

REPORT BY DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES.

TO:	LICENSING APPLICATIONS COMMITTEE		
DATE:	25 <sup>TH</sup> SEPTEMBER 2018		
TITLE:	REVIEW OF THE STATEMENT OF GAMBLING LICENSING PRINCIPLES		
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## 1. PURPOSE AND SUMMARY OF REPORT

- 1.1 On 13<sup>th</sup> June 2016, the Council approved the Council's current Statement of Gambling Licensing Principles. The revision of the statement at that time was due to substantive changes within the Social responsibility codes found within the Licensing Conditions and Codes of Practice issued by the Gambling Commission. This meant that the Council, the Licensing Authority for Reading, was required to publish a local area risk assessment so that gambling establishments and potential applicants were aware of the issues around anti-social behaviour within proximity of their premises and were aware of their proximity to schools; places of worship and treatment centres. In response to this published local area risk assessment, licence holders were required to submit a risk assessment on how they would mitigate those issues and risks.
- 1.2 This consultation will bring the three year timescale for the policy review back into line with the 31<sup>st</sup> January 2019 to the 31<sup>st</sup> January 2022 timeframe, subject to any further major revisions emanating from changes in legislation.

## 2. RECOMMENDED ACTION

- 2.1 That the revised "Statement of Gambling Licensing Principles", as attached at Appendix RF-I, be approved for implementation on 31<sup>st</sup> January 2019

### **3 POLICY CONTEXT**

- 3.1 The Gambling Act 2005 (the 'Act') requires that the Council review its Gambling Policy every three years. The policy usually runs for a three year period starting and ending in January. The previous consultation was undertaken outside of this period due the substantial changes within the legislation.

### **4. BACKGROUND**

- 4.1 Under the Act, Reading Borough Council is responsible for issuing gambling premises licenses, permits and registering small lotteries.

- 4.2 Reading Borough Council has responsibility for:

- Licensing premises for gambling activities (and temporary use) e.g. betting shops & casinos.
- Regulating gaming and gaming machines in clubs and miners welfare institutes.
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines.
- Regulating gaming and gaming machines on alcohol licensed premises such as pubs.
- Granting permits for prize gaming.
- Registering small society lotteries.
- Producing a local area profile for the Borough of Reading and ensuring that applications are consistent with the licensing objectives and policy of the Council.
- Enforcing the provisions of the Act.

- 4.3 The gambling framework must centre around the 3 licensing objectives:

- to protect children and other vulnerable people from harm;
- to prevent gambling being a source of crime or disorder; and
- to ensure that gambling is conducted in a fair and open way.

- 4.4 Licence fees for gambling activities are set centrally but are banded so that local authorities have some discretion in the level of fee payable.

### **5. THE PROPOSAL**

- 5.1 There has only been one small change to the Statement of Gambling Licensing Principles. This is at paragraph 11.2.1 which deals with Fixed Odds Betting Terminals. The change reflects the recent change to FOBT stakes reducing them from £100 to £2. It is likely this will come into force in 2020.

## **6. CONTRIBUTION TO STRATEGIC AIMS**

- 6.1 This policy and its implementation contribute to the following strategic aims in the Council's Corporate Plan 2018-22:
- Protecting and enhancing the lives of vulnerable adults and children.
  - Securing the economic success of Reading.
- 6.2 The aim of the policy is to find a balance between securing the safety and amenity of our residential and business communities and responsibly maintaining and developing Reading's role as a major entertainment and cultural centre. The key changes to the policy are to take into account the Gambling Commission's aim to strengthen social responsibility and to ensure that operators of gambling premises are risk assessing their operation in line with the local area profile drawn up by the Licensing Authority. The policy also aims to ensure that all gambling is conducted with a view to promoting the licensing objectives and to encourage operators to promote responsible gambling, in line with the relevant codes of practice and guidance issued by the Gambling Commission.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

- 7.1 Consultations regarding the review of the Council's Gambling Policy were sent to various bodies within the gambling industry, groups who deal with the effects of gambling and responsible authorities stated within the Gambling Act. The consultation period ran up until 19<sup>th</sup> August 2018 and responses are attached at **Appendix RF-2**

## **8. LEGAL IMPLICATIONS**

- 8.1 The Council may attach such conditions to certain categories of licences as they may consider reasonably necessary, in accordance with the Act. All applications for premises licences will need to demonstrate how they will promote the licensing objectives; adhere to the relevant codes of practice and guidance issued by the Gambling Commission and adhere to the Licensing Authority's Statement of Gambling Licensing Principles, specifically the Local Area Risk Profile for their particular area of operation. Whilst there is an expectation that the Licensing Authority will 'aim to permit' a licence, it shall only do so, subject to the applicant meeting the criteria set out in this paragraph and in paragraph 8.1.1 of the Council's Statement of Gambling Licensing Principles.
- 8.2 The Council is required by statute to review, consult and publish a Statement of Gambling Licensing Principles every three years. Failure to do so would lead to the Council being in breach of its statutory obligations and could lead to judicial proceedings being taken against it which would incur significant costs to the Council.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 Failure to review and adopt a licensing policy and cumulative impact assessment would mean that the Council is in breach of its statutory obligations and would lead to legal challenge and the associated costs of that challenge.

## **10. EQUALITY IMPACT ASSESSMENT**

- 10.1 The Equality Act 2010 places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not. Protected characteristics include age, disability, race, religion and sexual orientation. When making a decision, the licensing authority will have regard to this due to the goal of ensuring that the night time economy is safe and accessible to all.

## **10. BACKGROUND PAPERS**

Appendix RF-I Statement of Gambling Principles

NB: There were no responses to the consultation.

