gambling Commission Licence Conditions and Codes of Practice Social responsibility code provision 10.1.1

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures, and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy
2. Licensees must review (and update as necessary) their local risk assessments.
 - a. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy
 - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks
 - c. when applying for a variation of a premises licence; and
 - d. in any case, undertake a local risk assessment when applying for a new premises licence

This document seeks to identify and assess the risk to the licensing objectives that the operation may pose in accordance with Code Provision 10.1.1 of the Gambling Commission's License Conditions and Codes of Practice. This risk assessment will also set out measures designed to mitigate the identified risks

This Local Area Risk Assessment has been prepared for the Premises using;

- local knowledge,
- the Gambling Commission Statement of Principles for Licensing and Regulation,
- the Gambling Licensing Policy of the Local Authority
- Local Risk Profile Document as prepared by the Local Authority
- area vulnerability maps and
- Geofutures Gambling Research

Local Area and Site Profile

The Adult Garming Centre is situated in Northgate and occupies a prominent position, in between the junctions of Corporation Street and Halifax Road in the centre of Dewsbury. The surrounding area is predominantly retail with Dewsbury Train Station being within 250 metres.

The venue has a single door entrance/exit at street level to the front on to Northgate. A CCTV monitor situated at the premises allows staff to view and monitor internally as well as the street level entrance.

Dewsbury – The Town

Dewsbury is a minster and market town in the Metropolitan Borough of Kirklees in West Yorkshire, England. It is to the west of Wakefield, east of Huddersfield and south of Leeds.

English is spoken as the main language by 90% of people in Dewsbury while the other top languages spoken are Gujarati, Panjabi, Urdu, Bengali, Polish, Pakistani Punjabi, Arabic and Kurdish.

The median average age in Dewsbury in 2021 was 39, with over 18s representing 69.2% of the population. The sex ratio was 49.5% males and 50.5% females.

The largest religious group in Dewsbury is Muslims who account for 46% of the population.

The Local Area

The subject property is located on Northgate in the Town Centre.

The property occupies a trading location in between The Time Piece Public House (currently closed) and the Pioneer Higher Skills Centre campus of Kirklees College where there is a mix of both independent traders along with national multiples along with other local and regional traders.

Unemployment

Around 2% of the working age population in Dewsbury and Mirfield claim Jobseekers Allowance; This figure is consistent across Kirklees and at its lowest level since 2007. Over half of the adult population is in employment, with a further one in five people being retired and one in 50 in education.

Deprivation

Dewsbury is one of the most deprived towns in the UK and Dewsbury is among the 10% most deprived towns in England. Many of its residents face worryingly high levels of deprivation and ill-health, while skill levels and incomes are also below average. According to the Dewsbury Town Fund Investment Plan Socio-economic assessment of Dewsbury prepared on 24 September 2020 relative deprivation is severe in almost all aspects of life: education, crime, employment, incomes and the quality of the local environment. Only in relation to access to housing and local services is Dewsbury less deprived than average.

Establishments of Note

Although there are not any gambling premises on Northgate the closest is an Admiral AGC around 100m away at 5-7, Queensway Arcade, Dewsbury WF13 1DY

There is a school uniform shop at 7 Northgate, Dewsbury WF13 1DS

The Pioneer Higher Skills Centre campus of Kirklees College is a few yards away from the premises

Adjoining Premises

The property is a detached property and separate by a roads / streets from the adjoining properties – across the road to the left is The Time Piece Public House (currently closed) and across the road to the right is the Pioneer Higher Skills Centre campus of Kirklees College. The building itself is split into 2 units, the AGC and a currently vacant retail unit.

Crime Statistics – see *Crime Statistics Map at end of document*

Dewsbury is the second safest major town in West Yorkshire, but is among the top 20 most dangerous overall out of West Yorkshire's 118 towns, villages, and cities. The overall crime rate in Dewsbury in 2022 was 139 crimes per 1,000 people. This compares poorly to West Yorkshire's overall crime rate, coming in 10% higher than the West Yorkshire rate of 126 per 1,000 residents. For England, Wales, and Northern Ireland as a whole, Dewsbury is among the top 20 most dangerous major towns, and the 276th most dangerous location out of all towns, cities, and villages.

Population

The population of Dewsbury is 63,722 according to 2021 census figures. Dewsbury covers an area of 15.58 square kilometres and has a population density of 4,090 people per square kilometre (km²), based on the latest population estimates taken in mid-2021.

Culture

The town has a large Muslim community. Savile Town and Ravensthorpe are populated mainly by Muslims of Indian and Pakistani origin. In recent years, there has also been an immigration of Iraqi Kurds and Hungarians into the town. According to the 2021 census, White British people comprised 50% of Dewsbury's population. Asian British were 44% of the population, with the majority of them being Pakistani and Indian origin or descent. Others (Black, Arab and other ethnic groups) constitute 6% of the population.

Schools/Educational Establishments – see Schools / Educational Establishments map at end of document

There are a number of such premises in and / or around the town centre, including but not limited to
The Pioneer Higher Skills Centre campus of Kirklees College is across the road and to the right of the Premises.
The Kirklees College Springfield Sixth Form Centre on Halifax Road is approximately ¼ mile away
The following schools are close to the town centre
Dewsbury Learning Quarter, Westtown, Dewsbury WF13 2TJ
Ethos College, Knowles Hill Rd, Dewsbury Moor, Dewsbury WF13 4QS
Ravenshall School, 3 Ravenssthorpe Rd, Dewsbury WF12 9EE
Al-furqaan Preparatory School, Drill Hall House, Bath St, Dewsbury WF13 2JR
Boothroyd Primary Academy, Temple Rd, Dewsbury WF13 3QE
Eastborough Junior Infant & Nursery School, Rockley St, Dewsbury WF13 1NS
Kirklees & Wakefield Pre-school Learning Alliance, Wood St, Dewsbury WF13 1QU
Madni Academy, 40-42 Scarborough St, Dewsbury WF12 9AY

It is not unusual to see young adults frequenting the college and / or school children in the town shopping after school hours and / or using the bus and train / tram links. The risk of these children gambling is mitigated by the processes as detailed in the Risk Assessment. It should also be noted that there will be no visibility of gambling through the entrance or windows of the premises.

Community Centres and Youth Centres

There are a number of such premises in and / or around the town centre, including but not limited to
Thornhill Lees Community Centre, 53 Brewery Ln, Dewsbury WF12 9DU
Taleem Training & Community Centre, 36 Orchard St, Saville Town, Dewsbury WF12 9LT
Ravenssthorpe Community Centre Ltd, 24 Garden St, Ravenssthorpe, Dewsbury WF13 3AR
Lewisham Park Youth Centre, Clough St, Morley, Leeds LS27 8DH
Dewsbury West Community Centre, Church St, Ravenssthorpe, Dewsbury WF13 3LA

Parks, Play Grounds and Sports/Leisure Facilities - see Parks / Play Grounds map at end of document

Although there are a number of such venues across Dewsbury there are not any parks / playgrounds in the immediate vicinity of the premises

There are a number of such premises in and / or around the town centre, including but not limited to
Crow Nest Park Dewsbury, Heckmondwike Rd, Dewsbury WF13 2SG
Holroyd Park Bowling Pavilion, Holroyd Park, The Crescent, Dewsbury WF13 3AY
Reclory Park Play area, Dewsbury WF12 0JY
Dewsbury Country Park, Park Rd, Dewsbury WF13 3TH
Staincliff Park Playground, Staincliffe, Dewsbury WF13 4DG
Dewsbury Sports Centre, Longcauseway, Dewsbury WF12 8EN (however this is temporarily closed as of September 2023)

Gambling Premises

It is noted that the following gambling premises are within the town centre

Licensed Bookmakers

Cargills, 12 Corporation Street, Dewsbury WF13 1QL
Ladbrokes, 11-12 Market Place, Dewsbury WF13 1QQ
William Hill, 42 Market Place, Dewsbury WF13 1DW
Betfred, 16-20 Westgate, Dewsbury WF13 1BL

Adult Gaming Centres

Admiral 5-7, Queensway Arcade, Dewsbury WF13 1DY
Admiral 2 Longcauseway, Dewsbury WF12 8EN
Merkur 38-40, Market Place, Dewsbury WF13 1DW
Storeys Amusement's 29 Westgate, Dewsbury WF13 1JQ

Public Houses & Licensed Premises

There are a number of such premises in and / or around the town centre, including but not limited to Time Piece Public House (currently / temporarily closed), The Black Bull, Wellington Tavern, West Riding Refreshment Rooms and Beehouses

All of these premises operate at least 2 x gaming machines.

Banks & ATM machines

There are a number of such premises in and / or around the town centre, including but not limited to

Banks

NatWest 2 Northgate, Dewsbury WF13 1EA
Lloyds Bank, 20 Market Place, Dewsbury WF13 1DF
Barclays Bank, Market Pl, Dewsbury WF13 1PT
Halifax, 37 Westgate, Dewsbury WF13 1JH
Virgin Money, 46 Market Pl, Dewsbury WF13 1DN

ATM Machines

ATM machines are available widely in the town centre, eg
Money Matters Pawn Shop, 1a Bradford road
Post Office, 10 Corporation St and
The Train Station, Railway Street

Pawnbrokers and Loan Shops

There are a number of such premises in and / or around the town centre, including but not limited to
N&N, Pawnbrokers, 10 Northgate, Dewsbury, WF13 1DT
Money Penny's, Pawnbrokers, 18 Corporation St, Dewsbury, WF13 1QL
Money Matters, Pawnbrokers, 1A Bradford Road, Dewsbury, West Yorkshire, WF13 1EL
Gold Buying Centres, Pawnbrokers, 10 High St North, Dewsbury, WF13 1DT

Medical Centres, Care Homes and Mental Health facilities - see Medical centres, Care Homes and Mental Health Facilities map at end of document

There are a number of such premises in and / or around the town centre, including but not limited to
Manor Health Clinic, Savile Manor, Savile Rd, Dewsbury WF12 9LN
Thomas Owen House, Lees House Rd, Dewsbury WF12 9BP
Oak Park Care Home, Walnut Ln, Dewsbury WF12 8NJ
Ashworth Grange Care Home, Ashworth Grange, Ashworth Green, Dewsbury WF13
Manorcroft Care Home, 153 Old Bank Rd, Dewsbury WF12 7AH
Aston Manor, 69-73 Moorlands Rd, Dewsbury WF13 2LF
Eightlands Surgery, Wellington Rd, Dewsbury WF13 1HN

Churches/Meeting Places for Vulnerable People - see Places of Worship map at end of document

At the time of this Assessment the following centres were noted as being close to / in the town centre. It is likely that most if not all of these premises will provide services and support for the vulnerable. The list is not exhaustive:
Anchor Ministries Dewsbury, Unit 2, Eshald Mills, off Bradford Rd, Dewsbury WF13 2DU
Dewsbury Gospel Church, 20 W Park St, Dewsbury WF13 4LA
Dewsbury Evangelical Church, Central Offices, Central St, Westtown, Dewsbury WF13 2LZ
Dewsbury Community Outreach, 74 Daisy Hill, Dewsbury WF13 1LS
Dewsbury Minster - Mother Church of West Yorkshire, Vicarage Rd, Dewsbury WF12 8DD

Vulnerability and Addiction Support Services - see Vulnerability and Addiction Support Services map at end of document

At the time of this Assessment the following centres were noted as being close to / in the town centre. It is likely that most if not all of these premises will provide services and support for the vulnerable. The list is not exhaustive:
CHART Kirklees / Choices For Health In Addiction Recovery & Treatment - Change, Grow, Live, 3 Wellington St, Dewsbury WF13 1LY
Family Support Services, 2 Quarry Rd, Dewsbury WF13 2RZ
Dewsbury Community Outreach, 74 Daisy Hill, Dewsbury WF13 1LS
Priority Hospital Dewsbury, York Rd, Dewsbury WF12 7LB

Homeless Shelters and Food Banks

At the time of this Assessment the following centres were noted as being close to / in the town centre. It is likely that most if not all of these premises will provide services and support for the vulnerable. The list is not exhaustive:

Batley Homeless Project, 4 Bond Street Dewsbury WF13, 4 Bond St, Dewsbury WF13 1AG
Fusion Giving Food Bank, Empire House, Wakefield Rd, Dewsbury WF12 8DJ
Dewsbury South Community Support, 22 Brewery Ln, Thornhill Lees, Dewsbury WF12 9DZ.

Residential Areas & Transport Links

There are residential areas close to the town centre as well as residential premises within the town centre. The accommodation in the area around the town centre consists of a great deal of terraced housing as well as Local Authority built housing. A significant number of houses in the housing stock is rented from the local authority / private landlords with some owned with a mortgage. Properties are occupied by a mixture of single persons and families.

Dewsbury Bus Station is the only bus station serving the town. It is located next to Aldams Road and can be accessed there and from South Street – it is a short walking distance from the premises, around 400 yards. It is the main hub for bus services in the town centre.

Dewsbury Train Station is the only train station serving the town. It is located on the A638 ring road and can be accessed there and from the top of bond Street – it is a short walking distance from the premises, around 200 yards. It is the main hub for train services in the town centre.

Further Considerations:

The Kirklees Local Area Profile

We have noted from the Kirklees Local Area Profile there is a particular Lower layer Super Output Area (LSOA) in Dewsbury, which is considered to be very high risk - that being the area and streets around Saville Road, Mill Street East and Mill Street West. This Local Area Risk Assessment takes into account that there will be closer scrutiny of applications where they fall within, or near to, the areas highlighted as high risk - we note the subject premises of this Local Area Risk Assessment falls near to the highlighted area as the highlighted is less than a mile away from Northgate. This Local Area Risk Assessment will therefore demonstrate that the risks identified have been considered and we have taken the necessary and appropriate steps to mitigate those risks.

We have taken note of the information and date in the following maps from the Kirklees Local Area Profile

- Dewsbury Gambling Local Area Profile - All Risk Factors Combined
- Dewsbury Gambling Local Area Profile - Index of Multiple Deprivation 2015
- Dewsbury Gambling Local Area Profile - Percentage Unemployment
- Dewsbury Gambling Local Area Profile - Percentage Ethnic Minorities
- Dewsbury Gambling Local Area Profile - Percentage 11-24 Year Olds
- Dewsbury Gambling Local Area Profile - Crime and Anti-Social Behavior Incidence

Kirklees Gambling Act 2005 Statement of Principles 2022 – 2025

Local Area Risk Assessment

In undertaking this local risk assessment, we understand and appreciate Kirklees Council will expect us to take into account:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- health information and data relating to gambling related harm

Areas of consideration can be broken down as follows

The Local Area

Matters relating to children and young persons including but not limited to the below examples

The football in the local area, Significant presence of young children, Institutions, places or areas where the presence of children and young persons should be expected, any premises where children congregate, areas that are prone to issues of youths participating in anti-social behavior, recorded incidents of attempted underage gambling, transport links and parking facilities, community centres, high crime areas and other gambling premises in the vicinity

Matters relating to vulnerable adults including but not limited to the below examples

Information held by the licensee regarding self-exclusions and incidences of underage gambling, Gaming trends, Arrangement for localised exchange of information regarding self exclusions and gaming trends, Proximity of premises which may be frequented by vulnerable people Homeless or rough sleeper shelters, hostels and support services, Transport links and parking facilities, Community centres, High crime areas, High unemployment areas, Pawn broker / pay day loan businesses in the vicinity, Other gambling premises in the vicinity and

The Gambling Operation including but not limited to the below examples

How the gambling operation will relate to how the business is conducted, What gambling products will be provided in the premises The facilities to enable gambling within the premises, The staffing levels within the premises, The level and requirement for staff training Whether loyalty or account cards are used, The policies and procedures it has in place in relation to regulatory requirements of the Gambling Act 2005 or to comply with the LCCP, The security and crime prevention arrangements, How advertising will be conducted locally and on the premises, The marketing material within the premises, The display and provision of information, etc.

The Design of Premises including but not limited to the below examples

Whether the premises has anything which would obstructing the view of the gaming machines from the cashier counter, The design of the entrance to the premises and its impact on identification, Premises which are located within an area which has a high number of children and young people present throughout the day may, Identify that the standard external design means that children and young people can see into the premises and see gambling taking place

Local Area Risk Profile including but not limited to the below examples

Aim to include data and maps which show the distribution of gambling premises and sensitive locations and vulnerable communities For example, Educational establishments, Relevant leisure facilities, Medical facilities, care homes, and temporary accommodation Places of worship, Hot spot areas combining the educational establishments/leisure facilities / medical facilities, Areas of deprivation, Areas of unemployment, Areas where residents claim working age benefits, Areas of poor mental health, Violence hot spots, Drug and alcohol hot spots

Licensing Objective	Local Risk	Risk Management
<p>Preventing Gambling From Being a Source of Crime or Disorder, Being Associated With Crime or Disorder or Being Used to Support Crime</p>	<p>Anti-social behavior Poor security increase vulnerability to crime and disorder and failing to protect employees and customers from harm Money Laundering (Dye-stained notes, fake notes, foreign coins, criminal spend etc) Commission of criminal offences to fund problem gambling</p>	<ul style="list-style-type: none"> - The premises will be fitted with a high quality CCTV system with coverage of all public areas including all entry and exit points - CCTV will be clearly advertised to customers with screens visible to staff and the capability for remote viewing by a dedicated team at head office and provide footage to relevant authorities as required - The layout of the premises is designed to avoid blind spots and continuous observation of the single entry / exit point, machines and the toilet with staff remaining on the floor at all times to interact with customers and identify underage or vulnerable persons - We have reviewed the police.uk hot spot mapping for Northgate and are aware of the crime map, the statistics, the different types of recorded crime, vulnerable people, vulnerable places and we are alive to the issue of problem gambling. It is our intention to make efforts to liaise with West Yorkshire Police to ensure our involvement as a business does not play any part in criminal activity in the area - Staff training includes the ability to identify problematic situations and aggressive customers - Royal Amusements will participate with any local / city centre scheme and actively seek to support and be involved with local initiatives aimed towards reducing crime and disorder and if necessary share information with other local stakeholders to further this aim

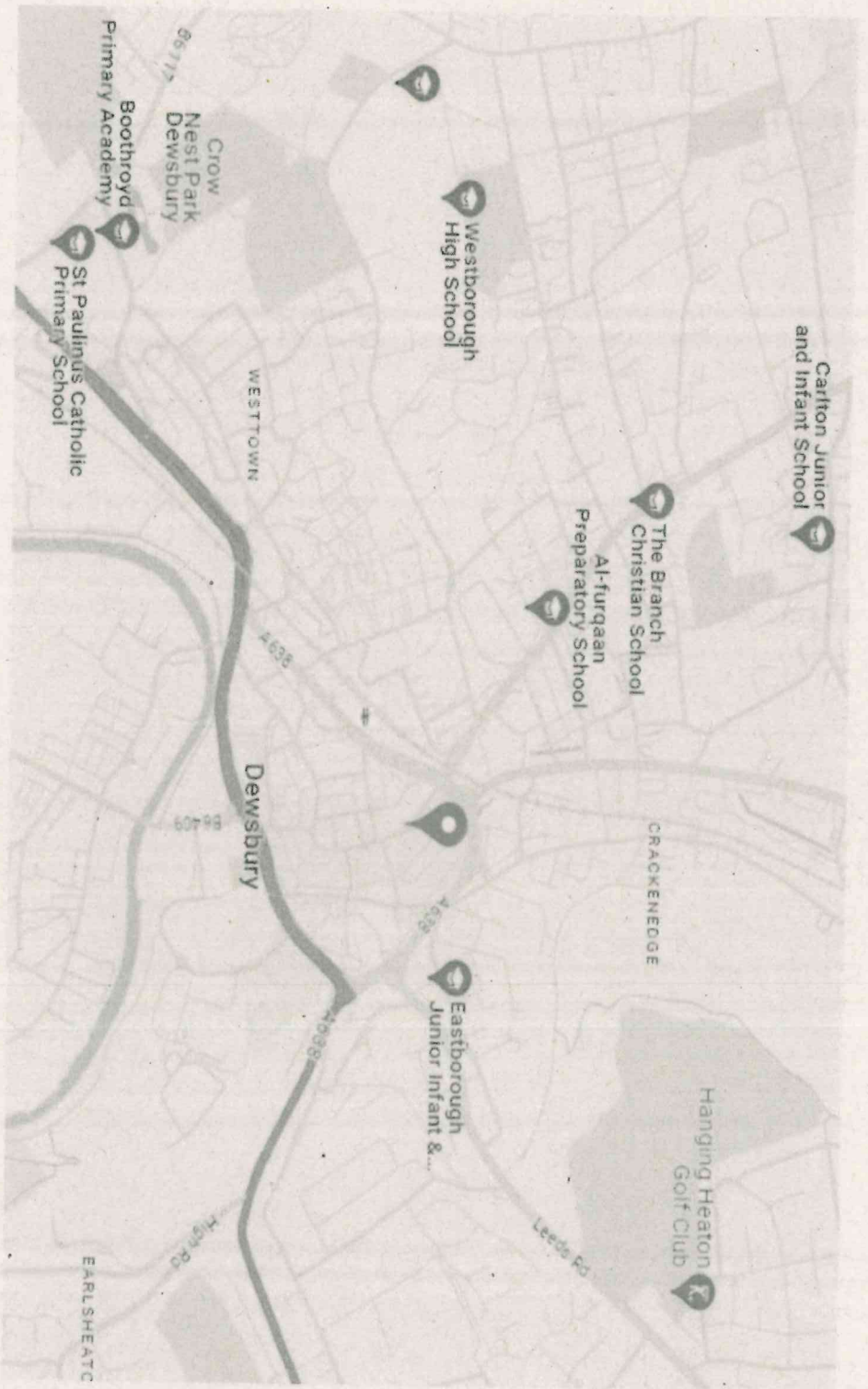
		<ul style="list-style-type: none"> - Whilst public nuisance is not a Licensing Objective and the Gambling commission makes clear that disorder means serious disorder, we recognize the risks and potential escalation and therefore will work in partnership with West Yorkshire Police and Kirklees Council to reduce this risk - Staff are trained to monitor the outside of the premises and surrounding areas (as well as the inside of the premises) and take appropriate steps to minimise risks - the CCTV monitor allows for viewing of the exterior and interior of the premises - The organisation has a designated Money Laundering Reporting Officer and anti money laundering policies with which staff will be trained - Adequate staff levels will always be maintained and subject to regular review and risk assessment - Antisocial behavior caused by alcohol is not tolerated within the premises and there are policies and procedures in place to deal with any issues - in addition there is the "No Alcohol" signage - Drugs misuse is not tolerated on the premises and in those locations where there is a heightened risk, toilets are locked with access monitored and controlled by staff - Staff are trained to refuse access to any person who is or appears to be under the influence of alcohol or drugs or - Staff are trained to be extra vigilant where there are an issue of street drinking and the business encourages a partnership approach with local stakeholders and authorities
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Licensing Objective	Local Risk	Risk Management
<p>Ensuring That Gambling is Conducted in a Fair and Open Way</p>	<p>Advertising Standards and Marketing</p> <p><i>Failure to deal with customers making complaints about the outcome of gambling</i></p> <p><i>Failure to display Terms and Conditions</i></p>	<ul style="list-style-type: none"> - All advertising and marketing by the business is compliant with legal obligations in the UK and does not amount to or involve misleading statements - All advertising and marketing is legal, decent, honest, and truthful - All advertising is prepared with a sense of responsibility to our customers and society at large - All advertising and marketing is respectful to the principles of fair competition generally accepted in business - All advertising and marketing is checked to ensure it does not contain anything that is likely to lead people to adopt styles of gambling that are unwise - All advertising and marketing is socially responsible and does not encourage excessive gambling - All advertising and marketing is prepared with care so as not to exploit the young, the immature or those who are mentally or socially vulnerable - All advertising and marketing is prepared with care so as not to be directed at those under the age of 18 years - All advertising and marketing is prepared with care such that there is honesty at all times with regard to the chances of winning, the likelihood of a big win, and the odds or payout ratio that applies to the gambling on offer

