
**TITLE: LICENSING AUTHORITY STATEMENT OF PRINCIPLES –
GAMBLING ACT 2005 – 3 YEAR REVISION**

Committee: Licensing Committee

Date: 18 July 2012

Author: Lin Bagwell, Licensing Officer

[M59]

1.0 ISSUE

1.1 To approve the draft revised version of the Council's Licensing Authority Statement of Principles, which must be reviewed by the Council every three years in accordance with the provisions of the Gambling Act 2005.

2.0 RECOMMENDATION(S)

2.1 That Members approve the draft revised version of the Statement of Principles at **Appendix 1** to this report. (*The main changes to the Council's current Statement of Licensing Principles are shown in italics throughout the draft revised Statement*).

2.2 That Members agree to statutory public and stakeholder¹ consultation taking place on the draft revised Statement of Principles in accordance with the provisions of the Gambling Act 2005, for a twelve-week period from 23 July 2012 to 14 October 2012, in line with best practice set by the Department for Business, Innovation and Skills.

2.3 That the methods for consultation include the display of a copy of the draft revised Statement of Principles on the Council's website, public notice board in the Council reception, in each of the public libraries within the district and a public notice published in a newspaper circulating in the licensing area covered by the Statement as required by the Gambling Act 2005.

2.4 That the Head of Environmental Services be authorised to make any amendments to the draft Statement that are considered necessary as a result of any comments received from the public consultation exercise or arising from any new guidance issued by the Gambling Commission to Licensing Authorities.

3.0 BACKGROUND

3.1 Every 3 years, the Licensing Authority is required to consult and publish a Statement of Principles relating to the carrying out of its functions under the Gambling Act 2005.

¹ Statutory consultees and those prescribed by the Gambling Commission

- 3.2 Previous consultation was carried out on the current Statement of Principles between 21 May 2009 to 13 August 2009 and the final Statement was approved at Full Council on the 20 October 2009.
- 3.3 The draft revised Statement of Principles has been drafted in line with national guidance and from templates issued by the Local Government Association (formerly LACORS). It also takes into account changes arising from the third edition of the Gambling Commission Guidance to Licensing Authorities, published May 2009.
- 3.4 Section 349 of the Gambling Act 2005 requires the Council to consult with the police, persons representing the interests of people carrying on gambling businesses in the area and persons likely to be affected by the exercise of the Licensing Authority's functions under the Act.
- 3.5 Before the revised Statement of Principles comes into effect, the Licensing Authority must:
- a) Publish the Statement of Principles, ensuring that it is made available for a period of at least 4 weeks before the date on which it will come into effect. It must be published on the Council's website and be available for inspection by the public at one or more public libraries in the district.
 - b) A notice must be published no later than the first day on which the Statement of Principles is made available on the Council's website and in one or more of the following places:
 - (i) a local newspaper circulating in the area covered by the statement;
 - (ii) a local newspaper, circular, or similar document circulating in the area covered by the statement;
 - (iii) a public notice board in or near the principal office of the authority;
 - (iv) a public notice board on the premises of public libraries in the area covered by the statement.
- 3.6 The notice shall specify:
- (i) the date on which the statement or revision will be published;
 - (ii) the date on which the statement or revision will come into effect;
 - (iii) the internet address where the statement or revision will be published;
 - (iv) the address of the library at which the statement or revision is published.
- 3.7 The results of the consultation and any resulting amendments will be brought back to Licensing Committee in November 2012 and then to Full Council in December 2012 for adoption, coming into force on 31 January 2013.

3.8 As the final version of the 4th edition of the Gambling Commission Guidance to Local Authorities will be published during the consultation period, it may prove necessary to amend the final Statement of Principles to reflect any changes arising, which will also be reflected in the final draft to be brought back to Licensing Committee in November 2012.

4.0 ARGUMENTS/CONCLUSIONS

4.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

4.2 Guidance to Licensing Authorities, issued by the Gambling Commission and regulations made under the Act specify the scope and content of the statement of principles.

4.3 The attached draft revised Statement of Principles at Appendix 1 is in line with those requirements.

5.0 FINANCIAL IMPLICATIONS

5.1 The costs of publishing the public notice in the Cambridge News.

5.2 The Impact and Needs/Requirements Initial Screening and Assessment (INRA) has been completed with no potential for the policy to result in unlawful discrimination or a less favourable impact on any group in the community, shown as **Appendix 2** and **Appendix 3** to this report.

6.0 APPENDICES

6.1 Appendix 1 Proposed Draft Revised Statement of Principles – paginated separately.

6.2 Appendix 2 Impact and Needs/Requirements Assessment (INRA) - Initial Screening - paginated separately.

6.3 Appendix 3 Impact and Needs/Requirements Assessment (INRA) - paginated separately.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
The Gambling Act 2005	Room SF208	Lin Bagwell
Gambling Commission Guidance to Licensing Authorities, 3 rd Edition (May 2009)	The Grange Ely	Licensing Officer (Enforcement) (01353) 665555 Email: lin.bagwell@eastcambs.gov.uk
Gambling Commission Guidance to Licensing Authorities – 4 th Edition Consultation Document – April 2012		
LGA (formerly LACORS) Statement of Principles Template – Version 3 - May 2009		

East Cambridgeshire District Council

DRAFT REVISED GAMBLING ACT 2005 STATEMENT OF PRINCIPLES

The main changes to the Council's current Statement of Licensing Principles are shown in italics throughout the draft revised Statement.

FOREWORD

This is the third Statement of Principles produced by East Cambridgeshire District Council under the Gambling Act 2005 and it will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 31 January 2013.

The Gambling Act 2005 created a unified regulator for gambling in Great Britain called the Gambling Commission and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. These authorities are responsible for issuing a number of different permits as well as temporary and occasional use notices.

The Statement of Principles sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable persons and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the district and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

The Statement of Principles will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes to make East Cambridgeshire a safe and welcoming place for both residents and visitors to enjoy.

