



Borough of Tamworth

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**INFRASTRUCTURE, SAFETY AND GROWTH
SCRUTINY COMMITTEE**

15 October 2018

Dear Councillor

A Meeting of the Infrastructure, Safety and Growth Scrutiny Committee will be held in **Committee Room 1 - Marmion House on Tuesday, 23rd October, 2018 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

A handwritten signature in black ink, appearing to be 'AOS', followed by a long horizontal line extending to the right.

Chief Executive

A G E N D A

NON CONFIDENTIAL

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting (Pages 5 - 8)**
- 3 Declarations of Interest**

To receive any declarations of Members' interests (personal and/or personal and prejudicial) in any matters which are to be considered at this meeting.

When Members are declaring a personal interest or personal and prejudicial interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a personal and prejudicial interest in respect of which they do not have a dispensation.

4 Responses to Reports of the Infrastructure Safety & Growth Committee

(Update on responses received to Reports of the Infrastructure Safety & Growth Committee)

5 Consideration of matters referred to the Infrastructure Safety & Growth Committee from Cabinet

(Discussion item)

6 2018/19 Forward Plan

(Discussion item – link to Forward Plan attached)

<http://tammodgov.tamworth.gov.uk/mgListPlanItems.aspx?PlanId=215&RP=120>

7 Public Space Protection Order - Kettlebrook

(Report of the Assistant Director, Partnerships – to follow)

8 Public Space Protection Order - Moor Lane

(Report of the Assistant Director, Partnerships – to follow)

9 Revised Gambling Act 2005 Statement of Principles (Pages 9 - 46)

(Report of the Assistant Director Growth and Regeneration, this Report was considered at the Licensing Committee on 11 October 2018)

10 S106 Update

(Discussion item)

11 2018/19 Infrastructure Safety & Growth Scrutiny Committee Work Plan (Pages 47 - 48)

(Update and discussion on Infrastructure Safety & Growth Scrutiny Committee Work Plan)

People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709267 or e-mail committees@tamworth.gov.uk preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.

To Councillors: S Goodall, M Bailey, R Bilcliff, T Clements, J Faulkner, R Kingstone, J Oates, M Oates and Dr S People

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**MINUTES OF A MEETING OF THE
INFRASTRUCTURE, SAFETY AND
GROWTH SCRUTINY COMMITTEE
HELD ON 13th SEPTEMBER 2018**

PRESENT: Councillor S Goodall (Chair), Councillors R Bilcliff, T Clements, J Faulkner, J Oates, M Oates, Dr S Peple and R Ford

CABINET: Councillor S Claymore

The following officers were present: Matthew Bowers (Assistant Director Growth & Regeneration), Louise Troman (Heritage & Visitor Services Manager) and Jo Hutchison (Democratic and Elections Officer)

9 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Richard Kingstone and Councillor Marie Bailey. Councillor Richard Ford attended as substitute for Councillor Kingstone.

10 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous Infrastructure, Safety and Growth Scrutiny Committee held on the 19th June 2018 were approved and signed as a correct record.

(Moved by Councillor J Oates and seconded by Councillor R Bilcliff)

11 DECLARATIONS OF INTEREST

Councillor J Faulkner and Councillor Dr S Peple declared that they were members of the Friends of Tamworth Castle and Museum. No other interests were declared.

12 UPDATE FROM CHAIR

There was no update from the Chair.

13 CASTLE REVIEW

The Portfolio Holder for Heritage and Growth, the Assistant Director, Growth and Regeneration and the Heritage and Visitor Services Manager updated Members

on the continued review of the Castle and the proposed recommendations to Cabinet.

The Assistant Director, Growth and Regeneration highlighted the key recommendations in the report which were proposed for Cabinet consideration, including the requirement to have in place the correct staffing structure and to amend the opening hours following advice from Visit England.

Members sought and received clarification on the following matters:

1. The status of the Guide Book for the Castle – it was reported that the guidebook had been extensively updated following work undertaken to the Castle as a result of grants received. The guidebook was still under production at this point in time.
2. Commercialisation focus - the Committee considered the need to allow the staff to develop the Castle offering with a commercial focus, looking at all potential income streams, including admission prices, the promotion of secondary spend and holding special events. It was noted that it would be important to ensure that the necessary support was made available to staff to achieve a commercial focus.
3. Opening hours – due to the family nature of the Castle’s audience, following advice from Visit England, and to ensure operation within existing budgets had led to the recommendation to shift the opening hours to one hour earlier. However, the opening hours would remain under review to assess the impact of any change.
4. Online tickets and sales – the current IT package and the lack of a facility to support online ticket sales had been identified as an issue to be addressed in the short term.
5. Heritage Day opening – the free admission on this day to form part of the overall review.
6. Marketing of the Castle - clarification of the methods and reach of the advertising of the Castle was provided and consideration given to further methods for promotion, including the distribution of free promotional materials.
7. Engagement with the Friends of Tamworth Castle – it was identified that there would be benefits for both the Council and the Friends of Tamworth Castle in clarifying the relationship and the roles of both. It was noted that as part of this consideration would be given to the Council’s Volunteering Policy.
8. Operating within budgetary constraints – consideration was given to the need to promote the Castle as well as to ensure that the service was run effectively and cost efficiently and to support the delivery of a reduction in the subsidy by the Council to the Castle.