		<ul style="list-style-type: none">- All advertising and marketing carries a reference for the need to keep gambling under control- All advertising and marketing is prepared with care such that it is never suggested or implied that gambling is a means of getting out of financial difficulty- Advertising and marketing material should not appear on any primary web page/screen or micro-site that provides advice or information on responsible gambling- Machines are only purchased from licensed suppliers- Machine compliance checks and maintenance conducted by a qualified technician when installing new machines- Customer complaints policies and procedures in place- Complaints policy and procedure displayed prominently in each site- Complaint forms will be available at the premises- Terms and Conditions will be displayed prominently within the premises

Licensing Objective	Local Risk	Risk Management
<p>Protecting Children and Other Vulnerable People From Being Harmed or Exploited by Gambling</p>	<p>Children entering the site unnoticed</p> <p>Children enter site with adult</p> <p>Children enter site and play before being noticed</p> <p>Children enter site and play where age is misjudged</p> <p>Children enter site and play where age is misjudged</p> <p>Age verification is not sought</p> <p>Young person wearing face covering is not challenged for verification of age</p> <p>Children knowingly allowed to play</p> <p>Children vulnerable to sexual exploitation by customers</p> <p>Those who are vulnerable through abuse of drugs and/or alcohol having access to gambling. Those considered to be vulnerable, having access to gambling (where</p>	<ul style="list-style-type: none"> - Layout of premises considered in staff numbers - a minimum of 2 staff are on duty at any one time. Breaks and shift changes are planned to take account of school closing times to ensure there is always supervision of the gaming area - Staff deployed to specific areas for which they have responsibility - Machine layout takes into consideration lines of site to the entrance - CCTV cameras positioned to cover all parts of the premises but specifically the entrance - We will operate a 'Challenge 25' policy in which all staff are trained at induction and they receive regular refresher training - All staff are trained in social responsibility as part of their induction and are provided with regular refresher training - Clear 'Over 18' signage is displayed, visible from outside and also in the entrance to the premises - Staff are trained to look for the signs of CSE - Staff log all attempts to enter by young persons on the appropriate log - Staff have been trained to ask a customer to lower a face covering if necessary, this has the effect of allowing staff to adjudge the apparent age of all customers and if necessary challenge for verification by the presentation of ID.

	<p>'vulnerable' to include but not limited to those suffering from mental illness, recently bereaved, suffering from long-term or terminal illness, difficulty communicating, learning disability, substance misuse or addiction, breakdown of close personal relationships etc)</p> <p>Failure to provide information to players on responsible gambling</p> <p>Failure to provide information in a suitable format</p> <p>Failure to recognise signs of problem gambling</p> <p>Failure to interact with customer displaying signs of problem gambling</p> <p>Failure to sign-post customer to help and support</p> <p>Failure to properly administer self-exclusion</p> <p>Failure to impose exclusion in locality and in same types of establishments</p> <p>Customer breaches of self-exclusion</p> <p>Customer breaches self-exclusion by using another to gamble on their behalf</p>	<ul style="list-style-type: none"> - Responsible Gambling messages are displayed prominently - Posters/Leaflets with online links for GAMCARE, Playnice.org and Gambleaware are displayed - Responsible Gambling information stickers on all machines - Policies and procedures in place for customer interaction and staff intervention where necessary - Staff training includes policies and procedures for self-exclusion - Digital cameras or appropriate devices are provided across the estate to take an image of customers wishing to self-exclude so that the exclusion can be effectively enforced
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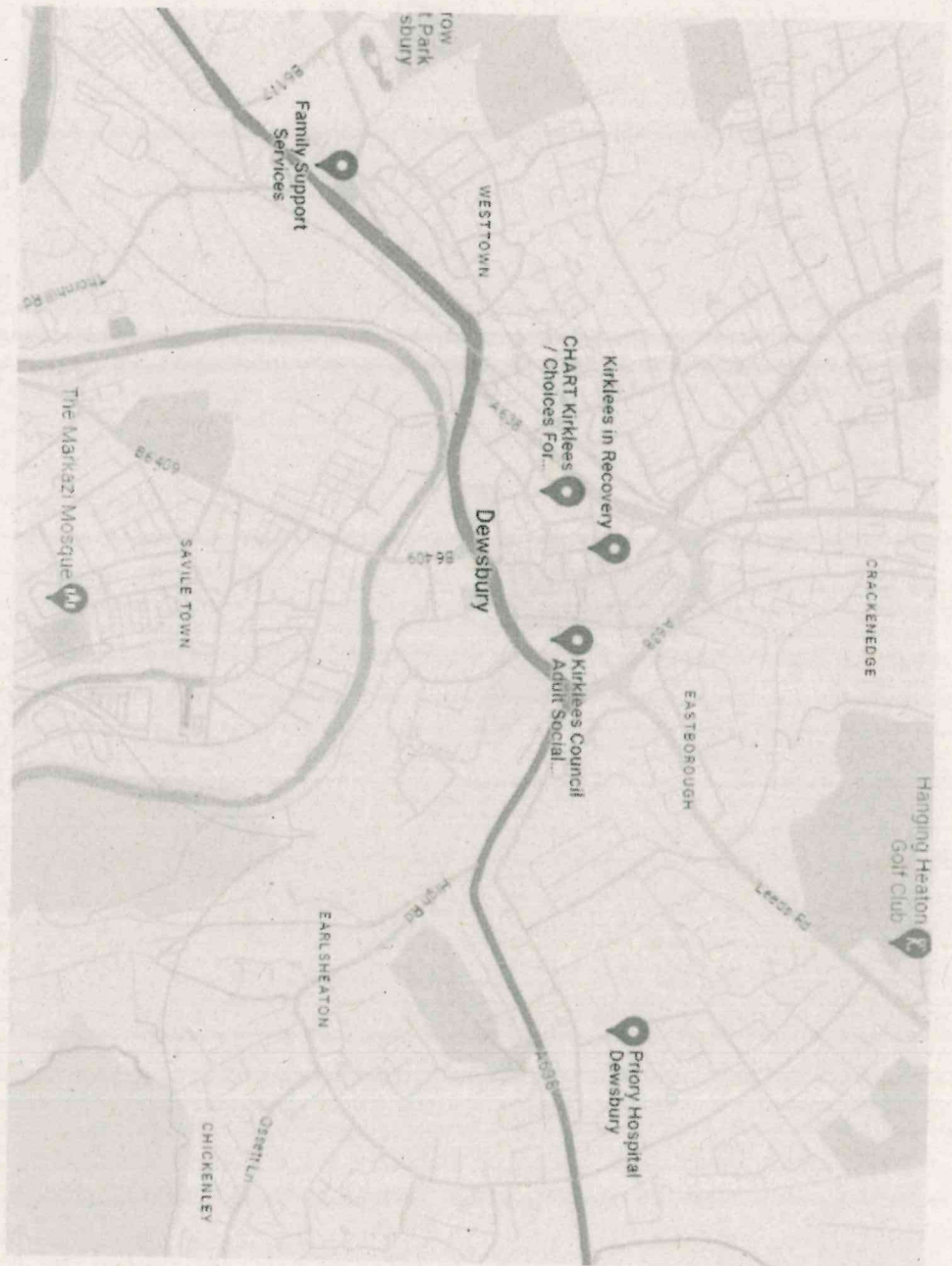
Schools / Educational Establishments

- Cartton Junior and Infant School, Upper Rd, Dewsbury WF13 2DQ
- Al-furqaan Prep School, Drill Hall House, Bath St, Dewsbury WF13 2JR
- Eastborough Junior & Nursery School, Rockley St, Dewsbury WF13 1NS
- Boothroyd Primary Academy, Temple Rd, Dewsbury WF13 3QE
- The Branch Christian School, W Park St, Dewsbury WF13 4LA
- Westborough High School, Stockhill St, Dewsbury WF13 2JE
- St Paulinus Catholic Primary School, Temple Rd, Dewsbury WF13 3QE
- St. John's C.E. (C) Infant School, Boothroyd Ln, Dewsbury WF13 2LP



Parks / Playgrounds

- Crow Nest Park Dewsbury, Heckmondwike Rd, Dewsbury WF13 2SG
- Reactory Park Play area, Dewsbury WF12 0JY
- Staincliffe Park Playground, Staincliffe, Dewsbury WF13 4DG
- Dewsbury Sports Centre, Longcauseway, Dewsbury WF12 8EN (however this is temporarily closed as of September 2023)
- Holroyd Park Bowling Pavilion, The Crescent, Dewsbury WF13 3AY
- Dewsbury Country Park, Park Rd, Dewsbury WF13 3TH
- The Park, Iilahi Park, Krazy Kingdom Ltd

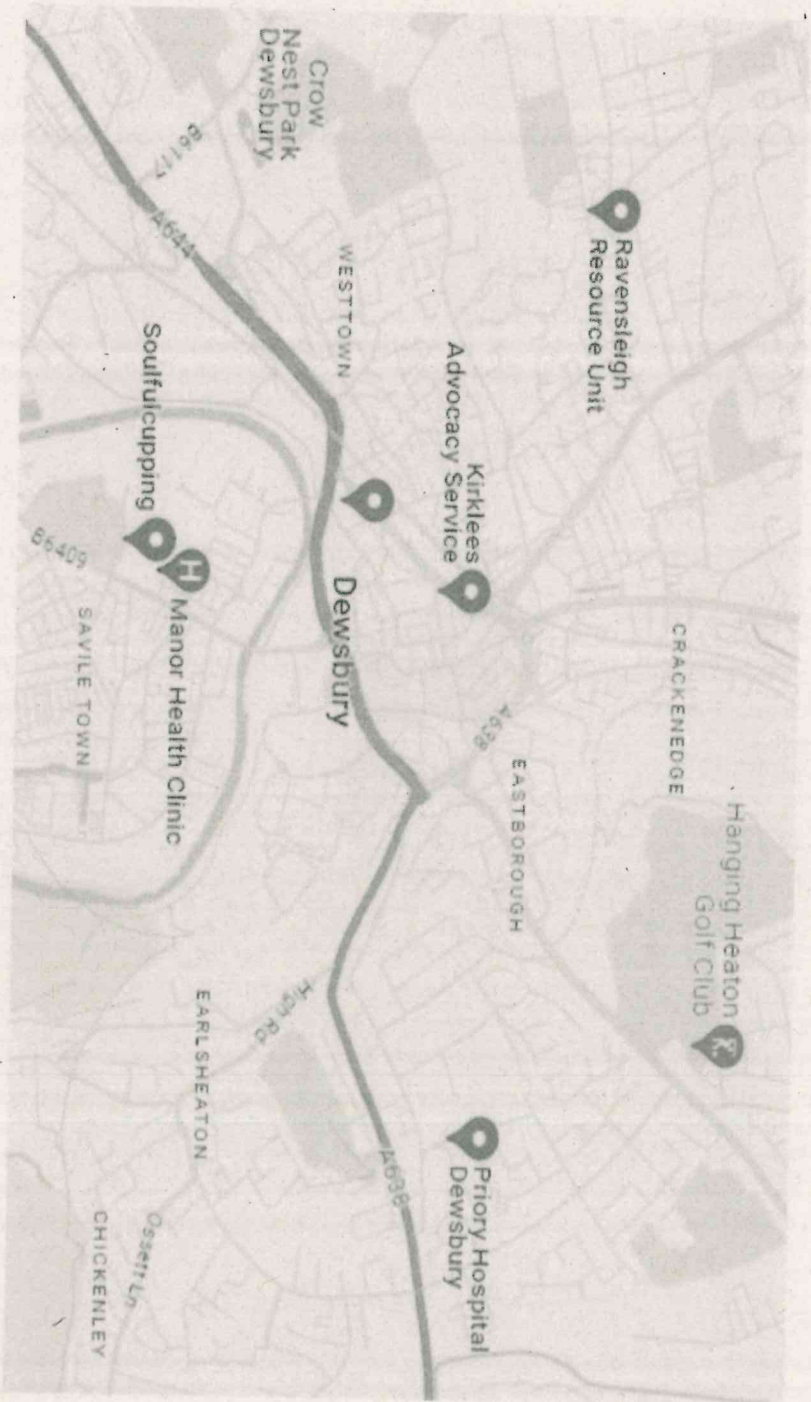


Vulnerability and Addiction Support Services

Kirklees in Recovery, 10 Union St, Dewsbury WF13 1BH

CHART Kirklees / Choices For Health In Addiction Recovery & Treatment, 3 Wellington St, Dewsbury WF13 1LY

The Luke & Marcus Trust, 7 Wellington St, Dewsbury WF13 1LY



Medical Centres, Care Homes and Mental Health facilities

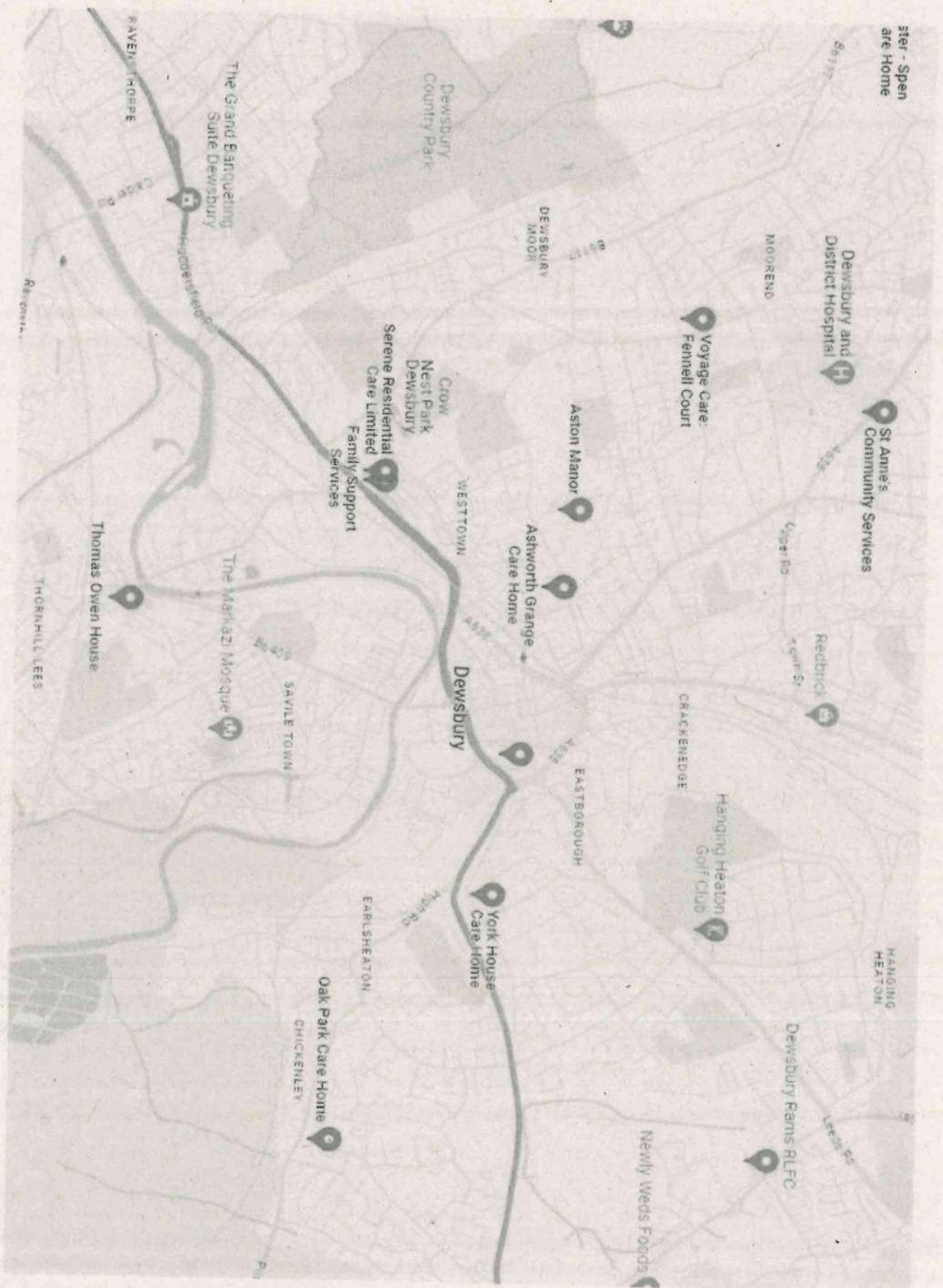
- Ravenstleigh Resource Unit, 28 Oxford Rd, Dewsbury WF13 4LL
- Kirklees Advocacy Service, Dewsbury Ring Rd, Dewsbury WF13 1HQ
- Soulfulcupping, Park Rd, Savile Town, Dewsbury WF12 9LW
- Manor Health Clinic, Savile Manor, Savile Rd, Dewsbury WF12 9LN
- Priory Hospital Dewsbury, York Rd, Dewsbury WF12 7LB



Places of Worship

The Church of Jesus Christ, 86 Halifax Rd, Dewsbury WF13 4JD
 Longcauseway Church Princess of wales precinct, Dewsbury WF13 1NH
 St. Joseph's Catholic Church Naylor St, Dewsbury WF13 2DF
 Saint John the Evangelist 140B Boothroyd Ln, Dewsbury WF13 2LP
 Westborough Methodist Church 5 Brunswick St, Dewsbury WF13 4ND
 Dewsbury Team Parish 16A Oxford Rd, Dewsbury WF13 4JT

Anchor Ministries Eshald Mills, off Bradford Rd, Dewsbury WF13 2DU
 Dewsbury Evangelical Church, Central St, Westtown, Dewsbury WF13 2LZ
 Dewsbury Baptist Church Manor St, Dewsbury WF12 8ED
 Our Lady & St Paulinus Cemetery Rd, Dewsbury WF13 2SE
 Dewsbury Minister Vicarage Rd, Dewsbury WF12 8DD
 Dewsbury Gospel Church 20 W Park St, Dewsbury WF13 4LA



Care Homes and Vulnerable Persons Support Services

Voyage Care: Fennell Court, School Cres, Dewsbury WF13 4RS

Voyage Care: Branwell Manor, Heckmondwike Rd, Dewsbury WF13 3PG

Northfields Care Homes, 30 Oxford Rd, Dewsbury WF13 4LL

Ashworth Grange Care Home, Ashworth Green, Dewsbury WF13 2SU

York House Care Home Old Bank Rd, Earlsheaton, Dewsbury WF12 7AH

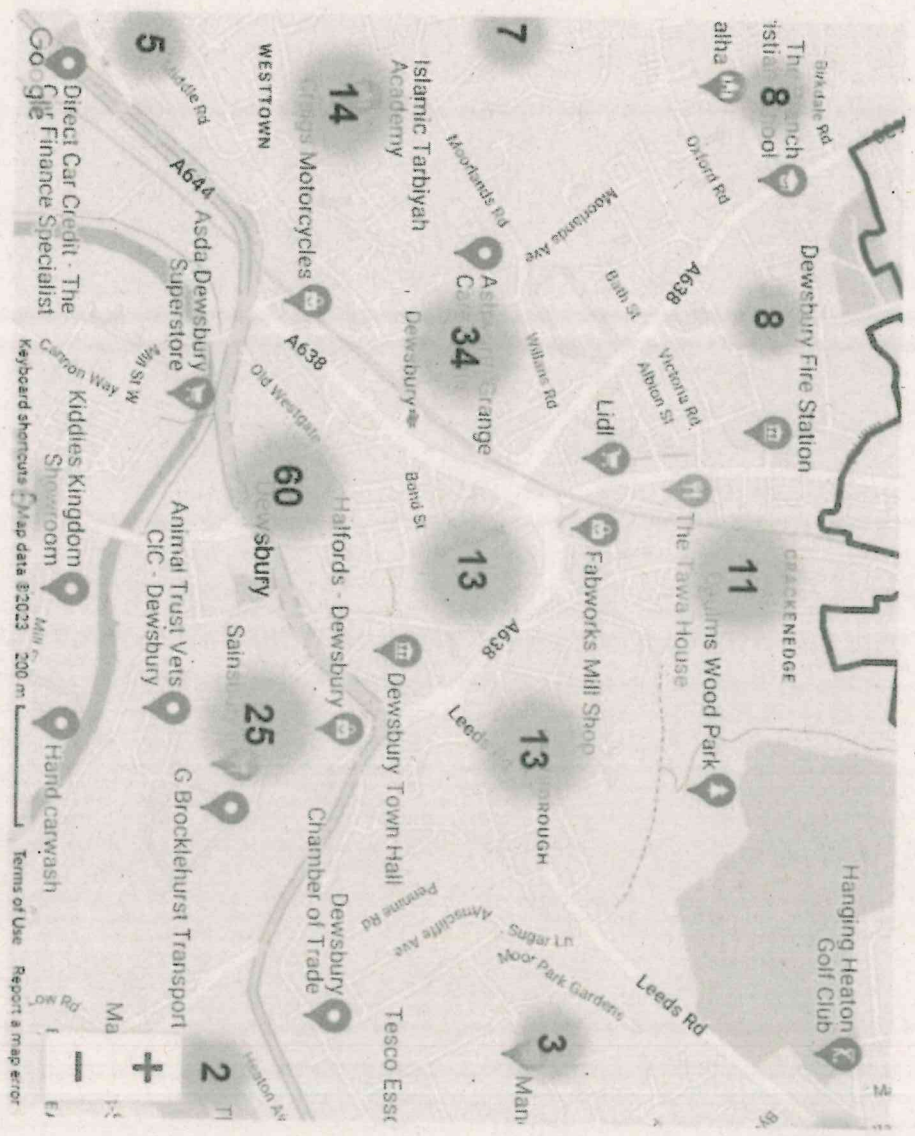
Woodland Court, School Ln, Dewsbury WF13 4DU

