



Telford & Wrekin
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

LICENSING COMMITTEE

Date **Monday, 11th June 2018** Time **6.00pm**
Venue **Meeting Room G3/G4, Ground Floor, Addenbrooke House, Ironmasters Way, Telford TF3 4NT**

Enquiries Regarding this Agenda:

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Committee Membership: Councillors C R Turley (Chair), J Pinter (Vice Chair), M Boylan, I T W Fletcher, J A Francis, M B Hosken, C N Mason, L A Murray, J M Seymour, C F Smith and M J Smith

Substitutes: Councillors J Ashford, S P Burrell, G H Cook, K Guy, J Jones, R T Kiernan, N Lowery, A A Meredith, G C W Reynolds, S J Reynolds and K S Sahota.

AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes** Appendix **A**
To confirm the minutes of the meeting of the Licensing Committee held on 20th March 2018.
4. **Review of Statement of Gambling Licensing Policy** Appendix **B**
To receive the report of the Service Delivery Manager Public Protection
5. **Review of Terms of Reference** Appendix **C**
To receive the report of the Assistant Director – Governance, Procurement & Commissioning

LICENSING COMMITTEE

A

Minutes of a meeting of the Licensing Committee held on Tuesday 20 March 2018 at 6.00pm at Addenbrooke House, Ironmasters Way, Telford

Present: Councillors C R Turley (Chair), I T W Fletcher, J A Francis, M B Hosken, C N Mason, J M Seymour, C F Smith and M J Smith.

In Attendance: K Harris (Group Manager - Development Team), C Girvan (Legal Advisor) and J Clarke (Democratic and Scrutiny Officer).

Also in Attendance: A Price (Director AFC Telford Utd).

LC-06 Apologies for Absence

Councillors M Boylan and L A Murray.

LC-07 Declarations of Interest

None.

LC-08 Minutes

Resolved – that the minutes of the meeting of the Licensing Committee held on the 16 January 2018 be signed by the Chair.

LC-09 The Safety of Sports Grounds Act 1975 and Fire and Places of Sport Act 1987 – Regulated Stands Certificates for AFC Telford Utd Football Stadium

Mr K Harris presented the report on the application for Regulated Stand Certificates for the David Hutchison (north), University of Wolverhampton (west) and Frank Nagington (south) stands at AFC Telford for the 12 month period 14 April 2018 to 14 April 2019. He introduced Mr A Price to Members who was a Director at AFC Telford United who would be able to answer questions if Members needed clarification on any points. Individual certificates expired at various points throughout the year most of which ran for 12 month periods with the exception of the escape lighting battery test which was undertaken every six months and the electrical installation which was undertaken every three years. Key areas to note were the structural safety assessment which was commissioned on 22nd March 2017. This contained 11 recommendations in a programme of works to be undertaken by March 2020. The load testing, which included the box section outside the Sponsors Box, had now passed the test and a further re-test was due in April 2018. Works to the fire alarm system had been undertaken and tested and AFC Telford Utd were awaiting receipt of the certificates. A thorough fire risk assessment inspection had been undertaken and a number of issues had been identified and would need to be completed within one week, one month and three months and the Fire Safety Group would continue to monitor the ongoing work together with the Match Day Inspection Safety Group. The electrical installation testing process was an all-encompassing

programme and Mr Price confirmed that this process had started and was ongoing. With regards to the CCTV this continued to be monitored by the Stand Safety Group together with the Fire and the Police and although the equipment was obsolete and not ideal, it was working and complemented the work of the stewards and was continually kept under review and would continue to remain live.

During the ensuing debate some Members raised questions regarding the wifi system and how it would work with the current system, why the west stand was up for sale, when the load testing was undertaken if any issues arose that this be reported back to the Committee, were there any plans to replace the CCTV and if it failed how would this effect the Certificate,

Mr Price confirmed that wifi would not work with the current system and that the whole system would need to be changed. This would be looked at if the system was to fail. With regards to the west stand, this was owned by TCAT/the Hotel. The work to the AFC part ie the steps and terraces had been undertaken but TCAT were not really prepared to put any more money into the structure as they had put the Hotel up for sale, but it would ultimately be their responsibility prior to the three year period review date ending. This would be monitored over the next 12 months and the Club would continue to work with TCAT. With regard to the load testing, work would be monitored by the Safety Group and if any issues arose these would be resolved. The CCTV had undergone a maintenance programme and quite a lot of money had been spent. The Club were of the understanding that at some point the CCTV would need to be replaced but there was currently no budget for this. Mr Price confirmed that the Fire Authority, the Police and the FA had looked at the CCTV and it was not currently a requirement for the ground to have CCTV, but it had been installed for safety and insurance reasons.

