

The Arc  
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To: Chair & Members of the Licensing &  
Gambling Acts Committee

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Thursday 26<sup>th</sup> May 2022

Dear Councillor

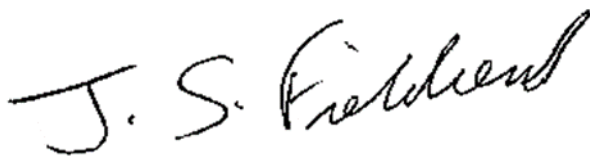
**LICENSING & GAMBLING ACTS COMMITTEE**

You are hereby summoned to attend a meeting of the Licensing & Gambling Acts Committee of the Bolsover District Council to be held at the Council Chamber, The Arc, Clowne on Thursday, 9th June, 2022 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised onwards.

Yours faithfully



Solicitor to the Council & Monitoring Officer



**Bolsover**  
District Council

**We speak your language**  
Polish **Mówimy Twoim językiem**  
Slovak **Rozprávame Vaším jazykom**  
Chinese **我们会说你的语言**

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**LICENSING & GAMBLING ACTS COMMITTEE  
AGENDA**

***Thursday, 9th June, 2022 at 10:00 hours taking place at the Council Chamber, The Arc,  
Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Apologies For Absence</b>	
<b>2.</b>	<b>Urgent Items of Business</b>  To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
<b>3.</b>	<b>Declarations of Interest</b>  Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:  a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
<b>4.</b>	<b>Minutes</b>  To consider the minutes of the Licensing & Gambling Acts Committee meeting on 21 <sup>st</sup> December 2021.	<b>3 - 4</b>
<b>5.</b>	<b>Review of the Council's Policy under the Gambling Act 2005 (Consultation Responses &amp; Proposed Recommendation to Council)</b>	<b>5 - 60</b>

## LICENSING & GAMBLING ACTS COMMITTEE

Minutes of a meeting of the Licensing & Gambling Acts Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Tuesday 21<sup>st</sup> December 2021 at 10:00 hours

### **PRESENT:-**

Members:-Councillor Ray Heffer in the Chair

Councillors Andrew Joesbury (Vice-Chair), Maxine Dixon, Mary Dooley, Stan Fox and Rita Turner.

Officers:- Kevin Shillitto (Solicitor), Charmaine Terry (Environmental Health Team Manager - Licensing) and Tom Scott (Governance Officer).

### **LGAC1-21/22      APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Rose Bowler, David Downes and Evonne Parkin.

### **LGAC2-21/22      URGENT ITEMS OF BUSINESS**

There were no urgent items of business to be considered.

### **LGAC3-21/22      DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **LGAC4-21/22      REVIEW OF THE COUNCIL'S POLICY UNDER THE GAMBLING ACT 2005**

The Environmental Health Team Manager – Licensing presented a report for Members to consider renewal of the Council's Policy under the Gambling Act 2005. She explained how in order to continue to comply with the Council's obligations under the Gambling Act 2005, the current policy would need to be republished four weeks prior to its expiry on 31<sup>st</sup> January 2022. However, to enable the amendments outlined in the report, a full consultation would be carried out with a view to publishing the revised policy at a later date.

Councillor Mary Dooley asked how the Licensing team would proceed if someone gave the Council an anonymous report of unlicensed activity at a licensed premises. The Environmental Health Team Manager – Licensing explained that Licensing officers would always follow up reports of unlicensed activity, but anonymous complaints might take longer to process because of having nobody to report back to.

Councillor Mary Dooley referred to page 4 of the Gambling Act Local Area Profile (page 45 of the agenda pack) and requested that the paragraph that had East Midlands Designer Outlet as one of the businesses in "Shirebrook, Clowne and South Normanton" should state it as being in Pinxton. The Environmental Health Team Manager – Licensing

## LICENSING & GAMBLING ACTS COMMITTEE

agreed that this would be amended.

Moved by Councillor Ray Heffer and seconded by Councillor Andrew Joesbury

**RESOLVED** that (1) The Committee resolves to republish the current policy four weeks prior to its expiry date;

(2) the proposed amendments to the Statement of Principles under the Gambling Act 2005 be noted,

(3) the Joint Assistant Director – Environmental Health to carry out a public consultation on the proposed amendments and,

(4) A report on the outcome of the Public Consultation be presented to a future meeting in order to consider the renewal of the Statement of Principles under the Gambling Act 2005.

(Assistant Director – Environmental Health/Environmental Health Team Manager – Licensing)

The meeting concluded at 10:13 hours.

## **Bolsover District Council**

### **Meeting of the Licensing & Gambling Acts Committee 9 June 2022**

### **REVIEW OF THE COUNCIL'S POLICY UNDER THE GAMBLING ACT 2005**

#### **Report of the Environmental Health Service Manager**

<b>Classification</b>	This report is Public
<b>Report By</b>	Charmaine Terry, Environmental Health Team Manager (Licensing), 01246 217228, <a href="mailto:charmaine.terry@ne-derbyshire.gov.uk">charmaine.terry@ne-derbyshire.gov.uk</a>
<b>Contact Officer</b>	Charmaine Terry, Environmental Health Team Manager (Licensing), 01246 217228, <a href="mailto:charmaine.terry@ne-derbyshire.gov.uk">charmaine.terry@ne-derbyshire.gov.uk</a>

#### **PURPOSE/SUMMARY OF REPORT**

To consider the responses to the Gambling Act 2005 policy consultation and recommend the draft Gambling Act 2005 policy for adoption at full Council.

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#### **REPORT DETAILS**

##### **1. Background**

- 1.1 Under The Gambling Act 2005 ('the Act'), the Council is responsible for issuing premises licences for casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol licensed premises.
- 1.2 The Act contains three licensing objectives, which underpin the functions of the Gambling Commission and the local authority, acting in their capacity as the licensing authority. These objectives are central to the regulatory regime created by the Act and 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;

- 1.3 The Gambling Act 2005 imposes a statutory requirement upon Bolsover District Council, as the statutory Licensing Authority to prepare a Statement of Principles (alternatively referred to as a policy). This is the Councils tool in regulating gambling in the district, it sets out what the Councils expectations are as to how operators should behave, and ensures the general public and Responsible Authorities are aware as to how the Council approaches Gambling Regulation. .
- 1.4 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the requirements for the form and publication of the policy which the Council proposes to apply when exercising its functions under the Gambling Act 2005.
- 1.5 In 2018 an extensive review was undertaken to ensure that the Council's policy was consistent with the Gambling Commissions Guidance to Licensing Authorities ('the GLA') and in a format common to neighbouring authorities to enable consistency and transparency. The policy, together with a Local Area Profile was published in 2019. The Act requires the Council to republish its policy every three years.
- 1.6 The Joint Environmental Health Service conducted an initial review of the policy and identified a number of minor amendments necessary to bring the policy up to date with the GLA and local demographics.
- 1.7 Following consideration of a draft policy through the Licensing and Gambling Acts Committee, a 12 week public consultation opened between 28 January 2022 and 22 April 2022. The Consultation was carried out through the Ask Derbyshire website, publicised via the Council's website and social media platforms as well as contacting a range of stakeholders directly. A full list of stakeholders can be found at Appendix 1 of the draft policy which can be found attached at **Appendix 1**.
- 1.8 The Council received one response to the consultation. A copy of this response can be found attached at **Appendix 2** and the response is contained in section 2 of this report.

## **2. Details of Proposal or Information**

- 2.1 Despite a lengthy consultation period, direct communication with partners over the review and promotion through Ask Derbyshire, only a small number of responses were received. This may indicate an indifference to the proposed changes to the policy and that the policy remains fit for purpose. The only significant changes to the policy were to bring the policy up to date with the Gambling Commissions Guidance to Licensing Authorities and to update our local demographics.
- 2.2 The following is a summary of the responses received and the response of the Joint Environmental Health Service, with amendments being made in respect of some of the concerns.

<b>Issue Raised</b>	<b>Service Response</b>
The wording in paragraph 4.18 requires further clarity that offered controls refers to	The wording in paragraph 4.18 has been amended to provide clarity that the offered controls relate to those measures outline in the local risk assessment.

measures within the local risk assessment not conditions attached to the licence.	
Paragraph 5.10 should include an additional statement to specify that the mandatory and default conditions are designed to be and usually are sufficient.	The wording in paragraph 5.10 has been amended to provide clarity that usually a licence will be granted subject to the mandatory and default conditions but that from time to time it may be necessary to include additional conditions.

- 2.3 The updated draft policy can be found attached as **Appendix 1**, which also now contains updated details for the Council's Licensing Team following some internal changes and also provides details of those consulted as part of the review.
- 2.4 Following the consultation, no further amendments were made to the Local Area Profile. A copy of the draft Local Area Profile can be found attached as **Appendix 3**.
- 2.5 If approved by the Licensing and Gambling Acts Committee a further report will be submitted to the Council for formal adoption of the updated Policy.

### **3. Reasons for Recommendation**

- 3.1 The Council is required to prepare and publish a Statement of Principles under the Gambling Act 2005 every three years.

### **4 Alternative Options and Reasons for Rejection**

- 4.1 The Council can choose not to prepare and publish a new Statement of Principles; however this would leave the authority open to successful legal challenge by way of appeal against decisions on licensing matters or judicial review.

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## **RECOMMENDATION(S)**

1. The Licensing and Gambling Acts Committee note the outcome of the public consultation.
2. The Licensing and Gambling Acts Committee agree to the proposed amendments to the Gambling Act 2005 Policy and Local Area Profile.