<p>EAST CAMBRIDGEHIRE DISTRICT COUNCIL</p> <p>GAMBLING ACT 2005</p> <p>STATEMENT OF PRINCIPLES</p>

<u>Section</u>	<u>Contents</u>	<u>Page No</u>
<u>PART A</u>		
1.0	Introduction	5
2.0	The Licensing Objectives	5
3.0	Description of the District	5-6
4.0	Responsibilities under the Act	6-7
5.0	Statement of Principles	7
6.0	Consultation	7-8
7.0	Approval of Statement of Principles	8
8.0	Declaration	8
9.0	Responsible Authorities	8
10.0	Interested Parties	9-10
11.0	Exchange of Information	10
12.0	Public Register	10
13.0	Compliance and Enforcement	10-11
14.0	Licensing Authority Functions	11
<u>PART B - PREMISES LICENCES</u>		
15.0	Delegation of Powers	12
16.0	General Principles	12-16
17.0	Provisional Statements	16-17
18.0	Representations and Reviews	17
19.0	Adult Gaming Centres	18
20.0	(Licensed) Family Entertainment Centres	18
21.0	Casinos	18
22.0	Bingo Premises	18-19
23.0	Betting Premises	19
24.0	Tracks	19-20
25.0	Travelling Fairs	20
<u>PART C - PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS</u>		
26.0	General	21
27.0	Unlicensed Family Entertainment Centre Gaming Permits	21
28.0	(Alcohol) Licensed Premises Gaming Machine Permits	21-22
29.0	Prize Gaming Permits	22
30.0	Club Gaming and Club Machine Permits	22-23
31.0	Temporary Use Notices	23
32.0	Occasional Use Notices	23
33.0	Small Society Lotteries	23
34.0	Useful Contacts from Gambling Commission Website	24

<u>Section</u>	<u>Contents</u>	<u>Page No</u>
<u>ANNEXES</u>		
35.0	Annex A List of Consultees	25-29
36.0	Annex B List of Responsible Authorities	30
37.0	Annex C Table of Delegations of Licensing	31

PART A

1.0 INTRODUCTION

1.1 This Statement of Principles sets out the principles East Cambridgeshire District Council, as the Licensing Authority under the Gambling Act 2005, referred to in this document as 'the Act', proposes to apply in discharging its functions to licensed premises for gambling under the Act, as well as:

- designating the body responsible for advising the Licensing Authority on the protection of children from harm;
- determining whether or not a person is an 'Interested Party';
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

2.0 THE LICENSING OBJECTIVES

2.1 In exercising most of its functions under the Act, 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; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

2.2 *The Licensing Authority notes that the Gambling Commission has stated that 'the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling'.*

3.0 DESCRIPTION OF THE DISTRICT

3.1 East Cambridgeshire District Council is one of five district authorities and one unitary authority that make up the County of Cambridgeshire. It has a population of approximately 76,500 and covers an area of almost 65,500 hectares. The district is predominantly rural in character and stretches from the Norfolk border in the north to within a few miles of the city of Cambridge in the South; from the long straight stretch of the New Bedford River in the West to a long border with Suffolk to the East. The district has an outstanding built and natural heritage, including the internationally recognised Ely Cathedral, the National Stud, July Racecourse, Wicken Fen and Anglesey Abbey. Close to Cambridge, the district enjoys excellent connections with regional road and rail networks, as well as London Stansted Airport.

Map of East Cambridgeshire District.



4.0 **RESPONSIBILITIES UNDER THE ACT**

- 4.1 The Act introduced a licensing regime for commercial gambling to be conducted by the Gambling Commission and by licensing authorities, depending on the matter to be licensed.
- 4.2 The Act establishes each district or borough council as the licensing authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. East Cambridgeshire District Council is the Licensing Authority for the East Cambridgeshire District.
- 4.3 The Gambling Commission is responsible for issuing operating and personal licences to persons and organisations who:
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - act as intermediaries for betting;
 - make gaming machines available for use in adult gaming centres and family entertainment centres;

- manufacture, supply, install, adapt, maintain or repair gaming machines;
- manufacture, supply, install or adapt gambling machine software; or
- promote a lottery.

4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt small society lotteries.

4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:

- in accordance with any relevant codes of practice;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Licensing Authority's Statement of Principles.

4.6 Before the Licensing Authority can consider an application for a premises licence, an operating and personal licence, or both, must have been obtained from the Gambling Commission.

5.0 STATEMENT OF PRINCIPLES

5.1 The Licensing Authority is required by the Act to publish a Statement of Principles containing the principles it proposes to apply when exercising its functions under the Act.

5.2 In this document this is referred to as 'the Statement'. This Statement must be reviewed and published every three years. The Statement must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Statement must then be published.

5.3 *This Statement of Principles takes effect on 31 January 2013.*

6.0 CONSULTATION

6.1 In producing this Statement, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (listed below), the Licensing Authority chose to consult with additional local groups and individuals. A full list of all groups and persons consulted is provided at Annex A.

6.2 The Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police for the authority's area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- 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 Act.

6.3 The other groups and people consulted were:

- Organisations, including faith groups and voluntary organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizens' Advice Bureau;
- *Social Services*;

- Other tiers of local government;
- Businesses who are, or will be, holders of premises licences;
- Responsible authorities under the Act.

6.4 *The Licensing Authority's twelve week consultation took place from 23 July 2012 to 14 October 2012 and followed the HM Government Code of Practice on Consultation, published July 2008.*

7.0 APPROVAL OF STATEMENT OF PRINCIPLES

7.1 *This Statement was approved at a meeting of the full Council on 10 December 2012 and was published via its website. Copies are available on request.*

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

8.0 DECLARATION

8.1 In this Statement the Licensing Authority declares that it has had regard to the licensing objectives of the Act, formal Guidance issued to licensing authorities by the Gambling Commission and any responses from those consulted during the consultation process.

8.2 The Council recognises its diverse responsibilities under equality legislation and will monitor the impact of these statutory duties through its various corporate schemes such as the Impacts Needs Assessment Scheme.