Mr Harris gave further details of the Fire Risk Assessment and the issues which were outstanding. Work to be undertaken within one month included removing combustibles and obstacles from stairwells, installing an evacuation aid within the Learning Centre, ensuring fire doors fully closed and fitting approved hold open devices for the learning room and reception. Policies and staff training also needed upgrading regarding evacuation procedures for disabled persons and fire policy. Mr Harris confirmed that he was satisfied that the policies were in place, but that they were not available to the assessor on the day. With regard to the work to be undertaken within three months this included the portable appliance testing, which was ongoing, and formal inductions and basic fire awareness training for all staff. The Fire Safety Officer was currently trained to Level 4 and the Stewards trained to Level 3. All other staff would be trained to Level 2 with written records of staff training being brought up-to-date. A flammable proof store was required together with work on the fire compartment line and this was to be looked at to clarify what works needed to be undertaken. Signage on some of the doors was missing or wrongly placed and this would be rectified. Some policies, procedures and practices needed bringing up-to-date.

Some Members raised concerns regarding the policies and procedures being out of date and the lack of fire certificates.

Mr Price confirmed that the policies and procedures were in place but unfortunately the assessor turned up unannounced and that he was unavailable to produce the documents on the day. With regard to the fire certificate, the system linked to that of the hotel. AFC

Telford Utd had their part of the certificate, but he was awaiting the hotel's confirmation that their certificate was in place in order that a joint certificate could be issued.

Mr Harris informed Members that the electrical installation was currently being carried out and that this was an enormous task and the work on the emergency lighting was being carried out imminently. He suggested that the recommendation be amended and be granted subject to a condition that the electrical testing had been completed.

During the ensuing debate, Members suggested that the recommendation be amended to read “. . . load testing and electrical installation testing be completed on or before 29 April 2018 . . .”.

Upon being put to the vote it was, unanimously:-

RESOLVED – that the Service Delivery Manager Development Management be authorised to grant the Safety Certificate application for the Regulated Stands for a period of 12 months, subject to a condition that the load testing and electrical installation testing was completed on or before 29 April 2018 and the programme of structural repairs for 2020 being worked on to the satisfaction of the Council.

The meeting ended at 6.36 pm.

Chairman:

Date:

1. Purpose

- 1.1 The Statement of Gambling Licensing Policy for the Gambling Act 2005 is due for its 3 yearly review. Members of the Licensing Committee will need to consider the revised Statement of Gambling Licensing Policy and to approve a twelve week consultation in respect of the same.

2. Recommendations

That the Licensing Committee agree the amendments made to the Statement of Gambling Licensing Policy and approve a formal 12 week consultation with all relevant organisations.

That Council is recommended to approve a revised Statement of Licensing Principles for the Gambling Act 2005, to take effect from 31st January 2013 for the Borough of Telford & Wrekin

3. Summary

- 3.1 It is a statutory requirement to review the Statement of Gambling Licensing Policy every three years. Following review we are required to undertake a twelve week consultation.
- 3.2 Following consultation and any amendments made as a result of the consultation the revised Statement of Gambling Licensing Policy will need to be approved by Full Council on 22nd November 2018 and published on 3rd January 2019. The Statement of Gambling Licensing Policy will then take effect from 31st January 2019.

4. Previous Minutes

- 4.1 LC - 13 9th June 2015
LC - 18 14th October 2015

5 Information

5.1 Background

5.1.1 The draft review of the Statement of Gambling Licensing Policy has been prepared in accordance with the Gambling Commission's "Guidance to licensing authorities 5th edition".

5.1.2 The current number of licences issued under the Gambling Act by Telford & Wrekin Council is :-

- 17 Betting Premises Licences
- 3 Bingo Premises Licences
- 2 Adult Gaming Centres

5.1.3 In terms of forthcoming consultation, the review will be carried out in accordance with the Cabinet Office document “Consultation Principles 2018” which recommends a 12 week consultation. Responsible authorities are named under Section 157 Gambling Act 2005 and Interested Parties are defined under Section 158 of the Act as:

- *Persons living close to the premise*
- *Persons with business interests that could be affected*
- *Persons representing those in the above categories.*

5.1.4 The representatives of holders of existing licences, registered clubs and those who represent businesses, residents and community groups in the Borough will be consulted. The revised Statement of Gambling Licensing Policy will also be made available at the Library in Southwater One, Addenbrooke House and Darby House and a copy will also be posted on the Council’s website similarly inviting representations. A full list of consultees will be included with the report when the review of the Statement of Gambling Licensing Policy goes back before Licensing Committee in November 2018.