# Reading Borough Council

# Statement of Gambling Licensing Principles

Draft – to come into force in January 2019 if approved

Reading Borough Council  
Statement of Gambling Licensing Principles

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## STATEMENT OF GAMBLING LICENSING PRINCIPLES

### 1. Introduction

1.1 Section 2 of this Statement is the interpretation section.

1.2 The Council is the Licensing Authority under the Act. The Council is responsible for granting premises licences in the Borough of Reading in respect of:-  
Casino premises;  
Bingo premises;  
Betting premises, including tracks;  
Adult Gaming Centres;  
Family Entertainment Centres.

1.3 The Act requires the Council to prepare and publish a Statement of Principles that it proposes to apply in exercising its functions under the Act. The Act requires that the Statement be reviewed every three years. This Statement was last reviewed in 2014.

1.4 This Statement has been prepared having regard to the provisions of the Guidance issued by the Commission and the licensing objectives of the Act and will be available on the Council's website.

1.5 This Statement will come into effect on the date of adoption by the Council and will be reviewed as necessary, and at least every three years from the date of adoption.

### **1.6. The Borough of Reading**

The Borough is some 4040 hectares in size with a current population of 155,000 persons within its boundary and a population of 255,000 persons within the greater Reading urban area. Over 13% of the population is made up from minority ethnic communities. The strategic location of M4 and the proximity to Heathrow Airport and London has permitted Reading to develop into a major employer in computer companies. In the centre of Reading is located a major shopping and leisure area, which also has a thriving evening economy. Unemployment in Reading is generally low. The areas surrounding the town centre are generally residential with some industrial zones and small shopping precincts.

### **1.7 Consultees**

The following have been consulted in respect of this Statement:-

- (a) Thames Valley Police;
- (b) Representatives of the holders of the various licences for premises within the Borough who will be affected by this Statement;
- (c) Persons/bodies representing the interests of persons likely to be affected by this Statement.



## 2. Interpretation Section

Within this Statement, the following words and terms are defined as stated:

Act:	The Gambling Act 2005
Applications:	Applications for licences and permits as referred to in Section 6 of this Statement
Borough:	The area of Reading administered by Reading Borough Council (Map appended at Appendix A)
Code of Practice:	Means any relevant code of practice under section 24 of the Act
Commission:	The Gambling Commission
Council:	Reading Borough Council
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by the Council
Interested Party:	<p>For the purposes of the Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person: -</p> <ul style="list-style-type: none"><li>(a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li><li>(b) Has business interests that might be affected by the authorised activities;</li><li>(c) Represents persons who satisfy a) or b) above.</li></ul>
Licences:	As defined in Section 5 of this Statement
Licensing Objectives:	As defined in Section 4 of this Statement
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Notifications:	Means notification of temporary and occasional use notices
Premises:	Any place, including a vehicle or vessel.
Regulations:	Regulations made under the Act
Responsible Authority:	For the purposes of the Act, the following are responsible authorities in relation to premises:

The Licensing Authority in whose area the premises are wholly or mainly situated;  
The Gambling Commission;  
Thames Valley Police;  
Royal Berkshire Fire and Rescue Service;  
Planning Department, Reading Borough Council;  
Health & Safety Team, Reading Borough Council;  
Environmental Protection Team, Reading Borough Council;  
Reading Local Safeguarding Children Board;  
HM Customs and Excise.  
Any other person prescribed by regulation made by the Secretary of State.

### **3. Who may make representations**

3.1 Responsible authorities and interested parties are entitled to make representations in response to applications for premises licences, provisional statements and applications for review of premises licences.

3.2 The Council will give due consideration to each case in deciding whether a person is an interested party. The factors which the Council shall take into consideration in determining whether a person lives sufficiently close to the premises to be likely to be affected by the authorised activities include:-

The size of the premises;  
The nature of the premises;  
The distance of the premises from the location of the person making the representation;  
The potential impact of the premises (number of customers, and routes likely to be taken by those visiting the establishment);  
The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interest of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems, and (c) a residential hostel for vulnerable adults.

3.3 In determining whether a person has a business interest that might be affected by the authorised activities, the Council will take a flexible approach. Such persons may include partnerships, charities, churches, medical practices, residents' associations, trade associations, trade unions and landlords.

3.4 In principle, the Council may allow any person to represent an interested party, although it may initially seek written confirmation that the person authentically represents the interested party. Generally, evidence shall be required that a person or body represents someone. However, this will not apply to a person's legal representative. The requirement will also not apply to interested parties' Councillors or Members of Parliament.

#### **4. Licensing objectives**

In carrying out its functions in respect of applications for, and review of, premises licences, and applications for provisional statements, and consideration of temporary use notices, the Act requires that the Council shall aim to permit the use of the premises for gambling insofar as the Council thinks it reasonably consistent with the three licensing objectives which are:-

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

Ensuring that gambling is carried out in a fair and open way; and

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

#### **5. Types of Licence**

This Statement sets out the policies that the Council will apply when making decisions upon applications made for:-

Premises Licences;  
Provisional Statement  
Temporary Use Notices;  
Permits as required under the Act;

#### **6. Licensable Premises and Permits**

This Statement relates to the following:-

- (a) Casinos Premises;
- (b) Bingo Premises;
- (c) Betting Premises;
- (d) Tracks;
- (e) Adult Gaming Centres;
- (f) Family Entertainment Centres;
- (g) Club Gaming Permits;
- (h) Prize Gaming and Prize Machine Permits;
- (i) Gaming machines on alcohol licensed premises;

#### **7. Applications**

7.1 An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or has made an application for an operating licence which has not yet been determined.