8.3 *Any information and guidance contained within this Statement of Principles is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Licensing Authority's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005 or the Guidance or Regulations issued under the Act.*

9.0 RESPONSIBLE AUTHORITIES

9.1 A full list of the responsible authorities designated under the Act and their contact details are given in Annex B. It should be noted that under the Act, the Licensing Authority is designated as a responsible authority.

9.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:

- the competency of the body to advise the licensing authority;
- 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 interest group etc.

9.3 *In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority designates Cambridgeshire Local Safeguarding Children Board, for this purpose.*

10.0 INTERESTED PARTIES

10.1 Interested parties can make representations about licensing applications or apply for a review of an existing licence. An interested party is defined in the Act as follows:

'... 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:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraphs (a) or (b).'

10.2 Licensing authorities are required by Regulations to state the principles they will apply in exercising their powers under the Act to determine if a person is an interested party. The principles are:

- Each case will be decided upon its own merits. This Licensing Authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the Gambling Commission Guidance to Licensing Authorities.
- The Licensing Authority will also consider the Gambling Commission Guidance that 'business interests' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

10.3 Interested parties can be persons who are democratically elected, such as district and parish councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties.

10.4 District Councillors who are members of the Licensing Committee will not qualify to act in this way.

10.5 Other than those parties listed in 10.3, this authority will generally require written evidence that a person or 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.

10.6 The Licensing Authority considers that trade associations, trade unions and residents' and tenants' associations qualify as interested parties where they can demonstrate that they represent persons in 10.1 (a) or (b) above.

10.7 In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- the catchment area of the premises (i.e. how far people travel to visit); and

- whether the person making the representation has business interests in that catchment area that might be affected.

11.0 EXCHANGE OF INFORMATION

11.1 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:

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

11.2 Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail, which will include:

- record of data disclosed;
- project chronology; and
- notes of meetings with other partners and recent correspondence including phone calls.

12.0 PUBLIC REGISTER

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

13.0 COMPLIANCE AND ENFORCEMENT

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will follow best practice as promulgated by the Better Regulation Executive and the Hampton review of regulatory inspections and enforcement and endeavour to be:

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – The authority must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme, based on:

- the licensing objectives
- relevant codes of practice
- guidance issued by the Gambling Commission, in particular at Part 36 of the Act;
- the principles set out in this statement of principles.

13.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act is to ensure compliance with the premises licences and other permissions it authorises.

13.4 The Gambling Commission is the enforcement body for operating and personal licences. Concerns about the manufacturer, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

13.5 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

14.0 LICENSING AUTHORITY FUNCTIONS

14.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
- issue provisional statements;
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits;
- issue club machine permits to commercial clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- issue 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;
- register small society lotteries below prescribed thresholds;
- issue prize gaming permits;
- receive and endorse temporary use notices (TUNs);
- receive occasional use notices (OUNs);
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- maintain registers of the permits and licences that are issued under these functions.

14.2 It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

15.0 DELEGATION OF POWERS

15.1 The Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act and this can be found at Annex C.

16.0 GENERAL PRINCIPLES

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

16.2 Decision making

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the user of premises for gambling in so far as it considers 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.

16.3 The Licensing Authority is aware that in accordance with Gambling Commission Guidance to Licensing Authorities 'moral objections to gambling are not a valid reason to reject applications for premises licences', except as regards any 'no casino resolution'.

16.4 Definition of premises

The Act defines 'premises' as including 'any place'. Section 152 of the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building could be reasonably regarded as being different premises. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises although this will always be considered in the light of the Guidance issued by the Gambling Commission. It will always be a question of fact in each circumstance. The Gambling Commission does not, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

16.5 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

16.6 The Licensing Authority takes note of the Gambling Commission's Guidance to licensing authorities which states that licensing authorities should 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, and is aware that:

- the third licensing objective seeks to protect children from being harmed by gambling, which in practice means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;

- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity named on the premises licence.

16.7 The Licensing Authority is aware that Gambling Commission Guidance provides relevant access provisions for each premises type and suggests a list of factors to be considered during the application process. The Licensing Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

16.8 Premises ready for gambling

Guidance issued by the Gambling Commission states that a licence to use a premises for gambling should only be issued in relation to a premises that the Licensing Authority can be satisfied is going to be ready to be used for gambling in the reasonably near future and is consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premises is not yet complete, or if it needs alteration, or if the applicant does not yet have a right to occupy it, then an application for a provisional statement should be made instead.

16.9 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, the Licensing Authority will determine applications on their merits, applying a two-stage consideration process:

- whether the premises ought to be permitted to be used for gambling;
- whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

16.10 Applicants should note that the Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

16.11 Demand

Demand is a commercial consideration and is not an issue for the Licensing Authority.

16.12 Location

Location will only be a material consideration in the context of the licensing objectives.

16.13 Duplication with other regulatory regimes

The Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Licensing Authority 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.

16.14 *When dealing with a premises licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.*

16.15 Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the following will be considered:

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

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a licensing objective under the Act.

Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.

Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

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

The Gambling Commission does not generally expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an operating licence. In such circumstances, the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

The Licensing Authority will consider this licensing objective on a case by case basis to determine if specific measures are required at particular premises including tracks.

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

In practice, the objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

The Licensing Authority will consider if specific measures are required at particular premises with regard to this licensing objective.

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

The Licensing Authority will consider this licensing objective on a case by case basis.

16.16 Conditions

The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises, such as buildings subject to multiple premises licences, the Licensing Authority may consider attaching individual conditions related to the licensing objectives.

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

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

16.18 In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:

- proof of age schemes;
- CCTV;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices and signage;
- specific opening hours; and
- with particular regard to vulnerable persons, 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.

16.19 The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

16.20 The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In line with Guidance issued by the Gambling Commission, the Licensing Authority will consider the impact upon the third licensing objective 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.

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

16.22 It is noted that there are conditions that the Licensing Authority cannot attach to premises licences. These are:

- any conditions on the premises licence which make 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 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, and the winning of prizes.