5.1.5 The Revised Statement of Gambling Licensing Policy is attached at **Appendix A**. The proposed amendments for this review are:

- Additional information on “Location”
- Additional information on Local Risk Assessments
- Additional information on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling
- Codes of Practice for Permit Holders

5.2 Equal Opportunities

5.2.1 As described in the revised Statement of Gambling Licensing Policy and as part of the consultation process, a wide range of organisations, bodies and individuals concerned with Gambling will be approached and given the opportunity to make their views known in relation to the Revised Statement.

5.2.2 The legislation is designed through the promotion of the licensing objectives to take account of the interests of local residents and businesses and the protection of vulnerable people from harm in determining any application.

5.2.3 Following the formal consultation, a Communities Impact Assessment will be carried out which will be included with the report when the review of the Statement of Gambling Licensing Policy goes back before Licensing Committee in November 2018.

5.3 Environmental Impact

5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

5.4.1 Section 349 of the Gambling Act 2005 requires a Licensing Authority before each successive period of 3 years to publish a Statement of Gambling Licensing Policy that it proposes to apply when exercising its functions under the Act. The current Statement of Gambling Licensing Policy ends in January 2019.

5.4.2 The legal issues concerning this report are contained in the body of the report.

5.5 Links with Corporate Priorities

5.5.1 This report has links to the following Corporate Priorities:

- protect and create jobs as a 'Business Supporting, Business Winning Council'
- protect and support our vulnerable children and adults
- ensure that neighbourhoods are safe, clean and well maintained
- improve the health and wellbeing of our communities and address health inequalities

5.5 Financial Comment

The cost of the consultation exercise to be undertaken on the amendments made to the Statement of Licensing Principles will be met from budgets within Public Protection. Gambling license fees are calculated on a cost recovery basis and are subject to periodic review. The last review was undertaken in 2016/17 with revised license fees implemented from 1st September 2016. MLB 06.04.18

5.7 Risks and Opportunities

5.7.1 In proposing the decision to be made concerning the review of the Statement of Gambling Licensing Policy under the Gambling Act 2005, the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However, not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risk has been identified:

- that a failure to publish the Statement of Gambling Licensing Policy by 31st January 2019 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities by the Gambling Commission (5th edition) could give rise to challenge by way of judicial review. Having identified this risk, processes and procedures have been put in place to ensure that the review of the Statement of Gambling Licensing Policy is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

6. Ward Implications

6.1 Borough Wide Implications

7. Background Papers

7.1 Gambling Act 2005

7.2 Guidance to Licensing Authorities (5th Edition) issued by the Gambling Commission

7.3 Telford & Wrekin Statement of Licensing Principles 31st January 2016.

Report prepared by: Suzanne Fisher - Public Protection, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT, email licensing@telford.gov.uk, telephone 01952 381818

Appendices

Appendix A: Revised Statement of Gambling Licensing Policy



Public Protection

Statement of Gambling Licensing Policy

Approved by Full Council on the xxxxx 2018.

Implemented on the 31st January 2019.

1. Introduction

The purpose of the Statement of Gambling Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

The Gambling Act 2005 (the “Act”) requires this Licensing Authority to draft, consult on and publish a policy in relation to its responsibilities under the Act. Once published, this Policy Statement will be kept under constant review and, in any case, will be re-published after every three years. Before any revision of the Statement of Gambling Licensing Policy is published this Authority will carry out a full consultation exercise on the relevant sections. This version of the Statement of Gambling Licensing Policy has been revised following the third 3 year review and is for the period 2019 – 2022.

In carrying out its licensing functions under the Act, the Licensing Authority will act in accordance with the relevant legislation, adopt the principles of better regulation, regulate gambling in the public interest and aim to permit the use of premises for gambling as it thinks fit so long as it is:-

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with this Statement of Principles

In preparing this Statement of Principles, the following key organisations and agencies were consulted in accordance with Section 349(3) of the Act:-

- Chief Officer of Police West Mercia Police, Telford
- Association of British Bookmakers
- BACTA
- Gam Care

The consultation for this Statement of Principles took place between xxx June 2018 and xxx September 2018 and follows guidance from the Cabinet Office document “Consultation Principles 2018”.

