

Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



please ask for Miss H Bell
direct line 0300 300 4040
date 5 January 2010

NOTICE OF MEETING

LICENSING COMMITTEE

Date & Time

Wednesday, 13 January 2010 at 9.30 a.m.

Venue at

Council Chamber, Priory House, Chicksands, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the LICENSING COMMITTEE:

Cllrs L Birt (Chairman), T Green (Vice-Chairman), D Bowater, I Dalgarno, M Gibson, K Janes, H J Lockey, Ms J Nunn, A A J Rogers, J A G Saunders, G Summerfield and P F Vickers

[Named Substitutes:

Cllrs: P N Aldis, R D Berry, Ms C Maudlin, D McVicar, B J Spurr and Mrs C Turner]

All other Members of the Council - on request

MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING

AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of substitute Member appointments.

2. **MINUTES**

To approve as a correct record, the Minutes of the meeting of the Licensing Committee held on 14 October 2009. (previously circulated)

3. **MEMBERS' INTERESTS**

To receive from Members declarations and the Nature thereof in relation to :

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item

4. **PETITIONS**

To receive petitions in accordance with the scheme of public participation set out in Annex 2 in Part 4 of the constitution.

5. **PUBLIC PARTICIPATION**

To deal with general questions and statements from members of the public in accordance with the scheme of public participation set out in Appendix "A" referred to in Procedure Rule No. CM9.

6. **EXCLUSION OF PRESS AND PUBLIC**

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item is likely to involve the disclosure of exempt information as defined in Paragraphs 7 and 12 of Part 1 of Schedule 12A of the Act.

REPORTS

Item	Subject	Page Nos.
7	THE LICENSING ACT 2003 - LICENSING POLICY That the Licensing Committee recommend that Full Council adopt the Licensing Policy, with the amendments indicated in the report of the Director of Sustainable Communities.	* 1 - 34

8

THE GAMBLING ACT 2005 - GAMBLING POLICY

* 35 - 74

That the Licensing Committee recommend that executive endorses and Full Council adopts the Gambling Policy.

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Meeting: Extraordinary Licensing Committee Meeting
Date: 13th January 2010
Subject: The Licensing Act 2003 – Licensing Policy
Report of: Gary Alderson – Director of Sustainable Communities
Summary: The report proposes that following the consultation period the Licensing Committee recommend that Full Council adopt the Licensing Policy, with the amendments indicated.

Contact Officer: Pat Davies, Licensing and Policy Officer
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Educating, protecting and providing opportunities for children and young people – One of the three licensing objectives is to protect children from harm.
Managing growth effectively – Legislation allows the Council to restrict the number and location of premises undertaking activities covered by the Act.
Creating safer communities – The licensing objectives are specific in their requirements to prevent crime and disorder, to protect public safety and to prevent public nuisance.

Financial:

Fees for activities associated with activities covered by the Licensing Act 2003 are statutory and set by the Secretary of state. Statutory fee levels are set to cover the full cost of administering this function.

Legal:

This policy has been set out in line with the guidance relating to the Licensing Act 2003 issued by the Secretary of State Department of Culture, Media and Sport.

Risk Management:

The Council has a statutory duty to adopt a policy in relation to administration of those functions covered by the Licensing Act 2003.

Staffing (including Trades Unions):

There are no implications for staffing.

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. The Licensing Act 2003 only allows each application to be considered on its own merits taking into account the four licensing objectives. To ensure that issues of accessibility for disabled people are addressed guidance for applicants will actively promote the need for premises to be accessible to all wishing to use them.

Community Safety:

The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The four licensing objectives are the protection of children from harm, prevention of crime and disorder, promotion of public safety and the prevention of public nuisance, all of which support our statutory duty.

Sustainability:

In adopting and implementing the policy Central Bedfordshire Council can ensure a vibrant and thriving leisure industry with safe and well kept premises which people will want to visit.

RECOMMENDATION(S):

That the Licensing Committee:

1. **approves the amendments to the policy as indicated in Recommendations A and B contained within the report;**
2. **approves the amended policy;**
3. **recommends that Full Council adopts the policy;**
4. **That the Assistant Director Community Safety and Public Protection, in consultation with the Portfolio Holder for Safer and Stronger Communities, be given delegated authority to undertake any necessary minor amendments to the policy prior to publication.**

Background

1. Central Bedfordshire Council is required to publish a Statement of Licensing Policy by 1 April 2010.
2. The Licensing Act 2003 places general duties on licensing authorities to carry out its functions under the Act. Each licensing authority is required to review and publish its policy in line with statutory dates. The next review is due by the 7th January 2011. However, under SI 2008:2867 The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 Part 4, Paragraph 12, Section (8), the requirements of Section 5(1) of the Licensing Act 2003 are treated as satisfied, as regards the three year period beginning with the 7th January 2011.

3. The policy must promote the four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

These are the only matters that can be considered when deciding an application.

Statement of Licensing Policy

4. The draft licensing policy (Appendix A) was sent out for consultation to the responsible authorities and interested parties. The consultation period ran from 16th September 2009 to 9th December 2009.
5. 4 responses were received 2 were in support of the policy as it stands, and 2 made comments for consideration. These are attached as follows
Appendix B – Sandy Town Council
Appendix C – Bedfordshire Police
Appendix D – Streatley Parish Council
Appendix E – Arlesey Town Council
6. The response to the comments from Sandy Town Council are as follows (where necessary *paragraph references and current Licensing Policy condition are in normal text, comments received are in italics and Officer comments are in bold*)

Draft Policy: Para 2.7 The rules of natural justice are applied at all times

Sandy Town Council Comment: Para 2.7 – The rules of Natural Justice should be explained in the paragraph.

Officer Comment: “fair treatment and fair decisions” to be added in parenthesis after natural justice.

Sandy Town Council Comment: This Council believes that in some cases the licence holder may be responsible for incidences of anti-social behaviour away from the premises, for instance, if they served someone with alcohol, who was already drunk.

Officer Comment: The sale of alcohol to a person who is drunk is itself an offence under the Act, for which the person who sold the alcohol would be liable to prosecution, but this would not necessarily be the premises Licence Holder. – No change to policy.

Sandy Town Council Comment: Para 3.0 – In the sentence “The Licensing Authority will avoid duplication with other statutory regimes and if conditions are already provided for in other legislation” add – “unless they expire before the expiry of the licence”.

**Officer Comment: Para 3.0 Premises licences do not expire, once granted they remain valid until surrendered, revoked or a variation is applied for.
– No change to policy.**

Draft Policy: Para 4.0 Cumulative Impact –

.... If the Licensing Authority receives representations from a responsible authority or interested party, to the effect that a particular area is becoming saturated with premises, creating exceptional problems of disorder and nuisance, the Licensing Authority may take into account cumulative impact when considering the individual merits of any application....

Sandy Town Council Comment: Para 4.0 – In the sentence “.....creating exceptional problems of disorder and nuisance, the Licensing Authority may take into account.....” Remove the word “exceptional” and replace the word “may” with “shall.”

Officer Comment: Para 4.0 “exceptional” to be removed. As each application is to be treated on its merits, it may not be appropriate or justifiable to consider cumulative impact, therefore the residual wording of this paragraph to remain as current.

Draft Policy: Para 5.4. Applicants must also advertise their application in the prescribed manner to ensure that all interested parties are aware of the application and are able to make representations if they so wish

An interested party is defined in the Act as:

- A person living in the vicinity of the premises in question
- A body representing persons living in that vicinity (e.g. a resident association, town or parish council)
- A person involved in a business in the vicinity of the premises in question

A body representing persons involved in such businesses (e.g. a trade association)

Sandy Town Council Comment: Para 5.4 In all cases Town Councils and Ward Members should be notified with full details of licence applications.

Officer Comment: Para 5.4 Ward members and Town Councils are informed of applications and are welcome to contact the licensing team for any further details that are required – No change to policy.

Draft Policy: Para 5.6 - When determining applications the Licensing Authority will have regard to the Guidance issued by the Department of Culture, Media and Sport (DCMS). In particular account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority’s consideration will be balanced against the wider benefits to the community.

Sandy Town Council Comment: Para 5.6 – Should film be added to the list of cultural activities mentioned. In the sentence “.....the Licensing Authority’s consideration will be balanced against the wider benefits....., remove “balanced” and replace with “weighed”.

Officer Comment: Para 5.6 Wording taken from DCMS guidance to local authorities 13.70 – No change to policy.

Draft Policy: Para 5.7 - The Licensing Authority may depart from the guidance and this policy where it is deemed appropriate in order to promote one or all of the licensing objectives. In these circumstances, reasons for the decision will be provided.

Sandy Town Council Comment: Para 5.7 – “.....reasons for the decision will be provided.” Replace will with “must” or “shall”.

Officer Comment: Para 5.7 - No change to wording required.

Sandy Town Council Comment: Para 5.8 – An officer’s decision on whether a complaint is irrelevant, vexatious etc should be liable to review.

Officer Comment: Para 5.8 There is no facility under the Act for such a review. – No change to policy.

Sandy Town Council Comment: Para 7.1 – Add “offensive weapons” to the list of items applicants should consider how to deal with.

Para 7.3 – Add “obstruction or double parking” to the list of items that could cause a public nuisance.

Officer Comment: Para 7.1 and 7.3 These items are both police matters and not within the remit of the Licensing Act – No change to policy.

7.