RESOLVED

That Scrutiny;

endorse the work done to date and recommend that Cabinet accept the proposed recommendations as detailed in the report

recommend to Cabinet that it investigate a commercial decision on the Heritage Day costing structure

receive an interim progress report on the short term changes delivered, including online ticket sales, within four months

receive a full review on the impact of the changes delivered within twelve months.

(Moved by Councillor S Goodall and seconded by Councillor J Oates)

Councillor T Clements, Councillor S Claymore, the Assistant Director, Growth and Regeneration and the Heritage and Visitor Service Manager left the meeting.

14 2018/19 FORWARD PLAN

No further items were identified from the Forward Plan for consideration by the Committee.

Councillor R Ford left the meeting.

15 2018/19 SCRUTINY COMMITTEE WORK PLAN

Councillor J Oates reported that Corporate Scrutiny Committee had reviewed the minutes of Cabinet over the previous year and compiled a list of items which could warrant scrutiny and identified those which more closely aligned to this Committee's remit:

- Public Space Protection Order
- Council Tenant Fire Safety Strategy – annual review by Infrastructure, Safety and Growth Scrutiny Committee.
- Anti-Social Behaviour Committee
- Town Centre CCTV

Consideration to be given by the Chairs of Scrutiny group as to the process by which items identified by Cabinet were to be considered by Scrutiny Committees for inclusion, or not, on Scrutiny's Work Plan.

Infrastructure, Safety and Growth Scrutiny Work Plan

Work Plan 2018 - 2019	
DATE	SUBJECT
TBC	Town Centre Car Parking
23rd October 2018	Tamworth Infrastructure & Roads: <ul style="list-style-type: none"> • Councillors Goodall and J Oates to invite relevant Staffordshire County Council representative • a list of specific questions to be circulated
23rd October 2018	Public Space Protection Orders
TBC	Review Local & County Plans
TBC	Crime Figures for Tamworth
29th January 2019	CCTV Usage
TBC	Uber – Licensing
TBC	S106 Monies Report/Presentation
TBC	People Helping People (Community Safety)
TBC	Street Cleansing (Partnering)
TBC	Anti-Social Behaviour Policy
	Annual Review of Council Tenant Fire Safety

Upcoming Infrastructure, Safety and Growth Scrutiny Committee Meetings
Tuesday 23 rd October 2018
Tuesday 18 th December 2018
Tuesday 29 th January 2019
Tuesday 2 nd April 2019

Chair

LICENSING COMMITTEE

11 OCTOBER 2018

REPORT OF THE ASSISTANT DIRECTOR, GROWTH AND REGENERATION

REVISED GAMBLING ACT 2005 STATEMENT OF PRINCIPLES (POLICY STATEMENT) 2019 - 2022

Recommendations

That Committee recommend the revised Policy Statement for approval at Cabinet.

Purpose

It is a requirement of the Gambling Act 2005 that the Council consults and publishes a revised Statement of Principles in respect of the requirements of the Act.

Executive Summary

The Gambling Act 2005 (the Act) requires Tamworth Borough Council to prepare and publish a statement of the principles (policy statement) that it proposes to apply in exercising its functions under the Act. The policy statement under the Act lasts for a maximum period of 3 years but can be reviewed and revised by the Council at any time. The timelines for the approval and adoption of the policy are below.

Action	Date
Cabinet to make a recommendation to full Council	8 November or 29 November 2018
Council for adoption	11 December 2018

Background

Tamworth Borough Council is the Licensing Authority and is responsible for licensing and overseeing local gambling establishments. The Council's current Gambling Act policy statement will cease to have effect on the 31 March 2019, however the Gambling Commission have instructed that local authorities must prepare and publish the next policy by the 3 January 2019, with it coming into force on 31 January 2019. The timetable to undertake the necessary legal process has been set accordingly.

Key Changes

Officers worked with Shropshire and Staffordshire authorities, councillors and consultees to produce revisions to the policy statement to reflect the latest guidance issued to licensing authorities by the Gambling Commission. In particular:

a) It is recognised nationally that there is a greater need to focus on understanding and mitigating gambling related harm more broadly, rather than focussing on

problem gambling alone. In this respect, the revised policy statement emphasises the Council's focus on protecting children and young people, particularly in relation to child exploitation, and also young people and adults with care and support needs.

b) Nationally, gambling policy and the regulatory environment overall has an increasing focus on risk. Whilst not compulsory, it is now recommended that the Council creates a 'local area profile', this is included as part of the policy statement, to inform its understanding of risk and to allow appropriate decisions to be made and steps taken to mitigate these risks. Since April 2016, gambling establishment operators have been required to undertake 'local area risk assessments' before submitting a premises licence application or variation and will be expected to give due consideration to the information available in the Council's 'local area profile'. It is wholly anticipated that the Council's 'local area profile' will develop over time and will be influenced by information and intelligence from key partners and other stakeholders.