Approved by Councillor Heffer – Chair of Licensing and Gambling Acts Committee

## **IMPLICATIONS:**

**Finance and Risk:**                      Yes ☒                      No ☐

**Details:**

There will be a minor cost associated with the implementation of the policies. This can be accommodated from existing budgets.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**

Yes ☒

No ☐

**Details:**

It is a legal requirement under the Gambling Act 2005 that a licensing authority prepare and publish a statement of principles every three years. Having a policy which is up to date, compliant with the legislation, fit for purpose and clear to Licence Holders and Applicants could assist in implementing rules while preventing a legal challenge by way of appeal or judicial review.

On behalf of the Solicitor to the Council

**Staffing:** Yes ☐

No ☒

**Details:**

There are no staffing implications for this report.

On behalf of the Head of Paid Service

**DECISION INFORMATION**

<p><b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>BDC:</b> Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p><b>NEDDC:</b> Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p><b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)</p>	No



<b>District Wards Significantly Affected</b>	All
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet / Executive</b> <input checked="" type="checkbox"/> <b>SAMT</b> <input checked="" type="checkbox"/> <b>Relevant Service Manager</b> <input checked="" type="checkbox"/> <b>Members</b> <input checked="" type="checkbox"/> <b>Public</b> <input checked="" type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/>	Yes  Details: <ul style="list-style-type: none"> <li>• Chair of Licensing and Gambling Acts Committee</li> <li>• Cabinet Member</li> <li>• Assistant Director</li> <li>• Strategic Director</li> </ul>

<b>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</b>
All

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Draft Statement of Principles 2022-2025 – Gambling Act 2005
2	Consultation Responses
3	Draft Local Area Profile 2022-2025

<b>Background Papers</b>
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</i>



**DRAFT**

**Gambling Act 2005**

**Statement of Licensing  
Principles**

**2022-2025**



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**Polish**

**Mówimy Twoim językiem**

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**Slovak**

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## CONTROL SHEET FOR Gambling Act 2005 Statement of Licensing Principles

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
Policy title	Gambling Act 2005 Statement of Licensing Principles 2022-2025
Current status – i.e. first draft, version 2 or final version	Final draft for Committee
Policy author (post title only)	Environmental Health Team Manager (Licensing)
Location of policy (whilst in development) – i.e. L-drive, shared drive	S Drive
Relevant Cabinet Member (if applicable)	Debora Watson
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Licensing Committee and Council
Date policy approved	
Date policy due for review (maximum three years)	1/6/2024 for adoption 1/1/25
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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## **1.0 INTRODUCTION AND SCOPE**

1.1 Section 349(1) of the Gambling Act 2005 ["the Act"] imposes a statutory requirement upon Bolsover District Council as the statutory Licensing Authority ["the Authority"] to prepare a Statement of Principles ["the Statement"] and to review it from time to time and every three years. However the Authority may review and alter the policy within that period.

1.2 In exercising their functions under Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks 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 principles.

In exercising their functions under the Gambling Act 2005, Licensing Authorities must have regard to the three 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.

1.3 The aim of the Authority in this Statement is to address the impact of licensed premises in terms of crime and disorder arising from gambling and to ensure that their location and internal layout are appropriate with a view to protecting children and vulnerable persons. The Authority is committed to partnership with all stakeholders with a view to the promotion of this aim. The Authority recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Statement, seek to support its local economy and protect vulnerable people. In doing so it will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.

1.4 The Authority will, in the statutory discharge of its functions have particular regard to the principles to be applied in exercising its powers:

- under Section 157 of the Act to designate in writing a body competent to advise the Authority about the protection of children from harm;
  - under Section 158 of the Act to determine whether a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence.
- 1.5 Subject to statutory provision, a review of this Statement will take place periodically and any revisions to the Statement will be made taking into account information collated over a period of time; the outcomes of related initiatives at central and local government level and following appropriate consultation.
- 1.6 Nothing in this Statement should be regarded or interpreted as any indication that any statutory requirement of gambling or other law is to be overridden.

### **Declaration**

- 1.7 The Authority in preparation of this Statement has had due regard to
- The Gambling Act 2005;
  - The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006;
  - Current guidance issued by the Gambling Commission and by the Secretary of State under Section 25 of the Act; and
  - Response from those consulted on the Statement.

### **Consultation**

- 1.8 The Gambling Act requires the Licensing Authority to consult the following on the Licensing Authority Statement of Principles or any subsequent revision:
- In England and Wales the chief officer of Police for the Authority's area
  - One or more persons who appear to the Authority to represent the interests of person 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 this Act.

A full list of consultees is shown in Appendix 1.

### **Local Area profile**

- 1.9 Bolsover District is located in Derbyshire and covers an area of 417 square kilometres. We have a population of around 79,000 and approximately half live



in the District's four towns of Bolsover, Clowne, Shirebrook and South Normanton and the rest of the District is predominantly rural and made up of small villages and hamlets. The District and its surroundings abound in historical attractions, natural beauty with rolling countryside and dramatic landscapes and is an ideal base for any business with excellent transport links.

The District has Good road, rail and air connections with four M1 junctions, four Robin Hood Line train stations in the District and five international airports nearby.

- 1.10 A local area profile will be prepared based on local knowledge and taking into account a wide range of factors, data and information held by the Licensing Authority and its partners. It is anticipated that the local area profile will give operators a better awareness of the local area and the risks, which includes both potential and actual risks. This will be available on the Councils Website.

Appendix 2 is a map showing the administrative boundaries of the district.

### **Authorised activities**

- 1.11 The Act gives licensing authorities a number of important regulatory functions in relation to gambling. Their main functions are to:
- licence premises for gambling activities;
  - issue provisional statements for premises;
  - consider notices given for the temporary use of premises for gambling;
  - grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
  - regulate gaming and gaming machines in alcohol licensed premises;
  - grant permits to Family Entertainment Centre's for the use of certain lower stake gaming machines;
  - grant permits for prize gaming;
  - consider occasional use notices for betting at tracks; and
  - register small society lotteries.

### **N.B.**

Operator Licences and Personal Licences and Remote Gambling are dealt with by the Gambling Commission.

The National Lottery is now regulated by the Gambling Commission, Spread betting is now regulated by the Financial Services Authority.

In carrying out its licensing functions within the framework established by this Statement, the Authority will have particular regard to:

- maintaining a close working relationship with the responsible authorities;
- taking necessary and appropriate steps for the protection of children and other vulnerable persons;
- the need to treat each application on its own merits taking into account the individual circumstances at each premise.

### **Relationship with other legislation**

- 1.12 In complying with the provisions of the Gambling Act 2005, whilst the Authority recognises the requirements of other legislation' this Statement is not intended to duplicate the existing legislation and regulatory orders which incur statutory obligations.
- 1.13 In particular, in making a determination in respect of any application, the Authority will not take into account irrelevant matters, such as the likelihood of the application receiving planning permission or building regulation approval.

### **“Demand” for gaming premises**

- 1.14 The Authority will not consider the demand for gaming premises when making decisions about applications for a premises licence under the Act.

### **Rights of applicants and third parties**

- 1.15 This Statement does not override the right of any person to make an application under the Act and have that application considered on its individual merits.
- 1.16 Similarly this Statement does not undermine the right of any third party to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

### **Data sharing and data security**

- 1.17 The Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulation (GDPR) 1998 will not be contravened. The Authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **Equality and Diversity**

- 1.18 Bolsover District Council is committed to promoting equal opportunities, valuing diversity and tackling social exclusion. The Council will aim to provide opportunities that meet the diverse needs of different people and groups of people by ensuring that services and employment opportunities are accessible to all. Everyone will be treated fairly and with respect. Diverse needs will be understood and valued. The Council will aim to eradicate all forms of discrimination.

Further information on the Council's policy can be viewed on the [Council's website](#).

## **2.0 LOCAL RISK ASSESSMENTS**

- 2.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) have been updated over time and the most recent version was published in October 2020. There is a requirement for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.
- 2.2 Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.
- 2.3 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.
- 2.4 The social responsibility provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.

- 2.5 Where concerns do exist, perhaps prompted by new or existing risks, a Licensing Authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.
- 2.6 The Licensing Authority has an expectation that all local risk assessments will take into account the local social profile of the area and that a copy is retained at the premises for inspection.

### 3.0 MAKING REPRESENTATIONS

#### Who can make a representation?

- 3.1 The Gambling Act allows “responsible authorities” (identified in section 157 of the Act) and “interested parties” to make representations to applications relating to **premises licences and provisional statements**. In the case of reviews, that right is also given to the licensee. With regard to other forms of notification and permit, the right to object is restricted to specified bodies. The following section therefore only relates to representations in respect of **premises licences and provisional statements**.
- 3.2 Premises licences are only necessary for the types of gambling listed below and interested parties may therefore only make representations in respect of:
- casino premises
  - bingo premises
  - betting premises (including tracks)
  - adult gaming centres
  - licensed family entertainment centres

#### Interested parties

- 3.3 Interested parties are defined as persons who, **in the licensing Authority’s opinion**:
- live sufficiently close to the premises to be likely to be affected by the authorised activities;
  - have business interests that might be affected by the authorised activities, or
  - represent either of the above. This could include, e.g. democratically elected persons such as Councillors or Members of Parliament.