Old Vicarage, 142 Boothroyd Ln, Dewsbury WF13 2LP

Aston Manor, 69-73 Moorlands Rd, Dewsbury WF13 2LF

Oak Park Care Home Walnut Ln, Dewsbury WF12 8NJ

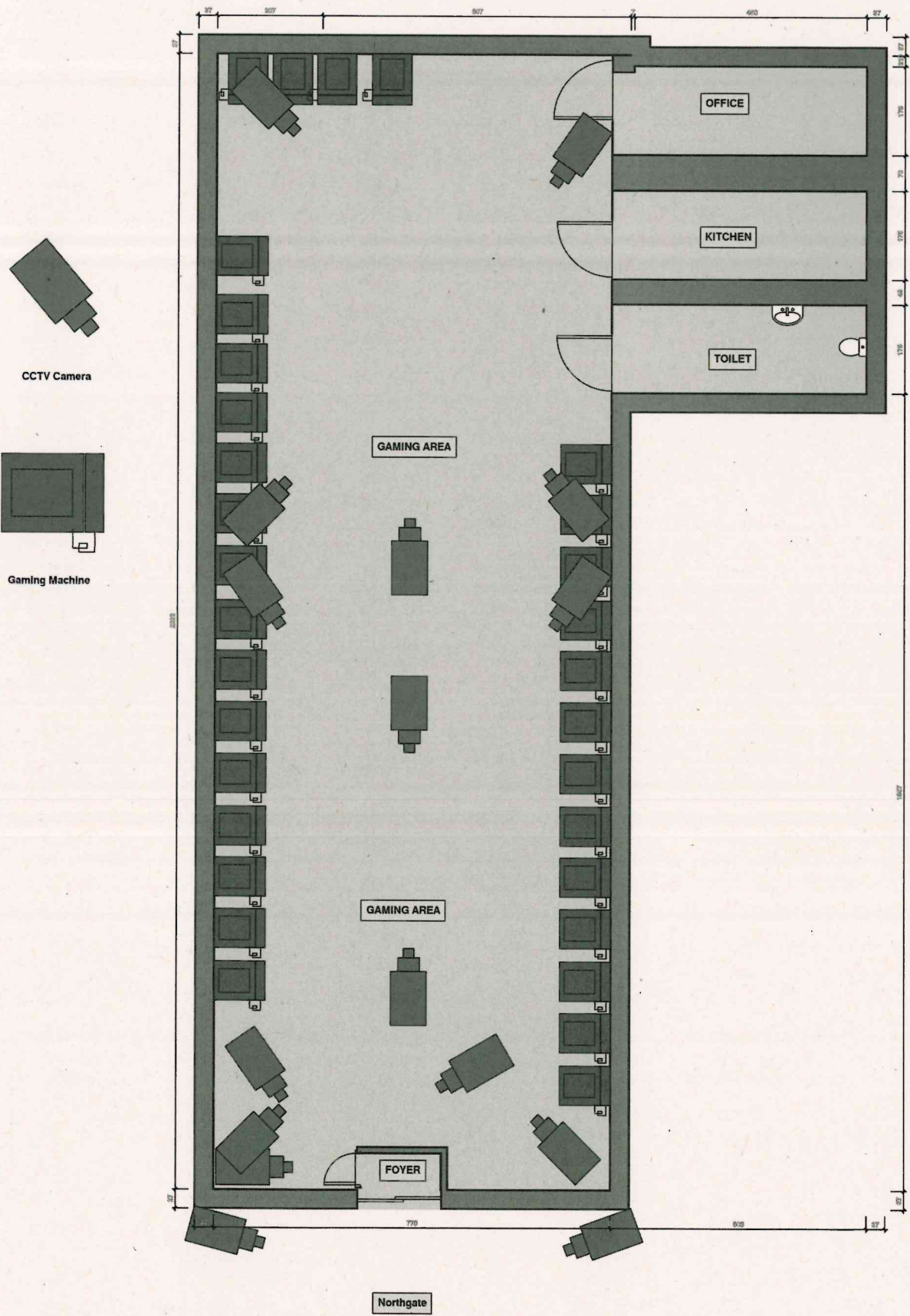
Local Crime Map



All Crimes (948)
All Crimes (948)
Anti-social behaviour (106)
Burglary (36)
Criminal damage and arson (97)
Drugs (22)
Other theft (60)
Possession of weapons (5)
Public order (93)
Robbery (3)
Shoplifting (29)
Theft from the person (10)
Vehicle crime (42)
Violence and sexual offences (424)
Other crime (21)

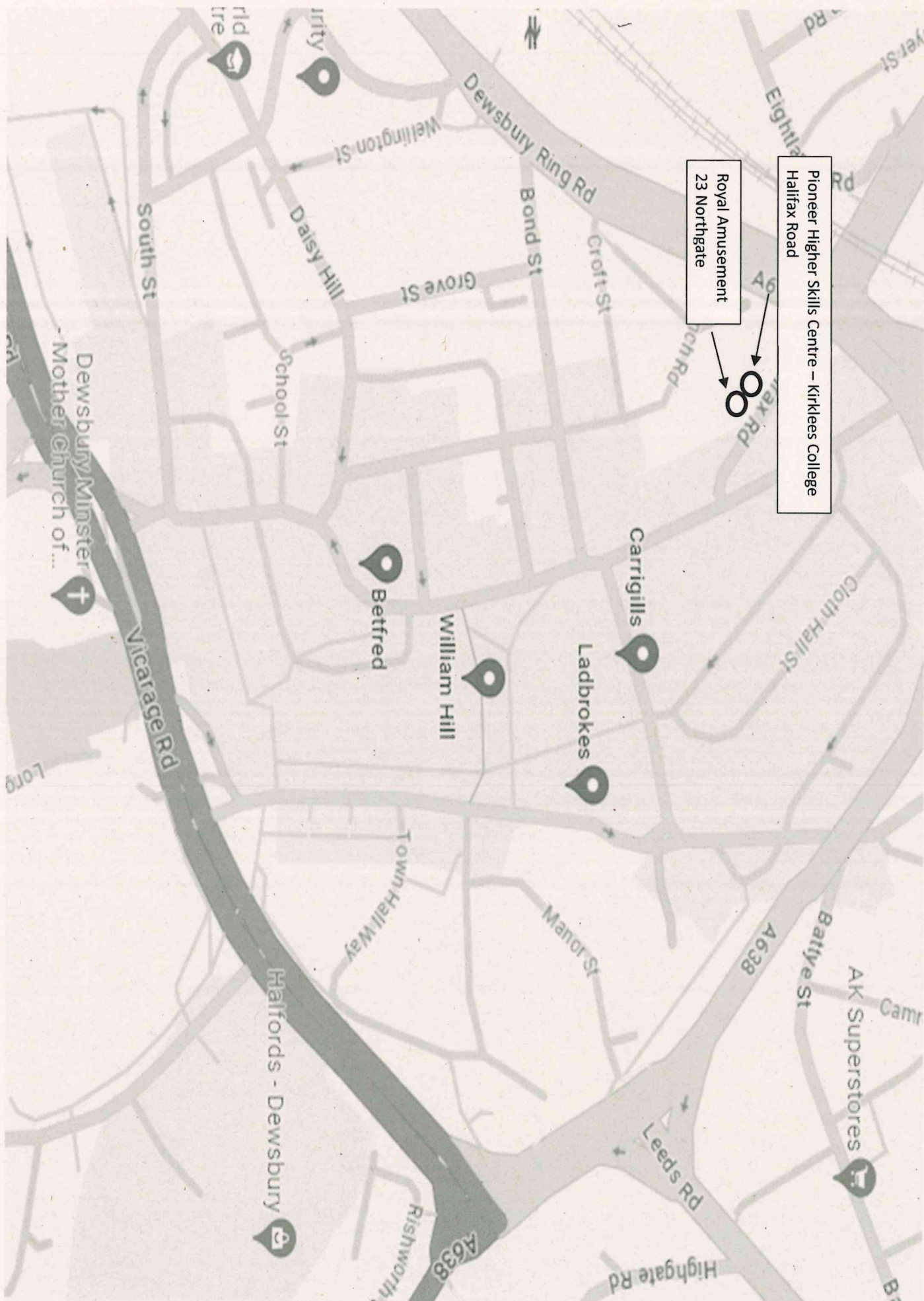
View crime definitions

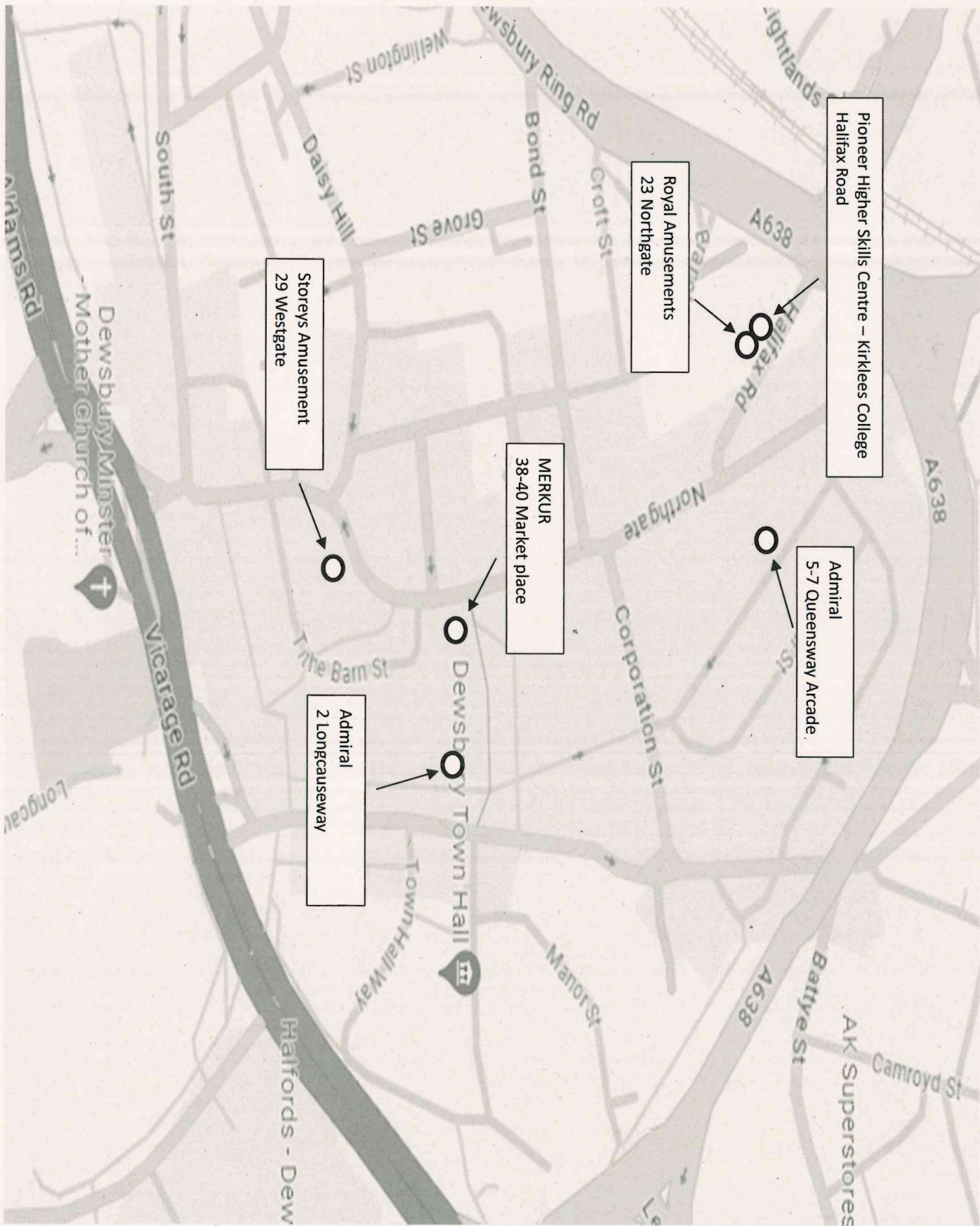
Download area crime data



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Appendix B





Betting Shops in Dewsbury Town Centre:

Distance from 23 Northgate, Dewsbury WF13 1DS	To Carrigills 12 Corporation St, Dewsbury WF13 1QL	Walking Distance = 1 min
Distance from 23 Northgate, Dewsbury WF13 1DS	To Ladbrokes 11-12 Market Pl, Dewsbury WF13 1QQ	Walking Distance = 3 min
Distance from 23 Northgate, Dewsbury WF13 1DS	To William Hill 42 Market Pl, Dewsbury WF13 1DW	Walking Distance = 2 min
Distance from 23 Northgate, Dewsbury WF13 1DS	To Betfred 16-20 Westgate, Dewsbury WF13 1BL	Walking Distance = 1 min

Adult Gaming Centres Dewsbury:

Distance from 23 Northgate, Dewsbury WF13 1DS	To Admiral 5-7 Queensway Arcade, Dewsbury WF13 1DY	Walking Distance = 5 min
Distance from 23 Northgate, Dewsbury WF13 1DS	To Admiral 2 Longcauseway, Dewsbury WF13 1DN	Walking Distance = 2 min
Distance from 23 Northgate, Dewsbury WF13 1DS	To MERKUR Slots 38-40 Marketplace, Dewsbury WF13 1DW	Walking Distance = 2 min
Distance from 23 Northgate, Dewsbury WF13 1DS	To Storeys Amusements 29 Westgate, Dewsbury WF13 1JQ	Walking Distance = 1 min

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Appendix C

From: Cllr Cathy Scott <Cathy.Scott@kirklees.gov.uk>

Sent: Tuesday, December 19, 2023 4:39 PM

To: Licensing <Licensing@kirklees.gov.uk>; Cllr Eric Firth <eric.firth@kirklees.gov.uk>; Cllr Paul Moore <Paul.Moore@kirklees.gov.uk>

Subject: Re: Gambling Application 23 Northgate, Dewsbury

Subject: Opposition to Grant Application for Gambling Licence - Dewsbury Town Centre

Dear Rox

I hope this email finds you well. I am writing to express my strong opposition to the recent application for a gambling licence submitted by Liberty Solicitors on behalf of their client.

While acknowledging the merits outlined in the application, I must emphasise that Dewsbury town centre is already oversubscribed with gambling venues. As a local authority and as ward councillors, our primary focus is addressing the health, inequalities, and vulnerabilities of residents.

The proposed site is in close proximity to residents in Dewsbury town centre, and issuing another licence for this type of premises would be counter productive to our ongoing efforts.

Our town's regeneration plan revolves around creating a family-oriented, safe environment. I am concerned that approving another gambling licence would not align with our blueprint and might compromise the crucial values we aim to instill in the community and impact on future investment.

While I understand that Liberty Solicitors has provided detailed explanations on how the licensing objectives would be addressed and that the applicant holds an operators licence from the Gambling Commission, I believe it is crucial to consider the existing strain on our town and the well-being of its residents.

I appreciate your consideration of this matter, and I kindly request that my opposition be taken into account during the evaluation process. If needed, I am willing to discuss this application further to provide additional context to my concerns and appear at committee.

Thank you for your attention to this important issue. I look forward to hearing from you soon.

Best regards,

Cathy Scott

From: Cllr Paul Moore <Paul.Moore@kirklees.gov.uk>

Sent: Tuesday, December 19, 2023 12:38 PM

To: Licensing <Licensing@kirklees.gov.uk>; Cllr Cathy Scott <Cathy.Scott@kirklees.gov.uk>; Cllr Eric Firth <eric.firth@kirklees.gov.uk>

Subject: Re: Gambling Application 23 Northgate, Dewsbury

Hi Rox,

As per Eric I am totally opposed to this. In addition, to the existing betting shops we have two amusement arcades, one of which is open until 4am (next to Wellington Tavern) and the former Brighthouse building now being open 24 hrs. I'm unsure why we need another?

Best wishes

Paul

Councillor Paul Moore
Labour Cllr for Dewsbury East

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Appendix D

4. Proposed Conditions for 23 Northgate, Dewsbury

Considering the concerns you have raised we would propose the following conditions;

- (1) Prominent signage and notices advertising that Under 18's are not allowed on the premises
- (2) A "think 25" proof of age scheme shall be operated at the premises where any person who appears to be under 25 years of age, and who has not previously provided satisfactory proof to the contrary, is challenged at the point of entry. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
- (3) Appropriate staffing levels will be assessed by way of risk assessment and cognisance will be taken of any advice from the Licencing Department
- (4) Individuals who are deemed to be under the influence of alcohol shall not be allowed to enter the premises
- (5) The licensee shall take reasonable steps to prevent nuisance directly outside the premises
- (6) A digital CCTV system be installed to Home Office Guidance standards and maintained in a good working condition to ensure continuous quality of image capture and retention where
 - (a) Cameras to be sited to observe the entrance doors from the inside.
 - (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - (c) Cameras must be sited to cover all areas to which the public have access including any outside smoking area.
 - (d) Cameras must record whilst members of the public are frequenting the premises.
 - (e) CCTV system to be able to provide a linked recording of the date, time of any image
 - (f) CCTV system to have a monitor to review images and recordings
 - (g) a member of staff trained in operating CCTV to be at the venue during times open to the public
 - (h) CCTV footage must be kept for 31 days.
 - (i) CCTV equipment must have a suitable export method, e.g. CD/DVD writer / USB
 - (j) CCTV footage must be available within a reasonable time to Police on request
- (7) An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (g) any visit by a relevant authority or emergency service.
- (8) Join any local Betwatch or similar scheme

Appendix E

Gambling Act 2005
Statement of Principles
2022 – 2025

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PART A – The Gambling Act 2005

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

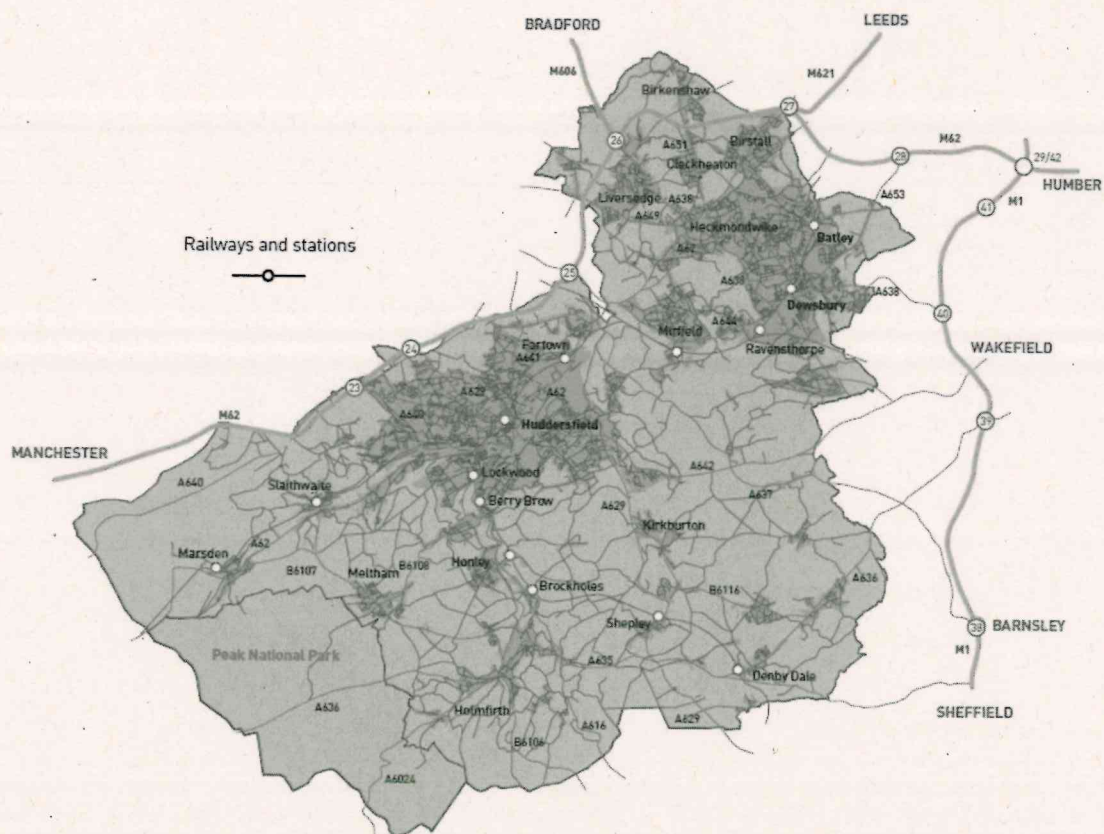
It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

The council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

2. Introduction

Kirklees Council is situated in West Yorkshire, which contains 5 metropolitan councils in total. The council area has a population of approximately 440,000¹ making it the largest metropolitan district not based on a city in terms of population. In terms of area it is the third largest in West Yorkshire, covering 157 square miles. The council area is mainly rural in the south with a central urban area around large towns. The area also comprises of several smaller towns of varying sizes. These areas are shown on the map below.