7.2 Applications for the grant, transfer or variation of a premises licence and provisional statement must demonstrate how the applicant will prevent the licensing objectives being adversely affected. The applicant may ask the Council for advice as to the scope of information to be provided.

7.3 An applicant can apply for a provisional statement in respect of premises:

- (a) That he expects to be constructed,
- (b) That he expects to be altered, or
- (c) That he expects to acquire a right to occupy

### **8. Determination of Applications**

The Council shall take into consideration the following in determining applications for the following:-

- (a) Premises Licences, provisional statement and temporary use notices

Codes of Practice issued by the Commission, guidance issued by the Commission, the licensing objectives, this Statement and other relevant factors.

- (b) Family entertainment centre gaming machine permit

The licensing objectives, guidance issued by the Commission and this Statement.

- (c) Club gaming permit and club machine permit

The licensing objectives, guidance issued by the Commission and this Statement.

- (d) Licensed premises gaming permit

The licensing objectives, guidance issued by the Commission, other relevant matters and this Statement.

- (e) Prize gaming permit

The licensing objectives and guidance issued by the Commission and this Statement.

#### **8.1.1 Determination of Applications for a Gambling Premises Licence**

**8.1.2** Whilst the Licensing Authority shall aim to permit the use of a premises for gambling - as per section 153 of the Gambling Act 2005 - it shall only do so if the applicant can demonstrate how their application is:

- a) In accordance with any relevant code of practice issued under Section 24 of the Gambling Act 2005.
- b) In accordance with any relevant guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005.
- c) Reasonably consistent with the licensing objectives.
- d) In accordance with the Council's Statement of Licensing Policy issued under

Section 349 of the Gambling Act 2005.

**8.1.3** If the applicant is able to demonstrate that their application for a premises licence meets the above requirements then the Licensing Authority shall aim to permit the application. If an application is contrary to the Council's licensing policy or an applicant has not demonstrated that their application is in accordance with points a-c above, then the application is likely to attract representations.

## **9. General Principles**

9.1 Nothing in this Statement shall undermine the rights of any person to apply for any licence under the Act and have the application considered on its individual merits or override the right of any person to make representations on any application for a licence or a review of a licence where they are permitted to do so under the Act.

9.2 On consideration of an application for a premises licence, provisional statement or on consideration of a temporary use notice the presumption shall be to grant the application without conditions. Conditions will only be considered where they are needed to take cognisance of the licensing objectives, and codes and guidance issued by the Commission. Conditions may also be considered if the application is contrary to this policy or has not taken into account the Council's Local Area Profile information. It is required for applicants to demonstrate how they will mitigate the risks within their local area and this should be done via a local area risk assessment and the submission of conditions if deemed appropriate. Any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

9.3 No conditions may be attached to permits.

9.4 Licensing is about the control of premises where facilities for gambling are provided. Conditions may be attached to licences that will cover matters that are within the control of individual licenses.

9.5 When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

9.6 Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Council will draw upon advice and the guidance issued by the Commission and attach conditions relative to the given circumstances of each individual case.

9.7 Conditions attached to licences will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises.

9.8 The Secretary of State may by regulation provide for specified conditions to be attached to a premises licence as either "mandatory" or "default"

conditions.

9.9 In determining an application for licences the Licensing Authority may not have regard to the expected demand for the facilities for gambling that it is proposed to provide.

9.10 Responsible authorities and interested parties who make representations must relate their representations to any relevant code of practice and guidance issued by the Commission, the licensing objectives and this Statement.

9.11 The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

- (a) Planning controls;
- (b) Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
- (c) Regular liaison with the police on law enforcement issues regarding disorder and anti-social behaviour;
- (d) The power of the police, other responsible authorities or local residents and businesses to seek to have premises licences reviewed.

9.12 When determining an application, the Council cannot take into account irrelevant matters. In determining an application for a premises licence or a provisional statement, it cannot take into consideration whether the applicant's application for planning or building control permission in respect of the premises will be successful.

## **10. Application for a Premises Licence and Primary Gambling Activity**

10.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:

- (a) casino premises
- (b) bingo premises
- (c) betting premises, including tracks and premises used by betting intermediaries
- (d) adult gaming centre premises
- (e) family entertainment centre premises

10.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity in both the Local Authority Guidance and Licence Conditions and Codes of Practice. The Code of Practice and Guidance set out the requirements on operators to ensure that their premises meet the terms of the Act and the relevant conditions.

### **10.3 Buildings divided into more than one premises**

10.3.1 Part 7, paragraph 7.5 of the Commissions Guidance states that “there is no reason in principle why a single building could not 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”. Examples are given of multiple unit premises, such as pleasure parks, tracks, or shopping malls. A shopping mall will have multiple self-contained units (premises) which are located within one building. It is also possible for licensed premises to be located next to each other as long as there are no restrictions regarding direct access between these premises imposed on that category of gambling premises from its mandatory conditions. The council will follow this guidance.

10.3.2 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which will include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.

### **10.4 Separation of premises within a single building**

10.4.1 When considering proposals to divide a building into genuinely separate premises the council will also need to be satisfied that the form of separation between the premises is appropriate. The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The council would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.

### **10.5 Access to Premises**

10.5.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.

10.5.2 The relevant provisions of the regulations relating to access are set out in paragraph 7.23 of the Commission’s Guidance. In a number of types of licensed premises provisions on access that prevent customers from being able to enter the premises directly from other licensed premises.

10.5.3 The Commission Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or regulations, but licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access.”