## **Policy One**

**3.4 In determining if someone lives sufficiently close to the premises to be likely to be affected by the authorised activities or have business interests that are likely to be affected, the Authority may take any or all of the following into account which appear relevant to it to ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard:**

- the proximity of their home or business to the application premises;
- the nature of their residency (e.g. private resident, resident in home for the vulnerable etc);
- the nature of the business making the representation;
- the nature of the authorised activities to be conducted on the application premises;
- the size and capacity of the application premises;
- the likely catchment area for the application premises;
- the routes likely to be taken to and from the application premises;
- the character of the area ;
- the density of the built up area; and
- the topography of the area
- local area profile
- mitigating measures contained within the applicants risk assessment

**REASON: To ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard.**

**3.5 The Authority will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include charities, churches, medical practices, schools and other establishments and institutions.**

**3.6 Similarly, a wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a councillor, MP or legal representative.**

- 3.7 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further evidence relating to the licensing objectives supporting the representation, the Authority would not consider this to be a relevant representation because it relates to “demand” or competition.
- 3.8 It is for the Authority to determine on a case by case basis whether or not a person making a representation is an “interested party”. The Authority may ask for evidence to identify who is being represented and show that they have given authority for representations to be made on their behalf. In cases which are not clear-cut, the benefit of the doubt will usually be exercised in favour of the person making the representation.

### **Form and content of representation**

- 3.9 The Act places a duty on the Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:
- this Policy Statement,
  - the Commission’s Guidance,
  - the Codes of Practice, and
  - where the application is reasonably in accordance with the licensing objectives.
- 3.10 As these are the criteria against which an application is to be assessed, representations which address these issues are more likely to be accepted and given weight.
- 3.11 All representations must be made in writing unless there are exceptional circumstances under the Equality Act which mean they may be made in another form. They must be received by the Authority within the time limits set by the relevant regulations. For a representation to be relevant it should:
- be positively tied or linked by a causal connection to particular premises, and;
  - relate to the licensing objectives, or;
  - raise issues under this policy, the Commission’s Guidance or Codes of Practice.
- 3.12 Representations received outside the statutory period for making such representations or which otherwise does not comply with the Regulations will be invalid and will not be taken into consideration when the application is determined. In addition the Authority expects representations to be made in accordance with policy two.

## **Policy Two**

### **3.13 A representation should indicate the following:**

- (i) The name, address and a contact number for the person making the representation.**
- (ii) The capacity in which the representation is made (e.g. interested party, responsible authority, licensee) and if made as a representative should indicate who is being represented.**
- (iii) The name and address of the premises in respect of which the representation is being made.**
- (iv) The licensing objective(s) relevant to the representation.**
- (v) Why it is felt that the application;**
  - is not reasonably consistent with the licensing objectives: or**
  - is not in accordance with this Policy, the Commission's Guidance or the relevant Codes of Practice: or**
  - otherwise should not be granted: or**
  - should only be granted subject to certain specified conditions**
- (vi) Details of the evidence supporting the opinion in (v).**

**REASON: To ensure the representation is made by a responsible authority or interested party and that it is relevant and directly related to the application premises.**

- 3.14** A preferred form of representation is available and can be downloaded at [www.bolsover.gov.uk](http://www.bolsover.gov.uk) or requested directly from the Licensing Team. Whilst representations which are not in the preferred form or which do not fully comply with Policy Two will not automatically be rejected, they may be less likely to comply with the law relating to representations, resulting in them ultimately being rejected or given little or no weight.
- 3.15** Ordinarily where representations are received the Authority will hold a hearing. However a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious or will certainly not influence the Authority's determination of the matter. It is for the Authority to determine whether a representation falls within these categories, however, representations which comply with Policy Two are unlikely to do so.
- 3.16** It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A

representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.

### **Irrelevant considerations**

- 3.17 Whilst not intended to provide an exhaustive list, the following matters cannot be taken into account and representations relating to them are likely to be discounted:
- need and demand for the relevant premises;
  - issues relating to nuisance;
  - traffic congestion and parking.
  - likelihood of the premises receiving planning permission or building regulation approval
  - moral grounds
- 3.18 Any person seeking to operate gambling premises must first have applied for or obtained an operating licence from the Gambling Commission. The Commission will therefore have made a judgement as to the applicant's suitability to operate the proposed form of gambling and therefore this issue is not relevant to the subsequent assessment of the premises licence application. The only exception is in relation to track premises licences. In this case an operator's licence is not required and the suitability of the applicant may, in appropriate cases, be taken into consideration.

### **Reviews**

- 3.19 A premises licence may be reviewed by the Authority of its own volition or following the receipt of an application for a review from a responsible authority or interested party. Reviews cannot be delegated to an officer of the Authority – the lowest level of delegation permitted is to a licensing subcommittee (licensing panel).
- 3.20 The Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted.
- 3.21 If at any time the Authority considers it necessary in their scheme of delegation, they will establish a system that determines who initiates reviews and that may include a "filter" system to prevent unwarranted reviews from being conducted.



- 3.22 In relation to a class of premises, the Authority may review the use made of premises and, in particular, the arrangements that premises licence holders may have made to comply with licence conditions. In relation to these general reviews, the Authority would most likely be acting as a result of specific concerns or complaints about particular types of premises which would cause it to want, for example, to look at the default conditions that apply to that category of licence. In relation to particular premises, the Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate.
- 3.23 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of principle, Codes of Practice local area profile and the premises licence holders local risk assessment.

## **4.0 LICENSING OBJECTIVES**

### **Preventing gambling from being a source of Crime and Disorder**

- 4.1 The Gambling Commission will play a leading role in preventing gambling from becoming a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.
- 4.2 The Authority places considerable importance on the prevention of crime and disorder and will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area. A high standard of control is therefore expected to be exercised over licensed premises.
- 4.3 The Authority will, when determining applications, consider whether the granting of a premises licence will result in an increase in crime and disorder. In considering licence applications, the Authority will particularly take into account the following
- the design and layout of the premises;
  - the training given to staff in crime prevention measures appropriate to those premises;
  - physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
  - where premises are subject to age restrictions, the procedures in place to conduct age verification checks;

- the likelihood of any violence, public order or policing problem if the licence is granted.
- 4.4 Where an application is received in relation to premises in an area noted for particular problems with organised crime, part of this determination will include consultation with the police and other relevant authorities. The Authority may then consider whether specific controls, such as a requirement for the provision of door supervisors, need to be applied in order to prevent those premises being a source of crime.
- 4.5 As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Authority does not therefore intend to use the Act to deal with general nuisance issues, for example parking problems, which can easily be dealt with using alternative powers. The Authority has no jurisdiction under the Act to deal with general nuisance issues.
- 4.6 In accordance with the Guidance, the Authority will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance were required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 4.7 The Authority will consult with the police and other relevant authorities when making decisions in this regard and will give due weight to any comments made by the police or other relevant authorities.

### **Policy Three**

- 4.8 **The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence applications.**

REASON: Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area.

### **Ensuring gambling is conducted in a Fair and Open Way**

- 4.9 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business (and therefore relevant to the Operating Licence) or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence).

4.10 Both issues will be addressed by the Commission through the operating and personal licensing regime. This is achieved by ensuring that:

- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- the rules are fair;
- advertising is not misleading;
- the results of events and competitions on which commercial gambling takes place are made public; and
- machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.

4.11 Because betting track operators do not need an operating licence from the Commission the Authority may, in certain circumstances, attach conditions to a licence to ensure that the betting is conducted in a fair and open way. The Authority may in these circumstances also consider the suitability of the applicant to hold a track premises licence. Such factors which the Authority may take into consideration are set out below:

- references to adduce good character
- criminal record of the applicant
- previous experience of operating a track betting licence
- any other relevant information

### **Protection of children and other vulnerable persons**

#### **Access to licensed premises**

4.12 The access of children and young persons to those gambling premises which are adult only environments will not be permitted.

4.13 The Authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

4.14 The Authority may consult with the Derbyshire safeguarding Children Board and the Derbyshire Safeguarding Adults Board on any application that indicates there may be concerns over access for children or vulnerable persons.

4.15 The Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children or vulnerable persons on particular categories of premises. This may include such requirements as:

- supervision of entrances;
- segregation of gambling areas from areas frequented by children;
- measures/training covering how staff would deal with unsupervised young children on the premises;
- supervision of gaming machines in non-adult gambling specific premises.
- Appropriate measures/training for staff as regards suspected truant school children on the premises.

4.16 The Act provides for a Code of Practice on access to casino premises by children and young persons and the Authority will work closely with the police to ensure the appropriate enforcement of the law in these types of premises.

### **Vulnerable persons**

4.17 The Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes that “vulnerable persons” include:

- people who gamble more than they want to;
- people who gamble beyond their means;
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

4.18 The Authority encourages Applicants to offer controls in their local risk assessment, that limit access by customers to gambling or further access to alcohol where the customer shows signs of inebriation.

4.19 Where the legislation allows, the Authority will look particularly closely at applications that are made for premises close to sensitive areas or developments, for example;

- Residential areas
- Schools and other educational establishments
- Residential hostels for vulnerable adults
- Premises licensed for alcohol or gambling

## **5.0 PREMISES LICENCES**

### **General Principles**

- 5.1 In the Act, “premises” is defined as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence provided they are for different parts of the building and different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences where safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and ensure that mandatory conditions relating to access between premises are observed.

In relation to an application to split existing licensed premises, thereby creating multiple premises, the Authority will expect the primary use of each premises to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business.

- 5.2 The procedure for obtaining premises licences is set by regulations. Should a licence be granted it will be made subject to mandatory and/or default conditions set by the Secretary of State. The Authority may choose to exclude default conditions if it thinks it appropriate and may also impose other specific conditions which are appropriate to the application.
- 5.3 The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling. With the exception of applicants for track premises, anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a premises licence can be issued. The Authority will not generally therefore be concerned with the suitability of an applicant. Where concerns arise about a person’s suitability, the Authority will bring those concerns to the attention of the Commission.
- 5.4 The Authority will however be concerned with issues such as the impact of the licensed premises in terms of crime and disorder and matters such as the location of the premises and their internal layout in terms of protecting children and vulnerable persons. Such issues are discussed in more detail in the paragraphs below relating to the specific types of gambling premises. See local risk assessments at section 2.