Recommendation A:

Para 2.7 to be amended to read:

The rules of Natural Justice (fair treatment and fair decisions) are applied at all times

Para 4.0 Cumulative Impact to be amended:

If the Licensing Authority receives representations from a responsible authority or interested party, to the effect that a particular area is becoming saturated with premises, creating problems of disorder and nuisance, the Licensing Authority may take into account cumulative impact when considering the individual merits of any application....

8. Response to comments from Bedfordshire Police

The Police Licensing Officers for the area, being statutory consultees were given the opportunity to comment on the licensing policy, along with Central Bedfordshire Councils Community Safety Liaison Officer. The Licensing Policy was discussed at a meeting of the Central Bedfordshire Operational Delivery Group (ODG), where both parties attended and the following comments were received:

'The overriding comment that the ODG meeting wish to raise is the absence in the policy of reference to reducing crime and disorder in the licensing process, particularly alcohol related licenses. This also extends to anti-social behaviour legislation where the local authority has a statutory obligation to consider and plan to reduce. The effect of alcohol related licenses are shown to have a significant impact on the community and are also considered to have a remit beyond their immediate premises and curtilage. Therefore, the Licensing Policy should show that Licensees have some responsibility for relevant issues in the vicinity of their premises and also the behaviour linked to consumption of their customers. Consequently the Licensing Authority should consider these issues in any application and seek to redress through the appropriate imposition of conditions.'

Whilst acknowledging the concerns of the Central Bedfordshire ODG, the licensing policy indicates at para 7.1 the requirement for applicants to indicate how they intend to deal with the Prevention of Crime and Disorder objective. These measures are to be considered on a case by case basis appropriate to the nature of the premises, where appropriate in consultation with the Police Licensing Officer and the Local Authority Enforcement Officer.

9. **Recommendation B: In order to re-affirm the requirements under the Act it is proposed that paragraph 7.1 be amended to include the following.**

"Licensees and certificate holders should take reasonable steps to prevent the occurrence or crime and disorder immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control".

Conclusion and Next Steps

10. In order for Central Bedfordshire Council to publish its Licensing Policy on 1st April 2010, the policy must be approved and released for publication by 4th March 2010.
11. Members are asked to consider the policy and proposed amendments and approve the draft to full Council for adoption.
12. Members recommendations will be put before a meeting of the Full Council on 25th February 2010.

Appendices:

Appendix A – Draft Licensing Policy

Appendix B – Consultation response received from Sandy Town Council

Appendix C – Consultation response received from Bedfordshire Police Operational Delivery Group.

Appendix D – Consultation response received from Streatley Parish Council

Appendix E – Consultation response received from Arlesey Town Council.

Background Papers: N/A

Location of papers: The Council Offices, Dunstable

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CENTRAL BEDFORDSHIRE COUNCIL

THE LICENSING ACT 2003

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LICENSING POLICY

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1.0 Executive Summary

The Licensing Authority seeks to achieve a balance between the licensed trade, the community and other stakeholders. Whilst conscious of the importance of licensed premises to the local economy and vitality of the community, the Licensing Authority acknowledges the potential issues associated with licensable activities in relation to nuisance and anti-social behaviour, which in turn impacts on the community in a variety of ways. The Licensing Authority seeks to achieve a mutual co-existence, and will work with the licensed trade, responsible authorities and local communities to identify and resolve issues wherever possible.

2.0 Introduction

2.1 The Central Bedfordshire Area

Central Bedfordshire lies in the heart of the county, covering some 712 square kilometres from Leighton Linlade and Dunstable in the west to Sandy and Arlesey in the east, and from Woburn to Whipsnade. The Chiltern Hills, an Area of Outstanding Natural Beauty, form a major feature in the west including chalk scarp and downlands and the Greensand Ridge runs eastwards throughout the area. The Grand Union canal also passes through the area.

The area is diverse with picturesque villages, hamlets and historic market towns whilst, as one of the most rapidly growing unitary councils in England, it is planning for substantial additional development. With a total population of some 255,000, the largest communities within Central Bedfordshire are Dunstable, Leighton Buzzard, Houghton Regis, Biggleswade, Flitwick, Sandy, Ampthill and Shefford.

In September 2009 Central Bedfordshire had issued over 800 premises licences under the Licensing Act 2003. The Licensing Authority had also issued over 2000 Personal licences. This number includes people that live within Central Bedfordshire area but that may work elsewhere.

2.2 Licensing Policy Statement

The Licensing Act 2003 ('The Act') requires the Licensing Authority, in this case Central Bedfordshire Council ('The Council') to review and publish its Statement of Licensing Policy every three years.

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and having regard to the Guidance to Local Authorities issued under Section 182 of the Act.

The Act requires that a Statement of Licensing Policy is published every three years on specified dates. As a new Authority this is the first Statement of Licensing Policy: the next review must be completed by 7th January 2011 to meet the requirements of the Act. Further consultations will take place before

any amendments are made. In addition the Council will keep its policy under constant review, and make revisions as appropriate.

Nothing in this policy prevents anyone applying for authorisations under the Licensing Act 2003.

2.3 Purpose of Policy

The purpose of this policy is to set out the approach that the Licensing Authority intends to take when determining applications and carrying out its duties with regard to regulation and enforcement. The policy does not seek to fully explain the various application processes, however guidance and advice on making an application or requesting a review of a licence is available from the Licensing Authority on request. Applicants and members of the public are advised to contact the Licensing Authority in the event of any enquiry for appropriate advice.

2.4 Licensing Objectives

The Licensing Authority has a duty to promote the four licensing objectives of the Act, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The promotion of these licensing objectives places a responsibility on all license holders to become partners in achieving the objectives. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained in order to promote the objectives. These measures will be relevant to the individual style and characteristic of the premises and the events therein.

For further guidance please see section 7.0 or contact the Licensing Authority.

2.5 Licensable Activities

This policy relates to the following activities that are required to be licensed under the Act:

- Retail sale of alcohol
- Supply of alcohol by or on behalf of a club, or to the order of a member of the club
- Provision of 'regulated entertainment' to the public, club members or with a view to profit
- Provision of late night refreshment (Supply of hot food and/or drink from any premises between 11pm and 5am)

Regulated entertainment includes:

- Performance of a play

- Exhibition of a film
- Indoor sporting events
- Boxing/wrestling entertainment
- Performance of live music
- Playing of recorded music
- Performance of dance
- Provision of facilities for making music
- Provision of facilities for dancing

2.6 Authorisations for licensable activities

It is an offence under the Act to carry on licensable activities except under and in accordance with an authorisation, or to allow such activities to be carried on. There are various exempt activities that may be carried out without an authorisation and further information and advice is available from the Licensing Authority on request.

2.7 General principles

Notwithstanding the above, the Licensing Authority will ensure that:

- Every application is considered on its own merit, having regard to the Guidance issued under Section 182 of the Act.
- The rules of natural justice are applied at all times
- The right of any individual to apply, under the terms of the Act, for a variety of permissions is not undermined
- The right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act is not overridden.
- The provisions of The Human Rights Act 1998, Article 6 (that in determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law), Article 8 (that everyone has the right to respect for their home and private life) and Article 1 of the First Protocol (that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence) are given proper regard.
- Central Bedfordshire Council has not adopted a “vicinity” policy and will only seek to control those measures within the control of the licensee.
- This Licensing Authority acknowledges that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the licence holder.
- The Licensing Authority may depart from the guidance and this policy where it is deemed appropriate in order to promote one or all of the licensing objectives. In these circumstances, reasons for the decision will be provided.

2.8 Consultation

This policy was drawn up after consulting with the following bodies :-

- The Police
- The Fire Service
- Current licence holders
- Bodies representing local holders of premises licences
- Bodies representing local holders of club premises certificates
- Bodies representing local holders of personal licences
- Local businesses and their representatives
- Local residents and their representatives
- Community Safety Liaison Officer
- Community Development Officer
- Town & Parish Councils
- Representatives of any Local Strategic Partnership
- Child Protection Agency
- Ofsted
- Trading Standards
- Bedfordshire Drugs Action Team (B:DaT)
- Tourism South East
- Licensing Solicitors
- Ambulance Service
- Voluntary Organisations
- Ward Councillors
- Environmental Health
- Other relevant services within Central Bedfordshire Council
- Local Authorities with which this Licensing Authority has boundaries

This Policy will come into force on the 1st April 2010. The next review must be undertaken and the policy published by the 7th January 2014. The Policy may also be reviewed, updated and modified as and when the Licensing Authority considers appropriate to promote one or all of the licensing objectives.

The consultation took place between 16th September 2009 and 9th December 2009, and the views of the parties consulted have been given proper weighting.

The policy was approved at a meeting of the Full City Council on 25th February 2010 and was published via our website on 4th March 2010.

Should you have any comments regarding this policy statement please send them via e-mail or letter to the following contact:

Licensing Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.

E-mail: licensing.section@centralbedfordshire.gov.uk

Any amendments to the Policy will be subject to further consultation.

3.0 Related Strategies and Initiatives

The Licensing Authority will avoid duplication with other statutory regimes and if conditions are already provided for in other legislation, they cannot be considered necessary in the context of licensing law.