The full list of comments made and the consideration by the Council of those comments will be available once the consultation process has ended by request to: Licensing Service, Telford & Wrekin Council, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT. / via the Council’s website at: www.telford.gov.uk.

Information provided in response to the Consultation will be dealt with in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the General Data Protection Regulations and the Environmental Information Regulations (2004).

2. Local Area Profile

Telford & Wrekin Council is situated in the County of Shropshire which contains one other Unitary Council. The Council area has a population of 173,600 living in 73,414 households making it the smallest in the County in terms of population. In terms of area it is the smallest, covering 112 square miles. The Council area is a mixture of urban and rural districts; which includes the market town of Newport on the north-east corner of the borough and the central retail area of Telford town centre.

Telford & Wrekin is a place of socio-economic contrasts with parts of the borough amongst the most deprived nationally - comparable with inner cities – and areas amongst the least deprived nationally.

More information on Local Area Profiles can be found on the [Council's website](#).

Telford & Wrekin Council is a Co-operative Council, working with local communities to create “Telford & Wrekin – the Place of Partnership, Enterprise and Innovation”. More information on the Council's Plan and Priorities can be found [here](#).

3. The Gambling Commission

The Gambling Commission regulates gambling in the public interest. It does so :

- by keeping crime out of gambling:-
- by ensuring that gambling is conducted fairly and openly
- by protecting children and vulnerable people

The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission has issued Guidance under Section 25 of the Act regarding the manner in which local authorities exercise their licensing functions under the Act and in particular, the principles to be applied by local authorities.

The Commission has issued a number of codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, including the advertising of gambling facilities.

The Gambling Commission is responsible for issuing operating and personal licences.

For applicants further information can be accessed by using the following link :

www.gamblingcommission.gov.uk

4. The Licensing Authority Responsibilities

Authorised Activities

- “Gambling” is defined in the Gambling Act 2005 as either gaming, betting, or taking part in a lottery (a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance).
- Gaming means playing a game of chance for a prize.
- Betting means making or accepting a bet on the outcome of a race, competition, or other event or process; the likelihood of anything occurring or not occurring, or whether anything is true or not

Licensing Authority Functions

- Grant premises licences for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises

- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming
- Consider occasional use notices for betting at tracks
- Register small societies lotteries

Spread betting is regulated by The Financial Conduct Authority.

Remote Gambling is regulated by the Gambling Commission.

The National Lottery is regulated by the National Lottery Commission.

5. General Statement of Principles

The Licensing Authority recognises the wide variety of premises which require a licence or a permit. These include casinos, betting shops, tracks, bingo halls, pubs, clubs and amusement arcades.

In carrying out its licensing functions, the Licensing Authority will have regard to any guidance issued by the Gambling Commission.

It is recognised that the statutory principles of good regulation and the Regulator's Code apply to Local Authorities and as such the Licensing Authority will have regard to them when fulfilling its regulatory functions under the Act.

The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Licensing Authority has established a good working relationship with the Gambling Commission and will continue to conduct joint inspection visits with the Commission and other responsible authorities as appropriate.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Licensing Authority may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect.

Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

However, overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits.

6. The Licensing Objectives

In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives.

The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with

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

Preventing gambling from being a source of crime or disorder

The Gambling Commission plays the leading role in preventing gambling from being a source of crime and maintains rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the Licensing Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued, (unless the premises is a “track” for which an operating licence is not necessary). Therefore, the Licensing Authority is not generally concerned with the suitability of an applicant and where concerns about a person’s suitability arise, the Licensing Authority will bring those concerns to the attention of the Commission.

If an application for a licence or a permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include conditions being put on the licence, such as a requirement for door supervisors, although this would only be considered in cases where there is clear evidence that the premises in question are not being adequately supervised and door supervision is considered both necessary and proportionate.

This Licensing Authority is aware of the distinction between disorder and nuisance. Issues of disorder would normally only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken 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.

Ensuring gambling is conducted in a fair and open way

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 or will relate to the suitability and actions of an individual. Both issues are adequately addressed by the Commission through the operating and personal licensing regime.

Betting track operators do not need an operating licence from the Commission, the Licensing Authority may, if the circumstances warrant it, require conditions to be applied to the licence relating to the suitability of the environment in which the betting activity takes place.

Protecting children and other vulnerable people from gambling

With limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are “adult only” environments.

It is noted that the Gambling Commission does not seek to offer a definition for the term “vulnerable persons” but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case by case basis.