### **Betting Premises and Tracks**

- 5.5 Betting premises relates to those premises operating off-course betting that is other than at a track.

- 5.6 Tracks are sites where races or other sporting events take place. Betting operators may operate self-contained betting premises within track premises, although they would normally only open on event days. There may be several licensed premises at any track.
- 5.7 Permitted activities include:
- off-course betting;
  - on-course betting for tracks;
  - betting by way of betting machines, and;
  - gaming machines as stipulated by regulations.
- 5.8 Factors for consideration when determining the application will be:
- location, particularly in relation to vulnerable persons;
  - suitability of the premises;
  - size of premises in relation to the number of betting machines;
  - the ability of staff to monitor the use or abuse of such machines and;
  - the provision for licence holders to ensure appropriate age limits are adhered to.
- 5.9 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.
- 5.10 All licences will usually be issued subject to the mandatory and default conditions prescribed by the Secretary of State. However, from time to time the Authority may attach additional conditions where there is clear evidence, in the circumstances of the individual case, that they are required to supplement the mandatory and default conditions.
- 5.11 The Authority shall require an appropriately defined plan of the premises to accompany each application.

### **General Matters Relevant to Tracks**

- 5.12 The Authority may have a number of premises that could apply for a premises licence to operate as a 'Track' for the purposes of the Gambling Act.

- 5.13 Should the Council receive an application for a license to operate a Track we would act in accordance with the relevant legislation and Gambling Commission Guidance.
- 5.14 Applicants would be encouraged to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions imposed by the Authority may cover issues such as:
- proof of age schemes
  - CCTV
  - supervision of entrances / machine areas
  - physical separation of areas
  - location of entrances
  - notices / signage
  - specific opening hours
  - self-barring 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 to ensure that any conditions are consistent with the licensing objectives and the Councils approach to Gambling regulation.

### **Adult Gaming Centres (AGCs)**

- 5.15 These premises must be operated by the holder of a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Authority.
- 5.16 Permitted activities include:
- the provision of gaming machines as stipulated by regulations.
- 5.17 Factors for consideration when determining the application for an AGC will include:
- the location;
  - the ability of operators to minimise illegal access by under 18's to the premises.
- 5.18 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.
- 5.19 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory and default conditions will be attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an AGC.

### **Club Gaming Permits and Club Machine Permits**

- 5.20 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.
- 5.21 Club machine permits allow the provision of higher category gaming machines.
- 5.22 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.
- 5.23 The Authority may only refuse an application on the following grounds:
- (a) the applicant does not fulfil 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;
- and in the case of (a) or (b) must refuse the permit.
- 5.24 The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

### **Alcohol Licensed Premises**

- 5.25 The Act provides an automatic entitlement to provide two gaming machines of category C or D (see glossary). The premises licence holder must notify the Authority of his or her intention and pay the prescribed fee. Although the Authority has no discretion to refuse the notification, the authorisation may be removed if gaming has taken place on the premises that breaches a condition of section 282 of the Act.
- 5.26 The Authority may also issue "licensed premises gaming machine permits" to premises in this category on application for any additional number of category C and/or D machines. This would replace any automatic entitlement under section 282 of the Act.
- 5.27 The Authority must have regard to the licensing objectives and the Gambling Commission Guidance when granting these permits. Factors for consideration will include:



- location, particularly in relation to vulnerable persons;
- suitability of the premises, size of premises in relation to the number of betting machines;
- the ability of staff to monitor the use or abuse of such machines, and;
- the provision for licence holders to ensure appropriate age limits are adhered to.

5.28 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

5.29 It is a condition of the automatic entitlement to make available two gaming machines (of category C or D) that any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine is complied with. The Authority will take account of these provisions and the relevant codes of practice are available on the [Gambling Commission website](#).

### **Family Entertainment Centres**

5.30 There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:

- FECs with category C and D machines require a premises licence.
- unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits. An application for a permit may only be granted if the Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Police have been consulted on the application.

Applicants will need to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
- that the applicant has no relevant convictions (i.e. those set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

5.31 In determining the suitability of the location, consideration will be given to the following factors:

- proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts); proximity to residential areas where there may be a high concentration of families with children;
- town centre or edge of town centre locations
- hours of operation
- proposed operational management to regulate entry by children and vulnerable persons.

It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

- 5.32 An application for a FEC permit shall be made on the standard form obtainable from the Authority. All applicants must be 18 years of age. The Authority will require an applicant to supply appropriate premises and indemnity insurance details.

Relevant convictions will be taken into account, especially with respect to child protection issues.

### **Prize Gaming Permits**

- 5.33 These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming - the prize is determined by the operator before play commences.

- 5.34 Consideration will be given to the following factors:

- proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
- proximity to residential areas where there may be a high concentration of families with children;
- town centre or edge of town centre locations.

- 5.35 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

- 5.36 The applicant must be 18 years of age or over. Relevant convictions will be taken into account, especially with respect to child protection issues.

### **Travelling Fairs**

- 5.37 Provided a travelling fair allows only category D gaming machines to be made available, and the facilities for gambling (whether by way of gaming

machine or otherwise) amount together to no more than an ancillary amusement at the fair, then no application for a licence is required under the Act. The Authority will want to satisfy itself from time to time that gambling at a travelling fair is within the definition of section 286 of the Act. A guide for those wishing to operate gambling machines at travelling fairs is available on the Commission's website.

### **Small Society Lotteries**

- 5.38 Small society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.
- 5.39 Small society lotteries are required to be registered with the Local Authority in the area where their principal office is located.

### **Temporary Use Notices**

- 5.40 Premises which are not licensed for gambling may be used by a licensed operator for an aggregate period of 21 days in 12 months for prescribed types of gambling. In order to do so, the operator must serve a temporary use notice (or notices) on the Authority, the Commission and the Police. These are the only bodies who may object to such a notice. There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Authority to decide what constitutes a "set of premises" where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's Guidance to Licensing Authorities).

### **Occasional Use Notices**

- 5.41 The Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Authority will need to consider whether a notice in respect of premises can be dealt with under the definition of a "Track". It will also need to consider whether the Applicant is permitted to avail him/herself of the notice.

### **Casinos**

- 5.42 This Licensing Authority 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 this Licensing Authority 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.

Guidance issued by the Gambling Commission regarding particular issues concerning casinos, such as suitability and layout, betting machines, monitoring use of machines by children and young persons, or number, nature and circumstances of betting machines will be considered by the Council when making decisions on casino applications.

Should the Council receive an application for the for a Casino we would act in accordance with the relevant legislation, Gambling Commission Guidance and work with this applicant to ensure that any conditions are consistent with the licensing objectives and the Councils approach to Gambling regulation.

## **Bingo**

- 5.43 The holder of a bingo operating licence will be able to apply for a bingo premises licence to provide any type of bingo game including cash and prize bingo. Commercial bingo halls will also require a bingo premises licence from the Authority. If the only type of bingo to be provided is prize bingo, then this may be authorised by way of a permit.
- 5.44 If children are allowed to enter premises licensed for bingo, then controls must be in place to prevent them from participating in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Authority will expect to see 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 (over 18s) are permitted to the area where the machines are located;
  - Access to the area where the machines are located is supervised;
  - that 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 an area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 5.45 The Gambling Commission has issued guidance about the need for licensing authorities to take into account the suitability and layout of bingo premises. Therefore plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown. The Gambling Commission has issued guidance on the division of a building into more

than one premises which can be found on the [Gambling Commission website](#).

- 5.46 A limited number of gaming machines may also be made available at bingo licensed premises.
- 5.47 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold as directed by the law, otherwise it will require a bingo operating licence which will have to be obtained from the Gambling Commission.

### **Provisional Statements**

- 5.48 Developers may wish to apply to the 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 to hold an operating licence in order to apply for a provisional statement.

## **6.0 INSPECTION AND ENFORCEMENT**

### **General Statement**

- 6.1 The Authority will have regard to its general/corporate enforcement policy, the relevant provisions of the Act, any relevant guidance and/or codes of practice when considering taking enforcement action.
- 6.2 It is the intention of the Authority to establish and maintain enforcement protocols with other enforcement agencies.

### **Inspections**

- 6.3 The Authority will inspect gambling premises and facilities for compliance with the Act and any licence conditions through the application of a risk based inspection programme.
- 6.4 The inspection programme will in principle operate a light touch in respect of low-risk premises whilst applying greater attention to those premises which are considered to present a higher risk.
- 6.5 In addition to programmed inspections, the Authority will also investigate any evidence based complaints that it receives.

## **Policy Four**

**6.6 The Authority will adopt a risk based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:**

- **location of the premises and their impact on the surrounding area,**
- **enforcement history of the premises,**
- **nature of the licensed or permitted operation,**
- **potential to have an adverse affect on the licensing objectives, and;**
- **management record.**

REASON: To provide a targeted and cost efficient enforcement service which will encourage and improve operating practice, promote the licensing objectives, and drive out poor practices; whilst at the same time meet accepted best practice principles of compliance inspection.

## **Enforcement**

**6.7** In general the Gambling Commission will take the lead on the investigation and, where appropriate, the prosecution of illegal gambling. There may be occasions on which the Authority is better placed to take the lead, particularly where there is illegal activity on a smaller scale confined to the authority's area.