16.23 Door supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by door supervisors and is entitled to impose a premises licence condition to this effect.

16.24 *Where it is decided that supervision of entrances/machines is appropriate for particular cases, the Licensing Authority will consider if the door supervisors are required to be SIA licensed or not. The Licensing Authority will not automatically assume that all door supervisors need to be SIA licensed, as it is aware that the statutory requirements for door supervision for different types of premises vary.*

16.25 Credit

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

16.26 Betting machines

The Licensing Authority will, in line with Gambling Commission Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under the age of 18 to bet) or by vulnerable persons, when considering the number, nature and circumstances of betting machines an operator proposes to offer.

16.27 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall take into account:

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

16.28 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.

17.0 PROVISIONAL STATEMENTS

17.1 Developers may wish to apply to the Licensing Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

17.2 S204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

- 17.3** The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 17.4** In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 17.5** The holder of a provisional statement may then apply for a premises licence once the premises is constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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.
- 17.6** In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by representations at the provisional statement application stage;
 - which in the Authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and the Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

18.0 REPRESENTATIONS AND REVIEWS

- 18.1** Representations and applications for a review of a premises licence may be made by responsible authorities and interested parties.
- 18.2** The Licensing Authority can make a representation or apply for a review of the premises licence on the basis of any reason that it thinks is appropriate. For the purpose of exercising its discretion in these matters, the Licensing Authority has designated the Council's Head of Legal Services as being the proper person to act on its behalf.
- 18.3** The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:
- frivolous or vexatious;
 - based on grounds that will certainly not cause the Licensing Authority to wish to revoke/suspend a licence or remove, amend or attach conditions on the licence;
 - substantially the same as previous representations or requests for a review;
 - in accordance with any relevant codes of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives.
- 18.4** There is no appeal against the Licensing Authority's determination of the relevance of an application for review.

19.0 ADULT GAMING CENTRES

19.1 Entry to an adult gaming centre is age restricted.

19.2 The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

20.0 (LICENSED) FAMILY ENTERTAINMENT CENTRES

20.1 Entry to a (licensed) family entertainment centre is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

20.2 The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

21.0 CASINOS

21.1 The Licensing Authority has not passed a resolution under section 166 of the Act not to issue casino premises licences. Any future decision to pass or not to pass a casino resolution will only be taken after a full consultation process has been undertaken within the area.

21.2 Casinos and competitive bidding

The Licensing Authority is aware that where a licensing authority's area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators wishing to run a casino. In such situations the Licensing Authority will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State. It should be noted that at the time this statement of licensing policy was adopted this area had not been so enabled.

21.3 Betting machines

The Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence where betting is permitted in the casino. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things will take into account:

- the size of the premises;
- the number of counter positions available for person to person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

21.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on decided on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

21.5 Credit

Credit facilities are prohibited in casinos, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

22.0 BINGO PREMISES

22.1 Entry to a bingo premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use.

22.2 The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

22.3 Credit

Credit facilities are prohibited in premises licensed for bingo, however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

23.0 BETTING PREMISES

23.1 Entry to a premises where betting takes place other than at a track, previously known as a licensed betting shop, is age restricted.

23.2 The Licensing Authority will take account of any conditions applied to an operating licence in respect of such premises.

24.0 TRACKS

24.1 The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

24.2 In line with Guidance issued by the Gambling Commission, the Licensing Authority will especially consider the impact upon the third licensing objective, 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.

24.3 The Licensing Authority 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.

24.4 In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:

- proof of age schemes;
- CCTV;
- door supervisors;
- supervision of entrances/machine areas;
- physical separation of areas;
- location of entry;
- notices and signage;
- specific opening hours; and
- with particular regard to vulnerable persons, 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.

24.5 Gaming machines

Where the applicant holds a pool betting operating licence and is going to use the entitlement for four gaming machines, the machines (other than category D machines) should be located in areas from which children are excluded.

24.6 Betting machines

The Licensing Authority will, in line with Part 6 of the Gambling Commission Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under the age of 18 to bet) or by vulnerable persons, when considering the number, nature and circumstances of betting machines an operator proposes to offer.

25.0 TRAVELLING FAIRS

25.1 The Licensing Authority is responsible for deciding 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.

25.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis 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 Licensing Authority will work with its neighbouring authorities to ensure that land that crosses the East Cambridgeshire district boundaries is monitored so that the statutory limits are not exceeded.

PART C PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS

26.0 GENERAL

26.1 Forms, method of application, definitions and any additional information required for permits covered by this section are available as separate guidance and information documents.

27.0 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

27.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

27.2 Statement of licensing principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:

- a basic Criminal Records Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises;
- how the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- training covering how staff would deal with:
 - ❑ unsupervised, very young children being on the premises;
 - ❑ children causing perceived problems on/around the premises; and
 - ❑ suspected truant children.

28.0 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

28.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of categories C and/or D. To use this entitlement the premises licence holder needs to give notice to the Licensing Authority of the intention to make gaming machines available for use and pay the prescribed fee.

28.2 Gaming machines can be located on premises for which a licence for the sale by retail of alcohol or supply of alcoholic liqueur for consumption on the premises has been issued. Such premises must have a bar for serving customers.

28.3 Premises restricted to selling alcohol on the premises only with food with no bar facility have no entitlement for the provision of gaming machines on the premises.

28.4 The Licensing Authority 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;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

28.5 Where an application for more than two gaming machines is received, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the gaming machines. Measures will cover such issues as:

- gaming machines being in sight of the bar;
- gaming machines being in sight of staff who will monitor that the machines are not being used by those under 18;
- appropriate notices and signage; and
- as regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the provision of information, leaflets/help line numbers for organisations such as Gamcare.

28.6 The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

29.0 PRIZE GAMING PERMITS

29.1 Statement of licensing principles

The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:

- a basic Criminal Records Bureau or equivalent criminal record check for the applicant and the person having the day to day control of the premises;
- how the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- training covering how staff would deal with:
 - unsupervised, very young children being on the premises;
 - children causing perceived problems on/around the premises; and
 - suspected truant children.