In particular, where premises are not accessed from the street, the council has sought to define the nature of the area which must separate licensed premises and

through which the premises are accessed, so as to prevent direct access between premises in order to comply with the provisions of the Act and regulations. It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

## **11. Location Policy**

When determining an application for the grant or review of a premises licence, the grant of a provisional statement or when considering a temporary use notice, regard will be given to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. Applicants should consult the Council's Local Area Profile Map - attached at appendix 4 to this policy - and ensure that any application submitted provides a robust risk assessment to mitigate any potential risks to these groups. It is very important in such circumstances that applicants demonstrate how the licensing objectives will not be adversely affected. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits.

### **11.1 Local Area Profile and Local Area Risk Assessments**

11.1.1 The Licensing Authority shall expect all applicant's for grants or variations of a gambling premises licence to include full details of their local risk assessment as part of their applications. This is per the Social Responsibility Code 10.1.1 and Ordinary Code Provision 10.1.2 which both have effect from 6<sup>th</sup> April 2016.

11.1.2 Applicants will be expected to demonstrate how their operation shall not exacerbate issues of anti social behaviour in the locality or undermine the licensing objectives - particularly in relation to the protection of children and other vulnerable people should the proposed site be located near schools or treatment centres. Applicants shall be expected to demonstrate how their application will be consistent with the licensing objectives during the submission of an application by taking into account the Local Area Map and other sources of readily available information and, if necessary and relevant, propose conditions that may mitigate the potential risks of being granted a licence in their proposed area. Failure to do this could lead to the application attracting representations.

11.1.3 A copy of Reading Borough Council's Local Area Profile Map is attached at Appendix D to this policy. This map shows the location of all gambling premises licences and their proximity to places of worship, schools and treatment centres. Levels of Anti Social Behaviour are included on the map. Applicants are expected to take cognisance of this information when submitting applications for a gambling premises licence as it will inform any risk assessment that they will be required to submit.

11.1.4 If a licence is granted or varied, applicants are required to revise their local area risk assessments regularly to reflect any significant changes in the local environment, for example, the opening of a new treatment centre. Licensees shall be expected to share and produce a copy of their updated risk assessment to the Licensing Authority upon request.



11.1.5 As well as the Licensing Authority's Local Area Profile Map, applicants as well as current licence holders should take cognisance of the following sources of information when compiling and reviewing their local area risk assessments:

- a) crime statistics from the police.uk website - in particular the type of crime within the relevant locality;
- b) any neighbourhood group website containing information about specific localities;
- c) any relevant online mapping tools;
- d) other policies, initiatives or strategies issued or undertaken by Reading Borough Council concerning public health initiatives or protection of vulnerable groups. Particular attention should also be paid to the Council's policy on Safeguarding Children and Vulnerable Adults. Applicants and licence holders should also be aware of the Council's planning policy - particularly the Reading Central Area Action Plan which deals with clustering of certain premises - including betting shops.

## **11.2 Fixed Odds Betting Terminals (FOBT)**

11.2.1 The Licensing Authority believe that the increase in Fixed Odds Betting Terminals within Betting Shops can be a cause for concern and can be detrimental in the promotion of the licensing objectives. There is a particular concern that vulnerable people may be gambling significant sums of money on them and therefore being negatively impacted by them. Gambling Commission figures show that 14% of FOBT users are problem gamblers - higher than any other form of gambling. Figures also show that betting shops and FOBT's are also likely to be found in areas of social and income deprivation. A consultation undertaken by DCMS has subsequently seen the maximum stakes for FOBT's cut to £2 from £100. The DCMS response to the consultation can be found on the gov.uk website. The Licensing Authority expects responsible operators to include within their local area risk assessments details of how they manage FOBT's and the measures they have put in place to safeguard any vulnerable person that may use them. This could include, for example, staff training, the placing of appropriate literature at machines from organisations such as GamCare, supervision of the use of the machines and, if appropriate, self barring schemes. This is in addition to all obligations under the Codes of Practice and any mandatory/default conditions.

## **12. Prevention of Crime and Disorder Objective**

12.1 The Council places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. A high standard of control is, therefore, expected to be exercised over licensed premises.

12.2 The Council will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder.

12.3 Public nuisance is not specified in the Act as a licensing objective. However, the Council may take cognisance of it, when considering applications for

premises licences and a provisional statement and when considering a temporary use notice if it is of the opinion that in the circumstances of the case public nuisance may be tantamount to crime and/or disorder.

12.4 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Thames Valley police before making a formal application.

12.5 In considering licence applications, the Council will particularly take into account the following:-

- (a) The design and layout of the premises;
- (b) The training given to staff in crime prevention measures appropriate to those premises;
- (c) Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- (d) Provision of door supervisors;
- (e) Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- (f) The likelihood of any violence, public order or policing problem if the licence is granted.

### **13. Ensuring that gambling is conducted in a fair and open way objective**

13.1 Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and, therefore, relevant to the operating licence), or will be in relation to the suitability and actions of an individual (and, therefore, relevant to the personal licence). Both of these options fall under the purview of the Commission. However, if the Council suspects that gambling is not being conducted in a fair and open way, this will be brought to the attention of the Commission so that it may consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.

13.2 Without prejudice to paragraph 13.1 above, for the purpose of ensuring that gambling is conducted in a fair and open way the Council may take into consideration the following:-

Whether the applicant has been, and is, willing to co-operate with enforcement agencies checking compliance with the licensing objective;

The history of the applicant in complying with advice given by enforcement agencies, in particular, officers of the Council, about compliance with the licensing objectives.