In accordance with the Gambling Commission’s Guidance for Licensing Authorities, this Licensing Authority expects operators of gambling premises to have in place policies and measures to ensure children and other vulnerable people are protected from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including the risk of child sexual exploitation.

This Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises. For example, this Authority will pay particular attention to measures proposed by operators to protect children from harm in Adult Gaming Centres and Family Entertainment Centres.

Appropriate measures may include supervision of entrances / machines, segregation of areas, training for staff as regards suspected truanting school children on the premises, training covering how staff would deal with unsupervised very young children being on the premises etc.

7. Premises licences

A premises licence can authorise the provision of gambling facilities at the following:

- Casino premises
- Bingo premises
- Betting premises, including betting tracks
- Adult gaming centres
- Family entertainment centres

Premises can be “any place” but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being separate “premises”. With regard to “splitting” premises the Licensing Authority has particular regard to the Commission’s Guidance. Applicants will need to satisfy the Licensing Authority that premises are genuinely “different” and “separate” in each case.

Any entrances and exits from parts of a building covered by one or more licences need to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to “drift” accidentally into a gambling area from one licensed activity to another.

Applicants will need to satisfy the Licensing Authority that, in the case of “split” premises, the mandatory conditions can be complied with at all times. Where the Licensing Authority has

concerns about the use of premises for gambling these will generally be addressed through additional licence conditions.

Other than an application for a betting premises licence in respect of a track, the Licensing Authority is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

When considering applications for premises licences the Licensing Authority will consider each case on its own individual merits without regard to demand. With regard to primary gambling activity issues, the Licensing Authority will take into account any representations made by the Commission.

The Licensing Authority will maintain a register of premises licenses issued which will be available for public inspection on request. Please contact the Licensing Service by email: licensing@telford.gov.uk

8. Responsible Authorities

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Licensing Authority if those representations are relevant to the licensing objectives.

Section 157 of the Act defines those authorities; for our purposes they are as follows:-

- The Gambling Commission
- The Chief Officer of Police
- Shropshire Fire & Rescue Service
- The Local Planning Authority
- Environmental Health
- Telford and Wrekin Safeguarding Children Board (SCB)
- HM Revenue and Customs
- A Licensing Authority in whose area the premises are wholly or partly situated

Any concerns expressed by a Responsible Authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and to the licensing objectives. In this regard the Licensing Authority will not generally take into account representations which are deemed to be irrelevant, for example:

- there are too many gambling premises in the locality
- planning permission has not been obtained for the premises
- the location of the premises is likely to lead to traffic congestion
- the premises will cause crowds to congregate in one area causing noise and nuisance

Each representation will be considered on its own individual merits.

9. Interested Parties

Interested parties can make representations about licence applications or apply for a review of an existing licence.

An interested party is someone who:-

- lives sufficiently close to the premises likely to be affected by the authorised activities or,
- has business interests that might be affected by the authorised activities or,

- represents persons in either of the two groups above

The Licensing Authority is required by Regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an Interested Party.

Each case will be determined upon its merits, however, in determining whether someone lives sufficiently close to a particular premises so as to be affected, the Licensing Authority will take into account, among other things:-

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complaint
- the potential impact of the premises

In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:-

- the size of the premises
- the catchment area of the premises (how far people travel to visit the premises)
- whether the person making the representation has business interests in the catchment area that might be affected

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area the Licensing Authority would not normally consider this, in the absence of other evidence, as a relevant representation, as it does not relate to the licensing objectives and instead relates to demand or competition.

The Licensing Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant
- whether it raises a “relevant” issue or not, or
- whether it raises issues specifically to do with the premises which are the subject to the application

Location

This Licensing Authority will have regard to this Statement of Licensing Principles Having, upon receipt of any relevant representation, to look at specific location issues which include:

- the possible impact that a gambling premises may have on any sensitive premises that provide services to children or young people or vulnerable people; for example a school or vulnerable adult centre;
- the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;
- the nature and size of the gambling activities taking place;
- any levels of crime in the area

10. Local Area Risk Assessments

As of 6th April 2016, all operators with Premises Licences now have an obligation to produce a local area risk assessment. This is to assist the local Licensing Authority when considering applications. This is a new requirement and therefore, constitutes a mandatory condition for licensees. This Licensing Authority expects that a copy of the Local Area Risk Assessment shall be kept on the premises.

Licensees will be 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 making risk assessments, licensees must take into account relevant matters identified in the Licensing Authority's Statement of Licensing Principles.