29.2 In making its decision on an application for a permit, the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

30.0 CLUB GAMING AND CLUB MACHINE PERMITS

30.1 Members' Clubs and Miners' Welfare Institutes may apply for a club gaming permit and/or a club gaming machine permit, but are restricted by category and number of machines and to equal chance gaming and games of chance.

30.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.

31.0 TEMPORARY USE NOTICES (TUNs)

31.1 The organisations designated to receive TUNs and to issue objections are:

- Licensing Authority;
- Gambling Commission;
- Cambridgeshire Constabulary;
- HM Commission for Revenues and Customs;
- if applicable, any other licensing authority in whose area the premises are situated (if the premises crosses the border between two licensing authority areas).

31.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations will be issued by the Secretary of State prescribing the activities to be covered. TUNs can only be issued for equal chance gaming.

31.3 For the purposes of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a notice in respect of different parts.

31.4 The definition of 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 Licensing Authority will consider, amongst other things, the ownership, occupation and control of the premises.

31.5 The Licensing Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

32.0 OCCASIONAL USE NOTICES (OUNs)

32.1 Occasional Use Notices (OUNs) apply only to tracks. Tracks need not be a permanent fixture.

32.2 OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a full betting premises licence for the track.

32.3 The Licensing Authority has very little discretion as regards these notices, aside from ensuring that a statutory limit of eight (8) days in a calendar year is not exceeded.

32.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the notice.

32.5 The person designated to receive and validate OUNs is the Head of Environmental Services. A copy of the OUN must be served on the Chief Officer of Police for the district for which the OUN has been served.

33.0 SMALL SOCIETY LOTTERIES

33.1 A small society lottery requires registration with the Licensing Authority.

33.2 The Licensing Authority is aware that promoting or facilitating a lottery is illegal unless it falls into one of two categories of permitted lottery:

- licensed lotteries; or
- exempt lotteries.

34.0 USEFUL CONTACTS

The Gambling Commission maintains a list of useful contacts of organisations involved in gambling, some of which provide codes of practice on their particular interest area.

Their contact details can be found on the Gambling Commission's website www.gamblingcommission.gov.uk

35.0 LIST OF CONSULTEES – Annex A

36.0 RESPONSIBLE AUTHORITIES – Annex B

37.0 TABLE OF DELEGATIONS OF LICENSING FUNCTIONS – Annex C

LIST OF CONSULTEES**REGULATORY ORGANISATIONS****Cambridgeshire Constabulary**

Divisional Commander Police Station Parkside Cambridge CB1 1JG
Tel: 101

Cambridgeshire Fire and Rescue Service

Chief Fire Officer Cambridgeshire Fire & Rescue Service East Cambridgeshire District Prickwillow Road
Ely CB7 4FB Tel: 01353 660025

Cambridgeshire Local Safeguarding Children Board

LSCB Administrator 7 The Meadows Meadow Lane St Ives Cambridgeshire PE27 4LG Tel: 01480
373522 Email: LSCB@cambridgeshire.gov.uk

East Cambridgeshire Community Safety Partnership

Partnership Support Officer The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email:
communityservices@eastcambs.gov.uk

East Cambridgeshire District Council Environmental Health (Domestic)

Principal Environmental Health Officer Domestic Section The Grange Nutholt Lane Ely CB7 4EE Tel:
01353 665555 Email: health@eastcambs.gov.uk

East Cambridgeshire District Council Health and Safety Authority

Principal Environmental Health Officer Commercial Section The Grange Nutholt Lane Ely CB7 4EE
Tel: 01353 665555 Email: health@eastcambs.gov.uk

East Cambridgeshire District Council Planning Authority

Team Leader Development Control The Grange Nutholt Lane Ely Cambridgeshire CB7 4EE Tel: 01353
665555 Email: plservices@eastcambs.gov.uk

Gambling Commission

The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP
Tel: 0121 230 6500 Email: info@gamblingcommission.gov.uk

HM Revenue and Customs

HM Revenue and Customs 12th Floor Alexander House Victoria Avenue Southend Essex SS9 1BD

TRADE ASSOCIATIONS / BODIES**Association of British Bookmakers Ltd**

Ground Floor Warwick House 25 Buckingham Palace Road London SW1W 0PP Tel: 020 7434 2111
Email: mail@abb.uk.com

BACTA (representing the British amusement industry)

134-136 Buckingham Palace Road London SW1W 9SA Tel: 020 7730 6444
Email: info@bacta.org.uk

Bingo Association

Lexham House 75 High Street North Dunstable Beds LU6 1JF
Tel: 01582 860921 Email: info@bingo-association.co.uk

British Beer and Pub Association

Ground Floor Brewers' Hall Aldermanbury Square London EC2V 7HR Tel: 020 7600 1801
Email: clerk@brewershall.co.uk

British Casino Association (BCA)

38 Grosvenor Gardens London SW1W 0EB
Tel: 020 7730 1055 Email: enquiries@britishcasinoassociation.org.uk

British Holiday and Home Parks Association

Chichester House 6 Pullman Court Great Western Road Gloucester GL1 3ND

Casino Operators' Association of the UK (COA (UK))

86 Jermyn Street London SW1Y 6JD Tel: 0114 2816209 Email gensec@coa-uk.org.uk

Community Trade Union

67-68 Long Acre Covent Garden London WC2E 9FA Tel: 020 7420 4000
Email: info@community-tu.org

Greyhound Board of Great Britain

Procter House 1 Procter Street London WC1V 6DW Tel: 020 7421 3770
Email: www.gbgb.org.uk/contactus.aspx

Jockey Club

75 High Holborn London WC1V 6LS Tel: 020 7189 3800 Email: info@thejockeyclub.co.uk

July Racecourse

Newmarket Racecourses Westfield House The Links Newmarket Suffolk CB8 0TG Tel: 01638 675 555