#### **14. Designation of Reading Local Safeguarding Children Board as responsible authority**

14.1 The Council is legally required to specify the principles which it will apply in exercising its powers under section 157(h) of the Act to designate, in writing, a competent body to advise it about the protection of children from harm. The principles are:-

the need for it to be a body in Reading and be responsible for, or interested in, matters relating to the protection of children from harm;

the Council's desire that the body should act responsibly in performing the function and be such that would be willing to advise the Council if necessary.

14.2 As the Reading Local Safeguarding Children Board is a responsible authority for the purposes of the Licensing Act 2003, the Council hereby designates it as the responsible authority for the purpose of the Act.

#### **15. Protection of children and other vulnerable persons objective**

15.1 With limited exceptions, the access of children and young persons to those gambling premises that are adult only environments will not be permitted.

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

15.3 The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

- (a) Supervision of entrances;
- (b) Segregation of gambling areas from areas frequented by children;
- (c) Supervision of gaming machines in non-adult gambling specific premises.

15.4 The Act provides for the Commission to issue one or more code of practice on access to casino premises by children and young persons and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

15.5 In determining applications the Council shall take into consideration:-

Whether the applicant has been, and is, willing to co-operate with enforcement agencies checking compliance with this licensing objective;

The history of the applicant in complying with this licensing objective;

15.6 The applicant for premises licences, provisional statements and review of premises licences is required to serve a notice of the application on the Reading Safeguarding Children Board, which is a responsible authority.

15.7 Public Health are not specified in the Act as a Responsible Authority.

However, the Council may have regard for their input particularly in relation to any local or national strategy involving the safeguarding of vulnerable adults or children and their exposure to potential harm, when considering applications for premises licences, provisional statements or temporary use notices.

## **16. Vulnerable Persons and Harm**

16.1 It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs or other circumstances”. This is the definition of vulnerable persons the council will use in its consideration of applications.

16.2 It is noted that the Act does not contain a definition for the word harm or its context. The Council considers harm to mean anything from the physical and mental which is not confined to an individual. For example, a problem gambler at harm from gambling can have negative effects on their families, friends and communities. This is the broad interpretation of ‘harm’ that the Council proposes to use when assessing applications and local risk assessments and licence holders are expected to put into place measures to identify problem gamblers and any harm they may cause to themselves or people around them and take appropriate steps to promote the licensing objective in this regard.

## **17. Licensing Reviews**

17.1 The Council will carry out a review of a premises licence where it has received a formal application for a review, or of its own volition, in accordance with the Act. The review must be relevant to any relevant code and guidance issued by the Commission, the licensing objectives and this Statement. Representations may include, amongst others, issues relating to the following:-

Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of crimes;

Use of licensed premises for the sale and distribution of illegal firearms;

Use of licensed premises for prostitution or the sale of unlawful pornography;

Use of licensed premises as a base for organised criminal activity;

Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;

Use of licensed premises for the sale of smuggled tobacco or goods;

Use of licensed premises for the sale of stolen goods.

## **18. Enforcement**

18.1 Principles to be applied by the Council in exercising its functions under Part 15 of the Act with respect to the inspection of premises and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified in that Section are as follows:-

18.2 All licensing enforcement will be conducted in accordance with the Enforcement Concordat and the Council's Corporate Enforcement Policy.

18.3 The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.

18.4 The Enforcement Concordat (available upon request) proposes that a graduated response is taken where offences against legislation occur. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Sub-Committee for a review of the premises licence or may result in a prosecution. Each case will be considered on its merits.

18. In deciding whether to institute criminal proceedings the Council shall take cognisance of the public interest test and the realist prospect of a conviction test as specified in the Attorney General Guidelines.

18.6 The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises. The Council shall authorise officers for such purposes.

18.7 The Act provides for the Commission to issue one or more code of practice on access to casino premises by children and young persons and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

## **19. Legislation**

19.1 In undertaking its licensing function under the Act the Council is also bound by other legislation, including:-

Section 17 of the Crime and Disorder Act 1988;

Human Rights Act 1998.

19.2 This Statement is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.

## **20. Complaints against licensed premises**

20.1 The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility, including breach of a licence condition. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

20.2 Where an interested party or reasonable authority has made either a valid

representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

20.3 This process will not override the right of any interested party or responsible authority to ask that the licensing committee consider their valid representations or for any licence holder to decline to participate in a conciliation meeting.

## **21. Assessment of Need**

Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence or provisional statement under the Act.

## **22. Casinos**

There are currently 3 Casinos operating within the Borough. In addition to this there is a further premises currently licensed, but not operating. There are no plans to limit or restrict the number of casinos operating within the Borough.

## **23. Gaming Permits**

With regard to the number of gaming machines permitted on premises, the Council will grant permits in accordance with the Act as outlined in Appendix C to this policy. However, should applications be received for extra machines, where permitted, the council will determine each case on its merits giving due regard to the three licensing objectives.

## **24. Family Entertainment Centres (FECs)**

24.1 Children and young persons may enter FECs but are not permitted to play Category C machines. The Council will expect the applicant to ensure that there will be sufficient measures in place to prevent under 18 years olds having access to the adult only gaming machine area.

24.2 Under section 247 of the Act, if premises have only Category D machines, a Family Entertainment Centre Gaming Machine Permit can be issued by the authority without the need to have an operator's Licence. The lack of a requirement to have an operator's licence means that the Commission will not have considered the suitability of the applicant. As a result of this, in these circumstance the applicant shall be required to provide a criminal record check to enable the licensing authority to check the suitability of the applicant.

24.3 In exercising its functions in respect of Family Entertainment Centre Permits the Council need not, but may have regard to, the licensing objectives and must have regard to any guidance issued by the Commission.