The Gambling Act singles out children, young persons and adults with care and support needs for special regulatory attention and the proposed policy statement does focus on protecting these particular groups. However, in relation to gambling activities, the question as to who is vulnerable, why and under what circumstances, has been subject to little investigation. As and when further research and guidance is made available on this, together with other emerging information, trends and risks, the Council will have to consider the implications for both its 'local area profile' and policy statement accordingly.

Financial Implications

The majority of fees chargeable are fixed at national level with the remainder set by individual authorities, it is intended that maintenance of the service will be self-financing. Additionally, a cost of around £700 will be incurred to place a legal notice in a newspaper to advertise the fact that the policy has been published. This cost is recoverable through the licensing fee process.

Legal/Risk Implications

The publishing of a Statement of Principles is a legal obligation of the Council and collaborative working across the Region reduces the scope for challenge from national Companies.

The overall impact on all groups with protected characteristics and those who are likely to be impacted in terms of social inclusion is anticipated to be low in terms of access to and use of services that are affected by the revised policy statement. However, the Council's ability to further tackle and eliminate discrimination, advance equality of opportunity and foster good relations is overall more likely to be positive. This is largely due to the proposed policy statement being drawn up in line with the requirements of both national legislation and national guidance (both of which will have been subject to equalities impact assessments in their own right by the Government and the Gambling Commission respectively), together with the fact that

the proposed policy statement is a revision of the principles that were adopted on 1 April 2016 and the formal consultation feedback did not directly raise any equality, diversity or social inclusion issues that had not previously been considered during the drafting of the proposed policy statement.

There is no anticipated environmental impact associated with the recommendations in this report.

The recommendation is not at variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications. The recommendation is in line with relevant legal procedures prescribed by the Act and with guidance issued by the Gambling Commission.

The Act requires the Council to consult. The report's recommendation is specifically aimed at providing the Committee with the wherewithal to set the formal consultation process in motion.

Sustainability

The services for the regulation of Gambling contribute to the strategic priority of being healthier and safer in Tamworth.

REPORT AUTHOR

"If Members would like further information or clarification prior to the meeting please contact Steve Lewis, Head of Environmental Health. Ext 437"

LIST OF BACKGROUND PAPERS

1. Guidance to Licensing Authorities 5th edition
<http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>
2. Gambling Commission Guidance to Public Health
<http://www.gamblingcommission.gov.uk/PDF/public-health-and-gambling-joint-letter-jan-2018.pdf>

APPENDICES

1. Draft Revised Gambling Policy 2019-2022.
2. Revisions.
3. Consultation comments.

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GAMBLING ACT 2005

**DRAFT
STATEMENT OF PRINCIPLES
2019 - 2022**

Revised with effect 3 January 2019

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FOREWORD (to be amended/updated)

Tamworth Borough Council	
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This Statement of Licensing Principles will aim to be approved by Tamworth Borough Council on 11 December 2018

In producing this statement, the Licensing Authority is aware that the Government may amend the gambling Act 2005, subordinate legislation and statutory guidance. Any such amendments made in the future will only be incorporated into subsequent policy statements and not this document. Readers are advised to check on the Gambling Commission website to ensure they have the latest information.

GAMBLING ACT 2005
GAMBLING POLICY
STATEMENT OF PRINCIPLES

1. Introduction

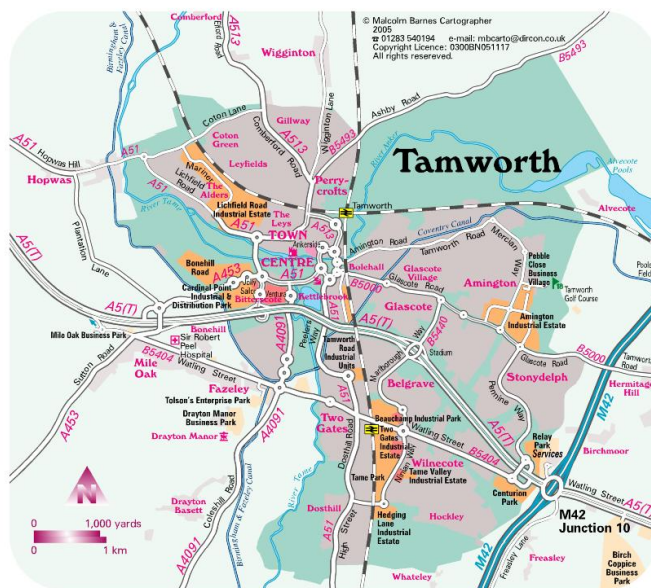
Tamworth Borough Council as the Licensing Authority (referred to in this Statement as the Authority), makes this Statement of Principles in pursuance of its powers and duties under Section 349 of the Gambling Act 2005 (referred to in this Statement as “the Act”) and sets out the Authority’s approach in dealing with its responsibilities under the Act.