Licensees must review (and update as necessary) their local area risk assessments:

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

This Licensing Authority will expect the Local Area Risk Assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
- the demographics of the area in relation to vulnerable groups;
- whether the premises is in an area subject to high levels of crime and/or disorder.

Local area risk assessments should show how vulnerable people, including people with gambling dependencies are protected.

Further information on Local Area Risk Assessments is available on the [Gambling Commission's website](#).

11. Conditions of Licence

Premises licences are subject to specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

The Licensing Authority will ensure that any conditions are:-

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

The Licensing Authority will not consider imposing conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission
- relating to gaming machine categories, numbers or methods of operation
- which specify that membership of a club or other body is required
- in relation to stakes, fees, winnings or prizes

Conditions relating to the good conduct of gambling premises will primarily be set as mandatory or default conditions by the Secretary of State. The Licensing Authority will only consider imposing conditions in this regard in the light of local circumstances, especially where there are specific risks or problems associated with a particular locality, a specific premises or class of premises.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each case will be assessed on its own individual merits.

12. Types of Premises Licences

Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required and/or which is premises based, must apply to the Licensing Authority for a premises licence.

Premises licences can authorise the provision of facilities on:

- casino premises,
- bingo premises,
- betting premises including tracks and premises used by betting intermediaries,
- adult gaming centre premises, or
- family entertainment centre premises.

For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is this Licensing Authority's opinion that all gambling premises, whether subject to application or currently licensed, must operate primarily in the use of the licence type applied for or issued.

Casinos

This Licensing Authority has passed a 'no casino' resolution on the basis that there was no requirement to consider such a resolution in accordance with Section 166 Gambling Act 2005 and in line with advice provided by the Local Authorities Co-ordinators of Regulatory Services. Potential licence applicants should note that as a 'no-casino' resolution has been passed by this authority, no applications for casino premises licences will be considered. Any applications received will be returned with a notification that a 'no-casino' resolution is in place.

This resolution came into effect on 31st January 2010.

Bingo

The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

Commercial bingo halls will require a bingo premises licence from the Licensing Authority.

It is important that where children are allowed to enter premises licensed for bingo, they are not allowed to participate in any bingo game. When considering applications of this type, the Licensing Authority will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

A limited number of gaming machines may also be made available at bingo licensed premises.

Bingo is classed as equal chance gaming and it will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

As with the previous section in relation to bettering premises, if an application for variation is made to extend the licensing hours of bingo premises, the Licensing Authority will want to establish that the primary purpose of the premises throughout the extended period remains the provision of bingo facilities. Gaming machines may only be made available for use in licensed bingo premises on days when sufficient facilities for playing bingo are also available for use.

In this regard, in cases where bingo is being offered exclusively by means of electronic bingo terminals (EBTs) there must be more individual player positions made available for bingo than there are gaming machines available for use.

Where playing is permitted, on the licensed premise, using mobile electronic devices, then it should only be permitted within the licensed area.

Betting Premises

Anyone wishing to operate a betting office will require a betting premises licence from the Licensing Authority. Children and young persons will not be able to enter premises with a betting premises licence.

Betting premises will be able to provide a limited number of gaming machines and some betting machines.

The Licensing Authority has powers under the Act to restrict the number of betting machines, their nature and the circumstances in which they are made available. It will not normally exercise this power unless there is clear evidence that such machines have been, or are likely to be used in a way, which adversely affects the promotion of the licensing objectives. In such cases the Licensing Authority will consider, among other things, the size of the premises, the level of management and supervision especially where children, young persons and vulnerable people are concerned and also the ability of staff to closely monitor the use of such machines.

It is not possible for an operator to offer gaming machines on premises which are licensed for betting without offering sufficient facilities for betting. The Gambling Commission and the Licensing Authority take the view that customers need to be offered a balanced mix of betting and gaming machines, in line with the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling. "Betting" should therefore remain the primary element of the gambling facilities being offered. Betting may be provided by way of betting terminals or over a counter (i.e. face to face).

If the Licensing Authority receives an application to vary a betting premises licence in order to extend the opening hours, it will need to satisfy itself that the reason for the application is in line with the need for operators to ensure that the main gambling activity associated with the licence type is actually going to be offered at the premises and not replaced merely by making gaming machines available.

In other words, applicants will need to demonstrate that the extension of hours is not designed solely to benefit from the gaming machine entitlement and that the use of gaming machines remains ancillary to the "primary" purpose of the licence, i.e. to provide betting on the premises.

In all cases, each application will be considered on its own individual merits.