Applicants may find it useful to consider other Central Bedfordshire Council strategies and initiatives, Responsible Authority guidance and Central Government legislation and guidance. These may include:

- Community, cultural and community safety strategies
- Alcohol harm reduction strategy
- Safer Clubbing
- Anti Social Behaviour Act 2003
- Health Act 2006
- Health & Safety at Work etc Act 1974
- Regulatory Reform (Fire Safety) Order 2005
- Race Relations (Amendment) Act 2000
- Environmental Protection Act 1990
- Disability Discrimination Act 1996
- Human Rights Act 1998
- Crime & Disorder Act 1998
- The Event Safety Guide
- The Bedfordshire Community Safety Design Guide
- Safer Communities
- The Gambling Act 2005
- Planning Control (The planning and licensing regimes will be clearly separated to avoid duplication and inefficiency)
- Any other relevant documents

4.0 Cumulative Impact

Central Bedfordshire Council has not adopted a saturation policy at this time.

The Licensing Authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in any area. Due regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the impact they are likely to have on the local community and the promotion of the licensing objectives.

If the Licensing Authority receives representations from a responsible authority or interested party, to the effect that a particular area is becoming saturated with premises, creating exceptional problems of disorder and nuisance, the Licensing Authority may take into account cumulative impact when considering the individual merits of any application.

This should not be confused with 'need' which relates to the commercial demand for a particular type of premises e.g. a pub, restaurant or hotel. This is not a matter for the Licensing Authority, but for planning committees and for the market.

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5.0 Licensing Process and Delegations

- 5.1** Applicants must complete the relevant application form and submit it to the Licensing Authority with all the relevant documentation and fees. Copies must be sent to the Responsible Authorities, as listed below.
- 5.2** For the purposes of this Act the body deemed by this Licensing Authority to be competent to advise it on the protection of children from harm is Central Bedfordshire Council Policy & Strategy, Children Families and Learning.

The Responsible Authorities for the Licensing Act 2003 are:

- Chief Officer of Police
 - Chief Fire Officer
 - Health & Safety. This must be sent to the relevant enforcing Authority for the Health and Safety at Work etc. Act 1974 which in most cases is the Local Authority. In all other cases it is the Health and Safety Executive. If in doubt please contact Central Bedfordshire Council Health and Safety Department for further guidance
 - Central Bedfordshire Council Environmental Health
 - Central Bedfordshire Council Planning
 - Central Bedfordshire Council, Policy & Strategy, Children Families and Learning
 - Trading Standards
- 5.3** As contacts for Responsible Authorities under the Act are liable to change, their details are available on a separate document and can be obtained by contacting the licensing team, or on the Central Bedfordshire Council website www.centralbedfordshire.gov.uk
- 5.4** Applicants must also advertise their application in the prescribed manner to ensure that all interested parties are aware of the application and are able to make representations if they so wish.

An interested party is defined in the Act as:

- A person living in the vicinity of the premises in question
 - A body representing persons living in that vicinity (e.g. a residents association, town or parish council)
 - A person involved in a business in the vicinity of the premises in question
 - A body representing persons involved in such businesses (e.g. a trade association)
- 5.5** If no relevant representations are received the Licensing Authority must grant the licence and may only attach conditions that are consistent with the operating schedule and any mandatory conditions as prescribed in the Act. Applications where there are relevant representations that have not been withdrawn as a result of mediation,

will be dealt with by a Committee of the Licensing Authority, as will any application for review of a licence (see Section 7.0).

5.6 When determining applications the Licensing Authority will have regard to the Guidance issued by the Department of Culture, Media and Sport (DCMS). In particular account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

5.7 The Licensing Authority may depart from the guidance and this policy where it is deemed appropriate in order to promote one or all of the licensing objectives. In these circumstances, reasons for the decision will be provided.

5.8 Delegation of Functions

Matter to be dealt with	Licensing Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	If a police objection	If no objection made
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for Provisional Statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for Interim Authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases

Decision to object when Local Authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police representation to a temporary event notice	All cases	
Application for a Minor Variation either with or without representations	All cases (subject to approval by the constitutional working group and members)	

5.9 Conditions may only be attached to a premises licence or club premises certificate if relevant representations are received. Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned.

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6.0 Applications

Before making an application, applicants should refer to the Central Bedfordshire Guidance to the Licensing Act 2003.

6.1 Premises Licence

A premises licence is required for any of the licensable activities listed at 2.5. 'Premises' is defined in the Act as meaning any place and includes a vehicle, vessel or moveable structure.

Any person aged over 18 years, a business or partnership, may apply for a premises licence. The application must be made on the prescribed form and must be accompanied by;

- The required fee
- An operating schedule
- A plan of the premises to which the application relates
- If it is intended to supply alcohol, the applicant must provide a form of consent from the individual that the applicant wishes to have specified as the "designated premises supervisor".

Applicants are encouraged to enter pre-application discussions with the Licensing Authority and Responsible Authorities, to ensure that they have adequately addressed all the licensing objectives.

The operating schedule should include information which will enable the Licensing Authority, Responsible Authorities and Interested Parties to assess the steps taken by the applicant to promote the licensing objectives. Further advice on operating schedules may be obtained from the Licensing Authority.

A Responsible Authority or Interested Party can make representations to the Licensing Authority in relation to a Premises Licence Application. A representation can be in support of or oppose the application, but must relate to the premises and the likely impact of the application on one or more of the licensing objectives. A representation must be served on the Licensing Authority within the statutory deadline, which is 28 days from the date the application was made or accepted.

Where a premises licence authorises the supply of alcohol, the following mandatory conditions will apply:

"No supply of alcohol may be made under the premises licence

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended".

"Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence".

Where an application is made by a community premises under The Legislative Reform (Supervision of Alcohol Sales in Church & Village Halls &c.) Order 2009, to apply the alternative condition, that condition shall replace the above with “Every supply of alcohol under the premises licence must be made or authorised by the management committee”.

6.2 Club Premises Certificates

The procedures and legal requirements for Club Premises Certificates are largely the same as for Premises Licences, with the major difference being that under a Club Premises Certificate there is no requirement for a Designated Premises Supervisor.

Further information and advice on specific circumstances may be obtained from the Licensing Authority.

6.3 Temporary Event Notices

The Act provides for the temporary carrying on of the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment at premises which are not authorised by a premises licence or a club premises certificate.

There are various restrictions in relation to the use of Temporary Event Notices and event organisers are advised to contact the Licensing Authority for further details.

Only the police may object to a Temporary Event Notice and only where they consider that the event is likely to undermine the crime prevention objective.

The Act states that a Temporary Event Notice must be given to the Licensing Authority and to the police at least 10 working days before the day on which the event is due to begin (This does not include the day of receipt of the application by the Licensing Authority or the first day of the event). The Licensing Authority however recommends that at least 28 days notice be given, to allow the Licensing Authority and the police to take full consideration of the notice.

6.4 Provisional Statements

Where premises are being constructed, extended or otherwise altered with a view to providing a licensable activity under the Act, an individual over the age of 18 years, who has an interest in the premises, may apply for a Provisional Statement.

Please contact the Licensing Authority for further details.

6.5 Personal Licences

A personal licence is required by individuals making or authorising the sale or supply of alcohol in accordance with a premises licence. Not every person retailing alcohol at licensed premises needs to hold a personal licence, but

every sale or supply of alcohol must be at least authorised by a personal licence holder.

The Licensing Authority must grant an application for a personal licence if the criteria set down in the Act are satisfied.

Personal licences are portable from one premises to another. An applicant can apply for a personal licence whether or not they have current employment or business interests associated with the use of the licence.

For further guidance and advice please contact the Licensing Authority.

6.6 Designated Premises Supervisor

The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. This is why a personal licence is required by all persons authorising such sales.

Each premises licence which authorises the sale of alcohol requires a personal licence holder to be the Designated Premises Supervisor, (the only exception is for community premises which have successfully made an application to disapply the usual mandatory conditions). This is to ensure that there is always one individual who can be readily identified in case of emergency. The Designated Premises Supervisor should have day to day responsibility for the running of the premises and should be on the premises on a frequent and regular basis. Suitable arrangements should be in place to provide cover where the Designated Premises Supervisor is absent due to holidays, sickness or similar circumstances.

6.7 Reviews

The Act provides a review mechanism for premises where one or more of the licensing objectives are not being met. However, no more than one review will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances or where it arises following a Closure Order.

Responsible Authorities and Interested Parties can apply for a review of a premises licence but must provide evidence to the Licensing Authority that one or more of the licensing objectives are not being met.

Requests for a review will be rejected if:

- the reason does not relate to one or more of the licensing objectives
- if the grounds are, in the opinion of the Licensing Authority, frivolous, vexatious or repetitive. Repetitive grounds are those which are substantially the same, or identical to those considered at a previous hearing within the last 12 months.

Any review of a licence will take place before the Licensing Sub Committee.

7.0 Licensing Functions

Central Bedfordshire Council's Licensing Authority recognise that there are many other departments of the council who have legal responsibilities in relation to premises, that may wish to be, or are already licensed; for example, environmental health, trading standards, planning, building control, community safety etc. However, whilst supportive of those other responsibilities the Licensing Authority can only act in accordance with the Licensing Act 2003. It is therefore vital that a clear distinction is made between the Licensing Authority and all other Council departments.

In most cases (other than minor variations), if representations are received from, or a review is requested by, a responsible authority or interested party, and these cannot be resolved by discussion between the responsible authority, the interested party, the applicant and the licensing authority, a public hearing will be held by the Licensing Sub Committee. At the hearing the Licensing Sub Committee will listen to the evidence and statements of the responsible authority and/or interested party who have made representations/called for a review, and any information the applicant wishes to provide.