Racecourse Association Limited

Winkfield Road Ascot Berkshire SL5 7HX Tel: 01344 626067
Email: info@racecourseassociation.co.uk

BOOKMAKERS LICENSED BY ECDC

July Racecourse Westfield House The Links Newmarket Suffolk CB8 0TG

Ladbrokes Imperial House Imperial Drive Rayners Lane Harrow HA2 7JW

S&D Bookmakers 29 Main Street Yaxley Peterborough PE7 3LZ

William Hill Greenside House 50 Station Road Wood Green London N22 7TP

SUPPORT / HELP GROUPS & ORGANISATIONS**Citizen Advice Bureau**

Citizens Advice Bureau 70 Market Place Ely CB7 4LS Tel: 0844 8487979

Faith Groups

East of England Faiths Council Unit 37 St Johns Innovation Centre Cowley Road Cambridge CB4 0WS
Tel: 01223 421606 Email eeffc@cambcatalyst.co.uk

Diocese of Ely Ely Diocesan Office Bishop Woodford House Barton Road Ely CB7 4DX
Tel: 01353 652700 Email office@ely.anglican.org

Community Organisations

Family Welfare Association 3A Granby Street Littleport Cambridgeshire CB6 1NE
Tel: 01353 863409

Newmarket and District Youth for Christ 9 Mill Lane Fordham Cambridgeshire CB7 5NH
Tel: 01638 720707 Email: mail@nanddyfc.fsnet.co.uk

Cambridgeshire Chamber of Commerce and Industry Minerva Business Park Peterborough
Cambridgeshire PE2 6FT Tel: 01733 393333 Email enquiries@cambscci.co.uk

East Cambridgeshire Council for Voluntary Service 41 Forehill Ely CB7 4AA
Tel: 01353 666166

City of Ely Council 72 Market Street Ely CB7 4LS Tel: 01353 661016
Email: info@cityofelycouncil.org.uk

Primary Care Trust

Cambridgeshire Primary Care Trust Lockton House Clarendon Road Cambridge CB2 8FH
Tel: 01223 725 400 Email: c-pct.pals@nhs.net

PARISH COUNCILS / PARISH CLERKS

ASHLEY

Mr C Lewis 2 Silhalls Close Ashley CB8 9DZ Tel: 01638 730924

BOTTISHAM

Mrs C Fullwood 26 Peacock Drive Bottisham CB5 9EF Tel: 01223 812542

BRINKLEY

Mrs J Whittaker 9 Beechcroft Brinkley Newmarket Suffolk CB8 OSH

BURROUGH GREEN

Mrs J Whittaker 9 Beechcroft Brinkley Newmarket Suffolk CB8 OSH

BURWELL

Mrs L Reader The Jubilee Reading Room 99 The Causeway Burwell CB5 0BG Tel: 01638 743142

CHEVELEY

Ms D Marshall 11 Hamilton Road Newmarket CB8 0NQ

CHIPPENHAM

Mrs S Hughes 44b High Street Chippenham CB7 5PR Tel: 01638 720915

COVENEY

Mrs S Thompson 9 Cole Close Witchford CB6 2JX Tel: 01353 602597

DULLINGHAM

Mrs Y Rix 49 Ness Road Burwell CB25 0AA Tel: 01638 602597

ELY

Mrs T Coulson 72 Market Street Ely CB7 4LS Tel: 01353 661016

FORDHAM

Mrs M Franklin 33 Church Street Fordham CB7 5NJ Tel: 01638 721716

HADDENHAM

Mrs J Manning 8 Aldreth Road Haddenham CB6 3UB Tel: 01353 741231

ISLEHAM

Mrs D Bayliss 37 Croft Road Isleham CB7 5QR Tel: 01638 552576

KENNETT

Mrs J Hughes 68 Station Road Kennett CB8 7QF

KIRTLING

Mrs M Prescott Bloodstock Barn Mill Road Ashley CB8 9EE Tel: 01638 730263

LITTLE DOWNHAM

Mrs J Wardle 30 New Close Road Little Thetford CB6 3HQ Tel: 01353 649499

LITTLE THETFORD

Mrs S Thompson 9 Cole Close Witchford CB6 2JX0 Tel: 1353 666385

LITTLEPORT

Mrs L Clarke-Jones The Barn Main Street Littleport CB6 1PH Tel: 01353 860449

LODE

Mr A Tomlinson 5 Mill Road Lode CB5 9EN Tel: 01223 811280

MEPAL

Mrs S Shipley 50 Chestnut Way Mepal CB6 2YR Tel: 01353 776063

REACH

Mr D Parr Cross Keys 20 Fair Green Reach CB25 0JD Tel: 01638 744081

SNAILWELL

Ms B Kelleher 21 Freckenham Road Worlington Bury St Edmunds IP28 8QS Tel: 01638 711325

SOHAM

Mr D Giles PO Box 21 Council Offices The Pavilion Fountain Lane Soham CB7 5PL Tel: 01353 723472

STETCHWORTH

Mrs Y Rix 49 Ness Road Burwell CB25 0AA Tel: 01638 602597

STRETHAM

Mr R Watts 10 Cranwell Way Little Thetford CB6 3JB Tel: 01353 648398

SUTTON

Mrs R Seymour The Glebe 4 High Street Sutton CB6 2RB Tel: 01353 777189

SWAFFHAM BULBECK

Mrs K King 10 Mill Hill Swaffham Prior CB25 0JZ Tel: 01638 742358

SWAFFHAM PRIOR

Mrs K King 10 Mill Hill Swaffham Prior CB5 0JZ Tel: 01638 742358

WENTWORTH

Ms J Perks Stafford House Main Street Wentworth Ely CB6 3QG Tel: 01353 776139

WESTLEY WATERLESS

Mr R Fella The Old School House Main Street Westley Waterless CB8 0RQ Tel: 07887 482442