The Borough of Tamworth is located in the south-eastern corner of Staffordshire, 15 miles north-east of Birmingham and covers an area of 3,095 hectares. It is situated at the confluence of two rivers, the river Tame and Anker. Tamworth is essentially urban in character, which includes a vibrant town centre and smaller centres within local districts.

Tamworth’s resident population of around **76,800** makes it one of the main urban centres in Southern Staffordshire. The urban area density from the 2011 census for Tamworth is 39.6 persons per hectare, which is very similar to Cannock (39.3), and Burntwood (39.5), only slightly higher than Lichfield (37.9) and is less than nearby Polesworth (47). **Source ONS Census 2011.**

1.1. The Council area is illustrated on the map below

Map of Tamworth Borough



Tamworth Borough Council	Urban Area in Tamworth	Industrial Estates in Tamworth	Retail Parks in Tamworth	Shopping Centres in Tamworth
Castle	Hospital	Railway Station	Snow Dome	Theme Park & Zoo
Golf Course				

Licensing authorities are required by the Gambling Act 2005 to publish a

statement of principles which they propose to apply when exercising their functions in accordance with the legislation. 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 be then re-published.

1.2. 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.

List of persons this authority consulted:

- Staffordshire Police
- Staffordshire County Council Children’s Services
- Existing operators of premises requiring licences under the Gambling Act 2005
- National Associations representing the Gambling industry
- Companies in the area who provide gaming machines
- Organisations dealing with gambling addiction and gambling problems
- The general public via the Council’s website

Our consultation took place between 1 July 2018 to 30 September 2018 and referred to the Code of Practice on consultations by government. A full version of the code of practice is available on the Better Regulation Executive web-site at: <http://www.bis.gov.uk/files/file47158.pdf>

The full list of comments made and the consideration by the Council of those comments will be available on the Council’s website under the “Consultations” section.

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

Head of Environmental Health
Environment Health and Regulatory Services
Tamworth Borough Council,
Marmion House
Lichfield Street,
Tamworth,
B79 7BZ
or via email: publicprotection@tamworth.gov.uk
tel: 01827 709437; or 01827 709445

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or

apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2. Gambling Act 2005

2.1 The Act specifies licensing objectives which are central to the regulatory regime, these are:-

- **preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;**
- **ensuring that gambling is conducted in a fair and open way; and**
- **protecting children and other vulnerable persons from being harmed or exploited by gambling.**

2.2. In carrying out the licensing function under the Act, Tamworth Borough Council, will aim to permit the use of premises for gambling as long as it is considered to be :-

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

2.3 The Act provides for 3 categories of licence:

- operating licences;
- personal licences; and
- premises licences

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

2.5 This statement will come into force on 31st January 2019 and will have effect until 30th January 2022 being kept under review and revised or amended as required following consultation.

3. Responsible Authorities

3.1 '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.

3.2 The main functions of the Licensing Authority 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;
- receive occasional use notices for betting at tracks; and
- register small societies lotteries;

3.3 Spread betting is regulated by the Financial Services Authority. Remote Gambling is dealt with by the Gambling Commission. The National Lottery is regulated by Gambling Commission.

4. General Statement of Principles

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

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

4.3 The Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation. This statement of principles will avoid duplication with other regulatory regimes wherever possible. In considering applications, and taking enforcement action, under the Gambling Act the Licensing Authority will have regard to the provisions of the Human Rights Act.

4.4 To ensure the licensing objectives are met the Authority will establish a close working relationship with the police, the Gambling Commission and other responsible authorities.

4.5 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities. The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits. Applicants may have regard to measures to demonstrate best practice issued by [Gambling Industry Trade Associations](#). The Authority cannot take into account any moral objections to gambling.

4.6 In its Guidance to Local Authorities the Gambling Commission suggest that Licensing Authorities should adopt a “Local Area Profile”. A Local Area Profile is created by gathering information about a locality and any particular areas of concern within that locality. Where evidence is submitted to the Licensing Authority which identifies any areas of concern it is intended to produce a Local Area Profile separate to this Statement. Once adopted, the Local Area Profile would assist the Authority and Operators in identifying specific local risks within the Borough.

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

5.1 The Gambling Commission will play 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, or being associated with providing such facilities.