## **25. Track Betting**

25.1 Tracks are horse racecourses, dog tracks, or other premises on any part of which a race or other sporting event takes place or is intended to take place.

25.2 An application can be made for a premises licence for a betting track even though the applicant does not have an operator's licence.

25.3 If a betting premises licence is granted for a track the holder of the licence must ensure that anyone coming on to the track to take benefit of the premises licence must have a betting operator's licence.

25.4 The Council will require a plan to be submitted with an application for a betting premises licence showing the areas of the premises where betting will take place.

## **26. Equality**

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different ethnic groups.

## **27. Information exchange**

27.1 In fulfilling its functions under the Act the Council will exchange relevant information with other regulatory bodies, including persons and bodies identified pursuant to section 350 of and schedule 6 to the Act to enable them to perform their statutory functions and will establish protocols in this respect. In exchanging such information, the Council will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies. The Council will also have regard to any relevant guidance issued by the Commission and regulations made by the Secretary of State.

27.2 Pursuant to section 29 of the Act the Commission may require the Council to provide information that forms part of the Council's register maintained under the Act or information which is in the Council's possession in connection with a provision of the Act. The Council shall endeavour to provide to the Commission such information as it requires, without delay, mindful of the Commission's:-

power to request the information.

duty to issue codes and guidance.

duty to promote the licence objectives.

duty to advise the Secretary of State on matters relating to gambling.

power to carry out activities for the purpose of assessing compliance with the Act and whether offences have been committed under the Act.

duty to determine whether to grant an operating licence, and to enable it to be in possession of such information as it considers necessary about the provision of gambling facilities in licensed premises in the Council's area.

enforcement duties pursuant to the Act.

## **28. Relationship with Planning Policies**

The granting of planning permission and or building control approval is a separate process, which is carried out by other departments within the Council. However applicants should have regard to planning policy when submitting their local area risk assessments and/or application. Applicants in the town centre, for example, should have regard to the Reading Central Area Action Plan and the issue of clustering in relation to betting premises.

## **29. National Strategies**

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

## **30. Local Strategies and Policies**

Where appropriate, the Council will consider applications with reference to other adopted local strategies and policies, including the following:-

The Council's Corporate Strategy;  
The Community Safety Strategy;  
Enforcement policy.

## **31. Integrating Strategies**

31.1 There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

31.2 The Council recognises in particular the importance of the co-ordination and integration of this Statement with other plans aimed at the management of town centres and the night-time economy.

## **32. Relevant plans and strategies include:-**

32.1 Crime and Disorder Reduction Strategy - The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences will reflect local crime prevention strategies.

32.2 Local Transport Plan - the Council will consider ways in which the public can be dispersed from licensed premises and events so as to avoid disturbance, crime and disorder. The police will be encouraged to report on matters related to the swift and safe dispersal of people from licensed premises.

32.3 Racial Equality - The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. As far as possible, licensing decisions will take account of racial equality.



32.4 Human Rights – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-

Article 6 that in the 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 his home and private and family life;

Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, which may in certain circumstances include a licence.

32.5 Proper integration will be assured by the Council's Licensing Committee providing reports, when appropriate, to its Planning Committee on the situation regarding licensed premises in the area, including the general impact of gambling related crime and disorder, to enable the Planning Committee to have regard to such matters when taking its decisions.

32.6 Tourism and Town Centre Management – The Council aims to promote a high quality thriving night-time economy.

### **33. Committee Terms of Reference**

33.1 A Licensing Sub-Committee normally made up of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. The quorum of two Councillors may comprise the Sub-Committee. Ward Councillors will not normally sit on a Sub-Committee involving an application within their ward.

33.2 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

33.3 The Licensing Committee will refer to the Full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

33.4 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.

33.5 The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

33.6 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for premises licences, provisional statement or review of premises licence should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case. There is no right of appeal against a determination that representations are not admissible save for by way of judicial review to the High Court.

#### **34. Allocation of Decision Making Responsibilities**

34.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them as and when required or necessary.

34.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established Sub-Committees to deal with them.

34.3 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.

34.4 The table shown at Appendix B sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

34.5 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

#### **35. Consideration of representations**

35.1 Due consideration will be given to all relevant representations unless they fit the following:-

The grounds are frivolous;

The grounds are vexatious;

The grounds are irrelevant;

The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;

The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or

The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

### **36. Further information**

Further information about the Gambling Act 2005, this Statement of gambling licensing principles or the application process can be obtained from:-

The Licensing Team  
Reading Borough Council  
Civic Offices  
Bridge Street  
Reading  
RG1 2LU

Tel: 01189 373762  
E-mail: [licensing@reading.gov.uk](mailto:licensing@reading.gov.uk)  
Website: [www.reading.gov.uk](http://www.reading.gov.uk)

Information is also available from:-

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6500  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

#### **Other Responsible Authorities Contact Details:-**

Noise and Nuisance Team  
Reading Borough Council  
Civic Offices  
Bridge Street  
Reading  
RG1 2LU

Tel: 01189 373787  
Email: [environmental.protection@reading.gov.uk](mailto:environmental.protection@reading.gov.uk)

Environmental Health  
(Health and Safety)  
Reading Borough Council  
Civic Offices  
Bridge Street  
Reading  
RG1 2LU

Tel: 01189 373787  
Email: [consumerprotection@reading.gov.uk](mailto:consumerprotection@reading.gov.uk)

Thames Valley Police  
Licensing Team  
Oxford Road  
Kidlington  
Oxon  
OX5 2NX