Kirklees has a varied population – many ethnicities are represented, speaking a range of languages and bringing a cultural diversity to the region. A thriving student community based around the University of Huddersfield attracts students from around the world. Life expectancy and healthy life expectancy (the number of years lived in good health) are increasing across Kirklees.

Kirklees Council has issued a Corporate Plan which outlines the Council's vision for 'We're Kirklees'. The priorities, throughout the transformation programme to 'We're Kirklees', will remain focused on achieving the best for Kirklees, its communities, businesses and residents.

Integration with other guidance, policies, objectives, and strategies

The Gambling Policy aims to promote the licensing objectives within the overall context of the Kirklees Corporate Plan.

The vision for Kirklees is to be a district which combines a strong, sustainable economy with a great quality of life – leading to thriving communities, growing businesses, high prosperity, and low inequality where people enjoy better health throughout their lives

The Corporate Plan sets out the council's outcomes, what it is trying to achieve, key actions underway and planned, and the measures it will use to check whether it has been successful. Supporting vulnerable people and promoting inclusion and diversity is woven throughout the

plan and shared outcomes.

The key outcomes that underpin this policy are set out below:

- **Best Start** - Children have the best start in life
- **Well** – People in Kirklees area as well as possible for as long as possible
- **Independent** – People in Kirklees live independently and have control over their lives
- **Aspire and Achieve** – People in Kirklees have aspiration to achieve their ambitions through education, training, employment and lifelong learning
- **Sustainable Economy** – Kirklees has sustainable economic growth and provides good employment for and with communities and businesses
- **Safe and Cohesive** – People in Kirklees live in cohesive communities, feel safe and are safe/protected from harm
- **Clean and Green** – People in Kirklees experience a high quality, clean, sustainable and green environment
- **Efficient and Effective** – Kirklees Council works smart and delivers efficiently and effectively

Purpose of Statement of Licensing Policy

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must then be re-published.

Consultation

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

List of persons this authority consulted:

- West Yorkshire Police
- The Local Safeguarding Children Board
- Representatives of local businesses
- Local Chambers of Commerce
- Town Centre Associations
- Residents of Kirklees and their representatives
- Kirklees Federation of Tenants & Residents Association
- Town Councils in the district
- Parish Councils in the district

- Local Members of Parliament
- Ward Councilors
- National bodies representing the gambling trade
- National charities concerned with the social impact of gambling
- Representatives of existing license holders
- West Fire and Rescue
- Community Safety Partnership
- Huddersfield University
- Local financial/debt management agencies
- Holders of Club Premise Certificates
- Holders of Lottery Permits
- Holders of Permits for Amusement Arcades

Consultation for this proposed policy commenced on 1st April 2022

The Council will publish the consultation responses within 12 weeks of the consultation closing in accordance with best practice as set out by the Department for Business, Energy and Industrial Strategy.

3. Declaration

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a license, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

In producing the final statement, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities will also offer advice and guidance to applicants.

Responsible Authorities are generally public bodies that must be notified of all applications, they are entitled to make representations about licence applications, or apply for a review of an existing licence, providing representations and / or a review are relevant to the licensing objectives. They have no obligation to respond to applications for premises licences if they wish not to do so.

Section 157(h) of the Act defines Responsible Authorities as:

- The Gambling Commission
- The Police
- The Fire Service

- The Local Safeguarding Children Board
- The Local Planning Authority
- Environmental Health
- HM Revenue and Customs
- The licensing authority (the council)

Each representation will be assessed with regard to the licensing objectives and be taken on its own individual merits.

The Licensing Authority will also consult with the Director of Public Health on all premises licence applications.

The council is required by regulations to state the principles it will apply to designate, in writing, to 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.

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose. The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.kirklees.gov.uk

The Secretary of State may prescribe other responsible authorities by means of regulations.

5. Interested parties

Interested parties are certain types of people or organisations who have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

- "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person
- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)"

The council is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. The council will not apply a rigid rule to its decision

making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. However, the council emphasises that it will not generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

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 represent the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority 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.

If individuals 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 Committee dealing with the licence application. If there are any doubts then please contact

Licensing Service, Flint Street, Fartown, Huddersfield, HD1 6LG
Email: licensing@kirklees.gov.uk
Tel 01484 221 000

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions with respect to the exchange of information between it and the Gambling Commission, and the functions with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that the council applies is that it 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 and Freedom of Information Acts will not be contravened. The licensing authority 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.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

The council will work closely with responsible authorities in undertaking its enforcement duties under the Gambling Act 2005, be guided by the Gambling Commission's Guidance for local authorities and will endeavor to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

The council will endeavor to avoid duplication with other regulatory regimes so far as possible. The main enforcement and compliance role for the council in terms of the Gambling Act 2005 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 operating and personal licences.

Dealing with illegal poker or illegal/illegally sited machines in a specific premises will be dealt with by way of a multi-agency coordinated approach with the council licensing authority officers leading the operation with the police and on occasion HMRC providing support; advice and expertise. The Gambling Commission will be contacted to agree if such a multi-agency approach is appropriate.

The Council will also consult with the Gambling Commission before planning enforcement exercises such as test purchasing and age verification.

This council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8. Licensing Authority functions

Licensing Authorities are responsible under the Act for:

- Licensing premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003)

- for the use of two or fewer gaming machines
- Issuing Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - Registering small society lotteries below prescribed thresholds
 - Issuing Prize Gaming Permits
 - Receiving and Endorsing Temporary Use Notices
 - Receiving Occasional Use Notices
 - Providing information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
 - Maintaining registers of the permits and licences that are issued under these functions

The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

The council has the responsibility for licensing gambling premises within Kirklees, as well as undertaking functions in relation to lower stake gaming machines in clubs and miners' welfare institutes. The Act also provides a system of temporary and occasional use notices. These enable licensing authorities to authorize premises that are not licensed generally for gambling purposes, to be used for certain types of gambling for limited periods.

PART B - PREMISES LICENCES

1. General Principles

The council will issue premises licences to allow premises to be used for certain types of gambling. The types of premises to which licences will be issued include amusement arcades, bingo halls, bookmakers and casinos.

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.

Applications

An application for a premises licence may only be made by persons (including companies or partnerships):

- Who are aged 18 or over and
- Who have the right to occupy the premises and
- Who have an operating licence which allows them to carry out the proposed activity or
- Who have applied for an operating licence to allow them to carry out the proposed activity. The application can only be determined once an operating licence has been issued.

Definition of "premises"

Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

The council will take particular care in considering applications for multiple licences for a

building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that 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 and that people do not 'drift' into a gambling area.

The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an important consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise may compromise the licensing objectives.

An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may now take place. Thus, a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Where premises are not yet built or are about to be altered for the purpose of gambling and ultimately a premises licence will be required, the applicant should first consider making an application for a provisional statement (see section 9).

Local Risk Assessment

The council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as health information and data related to gambling related harm as well as issues of crime and disorder. The term "vulnerable persons" includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Licensees are required to assess the local risks to the licensing objectives posted by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks and must consider relevant matters identified in this policy statement.

Licensees are required to undertake a local risk assessment when applying for a new premises licence and share their risk assessment with the licensing authority. Risk assessments must also be updated:

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

In undertaking a local risk assessment the Council will expect the operator, as a minimum to take into account:

- whether the premises is in an area of deprivation
- whether the premises is in an area subject to high levels of crime and/or disorder
- the ethnic profile of residents in the area
- the demographics of the area in relation to vulnerable groups
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- health information and data relating to gambling related harm

The Council's local area profile should be the starting point for operators when developing their local risk assessments as many of the concerns listed above form part of the local area profile.

The local risk assessment should also show how vulnerable people, including people with gambling dependencies, are protected.

The Council also consider the following matters are of importance for operators to consider in developing their local risk assessments:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track,

the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome

Local Area Profile

Each locality within Kirklees has its own character and challenges. In order to assist applicants in completing their local risk assessments, the Council may, where relevant information exists, publish a local area profile. Any local area profile will be published on the Council's website, and applicants should refer to the Council's website for this information.

If published the local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

Duplication with other regulatory regimes

The council will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives

Premises licences granted must be consistent with the licensing objectives. With regard to these objectives, the council has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

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

The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there and whether

conditions may be suitable such as the provision of door supervisors. The council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behavior was, to those who could see it, so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way

The 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.

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

Protection of children

The Kirklees Safeguarding Children Board has a webpage dedicated to providing local information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms: [Kirklees Safeguarding Children's Partnership](#)

The council is aware that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The 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.

The Act provides the following definition for child and young adult in Section 45:

Meaning of "child" and "young person"

(1) In this Act "child" means an individual who is less than 16 years old.

(2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

The council will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

Protection of vulnerable people

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." The council will consider this licensing objective on a

case by case basis. Should a practical definition prove possible in future then this policy statement will be updated by way of a revision.

Problem gambling can affect anyone at any time and there are some groups who are more likely to experience problems. Operators, using the information available in the Council's Local Area Profile, should consider these groups in their Local Risk Assessments, especially in relation to identifying people in these groups and mitigating harm experienced by them. Examples of vulnerable groups include, the unemployed and those living within deprived areas, children / young adults, those with drug / alcohol issues and those with mental illness.

Conditions

Any conditions attached to licences will be proportionate and will be:

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the 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 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.

The council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted that:

- 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
- 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.

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

There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

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

Where operators and the council decide that supervision of entrances / machines is appropriate for particular cases, it will need to be decided whether these need to be Security Industry Authority (SIA) licensed or not. It will not be automatically assumed that they need to be.

2. Adult Gaming Centres

The 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.

The council may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes – all holders of general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Documented procedures on how employees will monitor the licensed area to ensure they are not being used by persons under the age of 18
- Occasional spot checks for children / young persons in adult only areas
- This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming Machines

The holder of an ACG premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

3. (Licensed) Family Entertainment Centres:

The 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 ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The council may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises
- Documented procedures on how employees will monitor the licensed area to ensure they are not being used by persons under the age of 18
- Occasional spot checks for children / young persons in adult only areas

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

A betting premises licence in respect of a track may not authorise pool betting to take place, other than in respect of dog or horse racing and only where the acceptance of bets is by the holder of the betting premises licence, or in accordance with arrangements made by them. In the case of dog racing, this preserves the existing arrangements at dog tracks where the totalizer is operated by or on behalf of the occupier of the track.

The 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. The council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Changes on the numbers of machines permitted came into force in 2011. Please see appendix one for limits on numbers of machines at the above type of premises.

4. Gaming Machines

For a premises to site gaming machines some form of authorisation is normally required. Typically, this is:

- An operating licence from the commission and a gambling premises licence from a Licensing Authority
- An alcohol premises licence from a licensing authority
- A gaming machine permit from a licensing authority.

Depending on the authorisation, there are limits placed on the category of machines that can be sited, in some cases, on the number of machines that can be made available for use.

The meaning of 'available for use'

S.242 of the Act makes it an offence for any person to make a gaming machine available for use where they do not hold an operating licence or other permission covering gaming machines and where no other exemption applies.

The Act does not define what 'available for use' means, but the Commission considers that a gaming machine is 'available use' if a person can take steps to play it without the assistance of the operator.

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

5. Casinos

The 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 policy statement with details of that resolution. Any such decision will be made by the full council.

Casinos and competitive bidding

- The council is aware that where a licensing authority is empowered 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 / codes of practice issued under the Gambling Act 2005.

Licence considerations/conditions

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". This guidance will be considered by the council when it is made available.

Betting machines

The 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 betting 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.

Category B gaming machines may only be made available in licensed gambling premises and not in locations which may prompt more ambient gambling such as pubs. The Council will satisfy ourselves that a premises applying for or licensed as a casino is operating or will operate in a manner which a customer would reasonably be expected to recognize as a premises licensed for the purposes of providing facilities for casino games and/or games of equal chance.

6. Bingo premises

The council is aware 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 the council will 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;
- 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.

This council is also aware that the Gambling Commission has stated that it is going 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 council once it is made available.

Gaming Machines

The Council will ensure that gambling machines are made available for use in a manner consistent with the Gambling commission guidance within part 16. Gaming machines will only be counted if they can be played simultaneously by different players without physical hindrance, including tablets.

7. Betting premises

Betting premises are premises such as bookmakers and betting offices where various types of gambling are authorised to take place. Children and young persons will not be able to enter such premises.

The holder of a betting premises licence may make available for use up to four gaming machines of category B (B2, B3 and B4), C or D

8. Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. The Act does not define what constitutes a sporting event or race and the Council will decide this on a case-by-case basis. There are currently no tracks within this council area.

The Act wholly prohibits the employment of children and young people on tracks.

Should the need arise the council is aware that such tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The 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.

The 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.

The council may consider measures to meet the licensing objectives such as:

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

Provision of information leaflets / helpline numbers for organisations such as GamCare. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Betting on Tracks

There are various types of betting which take place in relation to tracks:

- On-course betting
- Off-course betting

Further information can be found in the Guidance for Licensing Authorities – April 2021 update at [Gambling Commission](#)

Pool Betting

A track premises licence may only authorise the acceptance of bets by way of pool betting on horseracing or dog racing, and if the bets are accepted by the holder of the track premises

licence or in accordance with arrangements made by hm. Additionally pool betting on a licensed greyhound track will only be permitted while the public are admitted to the track for the purpose of attending greyhound races, and no other sporting events are taking place.

Gaming machines

The 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 at a track.

The council is aware that the Gambling Commission is preparing guidance as regards where gaming machines may be located at tracks and any special considerations that should apply in relation, for example, to the supervision of the machines and preventing children from playing them.

Betting machines

The council will take into account the size of the premises and the expectation of how staff will monitor the use of the betting 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.

Conditions on rules being displayed

In line with guidance from the Gambling Commission the council will consider attaching 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."

9. Travelling Fairs

Travelling fairs have traditionally been able to provide various low stakes gambling without the need for a licence or permit provided that certain conditions are met. This provision continues in a similar fashion in the new Act.

The council will decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The council will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

10. Provisional Statements

A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or altered for the purpose of gambling, would be granted a premises licence when the building work is complete. It is not a licence and merely gives the holder some form of assurance that a premises licence would be granted. Once works are complete a full premises licence would still be required.

In terms of representations about premises licence applications, following the grant of a provisional statement, 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. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

The council will not take into account irrelevant matters e.g. the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

11. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is :

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

Consideration will also be given as to whether the request is frivolous, vexatious, will certainly not cause this authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C – Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits)

The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D machines. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines. They are premises which are 'wholly or mainly' used for making gaming machines available.

The Gambling Act 2005 contains a provision for local authorities to prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states, "in preparing this statement, and/or considering applications, it 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."

In accordance with Gambling Commission guidance the council will give weight to child protection issues when considering applications for permits.

The 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 council will assess these policies and procedures on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises. The 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.

The council is aware that an application for a permit may only be granted if the chief officer of police has been consulted on the application.

In line with the Act the council cannot attach conditions to this type of permit and the "Statement of principles" only applies to initial applications and not to renewals

2. Gaming machine permits in premises licensed for the sale of alcohol

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The 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 Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant." The council considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy the council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be 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.

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.

The 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.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits - (Statement of Principles on Permits)

The council will expect the applicant to set out the types of gaming that he or she is intending to offer and 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.

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

There are conditions in the Gambling Act 2005 by which the permit holder must comply, but that

the licensing authority 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.

4. Club Gaming and Club Machines Permits

Members clubs and miners' welfare institutes (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).

To qualify for club permits 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. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The council may only refuse an application on the grounds that:

- a) the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute 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.

There is also a 'fast-track' procedure available under the Act 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 Commission or the police, and the grounds upon which an authority 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;
- 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."

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.

5. Temporary Use Notices

Temporary use notices 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. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.

The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the act. The council considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

6. Occasional Use Notices for tracks

There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice.

The 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. The council will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

More information relating to this can be found in the Guidance to licensing authorities April 2021 update at [Gambling Commission](#)

PART D – Public Health

1. Gambling Related Harm

The Local Government Association defines gambling related harm as:

"Any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues and wider local communities."

[Tackling gambling related harm a whole council approach \(local.gov.uk\)](#)

People can engage in gambling activities activity without experiencing any harm. However, over the years, the prevalence of harmful gambling has increased and is now widely accepted to be a serious and worsening Public Health concern. The harm from gambling can exacerbate existing vulnerabilities and inequalities and is seen at an individual, societal and community level. ([fph-gambling-position-statement-june-2018.pdf](#))

It is with this in mind that Kirklees Council seeks to ensure that gambling premises and license holders are aware of and committed to ensuring that gambling activity is carefully monitored and that those at risk of gambling related harm are identified and offered appropriate support.

2. Who is most at risk?

The harm caused by gambling is unequal in distribution. Research and evidence show that there are a number of population groups who are more at risk of gambling related harm ([Tackling gambling related harm a whole council approach \(local.gov.uk\)](#) & [Gambling-related harms evidence review: summary - GOV.UK \(www.gov.uk\)](#)).

These are:

- Children, adolescents and young adults (including students)
- People with mental health issues, including those at risk of suicide and self-harm, those experiencing substance abuse problems
- Individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
- The unemployed
- The homeless
- Those with low intellectual functioning
- Problem gamblers seeking treatment
- People with financially constrained circumstances
- Those living in deprived areas
- Those engaged in criminal activity
- Males

Gambling harm affects not only the individual, but also the family and wider society. Children in particular are heavily impacted both financially and emotionally by a family member gambling ([fph-gambling-position-statement-june-2018.pdf](#)).

The risk factors for harmful gambling among children and young people include:

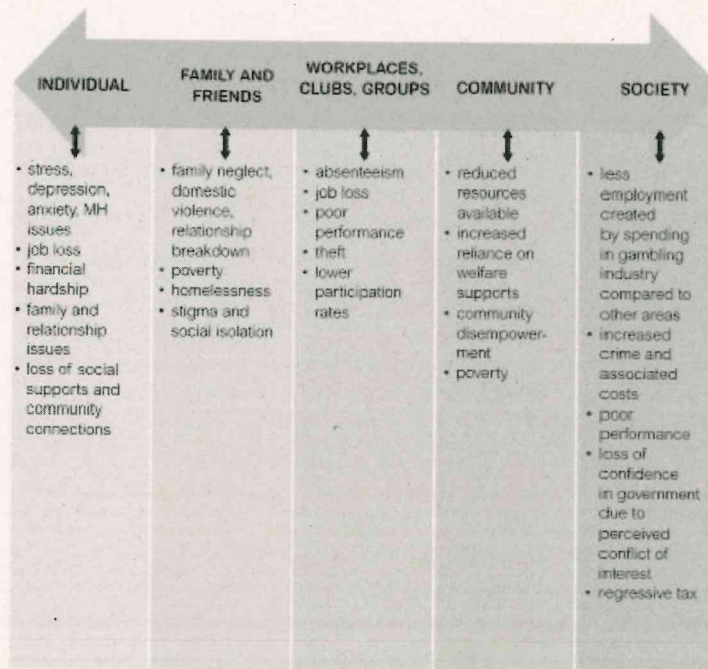
- Impulsivity
- Substance use (alcohol, tobacco, cannabis and other illegal drugs)
- Being male
- Depression

Source: [Gambling-related harms evidence review: summary - GOV.UK \(www.gov.uk\)](#)

3. What is the impact?

The impact of gambling can have a significant effect on an individual's physical, mental and social health. Gambling is associated with stress, depression, and alcohol and substance misuse ([fph-gambling-position-statement-june-2018.pdf](#)) However, the impact can also extend beyond an individual – affecting relationships, families, friends, education, workplaces, culture and communities. There are wider impacts of harm from gambling including fraud, theft, loss of productivity in the workforce and the cost of treating this addiction ([fph-gambling-position-statement-june-2018.pdf](#))

This is demonstrated below:



Source: Health promotion resource guide for problem gambling prevention in Melbourne North¹⁷

Tackling gambling related harm, a whole council approach (local.gov.uk)

4. Reducing gambling harms through a public health approach

- Monitor the number of gambling premises in areas where deprivation and/or rates of problematic gambling are highest.
- Improve awareness of gambling harms and promote support and treatment options in gambling settings.
- Ensure access to advocacy and information in relation to gambling related harms is readily available in areas where the impact of gambling related harms are highest.

Appendix F

Gambling regulation

Councillor handbook
(England and Wales)

The regulatory framework – an overview

The Gambling Act 2005 (the Act) consolidated and updated previous gambling legislation, creating a framework for three different types of gambling: gaming, betting and lotteries. Gambling can take the form of non-remote gambling, which takes place in a gambling premises, and remote gambling, which is typically undertaken by phone or online. Councils do not have any regulatory responsibilities in relation to remote gambling.

The Department for Culture, Media and Sport (DCMS) is the lead government department for gambling issues.

The Gambling Commission

The Gambling Commission is responsible for regulating gambling in accordance with the Act, and for issuing national operating licences to gambling businesses and personal licences to individuals. In regulating gambling, the Commission is required to have regard to the three licensing objectives for gambling, which are:

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

The Commission is **required to aim to permit gambling**, providing that it is consistent with the licensing objectives.

To help fulfil its role, the Commission issue codes of practice relating to how gambling facilities should be provided, and guidance to licensing authorities (see below) on how to implement their responsibilities under the Act.

Licensing authorities and types of gambling

Licensing authorities¹ are a key partner in gambling regulation, with a responsibility for overseeing non-remote gambling in their local areas. This involves:

- setting the local framework for gambling through their statement of principles
- considering applications and issuing licences for premises where gambling takes place, with conditions where appropriate
- reviewing or revoking premises licences
- issuing permits for some forms of gambling
- undertaking inspection and enforcement activities, including tackling illegal gambling.