**6.8** Where a licensed premise is situated in more than one administrative area, then the Authority will liaise with the other authority to determine the most appropriate course of action and who will lead any investigation or prosecution.

**6.9** Part 15 of the Act gives "authorised persons" power of investigation and section 346 enables licensing authorities to institute criminal proceedings in respect of offences described in that section. In exercising these functions the Authority will endeavour to follow the Regulators Code and Hampton principles. The principles require that enforcement should 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
- 6.10 The Authority will work closely with the Gambling Commission and exchange information on suspected illegal gambling and any proposed action that the Authority considers necessary.
- 6.11 The main enforcement and compliance role for the Authority 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 operator and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority but will be notified to the Gambling Commission.
- 6.12 The Authority may institute proceedings in respect of a number of offences as identified in section 346 of the Act.
- 6.13 The Authority will avoid duplication with other regulatory regimes.

### **Glossary of terms**

Many of the terms used in this statement of licensing policy are defined in the appropriate section of the Act. Section 353 identifies various terminologies and directs the reader to the relevant section of the Act, where appropriate, for a full and complete meaning of the term.

In the interest of clarity the following terms, which are used in this statement of Licensing Policy, are defined below.

<b>Terminology</b>	<b>Definition</b>
“the Act”	The Gambling Act 2005 (c19)
“Authority”	This refers to the “Licensing Authority” as defined by section 2 of the Act
“authorised person”	An officer of a Licensing Authority, <b>and</b> an officer of an Authority other than a licensing Authority, both of whom have been authorised for a purpose relating to premises in that Authority’s area
“authorised Local Authority officer”	An officer of a Licensing Authority who is an authorised person for a purpose relating to premises in that Authority’s area
“gambling commission”	An organisation established under section 20 of the Act that is responsible for regulating gambling in Great Britain
“guidance”	“Guidance to Licensing Authorities”, issued by the Gambling Commission under section 25 of the Gambling Act 2005

<b>Terminology</b>	<b>Definition</b>
“interested parties”	Defined at paragraph 2.3 of this statement of licensing principles
“mandatory condition”	A condition that must be placed on a licence by virtue of regulations
“regulations”	Refers to regulations made under the Gambling Act 2005
“responsible authorities”	Public bodies that must be notified of applications for premises licences and they also have the right to make representations in relation to those applications. They are listed in full in section 157 of the Act.
“Category C & D Machines”	These are machines normally sited in pubs and arcades and are subject to a lower limit for stakes and payout.

## **7.0 DELEGATIONS**

- 7.1 The Council recognises many of the decisions and functions under the Act are purely administrative in nature. In the interests of speed, efficiency and cost-effectiveness the Council will implement the suggested delegation of functions as outlined in the guidance where possible and in accordance with the Councils Scheme of Delegation as set out in the Constitution.
- 7.2 Where there are no representations being made to an application for the grant of a premises licence or no objections being made to a club gaming or club machine permit or to an activity taking place under a temporary use or occasional use notice, these matters will be dealt with by the licensing officers. This is to ensure applications are dealt with speedily.

## **8.0 CONTACTS**

The Councils Environmental Health Service is a joint service with North East Derbyshire District Council. The points of contact for any licensing issues or enquiries are:

Licensing Team  
Joint Environmental Health Service  
Bolsover District Council  
District Council Offices  
2013 Mill Lane  
Wingerworth  
Derbyshire S42 6NG

Telephone: 01246 217884/01246 217885  
Email: [licensing@bolsover.gov.uk](mailto:licensing@bolsover.gov.uk)



A copy of this Statement of Principles is available at [the Council's website at www.bolsover.gov.uk](http://www.bolsover.gov.uk)

The Act and the guidance issued by the Gambling Commission is available at [The Gambling Commission's website www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

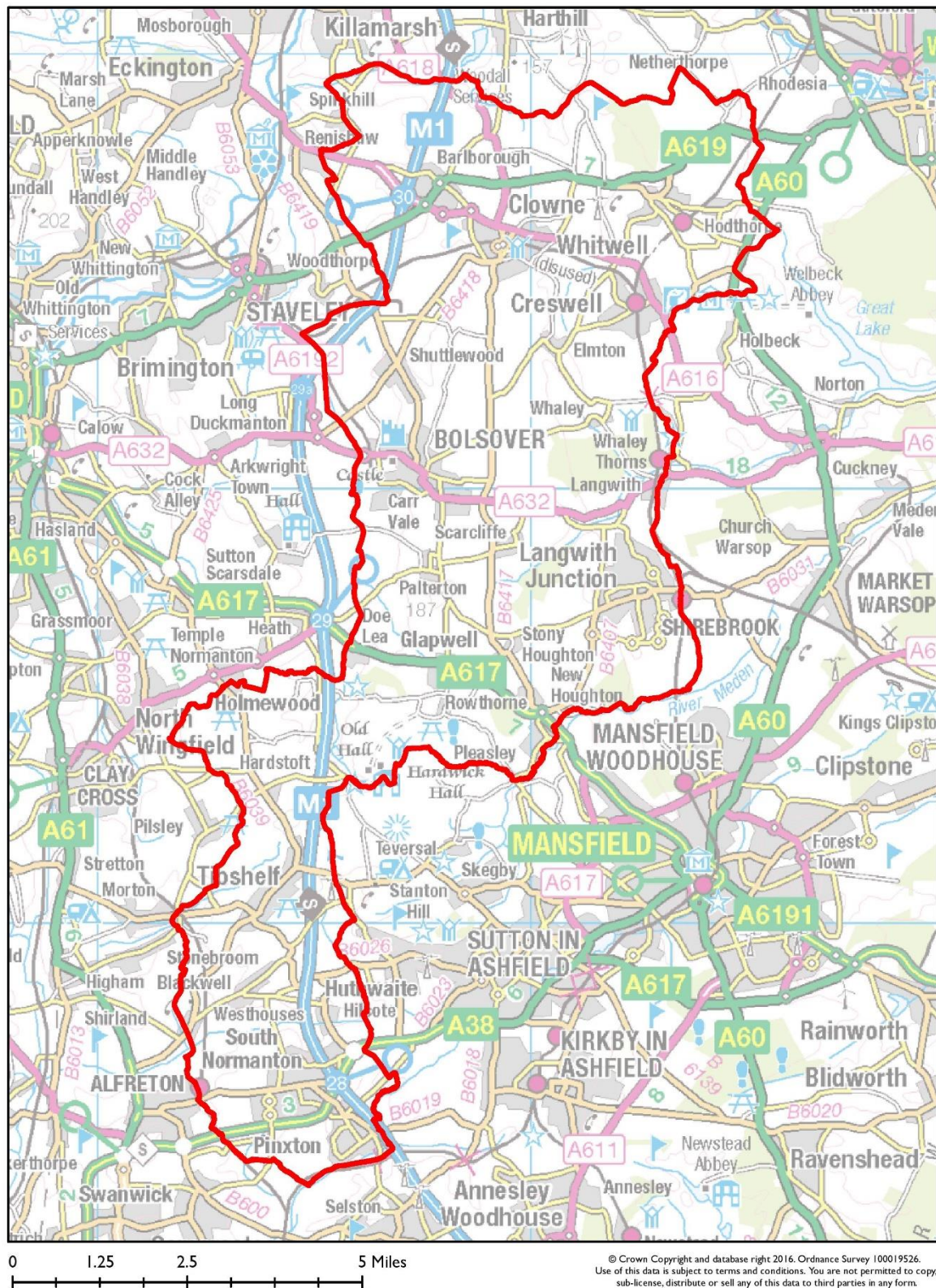
## **APPENDIX 1 – CONSULTATION**

The Council consulted widely upon this statement before finalising and publishing.

The Council is required to consult with the following under the Gambling Act 2005:

- 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.
- The Council consulted with the following:
  - All neighbouring Licensing Authorities
  - All premises licences holders
  - Environmental Health (BDC)
  - Planning (BDC)
  - Derbyshire Constabulary
  - BACTA
  - GamCare
  - Gamble Aware
  - Gambling Commission
  - Her Majesty's Courts Service
  - British Beer and Pub Association
  - Derbyshire County Council: Safeguarding Adults Team
  - Derbyshire County Council: Safeguarding Children Team
  - East Midlands Chamber of Commerce and Industry
  - Derbyshire Fire and Rescue Service
  - Skills & Education Group
  - Trading Standards, Derbyshire County Council
  - Mark Fletcher (MP)
  - Federation of Licensed Victuallers Associations
  - Betting and Gaming Council
  - Police and Crime Commissioner
  - Remote Gambling Association
  - British Horseracing Authority
  - North East Derbyshire District Council Members
  - Parish Councils
  - Youth Offending
  - Health and Safety Executive
  - National Crime Agency
  - Home Office

# Bolsover District Council



## GOSSCHALKS

BY EMAIL ONLY  
 LICENSING DEPARTMENT  
 BOLSOVER DISTRICT COUNCIL

**Please ask for:** Richard Taylor  
**Direct Tel:** 01482 590216  
**Email:** rjt@gosschalks.co.uk  
**Our ref:** RJT / MEA / 123267.00001  
 #GS4469867  
**Your ref:**  
**Date:** 21 April 2022

Dear Sirs,

**Re: Gambling Act 2005 Statement of Principles for Gambling**

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

**The Betting and Gaming Council**

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019. London's casinos alone contribute over £120 million to the tourism economy each year.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four objectives. These are to –

- create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable
- ensure future changes to the regulatory regime are considered, proportionate and balanced
- become respected as valuable, responsible, and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984 W [www.gosschalks.co.uk](http://www.gosschalks.co.uk) DX 11902 – Hull

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Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

### **Betting and Gaming in the UK**

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

This consultation comes at a time when many BGC members with land-based premises are recovering from the devastating impact of the pandemic. Premises were closed for much of 2020 and throughout much of 2021. The casino sector, for example, was closed for over half of 2020 and for over half of 2021 (to date). The pandemic has put an enormous strain on the company balance sheets of casino operators.