Tel: 01865 846 584  
Email: [licensing@thamesvalley.pnn.police.uk](mailto:licensing@thamesvalley.pnn.police.uk)

Royal Berkshire Fire & Rescue Service  
Newsham Court  
Pincent's Kiln  
Calcot  
Reading  
RG31 7SD

Tel: 01189 452 888  
Email: [readingfiresafety@rbfrs.co.uk](mailto:readingfiresafety@rbfrs.co.uk)

Planning Manager (Implementation)  
Planning Section  
Reading Borough Council  
Civic Offices  
Bridge Street  
Reading  
RG1 2LU

Tel: 0118 9373787

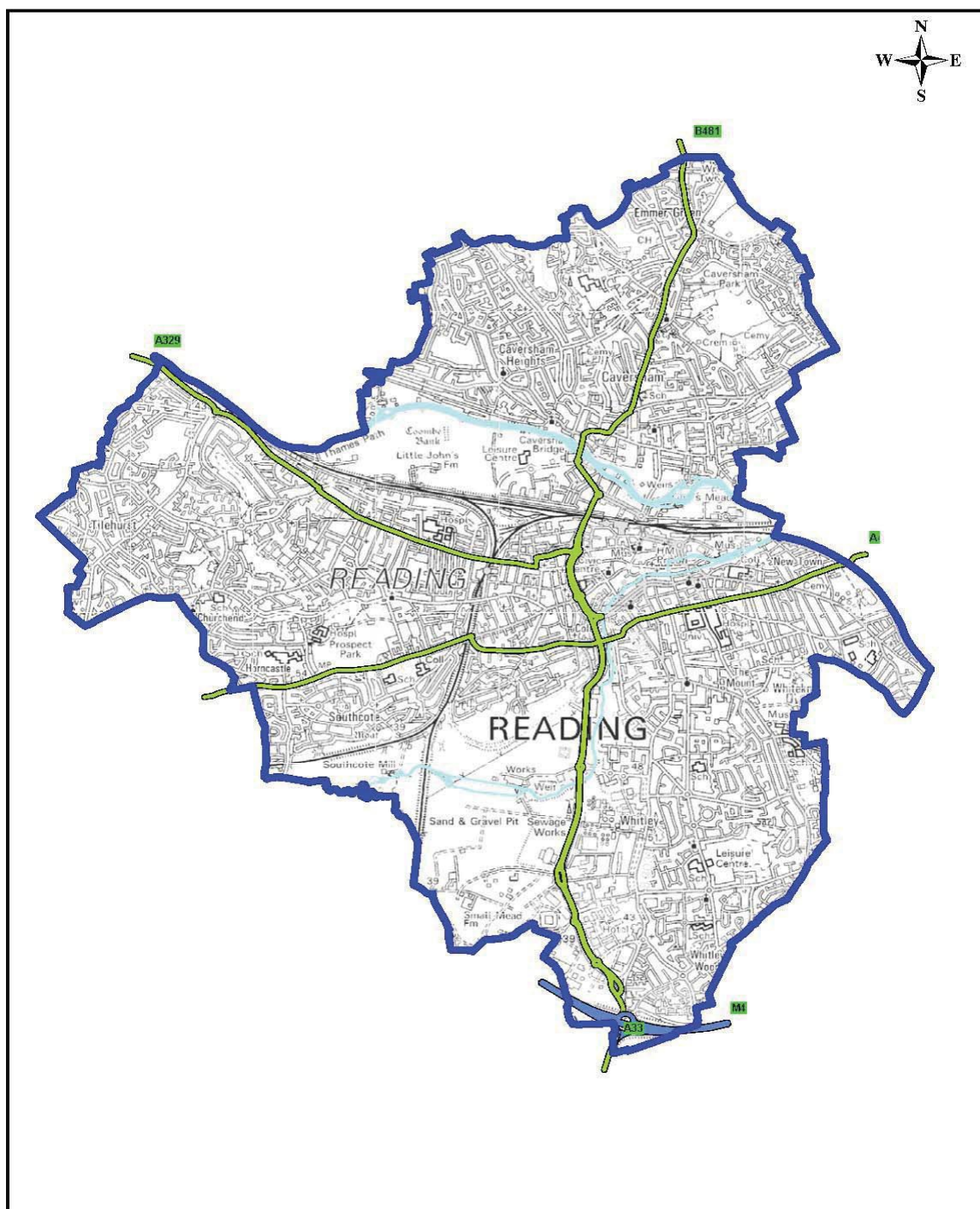
Reading Local Safeguarding  
Children Board  
Reading Borough Council  
Civic Offices  
Bridge Street  
Reading  
RG1 2LU

Tel: 01189 373787  
Email: [SafeguardingAdults.Management@reading.gov.uk](mailto:SafeguardingAdults.Management@reading.gov.uk)

HM Revenues and Customs  
National Registration Unit,  
Portcullis House,  
21 India Street,  
Glasgow  
G2 4PZ

Phone: 0141 555 3633  
Email: [nrubetting&gambling@hmrc.gsi.gov.uk](mailto:nrubetting&gambling@hmrc.gsi.gov.uk)

## APPENDIX A - MAP OF READING BOROUGH



Title: **Reading Borough Extents**

Drg.No.:

Date: 08/02/2006

Scale at A4: 1:50000

Produced by GIS & Mapping Services

Ref: 31417\ Wards 2004 A4.wor



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## APPENDIX B - TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