Although betting shops are the most commonly recognised gambling premises, councils are responsible for overseeing gambling in many different types of business:

- betting shops
- bingo halls
- adult gaming centres
- family entertainment centres
- casinos

¹ District and unitary councils.

Foreword

The 2005 Gambling Act was a pivotal point in gambling regulation in the UK. By liberalising previous gambling legislation, it established gambling as a mainstream leisure and social activity. Recent research indicates that as many as 28 million people participated in some form of gambling in the year to 2012 with some of 46 per cent of men and 40 per cent of women participating in gambling.

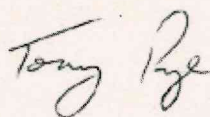
But even since the Gambling Act was introduced, the gambling landscape has changed significantly. Technological developments mean that significant numbers of people gamble by phone or online, and many of those 28 million people will not have set foot in a gambling premises.

We have also seen significant changes in the physical presence of gambling in our local areas. While much of the concern that accompanied the introduction of the Act centred on the prospect of large scale casinos, in practice it has been patterns of betting shop clustering and use of fixed odds betting terminals inside those betting premises that have generated significant political and public concern in recent years.

Under existing gambling legislation, councils have very limited powers to restrict the opening of gambling premises even if they believe that their local areas are already saturated with them. The LGA will continue to work with our members to make the case for stronger powers for councils in this area. Until then, it is incumbent on us to ensure we make full use of the range of tools at our disposal in relation to gambling regulation, recognising that our responsibilities go much wider than just betting shops and overall numbers of gambling premises.

We have therefore developed this handbook to help you understand and use these tools, as well as some of the key issues relating to local gambling licensing. The handbook provides a comprehensive overview of the responsibilities binding on licensing authorities and gambling operators within their local areas, including the strengthened requirements on social responsibility recently introduced by the Gambling Commission. Many of these changes offer scope for councils to develop much more tailored, local approaches to gambling regulation, including in partnership with the gambling industry, and I would encourage all councils to ensure they have explored them.

We hope you find it useful.



Councillor Tony Page

LGA Licensing Champion, Safer and Stronger Communities Board

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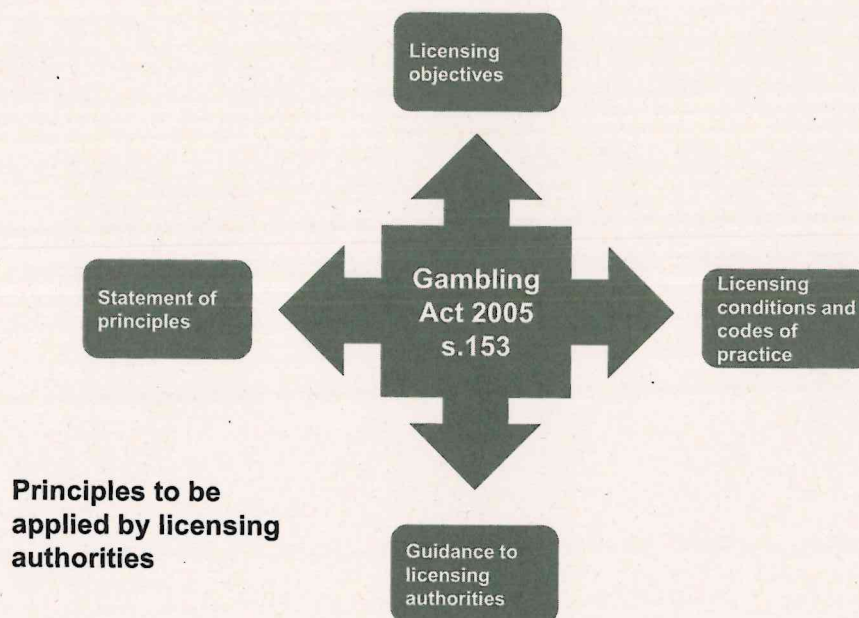
- race-courses and other tracks (defined as sporting venues, eg football or rugby stadiums)
- alcohol licensed premises and clubs that have gaming ('fruit' machines)
- members' clubs with gaming permits.

While most gambling establishments require a premises licence before they are able to operate, licensing authorities issue 'permits' to unlicensed family entertainment centres (typically found in seaside resorts, motorway service stations or airports) and to alcohol licensed premises and clubs.

Licences or permits enable businesses to provide specified maximum numbers and types of gaming machine. There are different types of gaming machines, with varying stakes (the amount allowed to be gambled at one time) and prizes (the amount the machines are allowed to pay out), and some types of machine are only allowed in specific premises. This is outlined in the table at Annex 1. Maximum stakes and prizes are set by the DCMS, and are currently subject to a triennial review, the most recent of which took place in 2013.

Like the Gambling Commission, **licensing authorities are bound by a statutory aim to permit** and must accept premises applications so long as they made are in accordance with:

- the Gambling Commission's codes of practice
- the guidance to local authorities
- the licensing authority's own statement of principles
- the three licensing objectives.



Later sections of this document outline the extensive scope and powers licensing authorities have to shape local gambling regulation. However, it is important to understand at the outset that licensing authorities have very limited grounds on which to refuse premises applications.

The licensing objectives under the Act are different to those under the Licensing Act 2003, and do not include public safety or the prevention of public nuisance. This creates a very high bar for refusing premises applications on the basis of the licensing objectives, and in general, where licensing authorities have tried to do so, they have been successfully challenged in the Courts.

Planning considerations and gambling premises

Councils have sometimes sought to use the planning system to prevent further openings of gambling premises (specifically betting shops) where they believe that additional premises will damage local high streets or economies. However, this approach has also led to legal challenges from the betting industry, and decisions have often been overturned by the Planning Inspectorate if councils have not been able to evidence that decisions have been reached on the basis of material planning considerations.

In response to lobbying from the LGA and others, the Government has recently introduced changes to the planning system in England that remove permitted development rights from betting shops and payday loan shops, which will now be treated as 'sui generis' ie in a use class of its own. This means that anyone wishing to change the use of an existing building to a betting shop will need to apply for planning permission to do so. To refuse such applications, a council would need to have valid planning grounds; in turn, this is likely to link back to the council's local planning policy and development plan. As with licensing statements, planning decisions will be stronger if they are linked back to evidence based criteria explicitly set out in local plans.

Although the LGA believes that this change is a helpful development, we recognise that it is unlikely to have an impact in areas where there is already significant clustering. This is because if an existing betting shop closed down, a rival operator would not need to seek planning permission in order to open a new shop, as there would not be a change of planning use. We therefore believe that a change to the licensing framework in relation to council powers to refuse new betting shops is required.

Under the Act, councils are required to recover the costs of the gambling licensing function, and have discretion to set fees up to specified maximum levels set for England and Wales by the Secretary of State. Fee setting is considered in more detail in the specific section later in this document.

Licensing fees should cover the costs of gambling licensing administration and the compliance / enforcement activity undertaken by the council. As with the Licensing Act 2003, councils have a range of licensing tools that can be used to address issues linked to gambling premises, specifically reviewing existing licences, imposing conditions or – in the most serious cases – revoking licences. However, there is also scope for councils to use other more appropriate powers to tackle certain types of challenges. For example, certain anti-social behaviour powers may be better suited to dealing with anti-social behaviour issues linked to gambling premises. This is considered in more detail in the subsequent section on managing individual premises and enforcement.

Summary of licensing authority powers

Neither the licensing nor planning framework give councils or communities the power to limit the number of gambling premises and gaming machines in their areas, with the statutory 'aim to permit' providing a fundamental obstacle in this regard.

Equally, the licensing objectives under the Act are a relatively narrow set of considerations that do not reflect many of the concerns associated with gambling in the 21st century, such as the lower-level nuisance or disorder that may be associated with premises in some areas. As set out in our Rewiring Licensing proposals, the LGA believes that there is a strong case for consistency of core objectives across different licensing regimes, including a health objective.

The LGA will continue to lobby for changes that give local communities a greater say in the range of amenities in the places where they live, and for a broader range of licensing objectives that properly reflects the risks associated with different types of licensable activity.

However, council responsibilities for gambling go much wider than just overall numbers of premises. Despite the limitations of the Act, **it is still the case that, through the powers councils do have under the Act and other pieces of legislation, there is considerable scope for councils to set out their expectations of gambling premises and manage them accordingly**, particularly in places that have concerns and evidence about the impact of gambling in their areas. The next sections of this handbook provide more information on the sort of approach that councils can consider.

Operators

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for up to ten different types of gambling activity² and a separate licence is needed for both remote and non-remote gambling of the same types.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a licensing authority area is required to apply for a premises licence that is specific to the particular premises.

Operators are required to comply with conditions attached to both their operator and individual premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

The Licence Conditions and Codes of Practice (LCCP) were updated in April 2015, and have introduced significant new responsibilities for operators in relation to their local premises.

With effect from April 2016, all non-remote licensees that run gambling premises will be required to assess the local risks to the licensing objectives arising from each of their premises and have policies, procedures and control measures to mitigate them.

Licensees are required to take into account the licensing authority's statement of principles in developing their risk assessments.

Local risk assessments should be undertaken or reviewed and if necessary updated by operators:

- when applying for a new licence or to vary a premises licence
- to reflect significant changes to local circumstances, including those identified in the statement of principles
- when there are significant changes at the premise which may affect mitigation of local risks.

Operators are advised to share their risk assessments when submitting such applications.

² The ten types of operator licences are for: casinos; bingo; general betting; pool betting; gaming machines for adult gaming centres; gaming machines for family entertainment centres; gambling machines – technical; gambling software operating; lottery operating.

A partnership approach to local regulation

In line with the principles of better regulation, the Gambling Commission are encouraging operators and licensing authorities to work together in partnership. The LGA also recognises the value of this approach, having convened a 'Betting Commission' in 2014 to bring together councils and representatives of the betting shop industry to discuss council concerns about clustering and fixed odds betting terminals (FOBTs) machines.

The Betting Commission did not reach agreement on the changes that councils wish to see in relation to council powers in this area. The LGA policy position remains that councils need stronger powers to shape their local high streets by refusing licences if there is already a concentration of gambling premises in the area, and while some within industry may be sympathetic to this view, there are differing views and some sections are opposed to such a change.

However, the work of the Betting Commission indicated that there is willingness across the industry and local government to try to increase joint working to meet the shared objective of tackling local issues linked to betting shops: a framework agreement by the LGA and Association of British Bookmakers to promote partnership working is available on our website. The new requirement for operators to prepare local risk assessments will also necessitate a much closer relationship between the gambling industry and licensing authorities, as is already common in relation to alcohol. The LGA believes that in many areas this will help councils in implementing more effective local gambling regulation.

Role of councillors and the licensing authority

Overview

Under the Act, the licensing authority's responsibilities are delegated to the authority's licensing (or regulatory) committee, which is likely to be made up of non-executive/ cabinet councillors.

The licensing committee is likely to be responsible for considering and proposing the authority's gambling policy through developing the statement of principles prior to its approval by full council, and for taking decisions on specific licence applications or issues.

However, two core functions are not delegated and remain the responsibility of the full council:

- a resolution not to issue casino premises licences
- adopting the licensing statement of principles.

Fee-setting is not delegated to the licensing committee by default, but a licensing authority may choose to delegate this function. Otherwise, fee-setting remains a council function and cannot be delegated to a cabinet or executive committee.

Decision-making in respect of individual cases, whether applications for licences or relating to existing licences, may be further delegated from the licensing committee to a sub-committee, or to an officer. Officers may not, however, exercise delegated powers in the following circumstances:

- where an application has been made for a premises licence, or to vary an existing premises licence, and representations have been made, or
- in the case of a review of an existing premises licence.

Interested parties and responsible authorities

Unlike the Licensing Act 2003 framework, representations may be made by or on behalf of 'interested parties' defined as:

- people living sufficiently close to a premises to be likely to be affected by it, or
- whose business interests may be similarly affected, or
- people representing them (eg advocates, neighbours / residents / tenants associations, MPs, councillors etc).

It is up to the licensing authority to determine whether a person is an interested party with regard to a particular premises or application, and this should be decided on a case-by-case basis. However, the licensing authority's statement of principles should set out the principles the authority will apply in doing so. The Gambling Commission's guidance to licensing authorities advises that this may include:

- the size of premises (eg, a larger premises might be expected to affect people over a broader geographical area)
- nature of the premises
- distance of the premises to a person making the representation
- the potential impact of the premises, eg number of customers, routes likely to be taken to visit the premises
- the circumstances of the person who lives close to the premises.

The Commission also states that licensing authorities should take a broad interpretation of business interests, to include partnerships, charities, faith groups and medical practices. In respect of gambling businesses themselves, it advises that authorities consider the size and catchment of a premises, and whether the person making the representation has business interests in the catchment area which might be affected.

Representations may also be made by 'responsible authorities', defined under the Act as the:

- licensing authority
- Gambling Commission
- police
- fire and rescue service
- planning authority
- environmental health
- local safeguarding board
- Her Majesty's Revenue and Customs.

Decision making and conditions

In circumstances where the committee or sub-committee considers specific cases, it sits as a quasi-judicial body and therefore must follow the rules of natural justice – **anyone affected by a decision has a right to be heard and no one should be a judge in his own cause. All decisions should be made without 'fear or favour', however difficult they may be.**

In general, the volumes of applications and cases dealt with in respect of the Act will be significantly less than in relation to alcohol or taxi licensing. However, in broad terms, committees have similar options available to them when considering an application / issue relating to a gambling premises as they do in relation to alcohol licences and taxis:

- to grant a licence, with or without conditions, or refuse it
- when reviewing a licence,
 - do nothing
 - introduce conditions on a premises licence
 - revoke a licence.

Licensing authorities may attach specific conditions to premises licences, in addition to the mandatory and default conditions that apply either because they are set out in the Act or in regulations made by the Secretary of State. In relation to an individual premises, they may also choose to disapply default conditions set out in regulations which would otherwise apply to all premises licences.

The Gambling Commission's Guidance to Licensing Authorities (GLA) advises that premises licence conditions issued by authorities should be:

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

The GLA also states that 'decisions on conditions should be taken on a case by case basis. [Licensing authorities] must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission's codes of practice and guidance, or their own policy statement. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.'

Good practice on licensing conditions

In any area of licensing, conditions must not:

- exceed the council's powers set out in the controlling legislation ('ultra vires')
- be unreasonable or disproportionate ('Wednesbury unreasonable')
- be beyond the applicant's powers to comply with
- be for an ulterior motive
- **but must** be clearly stated in order that they can be properly understood to be complied with and enforced.

Both applicants seeking new licences and the holders of existing licences will have the right of appeal to the local magistrates' or crown court if they are aggrieved by the decision of the licensing committee.

Training of councillors

No councillor should be permitted to sit on a licensing committee or sub-committee without having been formally trained. It is important that training does NOT simply relate to procedures, but also covers the making of difficult and potentially controversial decisions, and the use of case study material can be helpful to illustrate this.

All training should be formally recorded by the council and require a signature from the councillor.

In addition to in-house training, there are a number of independent training providers, including the professional bodies – the National Association of Enforcement and Licensing Officers (NALEO), and the Institute of Licensing (IoL). The LGA has also made available a free online module on regulatory services for all councillors to use – <http://lga.learningpool.com/> – and the Better Regulation Delivery Office Regulator's Development Needs Analysis has a competency module on gambling which may be of interest: <http://rdna-tool.bis.gov.uk/>

Appearance of bias

While third party lobbying of elected members is legitimate and certain members may make representations to the licensing committee on behalf of 'interested parties', it is crucial for the licensing authority and its committee to ensure that there is neither actual nor an appearance of bias in its decision-making. It should also be remembered that concerns about political lobbying were the basis of the concerns which lead to the first Nolan Committee on Standards in Public Life.

Section 25 of the Localism Act 2011 does not prevent members from publicly expressing a view about an issue or giving the appearance of having a closed mind towards an issue on which they are to adjudicate. However it is recommended that to avoid an appearance of bias the following advice should be observed:

- No member sitting on the licensing sub-committee can represent one of the interested parties or the applicant. If s/he wishes to do so s/he must excuse him/herself from membership of the sub-committee which is considering the application. Case law has also established they should not be in the room for the hearing once an interest has been declared.
- If a member who sits on the licensing sub-committee is approached by persons wishing to lobby him/her as regards the licence application then that member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her ward member or the licensing officer who can explain the process of decision making. If the member who sits on the licensing sub-committee wishes to represent them then s/he will need to excuse him/herself from the licensing sub-committee.
- Members who are part of the licensing sub-committee must avoid expressing personal opinions prior to licensing sub-committee decision. To do so will indicate that the member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives nor the statement of licensing policy.
- Political group meetings should never be used to decide how any members on the licensing sub-committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration. It may be advisable that the chair of the licensing sub-committee should state, during proceedings, that no member of the sub-committee is bound by any party whip.
- Councillors must not be members of the licensing sub-committee if they are involved in campaigning on the particular application.
- Other members (ie those who do not sit on the licensing sub-committee) need to be careful when discussing issues relating to matters which may come before the licensing sub-committee members as this can easily be viewed as bias / pressure and may well open that sub-committee member to accusations of such. While a full prohibition upon discussing such issues with committee members by other members may be impractical and undemocratic, local authorities are advised to produce local guidance for members on how such matters can be dealt with.¹ Such guidance could include a definition of what is viewed as excessive eg attempting to obtain a commitment as to how the member might vote.
- Members must also be aware of the need to declare any pecuniary or non-pecuniary interests in matters that may come before them, whether these relate to policy issues or to specific applications.
- Members must not pressurise licensing officers to make any particular decisions or recommendations as regards applications.
- Member behaviour is also governed by the member's code of conduct which you should have regard to, and most authorities also have a member/officer protocol which governs how members and officers should interact and the differences in their roles and responsibilities.
- Members should consult their monitoring officers for further advice where necessary.

¹ "It is undemocratic and impractical to try to prevent councillors from discussing applications with whomever they want; local democracy depends on councillors being available to people who want to speak to them. The likely outcome of a prohibition would be that lobbying would continue but in an underhand and covert way." (Nolan Committee Report into Standards in Public Life 285 p. 72)

The licensing authority statement of principles

Under section 349 of the Act, licensing authorities are required to prepare a statement of principles that they propose to apply in relation to their regulatory responsibilities in gambling. Statements of principles typically run for a period of three years, although there is nothing to prevent an authority from updating its statement more frequently if it wishes to.

In previous years, the LGA / LACORS produced a template statement of principles for licensing authorities to adopt. However, following changes to the licensing conditions and codes of practice, reflected in the updated guidance to licensing authorities published in March 2015, we have produced the guidance below to assist licensing authorities in reviewing and considering their statements:

Objective and purpose

The objective of the statement of principles is to provide a vision for the local area and a statement of intent that guides practice: licensing authorities must have regard to their statement when carrying out their licensing functions. The statement cannot create new requirements for applicants outside of the Act, and cannot override the right of any person to make an application under the Act, make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they can contribute towards positively addressing them.

The updated licence conditions and codes of practice have significant implications for the statement of principles. The **requirement for operators to prepare local risk assessments in relation to all their premises from April 2016 means that licensing authorities will need to set out their expectations of operators' risk assessments, ideally in their statements.**

This provides a real opportunity for councils to reflect local needs and issues in their gambling policies, in a similar way to licensing policy statements prepared under the Licensing Act 2003.

Most licensing authorities will not experience the same volume of applications in gambling as they do in other areas of licensing, but the issues of betting shop clustering and concern over FOBTs have shown that gambling generates extremely strong feelings. While licensing authorities may not have the powers to refuse new applications or limit FOBT machines, developing detailed and robust statements of principles that reflect local circumstances will enable them to shape local gambling regulation as much as possible. A statement that reflects local circumstances and risks can help operators to better understand and proactively mitigate the risks to the licensing objectives.

Conversely, as in other areas of licensing, if an authority's statement of principles does not cover a specific issue, it will be in a significantly weaker position if it is ever challenged on a decision on that issue. It is always better to pre-empt legal challenge through a comprehensive statement of principles, and setting out a position in the statement should encourage an applicant to work with the council and community from the start to develop an application that will add to the local area, rather than detract from it.

The significant changes to the LCCP in 2015 offer scope for authorities to develop statements of principles that are more closely tailored to their local circumstances. The Gambling Commission recognise that in some places, developing more localised statements of principles will be an iterative process that takes place over time, as different information and more tools (for example, from the Westminster / Manchester research into local gambling related harm which is due to conclude in September 2015) become available. Licensing authorities that have made relatively minor changes to their existing statements in 2015 may consider more comprehensive updates ahead of the statutory deadline for the next update of the statement (in most cases, 2019).

Process

In developing their statements, the Act requires licensing authorities to consult with:

- local police
- those representing the interests of gambling businesses in their localities
- people likely to be affected by it (or those who represent them).

Authorities may also wish to consult with:

- organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, such as public and mental health teams, and advocacy organisations (such as the Citizen's Advice Bureau and trade unions)
- local businesses
- other tiers of local government (where they exist)
- responsible authorities.

Cabinet office guidance on public consultations³ states that the time required for a public consultation 'will depend on the nature and impact of the proposal (for example, the diversity of interested parties or the complexity of the issue, or even external events), and might **typically vary between two and 12 weeks.**'

Licensing authorities should look at the views submitted by consultees and consider carefully whether they should be taken into account in finalising their statements. A licensing authority should always be able to give reasons for the decisions it has made following consultation. However, they should ensure that they only consider matters within the scope of the Guidance, Act and Codes of Practice. Even if there is a large response regarding a certain issue, an authority may be unable to deal with the issue under the Gambling Act, although there may be other options for addressing issues raised (eg planning).

Given the requirement to undertake a consultation when the statement of principles is amended, authorities may wish to consider separating their statements into distinct segments (possibly by sector). This would ensure that they need only consult on the section they propose to amend, rather than on the full statement, if changes need to be made.