Tracks

Only one premises licence can be issued for any particular premises at any time unless the premises are a "track". A track is a site where races or other sporting events take place.

Track operators are not required to hold an "operator's licence" granted by the Gambling Commission, therefore premises licences for tracks issued by the Licensing Authority may contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators have an important role to play, for example, in ensuring that betting areas are properly administered and supervised.

Unlike betting shops, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

When considering whether to exercise its powers to restrict the number of betting machines at a track the Licensing Authority will consider the circumstances of each individual application and among other things, will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas

- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as Gam Care.

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

Family Entertainment Centres (Licensed)

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This Licensing Authority may consider measures to meet the licensing objectives such as:

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

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

This Licensing Authority will, as per the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

13. Permits

The Licensing Authority will treat every application for a permit on its own merits, regardless of the number of machines applied for

If a licensed premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"

Applicants for permits in respect of alcohol licensed premises may be asked to provide additional information, for example in the form of a plan, in order to satisfy the Licensing Authority that the premises are suitable for the purpose and will not result in the "primary" use of the premises being changed to one of gambling.

This Licensing Authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have

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

In considering applications for Prize Gaming Permits the applicant should set out the types of gaming that he or she is intending to offer and demonstrate the following:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- that they have clear policies that outline the steps to be taken to protect children from harm.

It should also be noted that the holder of a permit must comply with the following Codes of Practice :

Code of Practice for gaming machines in alcohol licensed premises

Code of Practice for equal chance gaming in alcohol licensed premises.

14. Small Society Lotteries

The Licensing Authority will refuse applications for registration where it considers that:

- the society in question cannot be deemed to be non-commercial, or
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- the information provided in or with the application for registration is false or misleading, or
- an operating licence held by the applicant for registration has been revoked or, an application for an operating licence made by the applicant for registration has been refused, within the past five years.

The Licensing Authority will revoke the registered status of a society if it thinks that it would have had to, or would be entitled to, refuse an application for registration if it this Licensing Authority being made at that time.

15. Exchange of Information

To ensure the licensing objectives are met the Licensing Authority will establish a close working relationship with the police, the Gambling Commission and where appropriate, other Responsible Authorities.

Subject to the provisions of the General Data Protection Regulations, this Licensing Authority will share any information it receives through the application process with the Gambling Commission and any relevant Responsible Authority. In doing so this Licensing Authority will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. Further information about the Council's Data Protection Statement of Principles, including how people can access personal information that this Licensing Authority hold about them is available on the Council's [website](#).

This Licensing Authority are committed to being open about what this Licensing Authority do and how this Licensing Authority come to our decisions in accordance with the spirit of the Freedom of Information Act 2000(FOIA). Further information including how to make a request for information under the Freedom of Information Act is available on the Council's [website](#).

Unless restricted by the Gambling Act, details about applications and licences will be made available in our public register. Representations that this Licensing Authority accept will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

Operators/premises are requested to share relevant information with the Licensing Authority about test purchasing (subject to primary authority agreements) and such information as the number of self-exclusion and underage attempts to gamble, in order to help the Licensing Authority develop its understanding about the risk of gambling in its area. The Authority may seek information from operators/premises for this purpose.

Details of applications and representations which are referred to the Licensing Sub Committee may be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. The personal details of those making representations may be disclosed to applicants and other parties to a Hearing and will normally only be withheld on the grounds of personal safety where the Licensing Authority is specifically requested to do so.

16. Enforcement Protocols

The Licensing Authority is required by Regulations under the Act to state the principles to be applied by it in exercising the functions under Part 15 of the Act in respect of the inspection of premises and powers under 346 of the Act to institute criminal proceedings in respect of the offences specified.

The Licensing Authority will have regard to the principles of better regulation and any Regulators' Code in force at the time. In addition, the Licensing Authority will act in accordance with the relevant legislation, be guided by the Commissioner's Guidance and will endeavour at all times to be:-

- proportionate – the Licensing Authority will only intervene when necessary and any remedies will be appropriate to the risk posed and costs identified and minimised
- accountable – decisions will be justified and subject to public scrutiny
- consistent – any rules and standards will be implemented fairly
- transparent – the Licensing Authority will be open and any licence conditions will be kept simple and user friendly
- targeted – regulation will be focused on the problem with the aim of minimising side effects

The Licensing Authority is committed to the principles of good enforcement and its [Enforcement Policy](#) sets out how it will go about achieving that aim.

Compliance with the Enforcement Policy will ensure that the Licensing Authority will strive to be fair, impartial, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Decisions will not be influenced by improper or undue pressure from any source.