5.2 When applying to the Authority for a premises licence the applicant will have to hold an operating licence from the Commission before a licence can be issued so the Authority will not be concerned with the suitability of the applicant. Where concerns about a person’s suitability arise the Authority will bring those concerns to the attention of the Commission. The Authority will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commissions Guidance, codes of practice and this gambling policy.

5.3 The Authority will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in the policy and demonstrate that in operating the premises they will promote this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The Authority will expect the applicants to provide details as to their crime prevention measures and any risk assessments that they have carried out.

5.4 To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria:

Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.

Considerations:

- Where an area is known for high levels of crime the Authority will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.
- Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.
- Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- Whether sufficient management measures, e.g. staff training; are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid being apprehended.
- The Licensing Authority will also consider the location of the premises in the context of this licensing objective. If an application is received in relation to premises that are in an area noted for particular problems with organised crime or a premises that have previously been a focus for antisocial behaviour, the Licensing Authority will expect applicants to demonstrate that they have sufficient measures in place to prevent or deter people involved from using their premises and will also consider conditions being put on the licence to promote this licensing objective.
- Whilst issues of nuisance are not included specifically in the gambling objectives and cannot be addressed via the Gambling Act, the Authority may consider, when making decisions on the applications for premises licences, that extreme instances of public nuisance and/or persistent public nuisance may constitute disorder and/or crime for the purposes of this objective.

6. Ensure Gambling is conducted in a fair and open way

6.1 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 subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.

6.2 In relation to the licensing of tracks the Licensing Authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

Criteria:

Whether the premises will operate measures that will ensure that the gambling activity is conducted in a fair and open way.

Considerations:

- Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- Whether the management and operation of the premises is open and transparent.
- Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- Whether the Commission's Codes of Practice have been complied with.

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

7.1 The Gambling Commission's Guidance states that one of the aims of this objective means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at or are, particularly attractive to children).

7.2 The Act and Gambling Commission Guidance does not define the term "vulnerable". For regulatory purposes and the Commission states that it assumes "vulnerable" persons" includes:

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

This is the definition the Licensing Authority will use in its consideration of applications.

7.3 This Licensing Authority will pay particular attention to any codes of practice, which the Gambling Commission issues in relation to specific premises.

It will consider this licensing objective on a case-by-case basis, and where necessary add conditions to promote this objective.

7.4 To protect children and other vulnerable persons from being harmed or exploited by gambling, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

Criteria:

Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

Considerations:

- Whether the operator has a specific training programme for staff to ensure that they are able to identify children, vulnerable persons and individuals who wish to self-exclude. Additionally they must take appropriate action to promote this objective to exclude them from the premises or parts of the premises.
- If the premises is an adult only environment, whether the operator has taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.
- Whether there is provision for self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare
- Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.
- The Licensing Authority will also consider the location of the premises in the context of this licensing objective. If an application for a gambling premises is received for a location within a sensitive area or in close proximity to what are considered to be sensitive areas the Licensing Authority will expect applicants to demonstrate that they have sufficient and suitable control measures in place to promote this licensing objective.

8. Premises Licences

8.1 Section 150 of the Act permits the issue of premises licences authorising the provision of facilities at the following:-

- casino premises;
- bingo premises;
- betting premises, including tracks and premises used by betting intermediaries;
- adult gaming centres;
- family entertainment centres;

8.2 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.

8.3 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area.

8.4 Where the Authority has concerns about the use of premises for gambling it will seek to address this through licence conditions wherever possible.

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

8.6 When considering applications for premises licences the Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission being granted.

8.7 The Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

9. Location

9.1 This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The authority will pay particular attention to the suitability of a location for gambling activity in terms of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

9.2 Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them. The supporting information may contain the following information:

- how the premises will restrict access to children, young people or other vulnerable persons,
- whether a proof of age scheme is being used,
- will the appropriate number of security staff be employed at appropriate times ,
- will opening times be set so that the premises are not open during school start and finish times,
- what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc.,

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

9.3 The Licensing Authority will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities, illness or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives.

9.4 It should be noted that each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome.

10. Primary Activity

10.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. The Licensing Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time. Applicants are expected to operate premises in line with the Commission's Guidance and conditions on their operators licence. The Authority will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed.

10.2 It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

11. Responsible Authorities

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

11.2 Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. In relation to the Authority's area, these are:

- The Licensing Authority itself
- The Gambling Commission;
- The chief officer of police/chief constable for the area in which the premises is wholly or partially situated
- The fire and rescue authority for the same area
- The local planning authority;
- An authority with functions in relation to pollution of the environment or harm to human health
- A body designated in writing by the Licensing Authority as competent to advise about the protection of children from harm (see paragraphs 11.3 and 11.4 set out below)
- HM Revenue & Customs; and
- Any other person prescribed in regulations by the Secretary of State.

Section 211(4) provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is to be used for licensable activities.