The Licensing Sub Committee will only consider the evidence relating to representations which are in connection with one or more of the four licensing objectives. Consequently, the Licensing Sub Committee will only attach conditions to authorisations, where representations have been made, and where those conditions are considered necessary to ensure that the licensing objectives are being met. If it is ruled that the applicant has met the licensing objectives then no conditions will be attached. The Licensing Sub Committee may also choose to refuse the application; however, the presumption of the Act is that all applications will be granted unless there are exceptional circumstances where the licensing objectives cannot be met. The Licensing Sub Committee will seek to avoid attaching conditions that duplicate other regulatory regimes as far as possible. They will also only seek to attach conditions that are focused on matters in the direct control of the licence holder or club.

In ensuring that the four licensing objectives are met the Licensing Sub Committee would expect the applicant to have demonstrated that they have undertaken a risk assessment to ensure they have considered all the relevant factors for their individual circumstances, including the individual styles and characteristics of the premises and the types of event proposed.

The types of issues that should be considered by the applicant for each licensing objective include, but are not limited to:

7.1 The Prevention of Crime and Disorder

Applicants should consider how they propose to deal with:

- Under age drinking
- Drunkenness on premises
- Drugs

- Violent behaviour
- Anti Social Behaviour

Licensing application operating schedules should therefore consider measures for:

- Provision of door supervisors, properly licensed by the Security Industry Authority.
- Bottle bans or requirement to provide plastic containers/toughened glass. (Where risk assessment determines that there is a high risk in this area, providing polycarbonate glasses will be a condition for new applications).
- CCTV, both inside and outside the premises.
- Ban on open containers being taken from premises (e.g. glasses and open bottles)
- Restrictions on drinking areas.
- Capacity limits
- Proof of age cards.
- Responsible drinks promotions
- Crime prevention notices/signage.
- Effective and responsible management and supervision of premises
- Appropriate instruction and training given to staff in crime prevention measures
- Security arrangements
- Participation in Pub Watch/Shop Watch schemes
- Adoption of existing and future Best Practice Guides, such as Safer Clubbing, the National Alcohol Harm Reduction Strategy etc.

7.2 Public Safety

Applicants should show that they have adequately considered the safety of the public when they are visiting the premises. This will include demonstrating that they have considered appropriate management procedures for ensuring public safety.

Applicants need not duplicate any matters that are considered as part of the requirements of the Regulatory Reform (Fire Safety) Order 2005, which requires fire risk assessments to be undertaken. However the Licensing Authority will consider the implications relating to public safety for each individual application and operating schedules provided by applicants will be expected to address any specific public safety issues not covered by other legislation.

7.3 The Prevention of Public Nuisance

The Licensing Act 2003 recognises the need for flexibility with regard to licensing hours, to reduce the likelihood of disturbances due to large numbers of people leaving licensed premises simultaneously. Applicants should consider their opening hours in relation to the nature of their business, the other licensed premises in the local area and the likelihood for public nuisance to occur.

Public Nuisance will be taken in its widest sense to include such issues as noise, light, vibration, odour, litter and anti social behaviour where these matters can impact on those living or working in the area. In particular, with regard to noise sensitive areas the Licensing Authority will apply such additional conditions as necessary to promote the licensing objectives.

Licensing application operating schedules should therefore consider measures and management procedures to deal with potential for nuisance, which may include:

- Prevention of noise breakout (this includes music, ventilation equipment and human voice whether amplified or not) e.g. sound proofing arrangements, restrictions on times when music or other licensable activities may take place, use of noise limiters properly set to prevent noise breakout and disturbance.
- Prevention of disturbance by customers arriving and leaving the premises and the delivery of goods or services (This will be of greater importance between 11.00pm and 07.00am) e.g. restrictions on deliveries/collections, signage requesting customers to leave quietly and to respect the rights of nearby residents.
- Limiting and or controlling the use of outdoor areas, gardens and patios for licensable activities, where these activities may cause a public nuisance. (Applicants will be required to inform the Licensing Authority of any proposed use of outdoor areas for licensable activities).
- Controlling odours and litter within the curtilage and vicinity of the premises.
- Consideration of light and vibration sources and their potential impact on neighbouring properties.

7.4 The Protection of Children from Harm

- Whether there are effective measures to check the age of those young people who appear under 21 to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises.
- Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- Whether accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance.
- The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.
- Whether due regard is paid to industry codes of good practice on the labeling and display of alcoholic drinks.
- Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.
- The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.

- Whether there is evidence of heavy, binge or underage drinking on the premises.
- Whether the premises commonly provides entertainment or services of an adult or sexual nature
- Whether there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines).
- Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the council itself
- If performances or activities are likely to attract children, the number of adults required for the supervision of children.
- Where play facilities are provided if an adequate risk assessment has been made and appropriate measures taken.
- The measures to be taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure that they pose no risk to children. Obtaining Enhanced Disclosure from the Criminal Records Bureau may be appropriate in some cases.
- Proposals for the provision or arrangement for safe transport for children.

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8.0 Enforcement

The need for compliance with the licensing objectives and licensing conditions will, in most cases, be carried out with co-operation and liaison between the Licensing Authority and licence holders. A policy of consistency, transparency and proportionality will be the key to success.

The Licensing Authority will liaise with all responsible authorities to ensure that, where enforcement is required to support compliance, it will be done using the most appropriate primary legislation. Where this is not possible the Licensing Authority's enforcement officer will investigate and make recommendations under the relevant provisions of the Licensing Act and its guidance. The current Central Bedfordshire Council enforcement policy and agreed principles of Enforcement Concordat will also be considered.

The Licensing Authority agrees with the principles recommended within the guidance to the Act, of risk rating and targeting to ensure that resources can be properly assigned where needed. A lighter touch approach to enforcement will be used where a low risk rating is identified.

The promotion of the four licensing objectives will be paramount to all enforcement actions.

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9.0 Contact Details

Further information about The Licensing Act 2003 and the Councils Licensing Policy can be obtained from:

Central Bedfordshire Council
Public Protection

Priory House	or	The Council Offices
Monks Walk		High Street North
Chicksands		Dunstable
Shefford		Beds
Beds		LU6 1LF
SG17 5TQ		
Tel: 0300 300 8000		Tel: 0300 300 8000

Details of where to send applications, and addresses for Responsible Authorities are available in a separate document, as these are liable to change. Please contact the licensing team for details.

This policy will also be available on our website:

www.centralbedfordshire.gov.uk

Information is also available from;

The Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Tel: 0207 211 6200

e-mail: enquiries@culture.gov.uk

Website: www.culture.gov.uk

Local Government Licensing Forum:

Website: www.lglf.org

The Portman Group:

Website: www.portmangroup.co.uk

Patricia Davies

From: Sue Foster [clerk@sandytowncouncil.gov.uk]
Sent: 21 October 2009 10:00
To: Licensing Enquiries
Subject: Licensing Policy Consultation _ The Licensing Act.

At its meeting on Monday Sandy Town Council considered the draft policy submitted by Central Bedfordshire Council for consultation.

Members made the following resolution:

Resolved: That the following amendments and comments be sent to Central Bedfordshire Council for consideration:

Para 2.7 – The rules of Natural Justice should be explained in the paragraph.

This Council believes that in some cases the licence holder may be responsible for incidences of anti-social behaviour away from the premises, for instance, if they served someone with alcohol, who was already drunk.

Para 3.0 – In the sentence "The Licensing Authority will avoid duplication with other statutory regimes and if conditions are already provided for in other legislation" add – "unless they expire before the expiry of the licence".

Para 4.0 – In the sentence ".....creating exceptional problems of disorder and nuisance, the Licensing Authority may take into account....." Remove the word "exceptional" and replace the word "may" with "shall."

Para 5.4 In all cases Town Councils and Ward Members should be notified with full details of licence applications.

Para 5.6 – Should film be added to the list of cultural activities mentioned. In the sentence ".....the Licensing Authority's consideration will be balanced against the wider benefits....", remove "balanced" and replace with "weighed".

Para 5.7 – ".....reasons for the decision will be provided." Replace will with "must" or "shall".

Para 5.8 – An officer's decision on whether a complaint is irrelevant, vexatious etc should be liable to review.

Para 7.1 – Add "offensive weapons" to the list of items applicants should consider how to deal with.

Para 7.3 – Add "obstruction or double parking" to the list of items that could cause a public nuisance.

Sue Foster

21/10/2009

Town Clerk
Sandy Town Council
10 Cambridge Road
Sandy
SG19 1JE

01767 681491

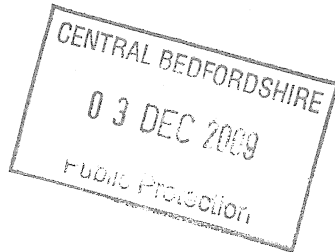
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BEDFORDSHIRE POLICE

Chief Inspector 1270 Neill Waring
Operations and Community Policing

Central Bedfordshire, J Division
Amphill Police Station
Woburn Street
Amphill, Bedfordshire, MK45 2HX
Email: Neill.waring@bedfordshire.pnn.police.uk
Telephone: 01234 84 2680



Mrs P Davies
Central Bedfordshire Council
The Council Offices
High Street North
DUNSTABLE
Beds
LU6 1LF

Our ref: NWclw
Tuesday, 01 December 2009

Dear Mrs Davies

With reference to the consultation process for the Draft Licensing Policy (Licensing Act 2003), this was discussed at the Central Bedfordshire Operational Delivery Group (ODG) meeting on 2nd November when it was noted that the Crime & Disorder Reduction Partnership and relevant partners had not been flagged during the consultation process.