WICKEN

Mr J White 24 Lode Lane Wicken CB7 5XP Tel: 01353 723342

WILBURTON

Mrs G Woods 22 Longfields Ely CB6 3ND

WITCHAM

Mrs S Bell 17 Astley Close Sutton CB6 2PG Tel: 01353 778147

WITCHFORD

Mrs A Hodges 88 West Fen Road Ely CB6 3AA Tel: 01353 664427

WOODDITTON

Mr J Theobald 43 High Street Stetchworth CB8 9TH Tel: 01638 507675

RESPONSIBLE AUTHORITIES

ORGANISATION	CONTACT AND ADDRESS
Cambridgeshire Constabulary	Licensing Section Ely Police Station Nutholt Lane Ely CB7 4PL Tel: 101 Email: Ruth.sheehan@cambs.pnn.police.uk
Cambridgeshire Fire and Rescue Service	Cambridge Fire & Rescue Service Cambourne Fire Station Back Lane Upper Cambourne CB23 6FY Tel: 01954 714037 Email: danny.hans@cambsfire.gov.uk
Local Safeguarding Children Board	LSCB Administrator 7 The Meadows Meadow Lane St Ives PE27 4LG Tel: 01480 373522 Email: LSCB@cambridgeshire.gov.uk
Planning Authority	Principal Development Control Officer Development Control The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: plservices@eastcambs.gov.uk
Environmental Health Domestic Section	Principal Environmental Health Officer Domestic Section The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: karen.see@eastcambs.gov.uk
Environmental Health Health & Safety	Principal Environmental Health Officer Commercial Section The Grange Nutholt Lane Ely CB7 4EE Tel: 01353 665555 Email: elizabeth.bailey@eastcambs.gov.uk
HM Revenue & Customs	HM Revenue & Customs 12 th Floor Alexander House Victoria Avenue Southend-on-Sea Essex SS9 1BD
The Gambling Commission	The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Email: info@gamblingcommission.gov.uk

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Consideration of an Occasional Use Notice			X

Impact and Needs/Requirements Assessment (INRA) Initial Screening

Initial screening needs to take place for all new policies, strategies, procedures and functions. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an INRA for this activity.

Name of Policy, Strategy or Function:	Revised Gambling Licensing Policy Statement under the Gambling Act 2005
Lead Officer (responsible for assessment):	Lin Bagwell, Licensing Officer (Enforcement)
Department:	Environmental Services
Others Involved in the Assessment (i.e. peer review, external challenge):	Liz Bailey, Principal EHO (Commercial)
Date Initial Screening Completed:	5 July 2012

(a) What is the activity trying to achieve? i.e. what are its aims and objectives? Is it affected by external drivers for change?

East Cambridgeshire District Council is the Licensing Authority under the Gambling Act 2005. The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. The Licensing Authority is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt small society lotteries.

In exercising most of its functions under the Act, 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; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as it believes it is:

- in accordance with any relevant codes of practice;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Licensing Authority's Statement of Licensing Policy.

The Licensing Authority is required by the Act to publish a Statement of Licensing Policy containing the principles it proposes to apply when exercising its functions under the Gambling Act 2005.

The policy sets out how the Licensing Authority will administer the act locally.

(b) Who are its main beneficiaries? i.e. who will be affected by the policy and the way the service is delivered?

Responsible authorities, existing and proposed licence holders, businesses, voluntary groups and residents, including faith groups and voluntary organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizens' Advice Bureau;

(c) Does this activity have the potential to cause an impact (positive, negative or neutral) on different groups in the community, on the grounds of:
(please tick all that apply):

Ethnicity	<input checked="" type="checkbox"/>	Age	<input checked="" type="checkbox"/>
Gender	<input type="checkbox"/>	Religion and Belief	<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	Sexuality	<input type="checkbox"/>

Please explain any impact identified:

Age
Individuals under the age of 18 years are not permitted under the Gambling Act to apply for a licence.

Disability
Legislation dictates that applications must be made on the prescribed form in the prescribed manner with the relevant associated documents attached. An applicant may be blind for example therefore unable to complete the application forms his/herself.

Ethnicity
Where licence applications are made, public hearings are held in relation to contested application, or where a licence holder is interviewed under PACE, English may not be the first language of the person the service is working with. A translation/interpretation service can be provided if required.

Religion and Belief
As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the provision of information, leaflets/help line numbers for organisations, including faith groups and voluntary organisations, working with people who are problem gamblers.

(d) Does the policy affect service users or the wider community?	YES
(e) Does the policy have a significant effect on how services are delivered?	NO
(f) Will it have a significant effect on how other organisations operate?	NO
(g) Does it involve a significant commitment of resources?	NO
(h) Does it relate to an area where there are known inequalities, e.g. disabled people's access to public transport etc?	NO

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment. If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council's Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to Nicole Pema, Principal HR Officer.

Signatures:

Completing Officer:	Lin Bagwell _____	Date:	6.7.2012 _____
Executive Director/ Head of Service:	Liz Knox _____	Date:	6.7.2012 _____

Impact and Needs/Requirements Assessment (INRA)

Name of Policy:	Licensing Authority Statement of Principles – Gambling Act 2005 – 3 Year Revision
Lead Officer (responsible for assessment):	Lin Bagwell, Licensing Officer (Enforcement)
Department:	Environmental Services
Others Involved in the Assessment (i.e. peer review, external challenge):	Liz Bailey, Principal EHO (Commercial)
Date INRA Completed:	5 July 2012

‘Policy’ needs to be understood broadly to include all Council policies, strategies, services, functions, activities and decisions.

(a) What is the policy trying to achieve? i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

The Statement of Principles sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable persons and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the district and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

The Statement of Principles will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes to make East Cambridgeshire a safe and welcoming place for both residents and visitors to enjoy.

(b) Who are its main beneficiaries? i.e. who will be affected by the policy?

Responsible authorities, existing and proposed licence holders, businesses, voluntary groups and residents, including faith groups and voluntary organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizens' Advice Bureau and gamblers and their families.

(c) Is the INRA informed by any information or background data (quantitative or qualitative)? i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

The Licensing Authority is required by the Gambling Act 2005 to publish a Statement of Principles containing the principles it proposes to apply when exercising its functions under the Act.