11.3 Tamworth Borough Council is required to set out the principles to be applied in exercising its powers to designate, in writing, a body which is competent to advise about the protection of children from harm. The principles applied in designating such a body are:

- the body must be responsible for covering the whole of the Authority's area: and
- the body should be answerable to democratically elected persons rather than any particular vested interest groups etc.

11.4 Details of the body designated for Tamworth Borough Council, is Staffordshire Safeguarding Children Board <https://www.staffsscb.org.uk/Home.aspx> . Details of this and all other responsible authorities are available on www.tamworth.gov.uk or in printed form available from the Authority.

12. Interested Parties

12.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence based on the principles detailed in section 2 of this policy statement.

An interested party is someone who:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons in either of the two groups above.

12.2 The principles the Licensing Authority will apply to determine whether a person is an interested party are:

- Interested parties could include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises or has business interests likely to be affected by the activities being applied for.
- Interested parties can be persons who are democratically elected such as Councillors and MP's. 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. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities.

12.3 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 or in any other way have a personal interest that would preclude them from participating in a hearing. If there are any doubts then please contact the licensing team.

12.4 It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. There is however other relevant legislation which deals with public nuisance.

13. Representations

13.1 The Authority is obliged to consider representations from 'responsible authorities' and 'interested parties' and must determine whether or not representations are admissible. A representation is inadmissible if not made by a responsible authority or an interested party.

13.2 The only representations likely to be relevant are those that relate to the licensing objectives, or that raise issues under this statement or the Commission's guidance or codes of practice. The Authority must determine the relevance of the representation.

13.3 Any concerns that responsible authorities have in relation to their own functions cannot be taken into account if they are not relevant to the application for a premises licence and the licensing objectives.

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

- 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.

14. Conditions of Licence

14.1 Conditions imposed by the Authority may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence.

14.2 The Authority will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

14.3 Any conditions imposed by the Authority will be proportionate to the circumstances they are intended to address. In particular, the Authority will ensure that any conditions are:

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

14.4 The Authority will not consider imposing conditions:

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

15. Casinos

15.1 The Authority has already considered its position under Section 166 of the Gambling Act 2005 regarding the application for a casino and has passed a 'no casino' resolution.

16. Betting Machines in Betting Premises

16.1 The Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

16.2 In the event that the Authority considers whether to impose such a condition on any particular licence it may, among other things, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines.

17. Bingo

17.1 Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licence, for that or those excluded areas.

17.2 Section 172(7) of the Act provides that the holder of bingo premises licences may make available for use a number of category B gaming machines for use on the premises.

17.3 This Authority also notes the Commissions Guidance in the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted. It is not permissible for all of the gaming machines to which each of the licenses brings an entitlement to be grouped together within one of the licensed premises.

17.4 The playing of bingo specifically in alcohol-licensed premises, clubs and miners welfare institutes is permissible under the exempt gaming allowances. Where the level of bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a bingo operating licence will be required by the commission.

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

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

17.7 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed, Tamworth Borough Council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

18. Tracks

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

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

18.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

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

19. Temporary Use Notices

19.1 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. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

19.2 The Licensing Authority can only accept a Temporary Use Notice from a person or company holding a relevant operating licence.

19.3 Regulations prescribed by the Secretary of State provide that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, for example games such as backgammon, cribbage, bingo and poker.

19.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

19.5 The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission Guidance.

20. Occasional Use Notices

20.1 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. The Licensing Authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

21. Gaming Machines

21.1 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' imparted by the action of the machine would cause it to be a gaming machine.

21.2 The Authority is aware of its power to restrict the number of gaming machines in certain circumstances. In the event that the Authority considers whether to impose such a restriction on any particular permit it may, among other things, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.

21.3 The Authority will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access and would include take-away premises, taxi offices, supermarkets etc.

22. Unlicensed Family Entertainment Centre Gaming Machine Permits

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

22.2 Guidance also states that an application for a permit may be granted only 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, Licensing Authorities may wish to consider asking applications 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 the Act); and
- That staff are trained to have a full understanding of the maximum stakes and prizes.

22.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

22.5 With regard to renewals of these permits, a Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

23. (Alcohol) Licensed Premises Gaming Machine Permits

23.1 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 gaming; or
- an offence under the Gambling Act has been committed on the premises

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

think relevant.” 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 harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

23.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for the use of gaming machines in their non- alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

23.4 It should be noted that the Licensing Authority can decide to grant the permit application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

23.5 It should also be noted that the holder of a permit must comply with Gaming Machines in Alcohol Licensed Premises Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

24. Prize Gaming Permits

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

24.2 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Licensing Authority cannot attach conditions. 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.

25. Club Gaming and Club Machine Permits

25.1 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 regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

25.2 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 commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

25.3 Licensing authorities 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

25.4 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Gambling Commission's Guidance for local authorities 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" and "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 Machine Permit issued to the applicant in the last ten years has been cancelled."