The overriding comment that the ODG meeting wish to raise is the absence in the policy of reference to reducing crime and disorder in the licensing process, particularly alcohol related licenses. This also extends to anti-social behaviour legislation where the local authority has a statutory obligation to consider and plan to reduce. The effect of alcohol related licenses are shown to have a significant impact on the community and are also considered to have a remit beyond their immediate premises and curtilage. Therefore, the Licensing Policy should show that licensees have some responsibility for relevant issues in the vicinity of their premises and also the behaviour linked to consumption of their customers. Consequently the Licensing Authority should consider these issues in any application and seek to redress through the appropriate imposition of conditions.

Further information can be supplied by myself or the Central Bedfordshire Community Safety Team.

Yours sincerely,

Chief Inspector Neill Waring

Making neighbourhoods safer, together



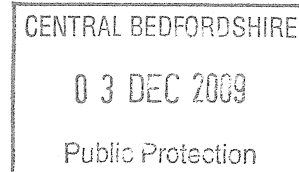
STREATLEY PARISH COUNCIL

37 Turnpike Drive
Luton, Bedfordshire LU3 3RA

Tel: 01582 505176
e-mail: streatley.p.c@hotmail.com

November 28th 2009

Mrs P Davies
Licensing & Policy Officer
Central Bedfordshire Council
The Council Offices
High Street North
Dunstable
Bedfordshire
LU6 1LF



Dear Mrs Davies

The Licensing Act 2003 Review of Licensing Policy

Thank you for your letter of September 16th 2009

The draft copy of the new Licensing Policy Statement has been considered.

The Streatley Parish Council agrees with the proposed policy and has no further comments or views to express.

Yours sincerely

A J Stephenson
Clerk to the Streatley Parish Council

Andrew Stephenson, Clerk to Streatley Parish Council



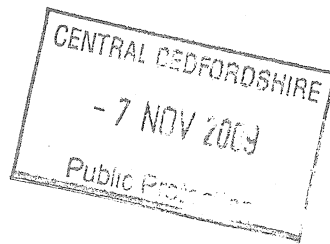
Mrs Elsie Hare
(Town Clerk)

Town Council Office:
Arlesey Community Centre
High Street
Arlesey
Bedfordshire
SG15 6SN

Tel: 01462 733722
Fax: 01462 730860
Email: atc@4thenet.co.uk
Web Site: arleseytc.co.uk

Mrs P Davies
Public Protection
Central Bedfordshire Council
The Council Offices
High Street North
Dunstable
Beds LU6 1LF

5 November 2009



Dear Mrs Davies

The Licensing Act 2003 - Review of Licensing Policy

With reference to your letter dated 16 September 2009 informing the Town Council of the consultation of your new Licensing Policy Statement.

At the Town Council meeting on Tuesday 3 November 2009 Members considered the draft copy of the new Licensing Policy Statement and resolved to accept the amended draft copy.

If you have any queries regarding the Town Council's recommendation please contact me.

Yours sincerely

Elsie Hare
Town Clerk

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Meeting: Extraordinary Licensing Committee Meeting
Date: 13th January 2010
Subject: The Gambling Act 2005 – Gambling Policy
Report of: Gary Alderson – Director of Sustainable Communities
Summary: The report proposes that following the consultation period the Licensing Committee recommend that Executive endorses and Full Council adopt the Gambling Policy.

Contact Officer: Nicola Preston, Licensing Assistant
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Educating, protecting and providing opportunities for children and young people – One of the three licensing objectives is to protect children from harm.
Managing growth effectively – Legislation allows the Council to restrict the number and location of premises undertaking activities covered by the Act.
Creating safer communities – One of the licensing objectives is specifically to prevent gambling from being a source of crime, being associated with crime or disorder or being used to support crime.

Financial:

Fees for activities associated with activities covered by the Gambling Act 2005 are statutory and set by the Secretary of state. Statutory fee levels are set to cover the full cost of administering this function.

Legal:

This policy has been set out in line with the guidance relating to the Gambling Act 2005 issued by the Secretary of State Department of Culture, Media and Sport.

Risk Management:

The Council has a statutory duty to adopt a policy in relation to administration of those functions covered by the Gambling Act 2005.

Staffing (including Trades Unions):

There are no implications for staffing

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. No equality issues have been identified following the adoption of this policy. Each application is considered on its own merits, taking into account the three licensing objectives.

Community Safety:

The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The protection of children and vulnerable adults and the prevention of crime are key principles of the policy and support our statutory duty.

Sustainability:

In adopting and implementing the policy Central Bedfordshire Council can ensure a vibrant and thriving leisure industry with safe and well kept premises which people will want to visit.

RECOMMENDATION(S):

That the Licensing Committee:

1. **approves the policy;**
2. **recommends that Executive endorse the policy and makes recommendations to Full Council to adopt the policy;**
3. **That the Assistant Director Community Safety and Public Protection, in consultation with the Portfolio Holder for Safer and Stronger Communities, be given delegated authority to undertake any necessary minor amendments to the policy prior to publication.**

Background

1. Central Bedfordshire Council is required to adopt a Statement of Gambling Policy by 1 April 2010.

2. The Gambling Act 2005 places general duties on licensing authorities to carry out its functions under the Act. Each licensing authority is required to consult, review and publish its policy in line with statutory dates. The next review was due on 31st January 2010. However, under SI 2008:2867 The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 Part 4, Paragraph 12, Section (5), a period of 12 months from the reorganisation date is prescribed for publishing a statement of principles under the Gambling Act 2005. Furthermore, under the same Regulations Part 4, Paragraph 12, Section (9), the requirements of Section 349(1) of the Gambling Act 2005 are treated as satisfied, as regards the three year period beginning with the 31st January 2010.
3. The policy must promote the three licensing objectives:
 - Preventing gambling from being a source of crime, 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.

These are the only matters that can be considered when deciding an application.

Statement of Licensing Policy

4. The draft gambling policy (Appendix A) was sent out for consultation to the responsible authorities and interested parties. The consultation period ran from 7th September 2009 to 30th November 2009.
5. 2 responses (Appendix B) were received which supported the policy as it stands. No other comments were received

Conclusion and Next Steps

6. In order for Central Bedfordshire Council to publish its Gambling Policy on 1st April 2010, the policy must be approved and released for publication 28 days before coming into effect. The policy must therefore be published by 4th March 2010.
7. The recommendations of the Licensing Committee will be presented to Executive on the 9th February 2010. The recommendations of Executive will be presented to Full Council on the 25th February 2010.

Appendices:

Appendix A – Draft Statement of Principles – Gambling Act 2005
Appendix B - Letters received from Consultees.

Background Papers: N/A

Location of papers: The Council Offices, Priory House, Chicksands, Shefford, Beds.

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CENTRAL BEDFORDSHIRE COUNCIL

THE GAMBLING ACT 2005

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STATEMENT OF PRINCIPLES

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Part 1

1.0 INTRODUCTION

1.1 The Central Bedfordshire Area

Central Bedfordshire lies in the heart of the county, covering some 712 square kilometres from Leighton Linlade and Dunstable in the west to Sandy and Arlesey in the east, and from Woburn to Whipsnade. The Chiltern Hills, an Area of Outstanding Natural Beauty, form a major feature in the west including chalk scarp and downlands and the Greensand Ridge runs eastwards throughout the area. The Grand Union canal also passes through the area.

The area is diverse with picturesque villages, hamlets and historic market towns whilst, as one of the most rapidly growing unitary councils in England, it is planning for substantial additional development. The largest communities within Central Bedfordshire are Ampthill, Biggleswade, Dunstable, Flitwick, Houghton Regis, Leighton Buzzard, Sandy, and Shefford.

(Map at Appendix A)

1.2 The Licensing Objectives

The Gambling Act 2005 requires that the Council carry out its various licensing functions with a view to promoting 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

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

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

1.3 Consultation

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

This Policy is the Licensing Authority's statement of licensing principles and will come into force on the 1st April 2010. The next review must be undertaken and the policy published by the 31st January 2013. The Policy may be reviewed, updated and modified as and when the Licensing Authority considers appropriate to promote one or all of the licensing objectives.

The consultation took place between 7th September 2009 and 30th November 2009, and the views of the parties consulted have been given proper weighting.

Central Bedfordshire Council has consulted widely upon this policy before finalising and publishing it. A list of persons consulted is provided below.

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

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

This authority is consulting the following:

- The Gambling Commission
- The Police
- Central Bedfordshire Council Social Care, Health and Housing
- Central Bedfordshire Council Children, Families and Learning
- British Casino Association
- The Association of British bookmakers
- The Bingo Association
- Bedfordshire Fire Service
- Holders of existing licences, permits and registrations who are affected by the provisions of the Act
- Central Bedfordshire Council Planning
- Central Bedfordshire Council Environmental Health
- Central Bedfordshire Council Community Safety
- Central Bedfordshire Council Equalities
- Central Bedfordshire Council Elected members
- Central Bedfordshire Council Trading Standards
- Parish & Town Councils
- HM Revenues and Customs

- Luton Magistrates Court
- Central Bedfordshire Head of Policy & Strategy, Children Families & Learning
- General Federation of Trade Unions
- British Amusement Catering Trade Association
- Club & Institute Union
- Gamcare
- Gamblers Anonymous
- Mencap
- Citizens Advice Bureau
- Federation of Licensed Victuallers
- Leisure Link
- Gamestec
- Responsibility in Gambling Trust

The policy was approved at a meeting of the Full City Council on 25th February 2010 and was published via our website on 4th March 2010.