### **Problem Gambling**

Problem gambling rates are falling and remain low. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

The latest figures published by the Gambling Commission, in February 2022, set out that the problem gambling rate remains low at 0.3%, following significant decreased in the problem gambling and at-risk rates throughout 2021 (from 0.6% in September 2020 to 0.3% in September 2021, and again at 0.3% in December 2021.) This means that the number of problem gamblers has fallen in half from c.340,000 to 170,000.

The moderate risk rate has also decreased significantly to 0.7% in the year to September 2021 compared to 1.2% in the year to September 2020.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The raft of measures that have been put in place recently both by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act.

Both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased. It has reduced. However, one problem gambler is one too many and we are therefore working hard to increase standards further across the regulated betting and gaming industry.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing services delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC also recognises the Gambling Commission's National Strategy as a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working to deliver new responsible gambling initiatives including technology that tackles problem gambling and increased funding for problem gambling clinics.

### **Differentiation between Licensing Act 2003 and Gambling Act 2005 applications**

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will

ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

### **Working in partnership with local authorities**

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

### **Considerations specific to the Draft Gambling Act 2005 Statement of Principles 2022-2025**

On behalf of the BGC, we welcome the light-touch approach taken by the draft statement of principles and accordingly have very few submissions to make upon it.


Paragraph 4.18 indicates that, “*The authority encourages applicants to offer controls that limit access by customers to gambling or further access to alcohol where the customer shows signs of inebriation.*” We suspect that the words underlined have been carefully chosen but this sentence should be redrafted so that it is clear an applicant is not expected to offer conditions as would be the case under Licensing Act 2003 applications. Under Gambling Act 2005, there is no expectation that an applicant “offers conditions” and there is therefore no mechanism within the prescribed forms/procedures to do so. As the Statement of Principles states in paragraph 2.0 to 2.3 under Gambling Act 2005, the applicant is required by SR code provision 10 to conduct a local area risk assessment and detail policies, procedures and mitigation measures to address identified risks within that document which then accompanies an application. Paragraph 4.18 should be redrafted so that it is clear that the “controls” referred to are the policies, procedures and mitigation measures outlined in the applicant’s risk assessment.

Paragraph 5.10 refers to the mandatory and default conditions and that additional conditions will only be considered where there is clear evidence in the circumstances of a particular case, of a requirement to supplement them. This paragraph would be assisted by a clear statement that the mandatory and default conditions are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives and without evidence of a requirement to supplement the mandatory and default conditions, applications will be granted without additional conditions.

### **Conclusion**

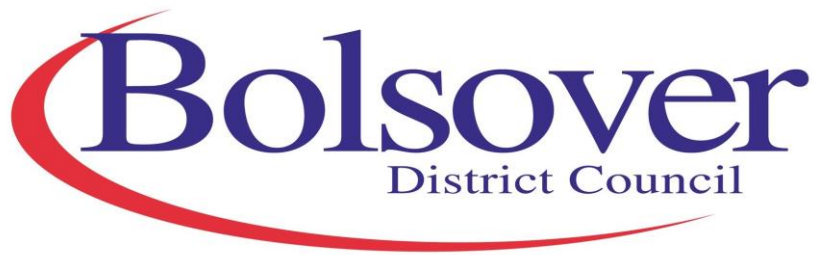
On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



**GOSSCHALKS LLP**





# **BOLSOVER DISTRICT COUNCIL**

## **GAMBLING ACT 2005**

### **LOCAL AREA PROFILE**

**2022-2025**

## Local Area Profile

This document is the Bolsover District Council Local Area Profile, as described by the Gambling Commission Guidance to Local Authorities for Consideration by operators when creating their Local Risk Assessments.

This Local Area Profile is published by the Council concurrently with the Gambling Act Statement of Licensing Principles and published on our website – [\[Web Link\]](#)

The Gambling Commission's [Licence conditions and codes of practice](#) (LCCP) formalise the need for operators to consider local risks posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

Whilst there is no mandatory requirement to have a Local Area Profile, there are a number of significant benefits to both the Licensing Authority and operators, in having a better awareness of the local area and risks:

- it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it
- greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application
- it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge
- it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

The Council's policy statement sets out its approach to regulation with clear reference to local risks. The Local Area Profile runs alongside the Licensing statement, this is to ensure that this profile can be reviewed and updated regularly without the need for full consultation.

## Risk Assessment considerations

This local area profile has been prepared based on local knowledge and taking into account a wide range of factors, data and information held by the Licensing Authority and its partners. It is anticipated that the local area profile will give operators and a better awareness of the local area and the risks, which includes both potential and actual risks. This will be available on the Council's Website.

In assessing Local Area Profiles the licensing authority can also take into account

- (a) Local crime statistics
- (b) Any problems in the area relating to gambling establishments such as anti-social behaviour

- (c) The location of any nearby sensitive premises such as facilities used by vulnerable persons e.g. drug and alcohol addictions; and
- (d) Whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area

Bolsover District Council hopes that the local area profiles will help to inform specific risks that operators will need to address in their risk assessment which will form a part of any new licence application, or an application to vary a licence.

In preparing local risk assessments, operators will need to consider risks in relation to how the premises will be or is run. Identification of risks associated with these elements will be dependent on the type of premises and the local area. Elements to be considered include:

- How the gambling operation will relate to how the operator conducts its business
- What gambling products it provides 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 or not
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
- The security and crime prevention arrangements it has in place
- How it advertises locally and on the premises
- The marketing material within the premises
- The display and provision of information, etc.

Operators are also required to review their local risk assessment if significant changes in local circumstances occur. The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. The design of the premises is an important factor when considering local risks. 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 is not appropriate.

Control measures to mitigate the risk of attracting children to gambling or gaining access to restricted premises will need to be considered.

Risks to be considered may include:

- Whether the premises allows a direct line of sight of gaming machines from the cashier counter.
- Whether the premises sufficiently covered by CCTV to enable the identification of offenders.
- Whether the premises windows are screened or covered to obscure the interior of the premises.
- What age verification policies are in place.
- Provision of magnetic door locks.

Operators must ensure that they consider the local area profile, as well as local crime statistics which can be found on the [Derbyshire Constabulary website](#).

Risk assessments would be expected to include relevant control measures to counteract issues identified by the operator. Where there is a particular area of concern they should contact the most appropriate Responsible Authority before submitting an application for a new licence or variation.

### **Bolsover District Council**

Bolsover District Council is a local government district in the north eastern corner of Derbyshire, in the heart of England. It borders the districts of Chesterfield, North East Derbyshire, and Amber Valley in Derbyshire, Mansfield and Bassetlaw in Nottinghamshire and Sheffield, South Yorkshire.

Bolsover District has a population of approximately 81,000 and comprises of four main market towns.

The main town is Bolsover which is dominated by the impressive Castle set high on the hilltop. This quaint market town has a number of independent shops which provide a range of services for visitors and local people and is surrounded by countryside with a number of walks and trails.

Shirebrook, Clowne, South Normanton and Pinxton are all fast growing towns that contain a unique blend of local and national businesses. These provide a range of opportunities for residents and businesses including community farms, East Midlands Designer Outlet and business parks all located near the M1 network.

Often referred to as the 'jewel in the crown', Bolsover District has a nucleus of parishes that contain villages and hamlets with considerable character and history, many parts of which are designated as conservation areas.

The wealth of historical attractions dotted across the area is second to none with Bolsover Castle, Hardwick Hall, Creswell Crags and Stainsby Mill, all of which are surrounded by beautiful countryside, country parks, walks and trails.

Once dominated by King Coal, the landscape and nature of the District has changed with mother-nature reclaiming back the pit tips and replacing it with country parks and nature reserves and brownfield sites being turned into business parks with new technology firms offering a range of job opportunities for local people.

Bolsover District is a growth area with a rich heritage and a prominent central location in the country. We have an excellent track record of delivering high quality physical, residential and commercial development which is reinvigorating the landscape whilst respecting its industrial legacy.