The purpose of the Licensing Authority's Enforcement Policy is to provide a framework to ensure that it works in an equitable, practical and consistent manner.

The Licensing Authority aims to prioritise and direct its regulatory effort effectively. It will aim to balance the need to protect the public from harm against the human rights of the individual and have regard to relevant Codes of Practice.

The Licensing Authority will work with the Commission, the police and other enforcing authorities to provide for the targeting of agreed problem or high risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained. The Licensing Authority will actively use the review process to deal with problem premises.

Test purchasing is one method by which the Licensing Authority, in partnership with the Gambling Commission can measure the compliance of licensed operators. In conducting test purchasing, the Licensing Authority may work in partnership with the Gambling Commission which have the primary responsibility for issues related to individual gambling premises. Test purchasing is also a means by which operators themselves can demonstrate the effectiveness of their policies and procedures.

17. The Licensing Process

The Licensing Authority's licensing functions under the Act will be carried out by the Licensing Committee and Licensing Sub Committee and by officers acting under the delegated authority of the Licensing Committee.

Where there are relevant representations in respect of an application the matter will be determined by the Licensing Sub Committee, as will any application for the review of a licence.

This Statement of Licensing Principles is not intended to override the right of any person to make an application under the Act and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

Declaration

In producing this Statement, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, any guidance issued by the Gambling Commission and any responses received from those consulted prior to the preparation of this Statement.

Those wishing to find information out about fees and the application process can visit the Council's [website](#), or contact the Licensing Service by telephoning 01952 381818 or by emailing licensing@telford.gov.uk.

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – 11 JUNE 2018

REVIEW OF TERMS OF REFERENCE

**REPORT OF THE ASSISTANT DIRECTOR: GOVERNANCE,
PROCUREMENT & COMMISSIONING**

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

For the Licencing Committee to review its Terms of Reference attached at Appendix 1.

2. RECOMMENDATION

2.1 That the Committee review and agree the Terms of Reference set out at Appendix 1.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	The Committee is part of the Council's decision making framework and therefore contributes to all of the Council's priorities.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	If the Committee recommends any changes to the Terms of Reference; they will proceed to Council Constitution Committee and then, if approved, onto full Council at the earliest opportunity.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes/No	
LEGAL ISSUES	Yes/No	The Constitution requires that the Terms of Reference be reviewed on an annual basis. The Council is required to comply with the Constitution.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	There are no other specific impacts arising from this report.
IMPACT ON SPECIFIC WARDS	Yes	Borough-wide impact

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 The Constitution requires that Full Council should agree at its Annual Meeting the Terms of Reference for each of its Committees to enable the Council to efficiently conduct its business.
- 4.2 At the Annual Meeting on 24 May 2018, Full Council delegated authority to each Committee to review its own Terms of Reference.
- 4.3 The Terms of Reference forms part of the Constitution and was approved by Full Council in that context on 14 July 2016.
- 4.4 No changes to the Terms of Reference are suggested.

5. PREVIOUS MINUTES

- 5.1 Council – 14 July 2016 and 24 May 2018

6. BACKGROUND PAPERS

Constitution

***Report prepared by Deborah Moseley, Democratic & Scrutiny Services
Team Leader. Telephone 01952 383215***

Licensing Committee – Terms of Reference and Procedure

The Committee has the responsibility and delegated powers to act on behalf of the Council in respect of licensing matters within the Borough as follows.

Licensing and registration functions

- (a) As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and including functions under the Licensing Act 2003 and the Gambling Act 2005 (excluding paragraphs 37/38 and 46A – 55).

Health & Safety at Work/ Fire Safety

- (b) Functions under any of the relevant statutory provisions within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
- (c) Matters relating to fire safety.

Health Act 2006

- (d) All powers and duties under the Health Act 2006 Part 1 Chapter 1 and legislation given effect there under including authority to prosecute as it relates to smoking matters.

Miscellaneous

- (e) Power to make payments or provide other benefits in cases of maladministration etc.
- (f) Powers in respect of common land, village greens and open space.
- (g) Powers in respect of the management and regulation of alcohol in public places, the provision and management of sites for the accommodation of gypsies and the closure of take away food shops.
- (h) Annually at the first meeting after the Annual Council Meeting consider its terms of reference.
- (i) Power to determine fees and charges in respect of any of the above functions.

PROCEDURE

- (a) As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these, with the exception of paragraph 14 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions to ensure a fair hearing.