Licensing authorities are required to publish their statements four weeks prior to them coming into effect, ie on or by 3 January 2016 if the statement takes effect on 31 January 2016. Licensing authorities are required to publish a notice advertising the publication of the statement on or before it comes into effect.

³ Cabinet Office 2013: www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf

Key issues for the statement of principles

Legal requirements

Licensing authorities are required to include within their statements a number of points set out in statutory regulations:

- a list of the three licensing objectives that the statement is intended to uphold
- a commitment to upholding the statutory aim to permit gambling
- a description of the geographical area to which the statement applies (typically a plan of the area)
- a list of those consulted in preparing the statement
- the principles the licensing authority will apply in designating a competent body to advise it about the protection of children from harm and, if already determined, who this body is. In most places, this will be the Local Safeguarding Children Board (see page 26)
- the principles the licensing authority will apply in determining whether someone is an interested party for the purposes of premises licences or applications for them (see page 9)
- the principles to be applied in relation to exchanging information with the Gambling Commission or other bodies with whom licensing authorities are authorised to share information under the Act
- the principles to be applied in exercising inspection functions and instigating criminal proceedings (see page 19).

If the licensing authority has agreed a 'no casino' resolution, this should be included within the statement, alongside details of how (ie by full council) and when the decision was reached.

Local area profiles

The updated guidance for licensing authorities recommends that, like operators, licensing authorities complete and map their own assessment of local risks and concerns by developing local area profiles to help shape their statements (although there is no requirement to do this). In simple terms, the objective of the profiles is to set out what your area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing authority and operators.

Licensing authorities may wish to include local area profiles within their statements. Alternatively, they could reference the implications of local area profiles for their regulatory approach in the statement, but maintain the actual profiles separately. **This would enable the profiles to be updated without the need to re-consult on amending the full statement of principles.**

Some councils have expressed concern about whether they have access to information about local risks, or whether there are any local gambling risks to be addressed at all. It may therefore be helpful to start from simple principles, and expect that for many authorities these profiles will develop over a period of time. Public health colleagues may have useful data to contribute, in addition to that supplied by the Police.

As stated, the aim of local area profiles is to build up a picture of the locality, and in particular the elements of it that could be impacted by gambling premises. This profile might therefore include reference to:

- schools, sixth form colleges, youth centres etc, with reference to the potential risk of under-age gambling
- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings
- any known information about issues with problem gambling
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area (eg, seaside resorts may typically have more arcades or FECs).

Crucially, local councillors know and understand their areas as well as anyone, and are well-placed to contribute to the development of local area profiles. The Gambling Commission also recommend engaging with responsible authorities and other organisations that can help build up a profile of both actual and potential local risks in developing local area profiles. This includes organisations involved in public health, mental health, housing, education, welfare groups and community safety partnerships, and organisations such as Gamcare or equivalent local support organisations.

One issue to consider is whether there is a need to differentiate different parts of the licensing authority area in drawing up local area profiles, depending on the size and nature of the area.

A smaller authority may take the view that there are no reasons to distinguish one part of the borough from any other. In contrast, larger areas may wish to differentiate the area into segments or zones with different characteristics and risks, enabling them to outline different expectations for applications or operators based in each. For example, a larger licensing authority that has a specific geographic area with a higher density or specific type of gambling premises may wish to differentiate this from the rest of the borough. Similarly, smaller authorities may also find this approach suitable, for example if there is a busier town centre and surrounding rural area with a very different profile.

In March 2015, Westminster and Manchester councils launched a piece of research⁴ aimed at better understanding the issue of gambling related harm and local area vulnerability to it. The research is considering different risk factors related to gambling, with the intention of developing a tool that helps the councils map these to the local area and shape their statements of policy. The research is expected to conclude in September 2015, and the LGA (which has part funded the research) will help disseminate the findings and tools from the research to other licensing authorities, who may subsequently want to use these to develop their local area profiles.

⁴ www.westminster.gov.uk/research-project-tackle-gambling-issues-local-communities

Expectations of operators

Local area profiles will help the authority to develop its expectations of existing operators and new applicants in the licensing authority area. The statement of principles is the key tool for setting this out clearly, so that operators are clear what is expected of them.

Risk assessments

As an example, the statement of principles is an **opportunity for a licensing authority to set out its expectations of the local risk assessments that operators must now undertake** in respect of all gambling premises.

Operators are required to take into account the licensing authority's statement of principles in developing their risk assessments, so authorities should therefore specifically outline the issues they expect operators to cover within their risk assessments. Operators are not automatically required to share their risk assessments with licensing authorities except when they are applying for a new premises licence or to vary an existing one. However, the Gambling Commission is advising operators to do so. Authorities may use the statement of principles to clarify whether or not and how regularly they expect to receive a copy of each premises' risk assessment.

Authorities will wish to ensure that the risk assessment covers the following broad headings:

- reference to any specific local risks (linked to the local area profile)
- how the operator proposes to mitigate these risks
- how the operator will monitor specific risks.

The statement should also set out if the licensing authority has any specific expectations of risk assessments for different types of premises. This will be linked to broader expectations of operators (linked to activity and location), as set out below.

Applications and variations

The statement should also set out the licensing authority's expectations of new applications and the issues the authority will take into account in considering applications for new licences, permits or variations in different sectors or parts of the borough, depending on the risks associated with each.

This should include the information that the authority would expect to see as part of any such application, for example minimum standards for a plan and layout of the premises. It could also include a list of required information about staffing arrangements in the premises, or the security features that will be put in place.

Depending on the local area profile, authorities may wish to invite information at application stage about premises' intended participation in local business schemes (eg, if there is a BID) or other specific schemes such as Betwatch, if this is in place.

Similarly, authorities could invite applicants to outline specifically how individual premises will be implementing the various voluntary codes of practice that different sectors have developed, as well as the measures mandated in the licensing conditions and codes of practice.

The key point is that the statement is an opportunity to clarify your expectations of businesses in relation to new applications, reducing the input and resources required at the time an application is submitted.

Sector / area specific expectations

The statement should be used to set out the licensing authority's expectations of operators of different types of premises, or (if relevant) of premises in different parts of the licensing authority area. If there are particular risks associated with certain premises due to the facilities offered or their location, it is legitimate for the statement to set out upfront how it expects operators and premises to address this.

Local licensing guidance – South Leeds alcohol premises

South Leeds is an area of deprivation, with increasing numbers of outlets to buy alcohol, but a decline in the number of pubs. NHS Leeds (as was) and the local community officers had increasing concerns about the availability of alcohol in the area, along with an increase in street drinking, and generalized disorder. The publication of the Joint Strategic Needs Assessment highlighted a disparity in the life expectancy of residents in the area in comparison with other areas in Leeds and the national average. Alcohol misuse is known to be a possible contributory factor for a lowered life expectancy.

The council's South Leeds area team formed the multi-agency South Leeds Alcohol Group with the objective of reducing the health harms in the area which were linked with alcohol. The group consisted of the police, health, community safety, treatment services, planning, environmental health and licensing. The group met monthly to look at a number of approaches. The availability of alcohol was seen as key, but there were not enough on-licensed premises to warrant a cumulative impact policy. The group looked at alternative options and looked towards licensing as a solution.

In 2012, changes to statutory guidance on the Licensing Act enabled councils to require operators to have regard for the local area when making their application. The group therefore developed Local Licensing Guidance specifically for postcode areas of LS10 and LS11 (also known as Inner South Leeds), which has a population of approx. 82,000. The guidance has helped premises ensure that they are able to identify and include appropriate control measures in their applications. Of the five applications received since the development of the guidance that didn't include appropriate control measures, the Health and the Licensing Authority have negotiated with four premises who subsequently agreed to include additional control measures and a further application was withdrawn prior to hearing. The control measures included matters such as the positioning of alcohol within the store and agreement to display health information.

Similar approaches in gambling could include:

- Under-age sales
 - If a premises is based near a school or college, the measures that might be required to manage a higher risk of attempted under-age sales.
 - If the premises is a FEC or UFEC, expectations for how the premises will manage the risk of children and young people understanding different types of machine and / or seeking to access them.
- Security issues
 - Staffing requirements, if the premises is open late, or located in an area with a busy night time economy or record of crime / anti-social behaviour.
 - Whether alcohol is permitted, eg in a premises on a seaside pier.
 - Requirement for CCTV, maglocks, door chimes, alarms etc if there is a history of security incidents in the premises.

- Signage
 - For example, language requirements if there is a diverse local community where English may not be the first language.
 - Clear identification of different types of machine (eg gaming or skill machines) and / or prizes in premises where these may vary.
- Staff issues
 - Training requirements on particular issues relevant to the premises or area, eg) on different types of machine in a FEC / UFEC.

Another option is operator / premises participation in local schemes or industry best practice schemes (eg Safebet Alliance) designed to promote best practice and tackle any issues. In the alcohol licensed trade, schemes such as PubWatch, Best Bar None etc are common practice. This is far less common in relation to gambling, but may also have a role to play in some areas. Authorities could consider this as a default approach in specific areas, or as a first stage enforcement approach in areas where there are particular issues.

In relation to both existing operators and new applicants, the authority may wish to use the statement to outline a set of model licence conditions that operators could adopt if the local area profiles and risk assessments indicate it is necessary. The Gambling Commission's guidance to licensing authorities includes a helpful set of sample premises licence conditions arranged by security; anti-social behaviour; underage controls; player protection controls. These are listed at Annex 2.

Enforcement approach

Licensing authorities are required to set out in their statement the 'principles that they will apply in exercising their inspection function and instigating criminal proceedings' (that is, their approach to enforcement). As a minimum, the statement should outline the authority's intended approach in relation to:

- information sharing and targeting activity
- inspection activity and visits
- dealing with non-compliance by premises
- tackling illegal gambling.

It should be noted that in setting out its approach to inspection and enforcement, the authority will also be providing an outline of the basis for its fee structure, see page 23.

As in other areas of regulatory services, in developing their enforcement strategy, **authorities should adopt a 'better regulation' approach** that recognises the requirements of the statutory regulator's code⁵ and applies the principles of proportionality and transparency, particularly in terms of consultation and engagement with regulated businesses.

The Gambling Commission is keen for licensing authorities to foster a partnership approach to local regulation through working jointly with local businesses to tackle issues linked to gambling premises. The LGA – Association of British Bookmakers Framework for local partnership working on betting shops⁶ outlines this type of approach to partnership working between councils and the industry.

⁵ www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

⁶ www.local.gov.uk/documents/10180/6869714/L14-708++LGA-ABB+framework+for+local+partnership+working_08.pdf/29a0d2de-9cb5-4209-8544-d4c651c84470

LGA-ABB framework for partnership workings

The framework recognises that, despite the different opinions held by councils and the industry about the statutory aim to permit, there is a mutual interest in ensuring that local problems linked to betting shops are addressed. It also recognised that a partnership approach is likely to be more effective in resolving issues. This could include ward councillors; council licensing teams and community safety teams; police licensing and community officers; betting shop managers and betting shop area managers, as well as town centre managers, representatives of the wider business community and other stakeholders listed above.

There are different approaches that local areas can take for partnership working:

Ealing council set up a Betwatch scheme following concerns raised by local residents and councillors about the proliferation of 13 betting shops in Southall town centre and associated crime and disorder and antisocial behaviour. In a single year, there were 89 allegations of crime where a gambling premises was named as the location of the incident in Southall. The Betwatch group drew up action plans for tackling the issues, as well as test purchase failures in 3 of the premises, and a 'ban by one, ban by all' approach was introduced. Following the creation of the Betwatch scheme, crime within gambling premises decreased by more than 50 per cent on 2011 levels, alongside a significant reduction in public order offences and criminal damage incidents. Additionally, further underage test purchases took place in 2012 with no failures reported.

When concerns were raised about anti-social behaviour and crime associated with bookmakers on Deptford High St, **Lewisham Council** involved bookmakers in the development of two general business initiatives – the Deptford High Street Charter and Lewisham Borough Businesses Against Crime initiative. Alongside this, individual bookmakers made changes in order to address the problems of anti-social behaviour in and around their premises, including installing external CCTV and signs highlighting that the area is under surveillance; making amendments to remove places where street drinkers would often congregate; setting up new CCTV systems within stores which are regularly monitored; introducing banning orders against some problem individuals; and changing management and staff. This work resulted in a reduction of incidents in and around the bookmakers. Following the work, a local Betwatch scheme has been established.

Medway council worked with the Association of British Bookmakers and major operators to agree a voluntary agreement relating to the promotion of responsible gambling in Medway. Launched in December 2015, the agreement committed all parties to establishing a cross-operator self-exclusion pilot scheme within the Medway area; to developing a reporting of crime protocol in collaboration with the Medway Community Safety Partnership and Kent Police; and to adopting the industry voluntary code on safety and security – the 'Safe Bet Alliance'. See full case study on page 30.

A number of councils have now signed **primary authority agreements with some of the largest gambling operators covering the issue of age verification.**⁷ As with any other area, licensing authorities should therefore have regard to the plan agreed between the company and primary authority in developing their own programmes of activity and inspection. However, the primary authority relationship provides a useful mechanism to feedback general concerns about a particular operator, as the primary authority will have regular contact at senior levels with the operator: authorities should seek to reflect this in their enforcement approach.

Information sharing

To help target their enforcement activity and resources, authorities could use their statements to request that operators / premises share relevant information with them, for example about test purchasing results (subject to the terms of primary authority agreements) or about incidents in premises, which managers are likely to be required to report to head office. A licensing authority might seek information about numbers of self-excluded gamblers to help it develop its understanding about the risk of problem gambling in its area.

This type of information would help the authority to get a clearer picture of which premises may be experiencing issues, meaning that they can structure their inspection and enforcement activity appropriately.

Inspection activity and visits

The statement should set out the activity the authority intends to undertake as part of its standard (that is, pre-planned) inspection activity, and the issues it will be looking at when it does visit. This will ensure that operators know what to expect in terms of the frequency and nature of licensing authority visits.

The Gambling Commission, working with the Leicester, Rutland and Leicestershire Licensing Forum and Leicestershire Local Economic Partnership, has developed a range of templates to help authorities when they visit gambling premises:

www.gamblingcommission.gov.uk/Licensing-authorities/Information-for-licensing-authorities/Licensing-authorities-inspection.aspx. Compliance is made easier by making the regulations easier to understand and explain, and the Commission is encouraging authorities to make use of the templates.

The issues that licensing authorities may cover during their visits may include:

- details of training policies and training undertaken by staff
- records of refusals to serve / admit on age grounds (subject to the terms of any primary authority agreements)
- records of any relevant incidents in or outside the premises, eg anti-social behaviour
- approach to managing self-exclusion and numbers of people currently self-excluded
- involvement / impact of any work in local schemes or partnership working with other local businesses
- reviewing paperwork relating to the purchase of machines from licensed manufacturers
- interviews with staff members
- confirming that appropriate signage is in place.

⁷ The primary authority register is available to search at: <https://primaryauthorityregister.info/par/index.php/publicregister>

Dealing with non-compliance / risks to the licensing objectives

The statement should outline the steps the authority will take where there are reports of non-compliance, or there have been serious incidents linked to a premises. Authorities should make clear when and how they would expect to work with operators to try to resolve or address problems, and when an issue is so serious that it would expect to move immediately to initiate some form of enforcement action.

Authorities may wish to specifically cover:

- Dealing with test purchase failures (subject to the terms of any primary authority agreements). For example, the authority might require a premises to undertake certain measures to address this and undergo a follow-up test within a specified amount of time. A second failure would be expected to lead to enforcement action.
- Dealing with complaints from residents or neighbours. For example, an authority might have an established process to implement when it receives complaints about specific premises.
- Dealing with anti-social behaviour issues. For example, if an authority becomes aware that a premises is becoming associated with anti-social behaviour issues, it might in the first instance seek to work with the premises to address these through voluntary measures. If this is not successful in resolving the issues, the authority might then consider introducing conditions on the premises licence, or using other tools as appropriate.

The section on enforcement should the tools that licensing authorities will consider using to address issues that may be associated with gambling premises, often linked to alcohol and/or anti-social behaviour. Licensing authorities have the option under the Act to review, vary or impose conditions on a premises licence, but in practice these might not be the most effective tools to use to tackle problems linked to anti-social behaviour. Instead, tools specifically designed to reduce anti-social behaviour⁸, such as dispersal powers, community protection notices or new public space protection orders, may have more of an impact. In very, very rare instances, where a premises is being used or likely to be used to commit nuisance or disorder and working with the operator had failed to address this, a closure notice may also be served.

Tackling illegal gambling

The enforcement approach could also set out the authority's approach to illegal gambling, including how the authority intends to monitor the risk of illegal gambling or respond to any information linked to this risk. More information on illegal gambling is available on page 32.

⁸ See Home Office guidance on ASB powers: www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

Licensing fees

Unlike fees for alcohol licences under the 2003 Licensing Act, licensing authorities have some discretion to set premises licence fees for gambling establishments. Councils in England and Wales have devolved powers to set fees for premises licence applications and annual fees up to a prescribed maximum fee set out in the table below. Licensing authorities can delegate responsibility for setting fees to their licensing committee or officers.

As with other licensing fees, licensing authorities should set their fees on the basis of cost recovery, so that the income received from fees is 'as nearly as possible' equal to the cost to the authority of administering the Act. Licensing fees should be reviewed annually to ensure that income from licensing fees does not exceed the costs of administering the Act in any single financial year, and income from licensing fees should effectively be ring-fenced to support councils' gambling work.

Licensing authorities are expected to be transparent about the assumptions that they make in setting fees, and will need to have a clear understanding of the costs they incur in carrying out duties under the Act in order to set fees accurately.

Licensing authorities can set fees in relation to the different types of gambling premises licence, and within each class, may set:

- an application fee
- an annual fee. As the first annual fee is payable 30 days after a licence is issued, councils have discretion to set a lower first annual fee to reflect that checks will recently have been made as part of the application process.
- a first / annual fee for a premises licence subject to a seasonal condition.
- fees to:
 - notify a change of circumstance
 - apply to vary a licence
 - apply to transfer a licence
 - apply for a copy of a licence
 - apply for reinstatement of a licence
 - apply for a provisional statement.

DCMS has previously provided advice⁹ on the type of costs that licensing authorities should include within their licensing fees. In relation to applications, any costs associated with the licensing authority of receiving, considering and determining the application may be included, including:

- staff costs
- overheads, IT, legal and other central support costs
- initial inspections
- Licensing Committee costs, and
- the cost of hearings and appeals.

In relation to annual fees, fees should cover:

- regulatory compliance and enforcement costs for the forthcoming year (eg inspection, holding reviews and enforcement activity). This would include any action in relation to illegal gambling, and could also include the cost of providing councillor training on gambling licensing.
- the costs associated with processing the annual fee (eg updating computer systems, register of gambling premises licences and processing fee).
- annualised periodic costs incurred by the licensing authority in respect of its three year licensing policy statements.

Licensing authorities that have set their fees close to or at the maximum levels prescribed by Government should be able to demonstrate why their fees are at higher levels than those set by other authorities. This may be because local costs (eg, salaries) are higher, or because they are undertaking a wider range of activities in relation to gambling premises, which can broadly be assessed from licensing authority returns to the Gambling Commission. This could include an extensive under-age sales programme, or work to tackle illegal gambling.

Again, as with other licensing fees, we are aware that **operators and their trade associations maintain a close eye on fees, and will not be afraid to challenge licensing authorities they believe are over-inflating fees** and / or not using the income solely for the purpose of overseeing gambling regulation.

The LGA has published general guidance on fee setting¹⁰, which licensing authorities may find helpful in determining licensing fees for gambling premises.

⁹ Available on the LGA Betting knowledge-hub group <https://knowledgehub.local.gov.uk/home>

¹⁰ www.local.gov.uk/documents/10180/5854661/L14-42+fees+guidance+report_05.pdf/5a4e8874-31e2-4158-b0cc-b5f30556c243

Table of maximum fees for gambling premises

Type of licensed premises	Maximum fee level					
	Application for premises licence	Annual fee	Application to vary a licence	Application to transfer a licence	Application for reinstatement of a licence	Application for provisional statement
Regional casino	15000	15000	7500	6500	6500	15000
Large casino	10000	10000	5000	2150	2150	10000
Small casino	8000	5000	4000	1800	1800	8000
Converted casino		3000	2000	1350	1350	
Bingo	3500	1000	1750	1200	1200	3500
Adult gaming centre	2000	1000	1000	1200	1200	2000
Betting premises (track)	2500	1000	1250	950	950	2500
Family entertainment centre	2000	750	1000	950	950	2000
Betting premises (other)	3000	600	1500	1200	1200	3000

Source: The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 SI No 479/2007

Protecting vulnerable people from gambling related harm

Protecting children and other vulnerable people from being harmed or exploited by gambling is one of the three licensing objectives. Ensuring that this objective is upheld is one of the core responsibilities licensing authorities must meet.

Children and young people

It is an offence under the Act **to invite, cause or permit** a child (anyone aged under-16) or young person (anyone who is not a child but is aged under-18) to gamble. There are certain exceptions to this; for example participation in a lottery or football pools, or use of a category D gaming machine. It is also an offence **to permit** a child or young person to enter a casino, betting premises (other than a racecourse or track) or adult gaming centre. Again, there are exceptions to this, for example children and young people may enter family entertainment centres providing that they cannot access category C machines, and similarly can enter bingo establishments.

Operator responsibilities

The Gambling Commission's codes of practice deal extensively with the issue of access to gambling by children and young people. **Recent changes to the licensing conditions and codes of practice have significantly strengthened the responsibilities that are binding on operators in this area.** Specifically, operators and premises are required to:

- have **policies and procedures designed to prevent underage gambling**, and monitor the effectiveness of them
- **ensure that their policies and procedures take account of the structure and layout of their premises.** This is intended to ensure that issues such as the line of sight between counters and entrances in premises are taken into account. Test purchasing results have indicated that where the line of sight to entrances or gambling facilities is restricted, it is harder to perform successfully. This might particularly be the case in premises with limited staff numbers.
- **take all reasonable steps to ensure staff understand their responsibilities to prevent** under-age gambling, including the legal prohibitions on children and young people entering gambling premises
- **operate a Think 21 policy**, whereby staff check the age of customers who appear to be under 21.¹¹

Larger operators and casinos are now required to conduct underage test purchasing or take part in a programme of test purchasing, and provide the results of these exercises to the Gambling Commission. Many of these operators will have a primary authority agreement in place with a council covering age related sales. Smaller operators are advised to monitor the effectiveness of their policies and procedures for preventing underage gambling, but are not specifically required to undertake test purchasing.