Should you have any comments regarding this policy statement please send them via e-mail or letter to the following contact:

Licensing Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.

E-mail: licensing.section@centralbedfordshire.gov.uk

Any amendments to the Policy will be subject to further consultation.

1.4 Declaration

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

1.5 General Statement of Principles

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

In carrying out its licensing functions the Council will act in accordance with the relevant legislation and Guidance from the Commission and will adopt the principles of better regulation. The Council will only depart from the guidance where there are strong and defensible reasons for doing so.

The Council 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 Council will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Council 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 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, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits.

The licensing authority may consider whether there is a need for door supervisors in terms of Licensing Objectives of protection of children and vulnerable persons being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime.

In consultation with the premises licence holder, the Licensing Authority may decide to place a condition on the Premises Licence requiring door supervisors if they have concerns that a premise may attract disorder or attempts at unauthorised access (e.g. children or young persons).

Where door supervisors are required, they must be licensed by the Security Industry Authority in accordance with the Private Security Industry Act 2001. 'In-house' employees working as door supervisors at casino and bingo premises are exempt from these requirements

When considering any application the Council will avoid duplication with other regulatory regimes as far as possible. The Council will not attach conditions to a licence unless they are considered necessary, reasonable and proportionate to the use of the premises for gambling consistent with the Licensing Objectives.

1.6 Categories of licence

The Act provides for 3 categories of licence:

- operating licences
- personal licences
- premises licences

The Council will be responsible for issuing premises licences. The Gambling Commission will be responsible for issuing operating and personal licences.

1.7 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; and 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 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 will also issue one or more codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, which may also include provisions about the advertising gambling facilities.

The Gambling Commission can be contacted at:-

www.gamblingcommission.gov.uk

1.8 Authorised Activities

'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

- 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 any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not
- 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

The main functions of the Council are to:-

- licence premises 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 Services Authority.

Remote Gambling is dealt with by the Gambling Commission.

The National Lottery is regulated by The National Lottery Commission.

1.9 Responsible Authorities

The responsible authorities under the Gambling Act are:

- Central Bedfordshire Council ('The Council') (as the Licensing Authority)
- The Gambling Commission
- The Chief of Police for Bedfordshire
- Bedfordshire Fire & Rescue
- The Council's Planning service
- The Council's Environmental Health service
- H M Revenue & Customs
- The body designated as competent to advise the authority about the protection of children from harm
(Under Section 157(h) of the Act the following principles have been applied:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

Having regard to the above principles, the Council designates Central Bedfordshire Council Policy & Strategy, Children Families & Learning for this purpose).

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at:

<http://www.centralbedfordshire.gov.uk>

or a paper copy can be requested by contacting the Licensing Team.

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 the licensing objectives. In this regard the Council will not generally take into account representations which are deemed to be irrelevant, ie:-

- there are too many gambling premises in the locality
- the premises are likely to be a fire risk
- 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, however, be considered on its own individual merits.

1.10 Interested Parties

An interested party is someone who:-

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or

- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above

In determining whether someone lives sufficiently close to a particular premises so as to be affected the Council 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 complainant
- the potential impact of the premises

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

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected

The Licensing Authority will also consider the Gambling Commission Guidance to Local Authorities regarding persons that 'have business interests' and will give the widest possible interpretation (for example, partnerships, charities, faith groups and medical practices etc).

This authority may consider trade associations, trade unions, and residents' and tenants' associations as interested parties, if they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, (i.e. live sufficiently close to the premises to be likely to be affected by the activities being applied for).

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

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

The Council 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 Council 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 of the application.

The Council will treat each case on its merits.

1.11 Exchange of Information

Subject to the provisions of the Data Protection Act 1998 the Council will share any information it receives through the application process with the Gambling Commission, and those other persons or bodies listed in Schedule 6(1) to the Act for use in the exercise of functions under the Act. In doing so the Council will have regard to the Act itself, any guidance issued by the Commission, any Regulations issued by the Secretary of State and any Council Policies for Data Protection and Freedom of Information. Further information can be obtained from the Council.

If there are persistent or serious disorder problems at premises, that an operator could or should do more to prevent, the Licensing Authority will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold a licence.

1.12 Enforcement

The Licensing Authorities main enforcement and compliance role in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences.

All the powers of officers authorised by the council under the act will be exercised in accordance with the Enforcement Concordat, the Regulators' Compliance Code, and the Council's enforcement policies.

The Licensing Authority will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary;
- 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 advice simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

The licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

A risk-based inspection programme, based on the licensing objectives, relevant codes of practice, Guidance issued by the Gambling Commission, the principles set out in this Statement of Principles, and any other information provided by the Commission, the police and other enforcing authorities will be used to target agreed problem or high-risk premises.

The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises (those that are seen to be consistently disregarding the licensing objectives and any licensing conditions that are laid down within their individual premises licence) through the review process.

1.13 Licensing Authority Functions

Licensing authorities are required under the Act to:

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

Part 2

2.0 Licences

2.1 Premises Licences

2.1.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

2.1.2 A premises licence is one that authorises premises to be used for:

- The operation of a casino (a casino premises licence)
- The provision of facilities for playing bingo (a bingo premises licence)
- Making category B gaming machines available for use (an adult gaming centre premises licence)
- Making category C gaming machines available for use (a family entertainment centre premises licence), or
- The provision of facilities for betting (a betting premises licence)

Appendix B details the classification of gaming machines. Appendix C details the machine provisions by premise type.

2.1.3 In making decisions about premises licences, Central Bedfordshire Council will aim to permit the use of the premises for gambling in so far as it thinks it is:

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

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

2.1.5 Application forms are in the format prescribed by Regulations and will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of location, needs of the local community etc. Most importantly the applicant will be expected to detail the steps that will be taken to promote the three Licensing Objectives. Applicants should carry out a risk assessment before they apply for a licence.

2.1.6 Applicants are encouraged to consult the Police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from the Council's Licensing Department including contact names for each of the responsible authorities

that should receive applications. Applications should be submitted with any additional relevant documentation and the prescribed fee.

Incomplete applications will not be considered and will be returned to the applicant.

2.1.7 Where there are no areas of contention it is considered that many of the functions will be largely administrative. Functions will be delegated in accordance with section 4.2 of this Statement of Principles.

2.1.8 Where there are relevant representations in respect of an application the matter will be determined by the Licensing Committee or one of its sub-committees, as will any application for the review of a licence.

2.1.9 Interested parties or responsible authorities can make requests for a review of the premises licence, however it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for review is relevant to the matters listed below:-

- 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
- In accordance with the Authority's Statement of Licensing Policy.

As well as consideration as to whether the request is frivolous or vexatious.

2.1.10 The licensing authority can also initiate a review of the licence on the basis of any reason which it thinks appropriate.

2.1.11 This Statement 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

2.2 Definition of “premises”

2.2.1 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

2.2.2 Central Bedfordshire Council will refer to the Gambling Commission guidance when considering applications for multiple licences for a building

and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. There will be specific issues to consider before granting applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as whole, the location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

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

2.3 Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This could include areas where gambling premises should not be located, (for example near a school or in residential areas where there may be a high concentration of families with children). This does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the potential concerns can be overcome.

2.4 Duplication with other regulatory regimes

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

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

2.5.1 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.

2.5.2 Anyone applying to the Council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the Council will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.

2.5.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council 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 a requirement for door supervisors.

2.5.4 As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing 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 Council 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.

2.5.5 Issues of disorder would 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.

2.5.6 When making decisions in this regard the Council will give due weight to any comments made by the police.

2.6 Ensuring gambling is conducted in a fair and open way

2.6.1 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 will be addressed by the Commission through the operating and personal licensing regime.

2.6.2 Because betting track operators do not need an operating licence from the Commission the Council may, in certain circumstances require conditions of licence relating to the suitability of the environment in which betting takes place.

2.7 Protecting children and other vulnerable people from gambling

2.7.1 Apart from one or two 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.

2.7.2 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. In relation to casinos only, the Gambling Commission will be issuing a code of practice about access to casino premises for children and young persons.

2.7.3 When considering whether to grant a premises licence or permit the Council will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

2.7.4 With regard to the term "vulnerable persons" the Council will, in line with The Gambling Commission, 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, perhaps due to a mental impairment, alcohol or drugs.

2.7.5 The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

2.8 Conditions

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

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises and
- Reasonable in all other respects

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

2.8.3 Specific measures may also be appropriate for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children, and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only adults are admitted to the area where these machines are located
- Access to the area where the machines are located is supervised
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

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

2.8.6 Tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. This authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

2.8.7 There are conditions that the licensing authority cannot attach to premises licences which are:

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

2.9 Door Supervisors

2.9.1 The licensing authority may consider whether there is a need for door supervisors in terms of Licensing Objectives of protection of children and vulnerable persons being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. It is noted that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority.

2.9.2 For premises other than casinos or bingo premises operators and licensing authorities may decide that supervision of entrances or machines is appropriate for the particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need be.