25.5 There are statutory conditions on Club Gaming 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.

26. Lotteries

26.1 In carrying out its functions in relation to Lotteries, the Authority will have regard to the Act, any guidance issued by the Commission from time to time and any Regulations issued by the Secretary of State.

26.2 The Act makes it illegal to promote lotteries unless they are licensed or within an exempt category. One such exemption relates to registered small society lotteries and the Council is responsible for registering small society lotteries, which are promoted by non-commercial organisations that are established for:

- Charitable purposes
- For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- For any other non-commercial purpose other than that of private gain.

27. Exchange of Information

27.1 The principle that the Licensing Authority will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the General Data Protection Regulations will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Enforcement

28.1 The Council will liaise with the Gambling Commission and other enforcing authorities on enforcement issues and will look to carry out joint inspections. The targeting of resources towards high- risk premises and activities that require greater attention will provide a more efficient deployment of the Council's officers and other officers that are commonly engaged in enforcing gambling law and inspection of licensed premises. A lighter touch will apply in respect of low risk premises, which are well run.

28.2 The Council's approach to enforcement will be based on identified risk and will take into account:

- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The licensing objectives
- The principles set out in this statement of gambling policy

28.3 In general, action will only be taken in accordance with the principles of the Regulatory Compliance Code, Licensing Authority Enforcement Policy and the relevant provisions of the Regulatory Enforcement and Sanctions Act 2008. To this end the key principles of consistency, transparency and proportionality will be maintained.

28.4 The Council will also be guided by the Gambling Commission’s Guidance for local authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects

28.5 In accordance with the Gambling Commission Guidance to Licensing Authorities the Council will endeavour to avoid duplication with other regulatory regimes as far as possible.

28.6 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

29. The Licensing Process

29.1 The powers of the Council as a Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub -Committee or, instead, by one or more Council officers acting under delegated authority. The Council has adopted the following scheme of delegation:-

Matter to be Dealt With	Full Council	Cabinet	Licensing Committee/ Sub Committee	Officers
3 year licensing policy	X			
Policy not to permit casinos	X			
Fee Setting when		X		

Matter to be Dealt With	Full Council	Cabinet	Licensing Committee/ Sub Committee	Officers
appropriate				
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				Refer to * below
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary				X

Matter to be Dealt With	Full Council	Cabinet	Licensing Committee/ Sub Committee	Officers
use notice				
Decision to give a counter notice to a temporary use notice			X	
Determination as to whether a person is an Interested Party				X
Determination as to whether representations are relevant				X
Determination as whether a representation is frivolous, vexatious or repetitive				X

X Indicates at the lowest level to which decisions can be delegated.

* In respect of applications for amusement with prizes machines in alcohol licensed premises, the following procedure will be adopted:

- i) Officers will determine under delegated authority, applications for amusement with prize machines where the application is for not more than 5 machines.
- ii) Applications for more than 5 amusement with prize machines will be referred to Chair of Licensing Committee for determination in consultation with Assistant Director, Growth and Regeneration, Head of Environmental Health/Environmental Health Staff.

29.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. From 6th April 2016 applicants must carry out a risk assessment before they apply for a premises licence or to vary a premises licence.

29.3 The Authority will expect the local risk assessment to consider as a minimum:

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

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

29.4 Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from the Licensing Authority, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

29.5 The Act requires licensing authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request copies of the entries. The register will be located at:

Tamworth Borough Council,
Marmion House
Lichfield Street,
TAMWORTH
B79 7BZ

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TAMWORTH BOROUGH COUNCIL

GAMBLING ACT 2005

DRAFT STATEMENT OF PRINCIPLES 2019 – 2022

REVISIONS

All revisions reflect the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published September 2015¹ and Changes in appointments/Directorate titles within the Organisation and those of Consultees.

PAGE, PARA	SUBJECT	REMARKS
p.5, 3.3	Responsible Authorities	Clarifies roles and responsibilities.
p.6, 4.6	Statement of principles	Scope of local area profile defined
p.7,5-7	Gambling Objectives	Replaces section on enforcement and includes detail on criteria and considerations for meeting objectives
	Appendix A - G	p.34 – 59 Deleted from previous edition and will be a living document to enable amendments to be made as the local profile changes.

Notes

1. <http://www.gamblingcommission.gov.uk/PDF/GLA5-updated-September-2016.pdf>

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**STATEMENT OF GAMBLING PRINCIPLES
CONSULTATION COMMENTS
JUNE 2018 - SEPTEMBER 2018**

From: [REDACTED]
Sent: 27 June 2018 15:18
To: Lewis, Stephen; [REDACTED]
Subject: RE: Statement of gambling licensing policy – A Councillor's Guide

Hi Steve,
I would be very happy to write to the relevant government team or the Leader of the House who schedules business.
Whom are the GC lobbying?
Regards
[REDACTED]

From: Lewis, Stephen
Sent: 20 June 2018 12:56
To: [REDACTED]
Subject: RE: Statement of gambling licensing policy – A Councillor's Guide

Cllrs,

The report will be at Licensing Committee this Thursday with a three month consultation period so we can capture views.