¹¹ This is an ordinary code provision rather than a mandatory social code provision, but in practice it appears to be adopted by all operators. It is also part of the Association of British Bookmakers voluntary code.

Role of licensing authorities

Licensing authorities also have an important role to play in ensuring that operators uphold the licensing objective in relation to children and young people. The Act requires that authorities designate in writing a body to advise it on the protection of children from harm, and the principles for choosing this body must be set out in the authority's statement of principles. These principles are likely to include that the body should cover the whole licensing authority area, have sufficient resources, and be accountable to a democratically elected organisation, rather than a particular group. The Gambling Commission's guidance to licensing authorities states that 'such a body may, but will not necessarily, be the Local Safeguarding Children Board.'

Whoever the licensing authority nominates, the important issue is that it has ongoing engagement with that body in relation to gambling and wider licensing issues, rather than simply nominate them.

Licensing authorities can also use their statements of principles to set out their expectations of operators and individual premises in relation to preventing children and young people from gambling. This might include specific expectations of premises in the vicinity of schools or sixth form colleges; for example, a council may make specific recommendations relating to line of sight or door chimes in premises where there is a particular risk of children or young people seeking access to gambling.

Councils should also consider how under age testing programmes can help ensure the licensing objectives are met. Many councils operate their own underage test purchasing through trading standards and / or licensing teams, particularly in response to complaints or intelligence. Larger operators are now responsible for conducting / taking part in under-age testing and sharing these results with the Gambling Commission. Although these results are not automatically provided to licensing authorities, **licensing authorities may choose to ask for copies of test purchasing results and use this evidence to help target their own activity in this area** (subject to the terms of any primary authority agreements)

If there is evidence of ongoing failure by premises to prevent under-age gambling, licensing authorities will wish to consider whether it is appropriate to review the relevant licences and potentially include conditions aimed at addressing the issue.

New conditions for operators failing second underage test

A number of independent gambling operators had new conditions attached to their premises licences to strengthen underage gambling controls after East Lindsey District Council, Brighton and Hove City Council and Hastings Borough Council reviewed premises licences where operators failed to challenge an underage test purchaser for a second time.

Two adult gaming centre operators, a family entertainment centre and a betting shop were subject to premises licence reviews. These operators had submitted improvement plans to their authorities after failing a first test purchase exercise, but the latest re-tests demonstrated that weaknesses in controls had not been remedied.

Examples of the conditions now attached to premises licences include:

- a requirement for the licensee to have a Think 21 or Think 25 policy
- a requirement for regular test purchasing to be undertaken, to ensure the licensee monitors the effectiveness of their controls
- the use of magnetic locks to restrict access to premises
- the use of an infra-red beam system to alert staff to the presence of customers in age-restricted areas
- barriers to reduce the risk of children crossing from family entertainment centre premises into adult gaming centre premises
- re-positioning category D gaming machines away from entrances to adult gaming centre premises, to reduce the attraction of children to those areas
- induction and refresher training for staff.
- Operators cooperated with the local authorities during the review processes, and some offered up further measures to strengthen their controls in addition to the formal licence conditions, such as:
 - improving staff supervision of customers by moving age-restricted gaming machines to areas in front of manned areas or a staff counter
 - assigning a member of staff to have specific duties for supervising the age-restricted area.

In addition to managing the risk of under-age sales, councils could also consider how they can work with premises that may be able to identify children or young people who are truanting or in relation to whom there are safeguarding issues. As societal awareness of child sexual exploitation increases, it may be the case that premises that children and young people legitimately visit have a role to play in understanding and potentially highlighting the risk if they observe any warning signs. Councils and the police are developing training for other types of licensees (eg taxi drivers, takeaway owners) in relation to child sexual exploitation; there may be value in ensuring this type of material is available to staff working in family entertainment centres, for example. Again, the statement of principles can be used to set out any expectations in this area.

Gambling related harm and problem gamblers

The licensing objectives also aim to prevent other vulnerable people from being harmed or exploited by gambling. People who are vulnerable to gambling related harm may risk becoming problem gamblers, where problem gambling is defined as an individual's gambling that disrupts or damages personal, family or recreational pursuits. In a severe form it becomes an addiction which is recognised as a clinical psychiatric diagnosis, 'disordered gambling.'

The 2012 Health Survey for England found that in the previous year 68 per cent of men and 61 per cent of women had gambled, and that problem gambling rates were 0.8 per cent for men and 0.2 per cent for women.

Operator responsibilities

Under the social responsibility code, gambling licensees are required to have and put into effect policies and procedures designed to promote socially responsible gambling that reduces the risk of (or seeks to identify) problem gambling. Additionally, following increasing public concern about the risks posed by certain types of gambling (and in particular Fixed Odds Betting Terminals), in April 2014 DCMS announced new measures designed to strengthen player protection. The requirements on operators are summarised below:

- **Provision of information on gambling responsibly.** Licensees are required to make information available about how to gamble responsibly and access information / help about problem gambling. This must be displayed prominently throughout premises (eg, posters), next to ATMs and on screens. The information should include:
 - the availability of measures designed to control gambling, eg setting time or monetary limits, timeouts or reality checks
 - options for self-exclusion (see below)
 - options for seeking further help and advice.
- **Fixed odds betting terminals.** Operators providing B2 gaming machines must ensure that they automatically offer users the choice to set time or monetary alerts for both staff and customer. With effect from April 2015, anyone wishing to stake more than £50 on a B2 gaming machine must do so using account based play, or do so via a premises manager.
- **Customer interaction.** Licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include the types of behaviour that may trigger an intervention; staff training in this area, and the circumstances when staff may consider refusing services to customers.
- **Layout of premises.** Operators must also ensure that their policies and procedures take account of the structure and layout of the premises. Licensing authorities can also ask for more information when considering premises applications to ensure they are satisfied that there are no impediments to supervision of the premises.
- **Self-exclusion.** Licensees must have procedures for self-exclusion that ensure those individuals who wish to self-exclude from gambling are prevented from participating in gambling. These should include closing customer accounts and removing individuals from marketing lists. Operators are expected to maintain registers of self-excluded individuals, and apply their procedures either through photo identification or alternative measures. Individuals who self-exclude must also be signpost to counselling and advice.

With effect from April 2016, self-exclusion schemes will operate on a multi-operator basis, meaning that an individual who self-excludes from one operator will be offered the ability to self-exclude from all operators offering the same type of gambling in the same locality.

Medway multi-operator self-exclusion pilot

The Association of British Bookmakers (ABB) and Medway Council developed the Medway Responsible Gambling Partnership that is currently piloting a multi-operator self-exclusion pilot. The agreement was signed in November 2014 by Medway Council, the ABB, Betfred, Coral, Ladbrokes, Paddy Power and William Hill.

Discussions between the bookmaking industry and Medway Council were started following council concerns about problem gambling. Both parties have subsequently worked together to address these concerns.

The partnership agreement committed all parties to establishing a cross-operator self-exclusion pilot scheme within the Medway area; to developing a reporting of crime protocol in collaboration with the Medway Community Safety Partnership and Kent Police; and to adopting the industry voluntary code on safety and security – the 'Safe Bet Alliance'. The cross-operator self-exclusion pilot scheme provides the main focus of the partnership agreement and has now been established in the Chatham area of Medway. All customers seeking to self-exclude will automatically enter into the pilot scheme which involves ten shops owned by three operators.

The pilot will be used as a learning exercise and test case for the Gambling Commission's proposed amendments to the social responsibility code of practice, as outlined in their Autumn 2014 Licensing Conditions and Codes of Practice consultation. To assist in this process all parties have committed to participating in a quarterly review process on a regular basis. The Chatham pilot scheme commenced on 1 December 2014 and will run for 12 months.

Operators must also ensure that their policies and procedures for customer interaction and self-exclusion take account of the structure and layout of the premises.

Alongside the requirements that are binding on gambling operators and premises, **many sections of the industry have developed their own voluntary codes to promote responsible gambling**. However, these codes will only have an impact if they are genuinely implemented by local premises. Licensing committees should question applicants on what practical steps will be put in place under these codes, with particular reference to any local risks or issues that may need addressing. For instance, a premises potentially opening in the vicinity of an addiction treatment centre is likely to need significantly enhanced safeguards around entry and exclusion.

Role of licensing authorities /councils

Licensing authorities will need to consider how they ensure that the objective of preventing gambling related harm is being met in their area. To ensure that their efforts are being targeted effectively, licensing authorities should consider how they can work with local operators to ensure that they are effectively implementing their responsibilities in this area. They should also consider the specific risks of gambling related harm / problem gambling in their area.

The LGA continues to lobby for a health objective in all licensing areas. However, unlike the Licensing Act 2003, health is not even a responsible body under the Act and therefore the onus will be on licensing authorities to develop evidence relating to specific risks and / or areas as part of their work on the statement of principles. This will help to inform the measures that councils expect operators to take to address such risks, if they are above and beyond the mandatory conditions that operators must already adhere to.

The risks and evidence of problem gambling can be difficult to identify and assess, not least as problem gambling is a hidden addiction in comparison to much more visible problems such as alcoholism or drug addiction. However, there is scope for councils to consider a range of data (for example, from public health teams or the Citizens Advice Bureaux). Additionally, more evidence is likely to become available following the conclusion of Westminster and Manchester's research into area vulnerability to gambling related harm.

Alongside the licensing role, councils have an important role in supporting problem gamblers through their public health responsibilities; for example, health and wellbeing boards can develop strategic approaches to problem gambling. Pressures on public health budgets may make it difficult to prioritise work on problem gambling, but there is nevertheless scope for effective targeting through work with known high-risk groups (eg, homeless people, or people suffering mental health issues) and through recognising the linkages (known as 'co-morbidity') with other addictions such as smoking or alcoholism. Health data can also be an important source of information to inform the local area risk assessment.

Further information is available in a joint LGA - Public Health England briefing note for councillors on problem gambling, which can be viewed at: <http://tinyurl.com/problemgamblingguide>

Other support providers

The Responsible Gambling Trust (RGT) is a charity committed to minimising gambling-related harm. The RGT is funded by donations from the gambling industry, and funds education, prevention and treatment services, as well as funding research to broaden understanding of gambling related harm. The Responsible Gambling Trust fund GamCare and gives grants to several treatment providers including Gordon Moody Association and CNWL National Problem Gambling Clinic.

In 2013/4, £6.3 million was raised, of which 85 per cent was spent on treatment and harm prevention activities.

Illegal gambling

Licensing authorities are entitled to use income from licensing fees to tackle instances of illegal gambling in their areas. Illegal gambling occurs where gambling takes place without the necessary licences or permits in place, or in a premises that isn't entitled to host a particular type of gambling. The typical types of illegal gambling that licensing authorities are likely to encounter locally are illegal poker clubs and illegally supplied or illegally sited gaming machines

Poker

Poker can be played legally in casinos, and can also be played in non-domestic / residential venues in certain specified circumstances, where:

- In the case of alcohol licensed premises, no participation fees are levied and stakes and prizes do not exceed those set in statutory regulations.
- In the case of clubs, participation fees, stakes and prizes do not exceed those set in statutory regulations.
- In the case of members' clubs with club gaming permits, participation fees do not exceed those set in statutory regulations; monies are not deducted from stakes or prizes; and clubs are not run wholly or mainly for the purpose of gaming. The Commission advises councils to scrutinise applications for club gaming permits carefully, warning that experience has shown that clubs will go to 'great lengths to disguise the true nature of their activities.'
- Poker takes place on a non-commercial basis that is not for private profit or gain, for example a poker night held to raise money for charity.

As a broad guide, where poker taking place outside of a casino involves a 'rake' (ie a commission fee taken by the person operating the game which exceeds statutory fees), it is possible that the game may be operating illegally.

The Gambling Commission has recently strengthened its guidance to licensing authorities on illegal gambling, urging councils not to discount taking action in relation to illegal poker clubs on the basis that they have not received complaints against them. In its guidance to licensing authorities, the Commission states that: '[councils are] very unlikely to receive complaints about such clubs, unless it is issues such as local noise and nuisance [as] the people attending the club do so from choice. [However] the club is effectively operating as an illegal casino and none of the protections afforded in a casino are in place, such as personal licence holders and anti-money laundering safeguards.' As in other areas of regulatory services, it may be the case that wilful non-compliance in relation to gambling controls is evidence of wider disregard for the law and in some cases serious criminal behaviour.

Reigate social club and its withdrawal of a club premises certificate and cancellation of a club gaming permit after an investigation into alleged illegal poker

A joint visit was undertaken to a club where illegal poker was allegedly taking place, involving the police, the local authority and the Gambling Commission. The visit identified customers who were not members, poker only being played on the premises and rakes being taken by the house.

The local authority decided to revoke the club premises certificate, which also allowed the club gaming permit to be revoked and the premises were closed.

The first action was therefore to cancel the club-gaming permit. The second action was to withdraw the club premises certificate under section 90 of the Licensing Act 2003. Although there is a right of appeal under s181 and schedule 5 part 2 paragraphs 14 and 15 of the Licensing Act 2003, there is no provision for the certificate to be effectively re-instated pending the appeal. The decision therefore takes effect once the notice is given to the club.

The consequence of that is that paragraph 17(2)(c) of schedule 12 to the Gambling Act comes into effect and this provides that because the club gaming permit was granted under paragraph 10 (ie the fast track procedure), it "shall lapse if the club premises certificate on which the application relied ceases to have effect."

Two months later those involved in the previous club tried to apply for new permission under a new name to reopen the club but the local authority refused the application on the basis of their previous behaviour.

Gaming machines

There are controls relating to both the supply and provision of gaming machines:

- manufacturers and suppliers of gaming machines must be licensed by the Gambling Commission
- a premises wishing to site a gaming machine typically requires a licence or permit, either:
 - an operator licence from the Commission and a premises licence from the licensing authority
 - an alcohol premises licence from the licensing authority
 - a gaming machine permit from the licensing authority.

Gaming machines may be illegally manufactured or supplied in order to avoid tax (machine games duty) and licence fees, and may not have the technical standards required by the Gambling Commission. The Gambling Commission advises operators and other venues entitled to provide gaming machines to ensure that they only obtain machines from Commission-licensed manufacturers: this might be something that licensing authorities wish to confirm as part of their compliance work in this area.

Operation Tailgate in London Borough of Haringey

In March 2014 Haringey's LA Tactical Enforcement Team coordinated and led Operation Tailgate, a multiagency, intelligence-led operation designed to address the concerns of residents, businesses and the Police about the unlawful activities of a minority of businesses engaging in various types of environmental crime and criminal behaviour. The Operation involved Met officers from the Neighbourhood Policing Team; Immigration Compliance and Enforcement Officers and Benefit Fraud Officers and Haringey Council Tactical Enforcement Officers.

The operation was very successful:

- five illegal gaming machines were discovered operating within a business. All illegal machines were seized by the police
- 13 individuals had their details taken by Benefit Fraud Officers. These will be investigated further and anyone found to be unlawfully claiming will be interviewed with the view to prosecution
- 16 immigration status checks were carried out by Immigration Compliance and Enforcement Officers
- two people were arrested by Immigration Compliance and Enforcement Officers. They have been detained and are currently awaiting removal from the UK
- Immigration Compliance and Enforcement Officers gathered intelligence from several businesses within Haringey identified as requiring further visits.

While the Gambling Commission is responsible for compliance issues relating to the manufacture and supply of machines, licensing authorities are responsible for compliance and enforcement where gaming machines are illegally sited, ie the required licences or permits authorising the machines (or number of them) are not in place. Typically, this issue has tended to occur in relation to pubs, clubs, social clubs and takeaways.

Lewisham – illegal gaming machines in takeaways

In January 2012, the Commission received information suggesting there may be gaming machines in a number of takeaways in the Lewisham area, without the required licence and/or permit. The Commission forwarded the information to the London Borough of Lewisham under the local authority compliance event (LACE) process. On receipt of the intelligence, the local authority took the following action:

- The six venues mentioned were visited. Each was found to have an unauthorised gaming machine.
- Suitable advice was given and all the machines were deactivated on the understanding they will be removed.
- Each was written to and given a formal warning that further offences will result in legal proceedings.
- The six venues were revisited by the enforcement team within fourteen days to ensure compliance.

This is a reoccurring problem. All takeaways in Lewisham are visited on a regular basis, and every owner has previously been verbally advised concerning the legal position. Initially all unauthorised machines were removed. In the event of further offences of this nature the licensing manager has agreed that the offender will be prosecuted and the matter extensively publicised at a local local level.

Intelligence and compliance action

Licensing authorities can work with the Gambling Commission in relation to illegal gambling, to draw on their experience and share intelligence. The Commission operates 'Local Authority Compliance Events' through which it will alert licensing authorities to intelligence it has received about allegations or evidence of illegal gambling affecting their areas. The Commission and licensing authorities might also receive or uncover evidence or concerns about illegal gambling on, for example, online poker forums, from the police, and from the gambling industry.

The Gambling Commission have developed a range of template letters for dealing with the types of illegal gambling that licensing authorities might experience, which can be accessed on their website.

Sector specific issues

Casinos

Unlike other types of gambling premises, the number of casinos is strictly limited and if a licensing authority does not already have an existing casino or is not a permitted area eligible to launch a competition for a casino licence, it is not currently possible to issue a casino licence for that area.

When the Act was introduced in 2005, 186 casino premises licences issued under previous legislation 'were converted' to the new regime. A converted licence can only be used in the licensing authority area in which it was granted, or its successor authority, but there is scope for these premises to relocate. There are 53 licensing authority that were designated in 1969 as 'permitted areas' entitled to have a casino.¹²

Additionally, fifteen English and Welsh licensing authority areas¹³ are permitted to issue a casino premises licence under the Act. These areas were selected following open competition; casinos authorised under this route can only be built at the location specified in the application. The Act specifies two different types of casino licence; for a large or small casino.

As part of its statement of principles, licensing authorities are entitled to pass a 'no casino resolution' or to state that it would welcome a casino if the opportunity to bid for a premises licence were to become available. As outlined above, a 'no casino' resolution must be agreed by the council, rather than delegated to the licensing committee. The Gambling Commission advises that the overall number and locations of casinos may be varied at some point in the future, it is still appropriate for licensing authorities to consider and determine their approach to casinos. However, when considering any additional work beyond this determination, councils should recognise that the likelihood and timescale of any change to existing numbers and permitted areas is unclear.

Alcohol licensed premises

The Act allows alcohol licensed premises to offer certain types of gambling activity, within certain parameters. In particular, gambling must remain ancillary to the main purpose of the premises, and the exemptions and entitlements are reliant on the premises holding a valid alcohol licence. Licensing authorities should be alert to the possibility of someone seeking an alcohol licence solely for the benefit of the gambling entitlements.

Alcohol licence holders are entitled to make available two gaming machines (category C or D) for use in alcohol licensed premises. To do so, the person holding the licence must notify the licensing authority of their intention to make gaming machines available for use, and pay the prescribed fee. If the person ceases to be the holder of the relevant licence for the premises, the entitlement ceases, and the new holder would subsequently need to apply.

Licensing authorities can make an order that removes the automatic entitlement to two gaming machines under certain circumstances. However, they may also replace the entitlement to two gaming machines by issuing licensed premises gaming machine permits for any number of C or D gaming machines in licence premises.

¹² Permitted areas under the 1968 Act: Birkenhead, Birmingham, Blackpool, Bolton, Bournemouth, Bradford, Brighton, Bristol, Cardiff, Coventry, Derby, Dudley, Great Yarmouth, Hove, Huddersfield, Kingston upon Hull, Leeds, Leicester, Liverpool, London, Luton, Lytham St Annes, Manchester, Margate, Newcastle upon Tyne, Northampton, Nottingham, Plymouth, Portsmouth, Ramsgate, Reading, Ryde, Salford, Sandown/Shanklin, Scarborough, Sheffield, Southampton, Southend-on-Sea, Southport, Stockport, Stoke-on-Trent, Sunderland, Swansea, Teesside/Middlesbrough, Torbay, Walsall, Warley, West Bromwich and Wolverhampton.

¹³ Permitted areas under the 2005 Act: Great Yarmouth, Hull, Leeds, Middlesbrough, Milton Keynes, Newham, Solihull, Southampton (large casinos); Bath and North East Somerset, East Lindsey, Luton, Scarborough, Swansea, Torbay, Wolverhampton (small casinos)

One current issue in alcohol licensed premises relates to the possibility of bingo in pubs. The Greene King pub chain applied to the Gambling Commission for a bingo operating licence, but was refused. Greene King appealed the refusal to First Tier tribunal, and the issued has been remitted back to the Gambling Commission, and both parties are now awaiting a date for the Upper Tier Tribunal.

Until such time as Greene King has an operating licence for bingo, there is no issue for licensing authorities to consider in terms of determining individual applications for premises licences by Greene King's pubs. It is likely that relevant legislation or regulations may be amended before such an instance occurs. However licensing authorities are advised to notify the Gambling Commission if any existing bingo operator licence holders seek to operate commercial bingo in a pub.

Family entertainment centres and unlicensed family entertainment centres

Family entertainment centres are premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use. These can be either licensed or unlicensed.

An unlicensed family entertainment centre is subject to limited regulation under a uFEC permit, but is only entitled to make Category D machines available (see Annex 1 for an overview of machines, stakes and prizes). The entity making machines available on the premises (the arcade operator) does not need a Commission operating licence. However the entity supplying machines to the business (the machine supplier) must be licensed by the Commission.

A licensed family entertainment centre is entitled to make both Category C and D machines available. It is subject to similar controls to many other gambling businesses – the premises need a full premises licence from the licensing authority and the entity making machines available on the premises requires a Commission operating licence, as does the supplier of the machines.