The Statement must be reviewed and published every three years and must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Statement must then be published.

(d) Does this policy have the potential to cause an impact (positive, negative or neutral) on different groups in the community, on the grounds of (please tick all that apply):

Ethnicity
Gender
Disability

x
x

Age
Religion and Belief
Sexual Orientation

x
x

Please explain any impact identified (positive, negative or neutral): i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

Age
Individuals under the age of 18 years are not permitted under the Gambling Act to apply for a licence.

Disability
Legislation dictates that applications must be made on the prescribed form in the prescribed manner with the relevant associated documents attached. An applicant may be blind for example therefore unable to complete the application forms his/herself.

Ethnicity
Where licence applications are made, public hearings are held in relation to contested application, or where a licence holder is interviewed under PACE, English may not be the first language of the person the service is working with. A translation/interpretation service can be provided if required.

Religion and Belief
As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the provision of information, leaflets/help line numbers for organisations, including faith groups and voluntary organisations, working with people who are problem gamblers.

(e) Does the policy have a differential impact on different groups?

YES/NO/Not Applicable

(f) Is the impact adverse (i.e. less favourable) on one or more groups?

YES/NO/Not Applicable

(g) Does it have the potential to disadvantage or discriminate unfairly against any of the groups in a way that is unlawful?

YES/NO/Not Applicable

(h) What additional information is needed to provide a clear picture of how the activity is impacting on different communities and how will you collect this information, i.e. expert groups, further research, consultation* etc? Where there are major gaps in information that cannot be addressed immediately, these should be highlighted in your recommendations and objectives at the end of the INRA.

The Licensing Authority has considered the following matters in compiling its Statement of Principles to meet its responsibilities under the Gambling Act 2005 to prevent gambling from being a source of crime and disorder, to ensure that gambling is conducted in a fair and open way and to protect children and vulnerable persons from being harmed or exploited by gambling:

Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective and where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and the need for conditions, such as the provision of door supervisors.

Although the Gambling Commission does not generally expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way, the Licensing Authority notes that in relation to the licensing of tracks, its role will be different from other premises in that track operators will not necessarily have an operating licence. In such circumstances, the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

In practice, the objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling and the Licensing Authority will consider if specific measures are required at particular premises with regard to this licensing objective.

Although there is no definition of the term 'vulnerable person' in the Gambling Act 2005, this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs and the Licensing Authority will consider this licensing objective on a case by case basis and will consider if specific measures are required at particular premises with regard to this licensing objective.

* The Consultation Register is available to assist staff in consulting with the Council's stakeholders. If you are consulting on a new or revised policy contact the Principal HR Officer.

(i) Do you envisage any problems with these methods of information collection? i.e. not accessible to all, timescale not long enough to obtain all of the necessary information, translation facilities not available, insufficient resources etc.

It is not envisaged that there will be any problems with these methods of information collection as consultation will take place on the draft revised Statement of Principles in accordance with the provisions of the Gambling Act 2005, for a twelve-week period in line with best practice set by the Department for Business, Innovation and Skills from 23 July 2012 to 14 October 2012.

The methods for consultation include the display of a copy of the draft revised Statement of Principles on the Council's website, public notice board in the Council reception, in each of the public libraries within the district and a public notice published in a newspaper circulating in the licensing area covered by the Statement as required by the Gambling Act 2005.

In addition to the statutory consultees the Licensing Authority has chosen to consult with additional local groups and individuals as well as:

- the Chief Officer of Police for the authority's area;
- persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- organisations, including faith groups and voluntary organisations working with people who are problem gamblers, medical practices or primary care trusts and the Citizens' Advice Bureau;
- Social Services;
- other tiers of local government;
- businesses who are, or will be, holders of premises licences;
- responsible authorities under the Act.

(j) If it has been possible to collect this additional information, summarise the findings of your research and/or consultation (please use a separate sheet if necessary).

Not applicable

(k) What are the risks associated with the policy in relation to differential impact and unmet needs/requirements? i.e. reputation, financial, breach of legislation, service exclusion, lack of resources, lack of cooperation, insufficient budget etc.

There would be a breach of legislation if the Statement of Licensing of Principles is not published 4 weeks prior to the inception date of 31 January 2013.

(l) Use the information gathered in the earlier stages of your INRA to make a judgement on whether there is the potential for the policy to result in unlawful discrimination or a less favourable impact on any group in the community, and what changes (if any) need to be made to the policy.

Option 1:	No major changes, the evidence shows no potential for discrimination.	x
Option 2:	Adjust the policy to remove barriers or to better promote equality.	
Option 3:	Continue the policy despite potential for adverse impact or missed opportunity to promote equality.	

Option 4:	Stop and remove the policy – if the policy shows actual or potential unlawful discrimination it must be stopped and removed or changed.	
-----------	---	--

(m) Where you have identified the potential for adverse impact, what action can be taken to remove or mitigate against the potential for the policy to unlawfully discriminate or impact less favourably on one or more communities in a way that cannot be justified? Include key activities that are likely to have the greatest impact (max. 6). Identified actions should be specified in detail for the first year but there may be further longer term actions which need to be considered. To ensure that your actions are more than just a list of good intentions, include for each: the person responsible for its completion, a timescale for completion, any cost implications and how these will be addressed. It is essential that you incorporate these actions into your service plans.

Not applicable

This completed INRA will need to be countersigned by your Head of Service. **Please forward completed and signed forms to Nicole Pema, Principal HR Officer.**

All completed INRAs will need to be scrutinised and verified by the Council's Equal Opportunities Working Group (EOWG) and published on the Council's Intranet to demonstrate to local people that the Council is actively engaged in tackling potential discrimination and improving its practices in relation to equalities. Please be aware that you will be asked to attend a half-an-hour session to summarise the findings of the INRA to the EOWG Verification panel.

Signatures:

Completing Officer: Lin Bagwell **Date:** 6.7.2012

Head of Service: Liz Knox **Date:** 6.7.2012