2.10 Adult Gaming Centres

The Council will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Applicants will be expected to satisfy the authority that there will be sufficient measures to meet the licensing objectives, for example, ensure that under 18 year olds do not have access to the premises. However appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- Supervision of entrances/machine areas
- Physical separation of areas

2.11 Family Entertainment Centres

The Council will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Applicants will be expected to satisfy the authority that there will be sufficient measures to meet the licensing objectives, for example, ensure that under 18 year olds do not have access to the adult only gaming machine areas. However appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

2.12 Casinos

At present there are no casinos within the Central Bedfordshire Council area.

There is currently no resolution to prohibit casinos in the area. However, the Council reserves the right to review this situation and, may, at some time in the future, resolve not to permit casinos. Any such decision will be made by the full Council, and details included in a revision of this document.

2.13 Bingo Premises

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

2.13.2 Commercial bingo halls will require a bingo premises licence from the Council

2.13.3 Amusement arcades providing prize bingo will require a prize gaming permit from the Council.

2.13.4 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game. When considering applications of this type the Council 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.

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

2.13.6 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below £2000 total in cash or prizes in any one week period, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission. Bingo is not permitted in Bridge or Whist clubs.

2.14 Tracks

2.14.1 Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

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

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

2.14.4 Applicants will be expected to offer their own measures to meet the licensing objectives; however appropriate measures/licence conditions may cover such issues as:

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

2.14.5 Gaming machines – The Council will consider the location of machines at tracks and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his/her entitlement to 4 gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

2.14.6 Betting machines – The size of the premises and the ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people will be taken into account when considering the number/nature/circumstances of the betting machines an operator wants to offer. It will also consider restricting the number and location of such machines in respect of applications for track betting premises licences.

2.14.7 Conditions on rules being displayed – Gambling Commission Guidance advises that licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

2.14.8 Plans that accompany applications should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

It would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

2.15 Travelling Fairs

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

2.15.2 Whether the applicant falls within the statutory definition of a travelling fair will also be considered.

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

2.16 Gaming

2.16.1 A gaming machine can cover all types of gambling activity which can take place on a machine, including betting on 'virtual' events.

2.16.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

2.16.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:-

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

2.16.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' (where the element of skill is not involved) imparted by the action of the machine would cause it to be a gaming machine.

2.16.5 The Council will, where appropriate, seek to encourage permit and premises licence holders to adopt any codes of practice which may be introduced by the amusement industry from time to time.

2.17 Lotteries

2.17.1 All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act.

2.17.2 One of those exemptions is in respect of what are termed "small societies lotteries" and the Council is responsible for registering these 'small' lotteries.

2.17.3 A society will be allowed to register with the Council if it is a 'non-commercial' lottery, in other words, it is established and conducted:-

- for charitable purposes;

- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain.

2.17.4 The Council will maintain a register of small societies lotteries which it has registered.

2.18 Provisional Statements

A provisional statement is a statement of intent. A provisional statement does not require the applicant to have an operator's licence and/or the right to occupy the premises. This enables the applicant to carry out all the other aspects of applying for a Premises Licence whilst awaiting confirmation of these issues. An application for a premises licence can only be made when the applicant has, or has applied for, an operators licence, issued by the Gambling Commission and has the right to occupy the premises.

2.18.1 A person may apply for a provisional statement in respect of premises:

- They expect to be constructed
- They expect to be altered, or
- They expect to acquire a right to occupy

2.18.2 Applications will be dealt with in the same manner as applications for premises licences. Once premises are constructed, altered or acquired the holder of a provisional statement may apply for a full premises licence.

2.18.3 The Gambling Commission's Guidance states that "it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary inspect it fully".

2.18.4 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicants circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

2.18.5 Gambling Commission Guidance states that "A licensing authority should not take into account irrelevant matters, such as the likelihood of the applicant obtaining planning permission or building regulations approval for the purpose".

2.19 Reviews

2.19.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, the licensing authority will decide whether the review is to be carried out. This will be on the basis of whether the request for the review is:

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

2.19.2 In addition consideration will be given as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review. The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks appropriate.

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Part 3

3.0 Permits/Temporary & Occasional Use Notices

3.1 Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits

3.1.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to this authority for a permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. (Section 238 GA05)

3.1.2 A licensing authority cannot attach conditions to this type of permit.

3.1.3 An application for a permit may only be granted if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

3.1.4 Applicants will also be expected to demonstrate:

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

3.2 (Alcohol) Licensed Premises Gaming Machine Permits

3.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)

- The premises are mainly used for gambling or
- An offence under the Gambling Act has been committed on the premises.

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

3.2.3 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 exploited by gambling. We will expect the applicant to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

3.2.4 Measures may include:

- Adult machines being in sight of the bar or in the sight of staff who will monitor the machines to ensure they are not being used by under 18's
- Notices and signage
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

3.2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

3.2.6 The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than those applied for, but other conditions cannot be attached.

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

3.3 Prize Gaming Permits

3.3.1 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

3.3.2 The principles applied by this authority are that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate that they understand the limits to stakes and prizes that are set out in Regulations, and also that the gaming offered is within the law.

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

3.3.4 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the licensing authority cannot attach conditions.

3.3.5 The conditions in the Act are:

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

3.4 Club Gaming and Club Gaming Machines Permits

3.4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming Machines Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

3.4.2 Gambling Commission Guidance states "Members Clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations.

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

3.4.3 The Commission Guidance also states that the licensing authority may only refuse an application on the grounds that:

- 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
- The applicant's premises are used wholly or mainly by children and/or young persons
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities

- A permit held by the applicant has been cancelled in the previous ten years or
- An objection has been lodged by the Commission or the police

3.4.4 There is also a fast track procedure available under the Act for premises which hold a Club Premises certificate under the Licensing Act 2003. As the Gambling Commission's Guidance states, "Under the fast track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced".

3.4.5 The grounds on which an application under the process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a Club Gaming Permit or Club Gaming Machines Permit issued to the applicant in the last ten years has been cancelled.

3.4.6 There are statutory conditions on Club Gaming Machines Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

3.5 Temporary Use Notices

3.5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. A temporary use notice may only be granted to a person or company holding a relevant operating licence.

3.5.2 There are a number of statutory limits as regards Temporary Use Notices. The licensing authority must decide what constitutes a "set of premises" where Temporary Use Notices are received relating to the same building, and must consider, amongst other things, the ownership/occupation and control of the premises. In relation to other "covered areas" (e.g. shopping centres) the licensing authority will consider whether different units are in fact different "sets of premises".

3.6 Occasional Use Notices

3.6.1 The intention behind Occasional Use Notices is to permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature.

3.6.2 The meaning of 'track' in the Act covers not just a horse or dog track, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place.

3.6.3 The licensing authority has very little discretion as regards these Notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

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Part 4

4.0 Other Information

4.1 Application Process

4.1.1 Central Bedfordshire Council will accept applications for Premises Licences on the statutory prescribed application form, accompanied by the prescribed fee and supporting documentation.

4.1.2 Applications will be considered in accordance with the delegation of functions table below.

4.1.3 It is considered that many of the licensing functions will be largely administrative and where there are no areas of contention, the responsibility for processing any such application will be delegated to officers.

4.2 Delegation of Functions

4.2.1 Decisions under the Act will be made by the Central Bedfordshire Council Licensing Committee, which consists of 12 councillors. The Licensing Committee has delegated its functions to a Licensing Sub-Committee consisting of 3 councillors or to an officer. The licensing authority intends to delegate functions under the Gambling Act in the following way in the interests of speed, efficiency and cost-effectiveness.

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (if delegated by full council)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	

Application for club gaming/ Club machine permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

4.2.2 Members who sit on the Licensing Committee or Sub-Committee, or who make representations, will do so in accordance with Central Bedfordshire Councils constitution and any other relevant Central Bedfordshire Policies and Procedures.

4.2.3 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear reasons for the decision. The applicant, and/or responsible authorities and/or interested parties shall be informed of the decision in writing.