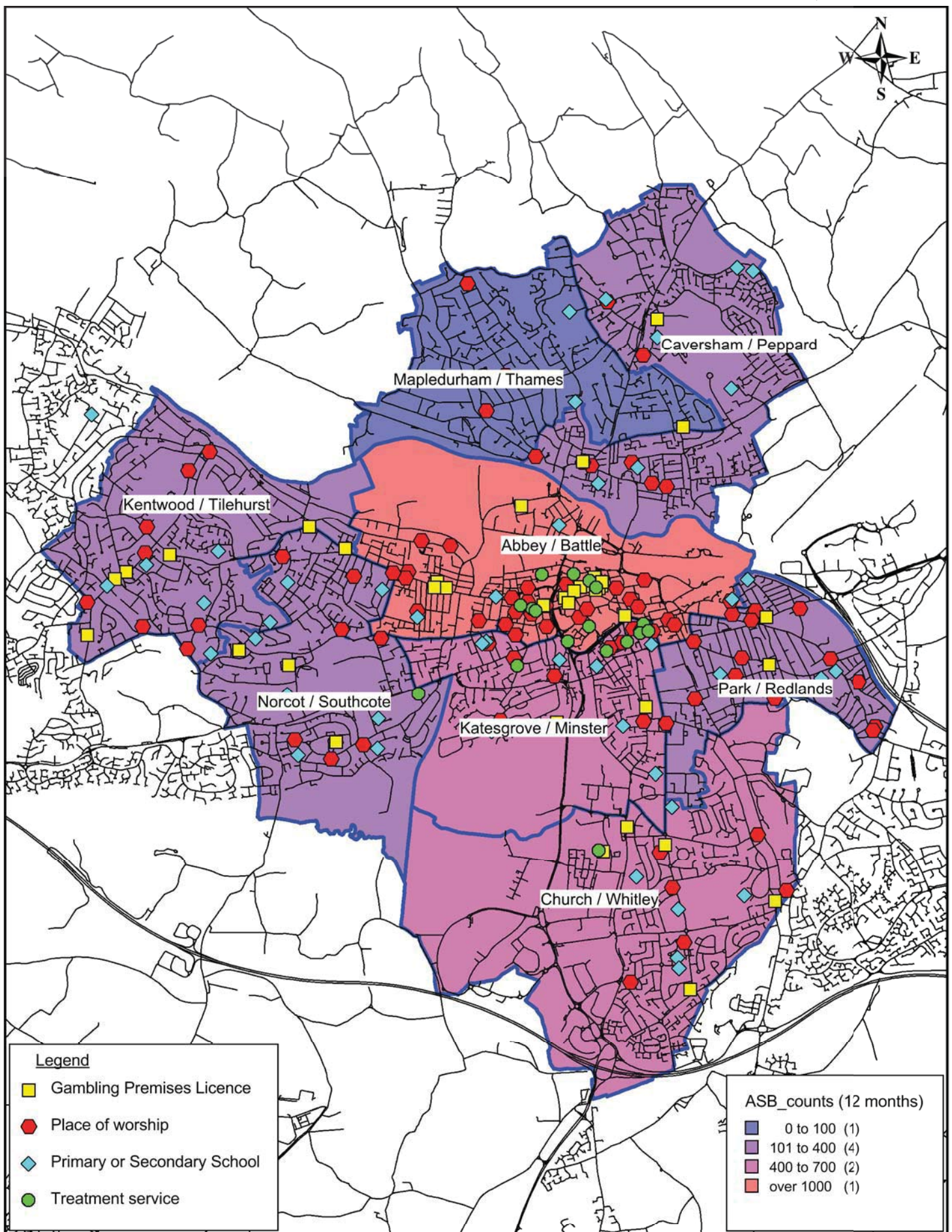
MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where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

APPENDIX C – Category of Gaming Machines

Type of Authorisation	<u>Machine Categories Permitted</u>						
	A	B1	B2	B3	B4	C	D
Betting (other) Premises Licence			Maximum of 4 machines Any combination from Categories <b>B2/B3/B4/C/D</b>				
Betting (track) Premises Licence			As Betting (other), but only if the licence-holder also holds a Pool Betting Operating Licence				
Bingo Premises Licence				20% of total gaming machines #		Unlimited	
Adult Gaming Centre Premises Licence				20% of total gaming machines #		Unlimited	
Family Entertainment Centre Premises Licence						Unlimited	
Family Entertainment Centre Gaming Machine Permit							Unlimited
Club Gaming Permit or Club Machine Permit				Maximum of 3 machines Members clubs - from Cat. <b>B3a/B4/C/D</b> Commercial clubs – from Cat. <b>B4/C/D</b>			
Alcohol-licensed premises Automatic entitlement						1-2 machines L.A. must be notified	
Alcohol-licensed premises Gaming Machine Permit						As allowed by permit	
Travelling funfair (no authorisation required)							Unlimited
Regional Casino Premises Licence	Maximum of 1250 machines (subject to a machine/table ratio) Any combination from Categories <b>A/B1/B2/B3/B4/C/D</b>						
Large Casino Premises Licence		Maximum of 150 machines (subject to a machine/table ratio) Any combination from Categories <b>B1/B2/B3/B4/C/D</b>					
Small Casino Premises Licence		Maximum of 80 machines (subject to a machine/table ratio) Any combination from Categories <b>B1/B2/B3/B4/C/D</b>					
Converted Casino Premises Licence		Maximum of 20 machines (no machine/table ratio) Any combination from Categories <b>B1/B2/B3/B4/C/D</b>					

Minimum age of 18 years to use Category A, B and C machines. No age limit on Category D machines





Title: Local Area Profile Map

Drg.No.:  
Produced by GI & Business Systems

Date: 07/01/2016  
Ref: G:\LAP\_Jan2016.wor