You should also be aware that although the proposal to reduce FOBTs was accepted, my understanding from meeting with the Gambling commission last Tuesday is that it will need to be in approved in parliament via secondary legislation. Timelines on this are unknown.

We can organise when it is best to get together tomorrow, I'm flexible and happy to do evenings.

Regards,

Steve

Steve Lewis
Head of Environmental Health
Tamworth Borough Council
Tel:01827 709437

From: [REDACTED]
Sent: 20 June 2018 12:04
To: Lewis, Stephen
Cc: [REDACTED]
Subject: RE: Statement of gambling licensing policy – A Councillor's Guide

Thanks Steve,
I was delighted by the decision in favour of the lowering of fixed odds gambling limits. One of the groups we are accommodating under Heart of Tamworth's social outreach work is "Gambler's Anonymous".

Representing one of the most deprived areas in the country I feel very strongly that we need as many controls as possible.

[REDACTED] is a trained lawyer and is continuing on the Licensing committee and I would be grateful if you would arrange to meet her to cover this and other areas of legislative development – she is also the Chair of Heart of Tamworth.

Kind regards

[REDACTED]

From: Lewis, Stephen

Sent: 20 June 2018 09:22

To: [REDACTED]

Subject: Statement of gambling licensing policy – A Councillor's Guide

Councillors

Good morning,

Can I draw your attention to the above guidance, <http://www.gamblingcommission.gov.uk/PDF/quick-guides/Councillors-guide.pdf>

A copy is also on the shared drive in your folder S:Councillors/Licensing/2018.

You may wish consult this with the review of Gambling Policy consultation.

Regards,

Steve

Steve Lewis

Head of Environmental Health

Tamworth Borough Council

Tel:01827 709437

From: Info@britishhorseracing.com [mailto:Info@britishhorseracing.com]

Sent: 12 July 2018 07:11

To: Lewis, Stephen

Subject: RE: Consultation - Revised statement of Principles (Gambling Policy 2019-2022)

Thank you for your email to the British Horseracing Authority. It is our aim to respond to all enquiries within seven days but please do bear with us during busy periods. We look forward to responding to your query shortly.

From:[REDACTED]

Sent: 12 July 2018 12:16

To: Lewis, Stephen

Subject: RE: Consultation - Revised statement of Principles (Gambling Policy 2019-2022)

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be

helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact [REDACTED]

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,
[REDACTED]

[REDACTED]
Head of Marketing and Communications
T: 020 7801 7028
E: [REDACTED]

From: [REDACTED]
Sent: 29 August 2018 12:41
To: Lewis, Stephen
Subject: Re: 180703_GAMBLING POLICY 2019-2022 draft

Dear Steve

It was good to meet you properly last week and I found the gambling discussion very interesting.

I have had a read through the document which I thought was very well put together, clear and thorough.

I have made a couple of points via 'comments' and a few amendments via 'Track changes' - mostly typos and formatting - which you can keep or bin as you wish. As we discussed, I wonder if we could also make sure all available guidance is on the website (it may already be there), in the interests of openness and transparency. I think this would have two effects - it will make all requirements clear to providers and encourage them towards best practice, and it means that should they transgress, they will not be able to claim ignorance.

Many thanks
[REDACTED]

-----Original message-----

From : Stephen-Lewis@tamworth.gov.uk
Date : 21/08/2018 - 11:26 (GMTST)
To : [REDACTED]

Subject : 180703_GAMBLING POLICY 2019-2022 draft

[REDACTED],

Good morning,

Many thanks for your time today,

Best regards,

Steve
01827709437

Infrastructure, Safety and Growth Scrutiny Work Plan

Work Plan 2018 - 2019	
DATE	SUBJECT
TBC	Town Centre Car Parking
23rd October 2018	Revised Gambling Act 2005 Statement of Principles
23rd October 2018	Public Space Protection Orders (Assistant Director Partnerships to attend)
23rd October 2018	S106 Monies Report/Presentation
TBC	Tamworth Infrastructure & Roads <ul style="list-style-type: none"> • Councillors Goodall and J Oates to invite relevant Staffordshire County Council representative • A list of specific questions to be circulated
TBC	Review Local & County Plans
TBC	Crime Figures for Tamworth
TBC	CCTV Usage
TBC	Uber – Licensing
TBC	People Helping People (Community Safety)
TBC	Street Cleansing (Partnering)
TBC	Anti-Social Behaviour Policy
	Annual review of Council Tenant Fire Safety

Upcoming Infrastructure, Safety and Growth Scrutiny Committee Meetings
Tuesday 18 th December 2018
Tuesday 29 th January 2019
Tuesday 2 nd April 2019

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