

## TAMWORTH BOROUGH COUNCIL

### GAMBLING ACT 2005

#### DRAFT STATEMENT OF PRINCIPLES 2016 – 2019

#### REVISIONS

All revisions reflect the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published March 2015 and Changes in appointments/Directorate titles within the Organisation and those of Consultees.

| PAGE, PARA        | SUBJECT  | REMARKS   |
|-------------------|--|---|
| p3, 1.2           | Moral objections                                 | Tamworth Borough Council position takes no account of morality.   |
| p.3, 1.5QA        | Risk Assessment                                  | Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment |
| p.4, 2.2          | Population Density                               | Amended following Planning comment  |
| p.10, 1.4         | Definition of Premises                           | Definition of Premises explained in more detail   |
| p.11, 1.8         | Location   | Location and it's relation to the risk assessment explained in more detail  |
| p.13,             | Premises Licences                                | Amended following Planning comment to encourage compliance with Planning Consents/Policy                                      |
| p.13, 4.1 to 4,11 | Protection of children, vulnerable persons       | Greater details provided as to children and who is regarded as a vulnerable person and reference to Dept of Health guidance.  |
| p.14, 5.1         | Conditions                                       | Application of proportionate conditions   |
| p.17, 7.1         | Adult Gaming Centre                              | New category introduced and explained   |
| p.18, 8.1         | Family Entertainment Centres                     | Expansion of the guidance provided  |
| p.19, 10.1        | Bingo  | No official definition of bingo highlighted, however description of types of premises used for bingo provided.                |
| p.19, 11.1        | Betting Premises                                 | Explanation of legal intention to restrict betting machines   |
| p.20, 11.5        | Betting Premises                                 | Insertion of provision following concerns raised by Campaign for Fairer gambling dated 4 Sep 15                               |
| p.24, 1.1         | Unlicensed family Entertainment Centres          | Definition provided.  |
| p.25, 2.1         | Gaming machines in premises licensed for alcohol | Requirement for premises with more than 2 gaming machines to apply for a permit.  |
| p.34              | Appendix A                                       | Amendments to Categories with detailed  |

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|      |            | explanations   |
| p.40 | Appendix E | New information of Risk assessment explained and local risk assessment form. There is no requirement to follow the guidance slavishly and this takes account of concerns raised by Coral Racing at page 3 of Appendix 3. Gosschalks believe the form to be too prescriptive, however the document is offered as guidance to enable the risk assessment to be completed which is the end state for all parties. |
| p.47 | Appendix E | <b>Premises and Exterior Design Risks</b> that planning applications will have to consider separate issues as dictated by planning policy  |
| p.61 | Appendix G | <b>8.3 Table of Delegations of Licensing Functions</b><br>ii) Applications for more than 5 amusement with prize machines will be referred to Chair of Licensing Committee for determination in consultation with Director Assets and Environment/Head of Environmental Health/Environmental Health Staff.  |

### Remarks following responses

| ITEM/(SUBJECT)   | REMARKS  |
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| Appendix 3 - Elected member comment dated 11 Aug 15, (Question regarding details of premises)                                      | Cllr James<br>Good evening, they are Included but not mentioned specifically. You rightly mention we have premises with alcohol licences and those primarily for betting/gaming. Hope this assists<br><br>Steve  |
| Appendix 4 - Elected member comment dated 22 Aug 15 (Questions regarding type of premises and numbers and types of gaming permits) | Dear Cllr Clarke<br><br>Thank you for your comments regarding the above consultation. Your observations will be duly noted and taken in to account.<br><br>In response to your query at point 3, an application for a Club Gaming / Machine Permit would not need to a change of use of premises. This type of application is restricted to Members Clubs for example Working Men's Clubs, Miners Welfare Institutes and Commercial Clubs. Normal pubs or other alcohol licensed premises could not apply for this type of permit. |

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|   | <p>The criteria for applying for this type of permit are laid down in the Gambling Act and are outlined in sections 4.1 to 4.6 of the draft statement of principles.</p> <p>There is a “fast track “ application route available to those Clubs holding a Club Premises Certificate issued under the Licensing Act 2003 (please see section 4.6 page 29). Most of our Members Clubs have applied for Club Gaming Machine permits using this route.</p> <p>Unless there are representations from the Gambling Commission or the Police about an application for a Club Gaming / Machine Permit – most of the applications would be dealt with by officers – under the delegations outlined at Appendix G (page 60). This table of delegation is one recommended in 4<sup>th</sup> edition of Guidance to Licensing Authorities issued by the Gambling Commission.</p> <p>Also please note that when a fast track application is made, the grounds for any objections is very limited, (please refer to 4.6 on page 29).</p> <p>Appendix A of the draft Statement summarises the gaming machines that can be made available for use in different types of premises. Appendix B summarises the maximum stakes and prizes set by the gambling commission. Appendix C summarises the gaming entitlements for clubs and public houses.</p> <p>I hope that the above answers your query.</p> <p>Kind regards</p> <p><b>Colin John</b></p> |
| <p>Appendix 5 - Campaign for fairer gambling dated 4 Sep 15 (Letter raising concerns about FOBTs and SSBTs)</p> | <p>Should the authority be aware of any problems with specific premises as a result of the operations of Fixed Odds Betting Terminals (FOBT's) or Self-Service Betting Terminals (SSBT's) the appropriate action will be taken, including the review of the premises licence if necessary and the imposition of appropriate conditions.</p> <p>It should be clear that action would only be taken where there were individual circumstances supporting the reasons for doing so - but not as a 'general' rule to be applied across all premises.</p>   |
| <p>Appendix 6 - Planning and Regeneration dated 7 Oct 15</p>  | <p>Matthew,</p> <p>Good afternoon,</p> <p>Many thanks to you and your team for their comments, we will</p>   |

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|  | <p>add them to the policy as appropriate.</p> <p>Steve</p>  |
| <p>Appendix 7 - Coral Racing Response dated 26 Oct 15 (Detailed letter outlining Coral Racing national approach and comments on local issues raised).</p>        | <p>John, Simon,</p> <p>Good afternoon,</p> <p>Thank you for your comments in relation to the consultation, the comments that I included were based on anecdotes and intended to give a flavour of the debates taking place. Your comments serve to challenge the perceived views.</p> <p>We will ensure that the committee has sight of your comments.</p> <p>Regards,</p> <p>Steve</p>   |
| <p>Appendix 8 - Gosschalks Solicitors Response dated 30 Oct 15 (Detailed letter outlining Gosschalks national approach and comments on local issues raised).</p> | <p>Lucy,</p> <p>Good afternoon,</p> <p>Thank you for your comments, quick observations on your letter,</p> <p><b>Local area risk assessments.</b> we hope that the form of that risk assessment enables an applicant to provide as much information to enable a decision as to whether their operation meets the statement of principle,</p> <p><b>Profiles.</b> We have included as an annex to enable flexibility and updates to be added as and when appropriate.</p> <p><b>Specific policy comments.</b> It is not Tamworth BC's intention to constrain business, we have taken a pragmatic view and agreed this draft policy across the county of Staffordshire. We will include your comments in the report and policy and look forward to hearing from you on behalf of your operators.</p> <p>regards,</p> <p>Steve</p> |