Only premises that are wholly or mainly used for making gaming machines available may hold an uFEC gaming machine permit or an FEC premises licence. Both a licensed FEC and an uFEC are classified as 'premises'. Therefore, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar: typically, the machines should be in a designated, enclosed area. The Gambling Commission has issued guidance to licensing authorities outlining its view that it is 'highly undesirable for FEC/ uFECs to be granted for entire venues.'

Licensing authorities must be aware of the distinction between machines that are defined as 'skill with prize' (SWP) machines and gaming machines. SWP machines must not have any mechanism that determines the outcome of the game: the game must operate in a consistent manner, and must be genuinely achievable, providing time and opportunity to win using skill, and not be influenced by chance. A game that contains an element of chance is a gaming machine.

SWPs are not caught as gaming machines and therefore do not count towards the B3 machine allowance in a family entertainment centre, or an alcohol licensed premises, members club, adult gaming centres or bingo premises. They may however be liable for Machine Games Duty and operators should confirm with Her Majesty's Revenue and Customs (HMRC) if they need to be registered.

Some operators have deployed machines as ostensibly SWPs, when in fact they contain elements of chance or other features which would make them properly gaming machines; or indeed contain a function that allows them to be switched between a "skill" game and a gaming machine. In such cases, these machines should be treated as gaming machines.

Checklist for councillors in England and Wales

This list is intended to help you focus on the key issues your authority should consider in developing its approach to local gambling regulation.

- Has the authority mapped local gambling provision / premises in the local area?
- Is the authority aware of any specific gambling related risks in the local area? How might these be mitigated?
- Has the authority set out an approach to preventing gambling by children and young people?
- What is the authority's approach to tackling illegal gambling?
- Has the authority engaged with local public health, addiction and treatment charities, CAB, homeless charities etc about problem gambling in the locality?
- Has the authority engaged with local operators and premises in developing its approach?
- Has the authority clearly set out its expectations of operator local risk assessments?
- Has the authority clearly set out its expectations of operators in relation to children and young people, including in those sectors where children and young people might legitimately frequent premises?
- Has the authority developed and shared with operators its approach to compliance and enforcement?
- How might partnership 'working with local operators support the authority's approach to local gambling regulation?
- How might tools and powers outside the Gambling Act support the authority's approach to gambling regulation?
- Can the authority demonstrate how it has reached the fee levels it has set?
- Has the authority ensured that licensing and planning policies share a common approach to new premises for gambling?

Glossary / definitions

Term	Description
The Act	The Gambling Act 2005
2003 Act	The Licensing Act 2003, covering alcohol, late night refreshment and regulated entertainment
Child	For the purposes of the Gambling Act 2005, anyone under the age of 16
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the licensing authority
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing authority	A district, borough or unitary authority responsible for licensing gambling and other activities.
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Gambling Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> • preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime • ensuring that gambling is conducted in a fair and open way • protecting children and other vulnerable persons from being harmed or exploited by gambling.

Term	Description
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery.
Mandatory condition	A condition which will be set by the Secretary of State (some are set out in the Act and some will be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The licensing authority will have no discretion to alter or remove these conditions.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
Non-remote gambling	Gambling that takes place in a physical premises.
Remote gambling	Gambling which people participate in via remote communications, eg telephone, internet etc.
Young person	For the purposes of the Gambling Act 2005, anyone who is not a child but is aged under 18

Annex 1: gaming machines - allowances, stakes and prizes

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000
¹⁵ B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize	10p	£5
D – combined money and non money prize (other than a coin pusher or penny falls machine)	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)	20p	£20 (of which no more than £10 may be a money prize)

¹⁵ The category B2 is not actually a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a new type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting		Maximum of 4 machines categories B2 to D					
Bingo Premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit C or D machines	
Family entertainment centre (with Permit)							No limit on category D machines
	A	B1	B2	B3	B4	C	D

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Clubs or miners' welfare institutes with permits					Maximum of 3 machines in categories B3A or B4 to D		
Qualifying alcohol licensed premises					1 or 2 machines of category C or D automatic upon notification		
Qualifying alcohol licensed premises with gaming machine permit					Number of category C-D machines as specified on permit		
Travelling fair						No limit on category D machines	
	A	B1	B2	B3	B4	C	D

Annex 2 – sample of premises licence conditions

Extract from Guidance to Licensing Authorities 5 consultation
<http://www.gamblingcommission.gov.uk/pdf/GLA5---March-2015.pdf>

This section provides a sample of conditions that have been attached to premises licences by licensing authorities, with some amended for illustrative purposes. Licensing authorities should note that these are not blanket conditions but have been imposed in a number of circumstances to address evidence based concerns. Part 9 of this Guidance to Licensing Authorities (GLA) provides further details on the principles licensing authorities should apply when exercising their discretion to impose premises licence conditions.

The conditions listed below have been grouped under specific headings for ease of reference. There will inevitably be some overlap between those conditions that address different concerns, for example those related to security and to anti-social behaviour.

1. Security

- 1.1 No pre-planned single staffing after 8pm and, when this is unavoidable, for a Maglock to be in constant use.
- 1.2 A minimum of two members of staff after 10pm.
- 1.3 A minimum of two members of staff will be on duty throughout the whole day.
- 1.4 The premises will have an intruder alarm and panic button.
- 1.5 Maglock systems are employed and access is controlled.
- 1.6 Requirements for full-height security screens to be installed.
- 1.7 A requirement for 50% of the shop frontage to be clear of advertising so that staff have a clear view and can monitor the exterior of the premises.
- 1.8 The premise shall maintain a 'safe haven' to the rear of the counter.
- 1.9 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer throughout the preceding 31-day period.
- 1.10 A member of staff from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This member of staff must be able to show a member of the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 1.11 A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering the premises.
- 1.12 If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training.

2. Anti-social behaviour

- 2.1 The Licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.
- 2.2 The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.
- 2.3 The Licensee shall place a notice visible from the exterior of the premises stating that drinking alcohol outside the premises is forbidden and that those who do so will be banned from the premises.
- 2.4 Notices indicating that CCTV is in use at the premises shall be placed at or near the entrance to the premises and within the premises.
- 2.5 The Licensee shall place and maintain a sign at the entrance which states that 'only drinks purchased on the premises may be consumed on the premises'.
- 2.6 The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.
- 2.7 The Licensee shall install and maintain an ultraviolet lighting system in the customer toilet.
- 2.8 The Licensee shall install and maintain a magnetic door locking system for the customer toilet operated by staff from behind the counter.
- 2.9 Prior to opening the Licensee shall meet with the Crime Prevention Officer in order to discuss any additional measures to reduce crime and disorder.

3. Underage controls

- 3.1 The Licensee shall maintain a bound and paginated 'Think 21 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.
- 3.2 Customers under 21 will have to provide ID.
- 3.3 The premises will operate a 'challenge 25' policy and prominent signage and notices will be displayed showing the operation of such policy
- 3.4 Compulsory third party test purchasing on a twice yearly external system and the results to be reported to the Local Authority and police. In the first twelve months (from the date of the Review) two additional internal test purchase operations to be carried out.⁹⁷
- 3.5 A physical barrier (ie a supermarket metal type or similar) acceptable to the licensing authority, and operated in conjunction with the existing monitored alert system, to be put in place within 3 months from the date of the review.
- 3.6 No machines in the Unlicensed Family Entertainment Centre to be sited within one metre of the Adult Gaming Centre entrance.

4. Player protection controls

- 4.1 Prominent GamCare documentation will be displayed at the premises.
- 4.2 There shall be no cash point or ATM facilities on the premises.
- 4.3 The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request.
- 4.4 New and seasonal staff must attend induction training. All existing staff must attend refresher training every six months.
- 4.5 All notices regarding gambling advice or support information within the vicinity of Chinatown must be translated into both simplified and traditional Chinese.
- 4.6 Infra Red Beam to be positioned across the entrance to the premises.
To be utilised whenever:
 - (a) The first member of staff is not positioned within the Cash Box or,
 - (b) The second member of staff is not on patrol.



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Name of meeting: Licensing Panel

Date: Tuesday 30th January 2024

Title of report: Licensing Act 2003 – Application for the Grant of a Premises Licence: Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HL

Purpose of report: To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by Strategic Director & name	Fiona Goldsmith – on behalf of Rachel Spencer-Henshall - Strategic Director, Corporate Strategy, Commissioning & Public Health
Is it also signed off by the Service Director (Finance)?	Not applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not applicable
Cabinet member portfolio	Cllr Mussarat Pervaiz

Electoral wards affected: Dewsbury West

Ward councillors consulted: Cllr Ammar Anwar
 Cllr Darren O'Donovan
 Cllr Mussarat Pervaiz

Public or private: **Public**

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been amended.

1 Summary

The purpose of this report is to inform Members of an application for the grant of a premises licence for sale of alcohol off the premises, which as a result of representations received, has been referred to this Panel for determination.

2 Information required to take a decision

2.1 Application

2.1.1 On 13th December 2023 the Licensing department received an application for the grant of a premises licence for Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HL. A copy of this application and plan may be seen at **Appendix A**.

2.1.2 The licensable activities applied for by the applicant are as follows.

Sale of Alcohol (off premises)
Monday - Sunday 08:00 – 23:00
With 1 additional hour at the end of terminal hours on Christmas Eve and New Years eve.

2.1.3 In total, 3 representations from ward councillors have been received relating to this application. The application was also served on responsible authorities to which no representations were received.

2.1.4 The representation that was received consider that the following licensing objectives would not be met should this licence be granted:

- Prevention of Public Nuisance

A copy of the representations may be seen at **Appendix B**

2.2 Licensing Policy

Members considering the application should take note of the Authority's Statement of Licensing Policy, which provides the following guidance on how Members should approach the application and representation:

1.0 – Executive Summary

1.2 In exercising its duties and responsibilities under the terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Notwithstanding this statement, all applications will be treated on their merits and judged accordingly. The council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

2.0 – Purpose and Scope of the Licensing Policy

2.7 The Licensing Authority recognises that each licence application must be considered on its own individual merits in the context of the four licensing objectives, and that unless relevant representations are received from responsible authority's or interested parties, there is no provision for a Licensing Authority to impose conditions on a licence other than those proposed within an application. Only conditions which have been volunteered by the applicant or which have been determined at a Licensing Panel hearing can be attached to a licence or certificate. If no relevant representations are made in respect of an application, the Licensing Authority is obliged to issue the licence on the terms sought.

Licensing Objectives.

1. Public Safety
2. Prevention of crime & disorder
3. Prevention of public nuisance
4. Protection of children from harm

2.3 Secretary of State Guidance

Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003. As the representations relate to Public Nuisance, Member's attention is drawn to Section 2 of this Guidance, the relevant parts of which may be found at **Appendix C**.

3 Implications for the Council

3.1 Working with People

Residents of Kirklees need to be confident that under the Licensing Act 2003 licence holders under the Licensing Act 2003 are in a position to uphold the four licensing objectives. The committee is required to take appropriate and necessary action against licence holders where they fall short of their duties under the Licensing Act 2003. This will support both the licensing objectives and support the corporate outcomes of citizens in Kirklees living in cohesive communities, feeling safe and protected from harm.

3.2 Working with Partners

The Council's licensing team work closely with partnering agencies, named 'Responsible Authorities' under the Licensing Act 2003. Responsible authorities include Planning, West Yorkshire Police, Trading Standards, Environmental Health, Fire Service, and Safeguarding Children team.

3.3 Place Based Working

Working closely with Responsible Authorities the Licensing Authority can address issues within the districts that make up Kirklees.

3.4 Climate Change and Air Quality

There are no climate change or air quality implications contained in this report.

3.5 Improving outcomes for children

A key objective of the Licensing Act is the protection of children from harm, and any decision made by the Council, in its capacity as Licensing Authority, will have to have regard to this objective.

3.6 Financial Implications for the people living or working in Kirklees Council

The decision members make may have financial implications for the applicant.

3.7 Other (eg Integrated Impact Assessment (IIA)/Legal/Financial or Human Resources) Consultees and their opinions

In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of States Guidance. The applicant or any other person who made the relevant representations in relation to the application have a right of appeal to the Magistrates Court.

Under the provisions of the Licensing Act 2003 there is no requirement for an IIA, while licence conditions should not duplicate other statutory provisions, members should be mindful of requirements and responsibilities placed on them by other legislation, which may include:

- The Gambling Act 2005
- The Environment Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

4 Consultees and their opinions

Consultation has taken place in accordance with the requirements set out in the Licensing Act 2003. There have been no matters arising from responsible authorities. Representations have been received from 3 Local Ward Councillors.

5 Engagement

Engagement is not a requirement as set out in the Licensing Act 2003.

6 Next steps and timelines

6.1 When determining the application Members, having had regard to the representation, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps are:

- grant the application,
- grant the application with the appropriate conditions,
- exclude from the scope of the licence any of the licensable activities which relate to this application, or
- reject the application.

- 6.2 Findings on any issues of fact should be on the balance of probability.
- 6.3 In arriving at a decision Members must have regard to the relevant provisions of statutory guidance and the licensing policy statement and reasons must be given for any departure.
- 6.4 The decision should be based on the individual merits of the application.

7 Officer recommendations and reasons

- 7.1 Members of the Panel are requested to determine the application.

8 Cabinet portfolio holder's recommendations

Not applicable

9 Contact officer

Jordan Barrett, Licensing Officer, Licensing Service
Tel: 01484 221000 ext. 71665
Email: Jordan.barrett@kirklees.gov.uk

10 Background Papers and History of Decisions

- 10.1 Appendix A – Application and Plan for the Grant of a Premise Licence for Ravensthorpe Off Licence
- 10.2 Appendix B – Objections from ward councillors
- 10.3 Appendix C – Relevant sections of Secretary of State Guidance – Section 182 of Licensing Act 2003

11 Service Director responsible

Katherine Armitage
Service Director – Environmental Strategy and Climate Change
Tel: 01484 221000
Email: katherine.armitage@kirklees.gov.uk

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New Premises Licence

Premises Details

Premises Address *

CASA BLANCA 618 HUDDERSFIELD ROAD
RAVENSTHORPE DEWSBURY KIRKLEES WF13 3HL

Telephone number at premises (if any)

Non-domestic value of premises. *

Applicant Details

I/We apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Please state whether you are applying for a premises licence as:

an individual or individuals

Applicant Details

If you are applying as a person described in one of the above please confirm: *

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

Individual Applicant

Title *

First name *

Surname *

Street address *

Individual Applicant

Town/City *

County

Postcode *

Date of Birth *

I am 18 years old or over

Nationality *

Daytime Contact Telephone Number *

Email *

Operating Schedule

When do you want the premises licence to start? *

11/01/2024

If you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises. *

Small Mini Market and grocery store, situated in a mixed commercial and residential area on a main arterial road, 2 miles west of the Dewsbury town centre.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Operating Schedule

What licensable activities do you intend to carry on from the premises? * (Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2) *

Plays

Operating Schedule

Films

Indoor Sporting Events

Boxing or Wrestling

Live Music

Recorded Music

Performances of Dance

Anything of a similar description falling under Music or Dance

Provision of late night refreshment

Supply of Alcohol

Supply of Alcohol Standard Times

Standard days and timings, where you intend to use the premises for the supply of alcohol. (please read guidance note 7)*
Please enter times in 24hr format (HH:MM)

Day *

Every Day

08:00

23:00

Supply of Alcohol

Will the supply of alcohol be for consumption on premises or off premises or both? (please read guidance note 8) *

Off the premises

Is the premises used exclusively or primarily for supply of alcohol for consumption on the premises? *

No

Supply of Alcohol

State any seasonal variations for the supply of alcohol.
(please read guidance note 5)

1 additional hour at the end of the terminal hour on Christmas Eve and New Years Eve

Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different times from the Standard days and times listed?(please read guidance note 6)

Designated Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor
(Please see declaration about the entitlement to work in the checklist at the end of the form)

Title *

First name *

Surname *

Street address *

Town/City *

County

Postcode *

Personal Licence Number (if known)

Issuing Licensing Authority (if known)

Adult Entertainment

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

Opening Hours Standard Times

Opening Hours Standard Times

Standard days and timings, where the premises are open to the public. (please read guidance note 7) * Please enter times in 24hr format (HH:MM)

Day *

Every Day

08:00

23:00

Opening Hours

State any seasonal variations. (please read guidance note 5)

1 additional hour at the end of the terminal hour on Christmas Eve & New Years Eve

Please state any Non-standard timings, where you intend the premises to be open to the public at different times from the Standard days and times listed? (please read guidance note 6)

Licensing Objectives

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10) *

This box would not allow me to post th conditions, it stated 'invalid characters and yet there was just txt.

b) The prevention of crime and disorder *

This box stated 'no more than 500 characters - there was only 133 words. It also stated 'invalid characters'

c) Public safety *

No risk has been assessed under the Licensing Act 2003
This box was ok

d) The prevention of public nuisance *

6. Prominent, clear and legible signage shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly. This box was ok

e) The protection of children from harm *

This box was the same as boxes 1 and 2. I have attached th original S17 application on the next page

Declarations

Declaration Type *

Sole Applicant - Individual or Other

Declarations

I have uploaded a copy of the plan of the premises. I have uploaded a copy of the consent form completed by the individual I wish to be designated premises supervisor, if applicable. I understand I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected. Applicable to all individual applicants, including those in partnership which is not a limited liability partnership, but not companies or limited liability partnerships I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15)

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT 'IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Signature/Declaration of applicant or applicant's solicitor or other duly authorised agent (see Guidance Note 11 & 12). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).

Full Name *

Date *

Capacity *

Declaration made

Do you wish to provide alternative correspondence details? *

Email confirmation

On submission an email confirmation will be sent using the details below

Forename

Surname /Company Name

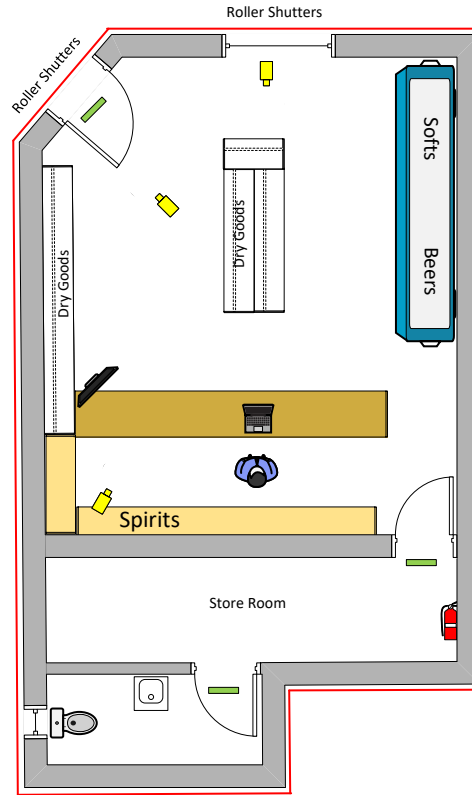
Email confirmation

Email *

Telephone

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Appendix A



LEGEND	
Licensable Area	
Smoke Detector	
Fire Exit	
Camera	
Fire Ext (Co2)	
Monitor	
SCALE	
1 : 100	

Drawing Purpose	PREMISES LICENCE APPLICATION
Drawing Details	The purpose of this drawing is for the submission of a Premises Licence Application. All Measurements have been drawn in millimeters. This drawing is not be used for the intention of any building, shop fitting or construction purposes.

Name of Premises	Ravensthorpe Off Licence
------------------	---------------------------------

Premises Address	618 Huddersfield Road, Dewsbury, WF13 3HL
------------------	--

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Appendix B

From: Cllr Ammar Anwar <Ammar.Anwar@kirklees.gov.uk>

Sent: Friday, December 15, 2023 2:21:40 PM

To: Licensing <Licensing@kirklees.gov.uk>; Cllr Darren O'Donovan <Darren.O'Donovan@kirklees.gov.uk>; Cllr Mussarat Pervaiz <Mussarat.Pervaiz@kirklees.gov.uk>

Cc: Jordan Barrett <Jordan.Barrett@kirklees.gov.uk>

Subject: Re: Premise Licence Application - Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HL

Hi I would like to object to this application as their have been trouble with these premises before on the basis of selling alcohol to drunken people and their have also been concerns of sale of e cigs and alcohol to underage children the premises have always people loitering and drinking outside the shop and causing distress to members of the public I urge the panel to deny any sort of granting of any licence .

Sent from [Outlook for iOS](#)

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Appendix B

From: Cllr Darren O'Donovan <Darren.O'Donovan@kirklees.gov.uk>

Sent: Friday, December 15, 2023 2:54 PM

To: Cllr Mussarat Pervaiz <Mussarat.Pervaiz@kirklees.gov.uk>; Cllr Ammar Anwar <Ammar.Anwar@kirklees.gov.uk>; Licensing <Licensing@kirklees.gov.uk>

Cc: Jordan Barrett <Jordan.Barrett@kirklees.gov.uk>

Subject: Re: Premise Licence Application - Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HL

I also agree with the objections.

Sent from [Outlook for iOS](#)

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Appendix B -

From: Cllr Mussarat Pervaiz <Mussarat.Pervaiz@kirklees.gov.uk>

Sent: Friday, December 15, 2023 2:30:13 PM

To: Cllr Ammar Anwar <Ammar.Anwar@kirklees.gov.uk>; Licensing <Licensing@kirklees.gov.uk>; Cllr Darren O'Donovan <Darren.O'Donovan@kirklees.gov.uk>

Cc: Jordan Barrett <Jordan.Barrett@kirklees.gov.uk>

Subject: Re: Premise Licence Application - Ravensthorpe Off Licence, 618 Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3HL

Yes I agree with cllr Ammar Anwar

There are too much issues regarding this premises

Kind regards

Cllr mussarat pervaiz

Sent from [Outlook for Android](#)

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Appendix C -

Relevant Sections of Secretary of State Guidance – Under Section 182 of Licensing Act 2003

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the

most sensitive period for people being disturbed by unreasonably loud music is at night and into the morning.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.