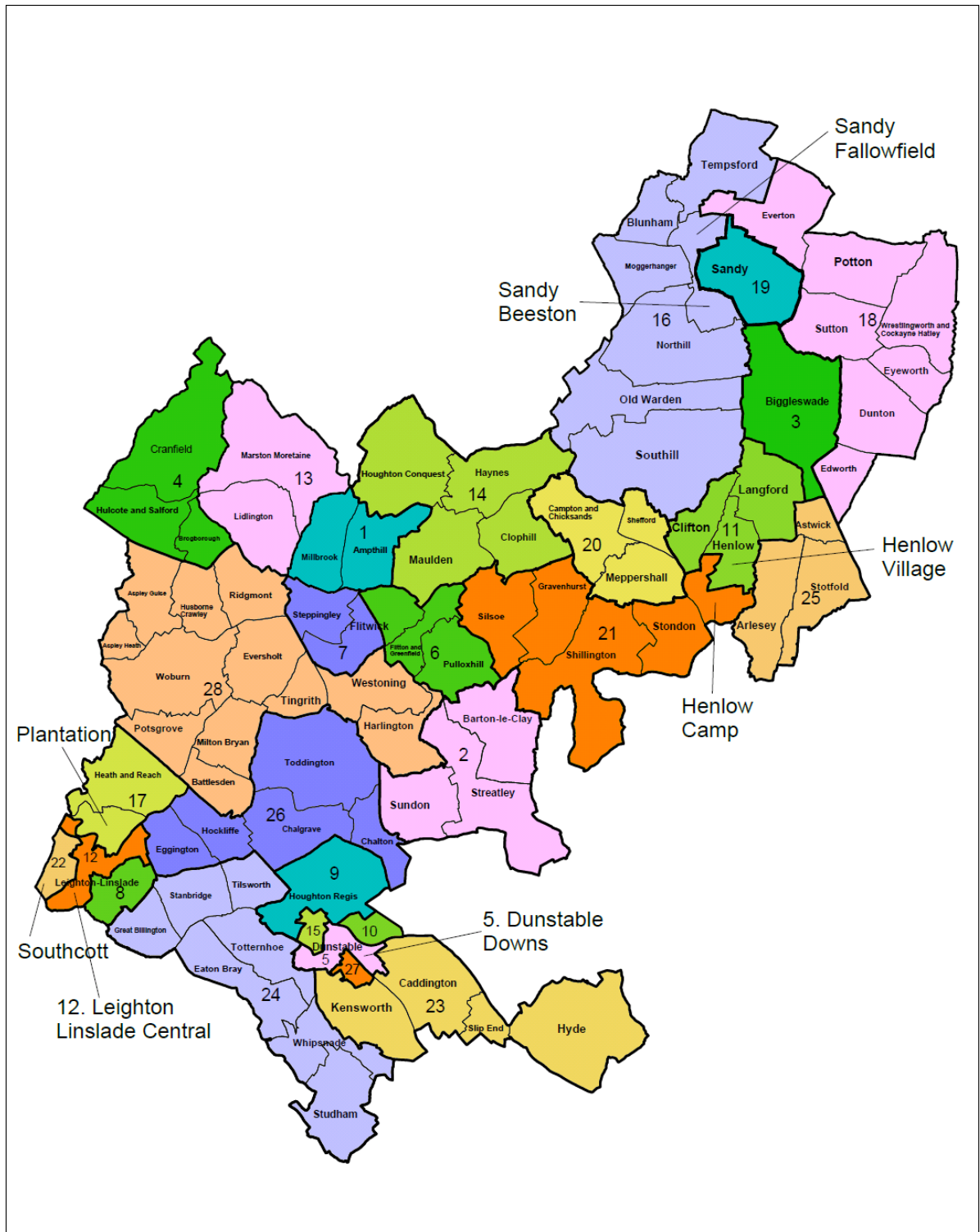
4.3 Useful Information

Central Bedfordshire Council
e-mail: info@centralbedfordshire.gov.uk
Website: www.centralbedfordshire.gov.uk

A copy of the Gambling Act 2005 is available from www.opsi.gov.uk

Appendix A

Map of Central Bedfordshire



Date: 11 May 2009
Scale: 1:210000



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Appendix B

Classification of Gaming Machines

The Classification of Gaming Machines is as per The Categories of Gaming Machine Regulations 2007 and The Categories of Gaming Machine (Amendment) Regulations 2009.

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£1	£500
B4	£1	£250
C	£1	£70
D - Non-money prize (other than a crane grab machine)	30p	£8
D - Non-money prize (crane grab machine)	£1	£50
D - (money prize)	10p	£5
D – Combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be in prize money)
D – Combined money and non-money prize (Coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be in prize money)

Appendix C

Summary of Machine Provision by Premise - Gambling Commission
'Guidance to Licensing Authorities, 3rd Edition, May 2009' Appendix A

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D					
Bingo premises				Maximum of 8 machines in category B3 or B4	No limit on category C or D machines		
Adult gaming centre				Maximum of 4 machines in category B3 or B4	No limit on category C or D machines		
Family entertainment centre (with premises licence)					No limit on category C or D machines		
Family entertainment centre (with permit)						No limit on category D machines	
Clubs or miners' welfare institute (with permits)				Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol-licensed premises					1 or 2 machines of category C or D automatic upon notification		
Qualifying alcohol-licensed premises (with gaming machine permit)					Number of category C-D machines as specified on permit		
Travelling fair						No limit on category D machines	
	A	B1	B2	B3	B4	C	D

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

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STREATLEY PARISH COUNCIL

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November 28th 2009

Mrs N Preston
Public Protection
Central Bedfordshire Council
Priory House
Monks Walk
Shefford
Bedfordshire
SG17 5TQ



Dear Mrs Preston

The Gambling Act 2005 Review of Statement of Principles

Thank you for your letter of September 7th 2009

The draft copy of the new Statement of Principles has been considered.

The Streatley Parish Council agrees with the proposed statement and has no further comments or views to express.

Yours sincerely



A J Stephenson
Clerk to the Streatley Parish Council

From: Richard Reeves [mailto:RichardR@bacta.org.uk]
Sent: 10 December 2009 12:15
To: Nicola Preston
Subject: Gambling Act Consultation

Dear Mrs Preston

Statement of Policy and Principles under the Gambling Act 2005

Thank you for the opportunity to comment on your Statement of Policy and Principles under the Gambling Act 2005. We understand that we may have missed the closing date of your consultation.

The British Amusement Catering Trades Association (BACTA) represents Britain's amusement industry with its 650+ members covering the entire supply chain from manufacturing, through distribution and including retail premises. We are responding to your consultation on behalf of our members.

We note that your consultation follows the model format circulated by LACORS and commend this as we believe that premises licence decisions should be administered consistently between local authorities. We ask that you consider the following when making decisions under the Gambling Act:

The exercise of discretion

The exercise of local authority's discretion is an essential part of regulation under the Act and the principles that are to be applied are to be viewed against the duty of the licensing authority under Section 153 which is to "aim to permit the use of premises for gambling"

Interested parties

It is noted that Gambling Commission Guidance states that 'interested parties' includes trade associations and although BACTA is not of itself an interested person under the terms of the Gambling Act 2005 it does represent, through its members, parties who live sufficiently close to premises to be affected by activities being applied for.

Conditions

Conditions must not duplicate protection which is already imposed by regulation from the Commission. Therefore before any condition is imposed there must be:

- identification of which of the Licensing Objectives is threatened;
- actual evidence of such threat;
- reasons why the proposed condition would be effective to address such threat, and
- reasons why such threat is not already addressed by existing regulation in the form of operating licence conditions, premises licence mandatory conditions and Gambling Commission codes of practice.

Reviews of licensed premises

Licensing authorities are given the power to initiate a review a premises licence. Such reviews should only result from a breach of the licence or a threat to the licensing objectives. Therefore if licence has been granted and the premises operated in accordance with the licence there would be no grounds to review a licence if additional guidance or regulations are issued. A licence should not be subject to retrospective application of guidance.

Protection of children and other vulnerable people / Category D machines

BACTA fully supports the protection of children and the vulnerable. The Act contains specific offences under Parts 3 and 4 which include heavy fines and imprisonment should children and young people be exposed to adult only environments. Parliament considered that such penalties would be effective to deter breaches of the Act. In particular the DCMS conducted a detailed review of evidence regarding the way in which Category D machines are offered to children and concluded that there was no evidence of harm. The Minister stated to Parliament that any change in the way in which Category D machines were offered would be based on evidence and discussed before Parliament. It would therefore be inappropriate for a licensing authority to impose restrictions that were contrary to Parliamentary intention or Parliamentary process.

Definition of premises and primary purpose.

We note that the Gambling Commission has revised its guidance on the primary activity and the definition of premises. In deciding whether to grant a premises licence, the local authority should be concerned that the application meets the requirements of the regulations. The Gambling Commission will ask an operator how he/she will be providing the gambling before granting the operating licence, e.g. they will ask how the bets will be taken and settled before granting a betting licence. Therefore a licensing authority can be satisfied that a gambling operator is able to provide the main gambling type.

Premises is defined by the Act as 'any place'. Historically the concept of a premises within a premises has operated without evidence of any difficulty, examples of a premises within a premises include piers, motorway service stations, etc. DCMS lawyers confirmed during the passage of the Bill that this concept of a premises within a premises would continue under the 2005 Act, subject, of course, to any conditions applicable to individual licences. It should be noted that Parliament provided that certain premises would permit direct access from areas licensed for family admission to those which are restricted to adults only. Of course the adult only areas are subject to conditions regarding protection of the three licensing objectives and there are severe penalties set out in Parts 3 and 4 of the Act for breach. The gaming machine industry has operated designated adult areas within family entertainment areas for over 10 years and on the basis of evidence Parliament has accepted that this model of direct access should be adopted specifically in relation to licensing FECs and regional casinos. Should there be evidence in the future that the licensing objectives are not upheld, the Secretary of State has the power to react through due Parliamentary process. While licensing authorities should take particular care in considering applications for multiple licenses under one premises, their concern should be to ensure that there are clear barriers and that the license conditions are properly observed. It is clearly Parliamentary intention to permit adjacent adult and family areas referred to above, however, the direct internal access to such areas must be sufficiently clear to prevent "drift". It should be recalled that the demand test does not apply under the Act and therefore licensing authorities should not refuse an application based upon their view of the numbers of machines which will be permitted in a particular geographical area. The focus for attention should be to ensure that each licensed premises complies with licence conditions and codes of practice.

BACTA would be pleased to discuss any of the matters contained in this response, please contact me or Sue Rossiter on 020 7726 9822.

Yours sincerely

Leslie MacLeod-Miller
Chief Executive

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