At the time of this Local Area Profile being published Bolsover District Council has 10 licensed gambling premises, which consists of Betting Shops, Adult gaming centres and a bingo establishment. An overview map showing the locations across this district and proximity to schools is below. There are then 6 maps for the main centre locations showing the premises and their specific proximity to education establishments,

<b>TOWN/AREA</b>	<b>NO LICENCES/PERMITS</b>	<b>TYPE</b>
Bolsover	1	Betting Shop
Clowne	1	Betting Shop
Creswell	1	Bingo
Shirebrook	2	Betting Shop
South Normanton	1	Betting Shop
Tibshelf	4	Adult Gaming Centres
<b>TOTAL NUMBER OF PREMISES</b>	<b>10</b>	

For further information about the Local Area profile please contact the Councils licensing department

Email: [licensing@bolsover.gov.uk](mailto:licensing@bolsover.gov.uk)

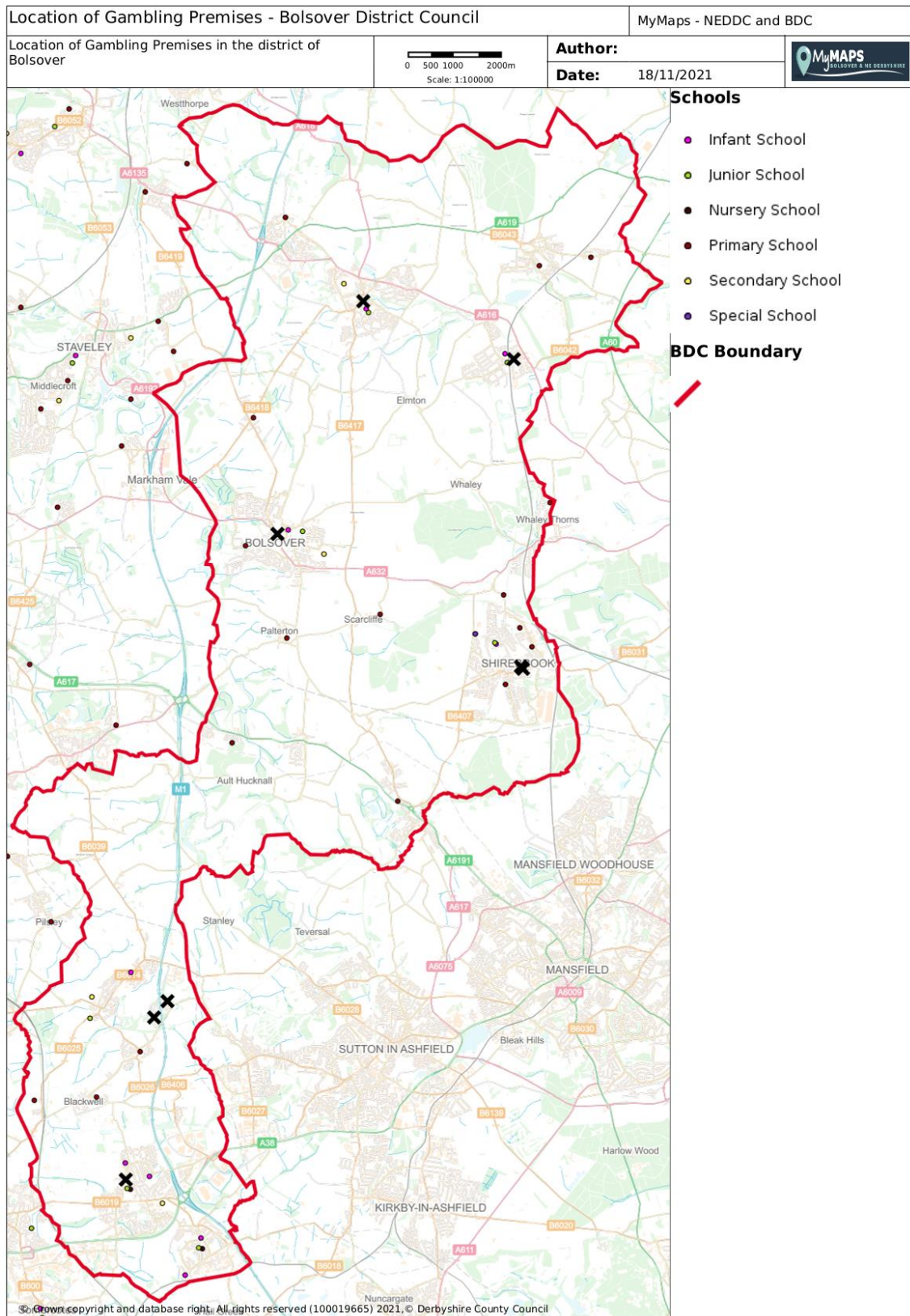
Telephone: 01246 217884/ 01246 217885

Address: Licensing Team

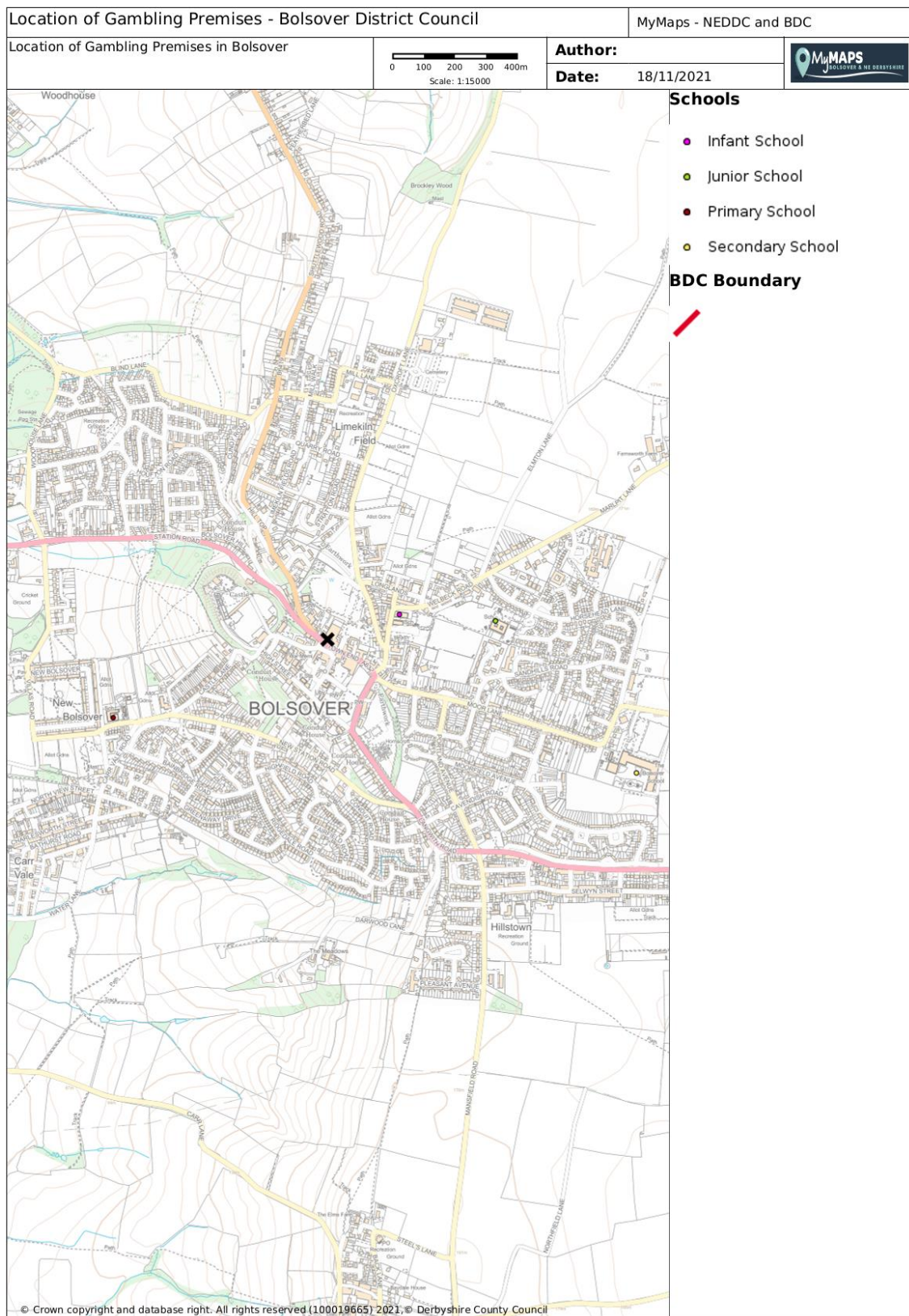
Joint Environmental Health Service  
North East Derbyshire & Bolsover District Councils  
District Council Offices,  
2013 Mill Lane,  
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Chesterfield  
S42 6NG



## BDC Overview

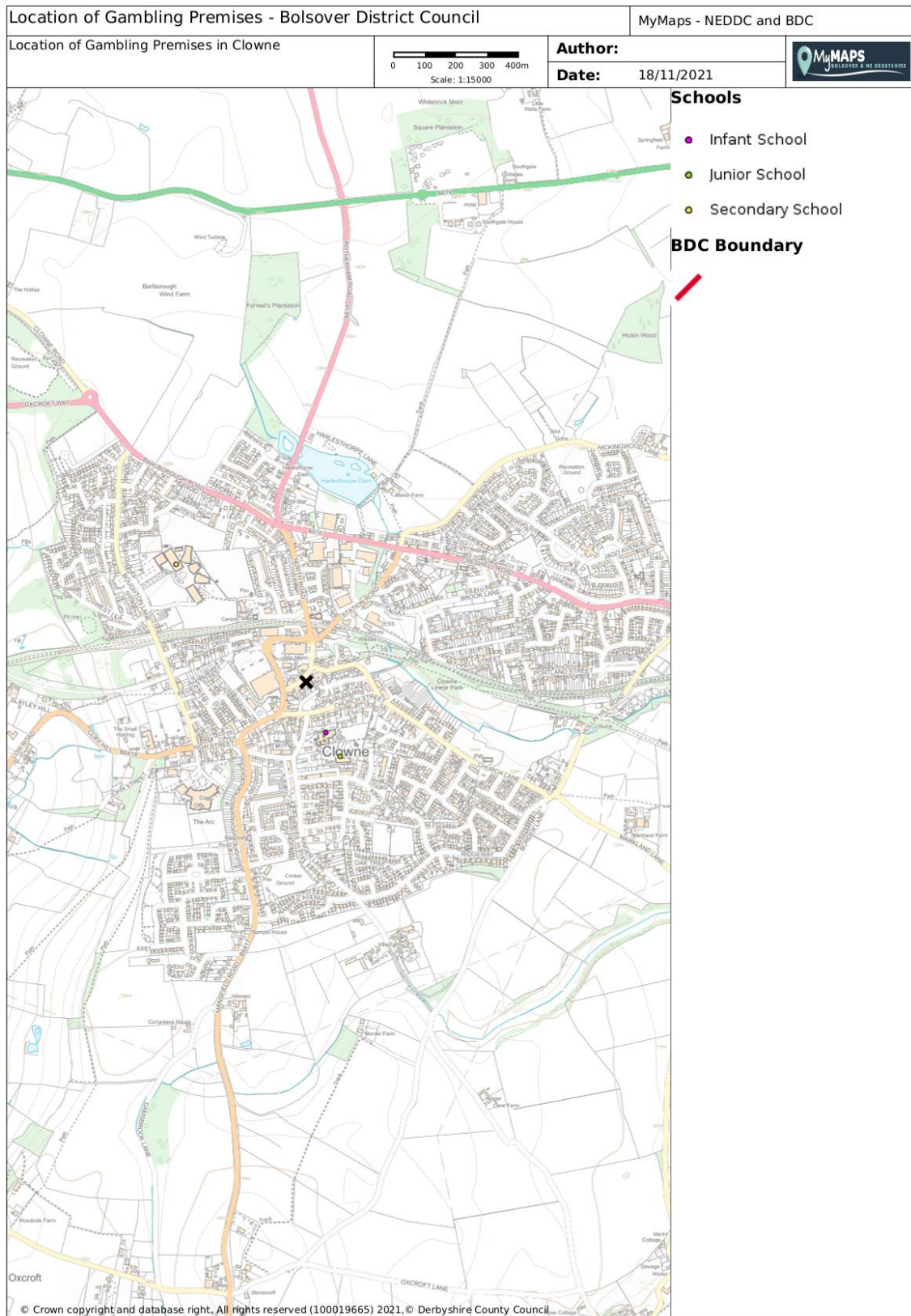


## Local area profile Map – Bolsover





## Local Area Profile Map – Clowne

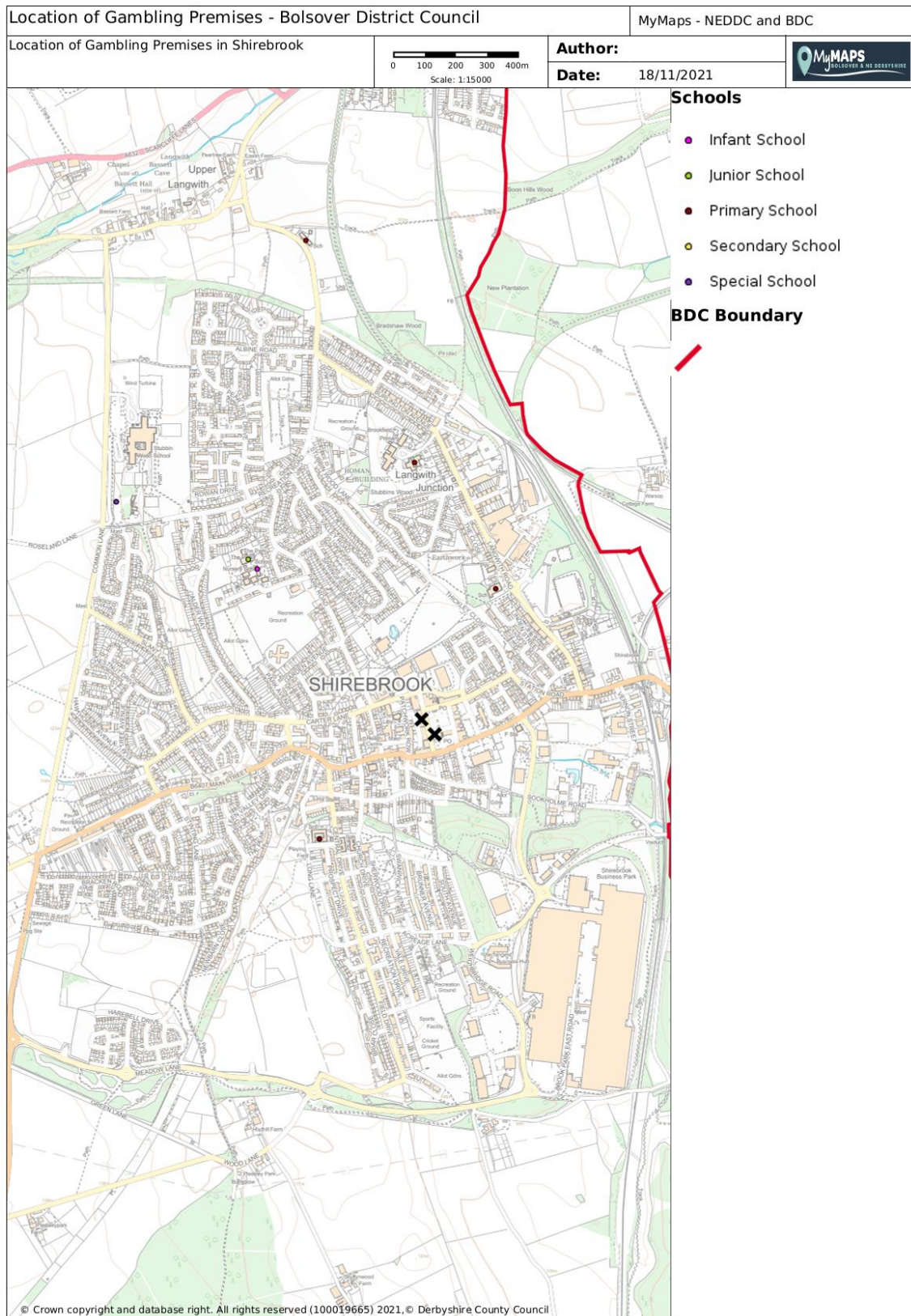




## Local Area Profile Map – Creswell

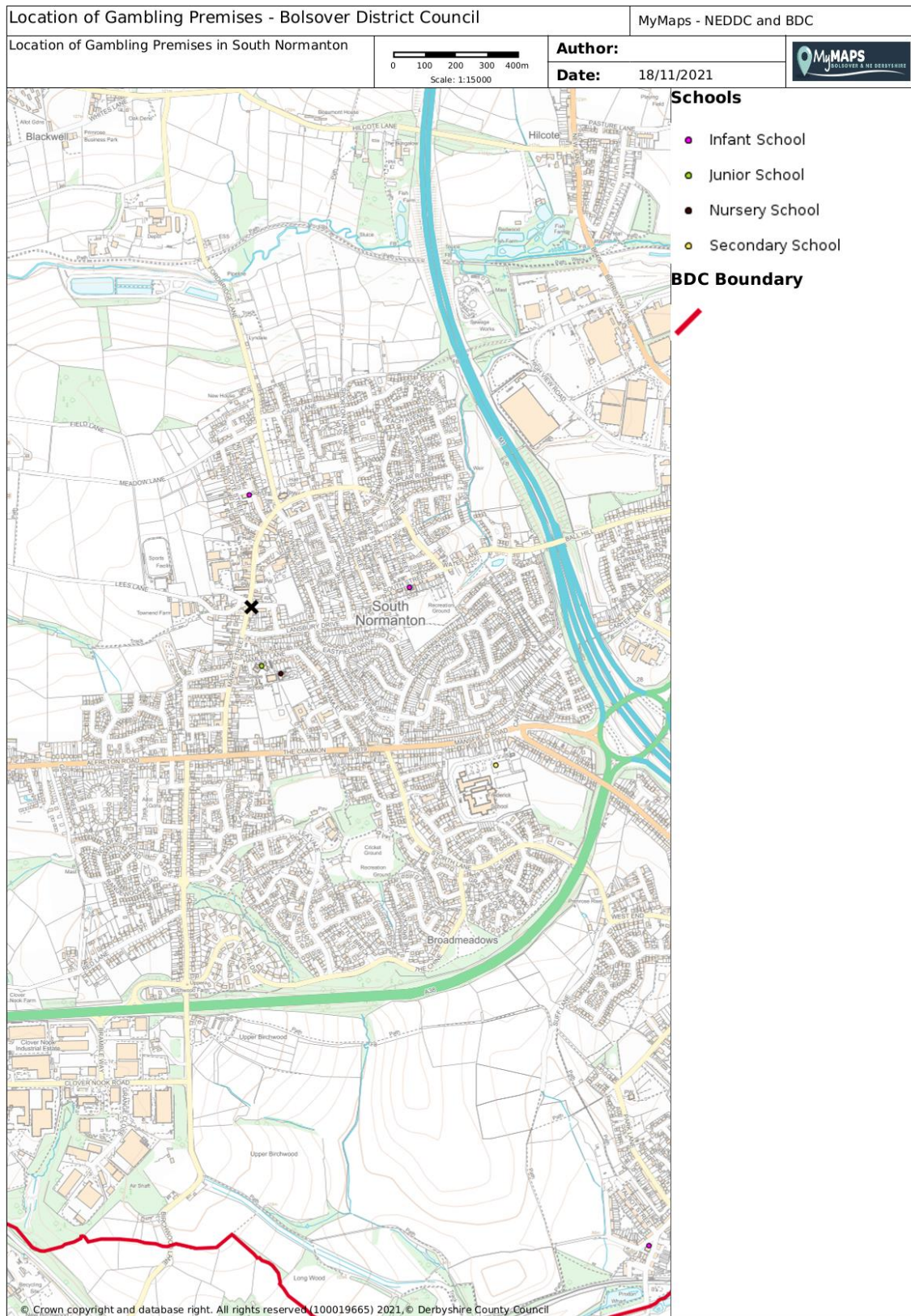


## Local Area Profile Map – Shirebrook





## Local Area Profile Map – South Normanton



## Local Area Profile Map – Tibshelf

