

NORTHAMPTON BOROUGH COUNCIL

Licensing Committee

Your attendance is requested at a meeting to be held at The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE. on Tuesday, 2 February 2016 at 6:00 pm.

**D Kennedy
Chief Executive**

AGENDA

1. Apologies
2. Minutes
(Copy herewith)
3. Deputations / Public Addresses
4. Declarations of Interest
5. Matters of Urgency which by reason of special circumstances the chair is of the opinion should be considered
6. Statement of Gambling Principles 2016- 2019
(Copy herewith)
7. Review of Car Boot Sale Frequency and number of events
(Copy herewith)
8. Exclusion of Public and Press
The Chair to Move:
“that the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12a to such act.”

SUPPLEMENTARY AGENDA

Exempted Under Schedule, 12A of L.Govt Act 1972, Para No: - 1

9. Review of Private Hire Driver's Licence (1)
(Copy herewith)
10. Private Hire Driver - New Application (1)
(Copy herewith)
11. Review of Combined Driver's Licence (1)
(Copy herewith)

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

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Public Participation

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NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Wednesday, 6 January 2016

PRESENT: Councillor Sargeant (Chair); Councillor Hill (Deputy Chair); Councillors Ansell, Beardsworth, Caswell, Duffy, Eales, Walker and Stone

OFFICERS: Mehboob Kassam(solicitor), Bill Edwards (Senior Licensing Officer), Louise Faulkner (Senior Licensing Officer), Michael Flynn (Democratic Services Officer)

1. APOLOGIES

Apologies were received from Councillor Malpas and Councillor Choudary.

2. MINUTES

The minutes of the meeting held on the 1st December were agreed and signed by the chair with the addition that Councillor Choudary left the meeting at 18:25.

3. DEPUTATIONS / PUBLIC ADDRESSES

Councillor Stone addressed the committee on item 6.

4. DECLARATIONS OF INTEREST

None.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

6. LICENSING ACT 2003 STATEMENT OF LICENSING POLICY

Councillor Stone arrived at the meeting at 18:15.

Senior Licensing Officer Mr Bill Edwards presented the report and elaborated thereon. It was recommended that the Committee approve that the draft Statement of Licensing Policy be approved for adoption of it by the Full Council on 25th January 2016. In accordance with Section 5 Licensing Act 2003 it was reported that the Council, as Licensing Authority, is required to adopt a Statement of Licensing Policy every five years. The Council's current Statement of Licensing Policy was adopted in January 2011 and requires fresh adoption prior to February 2016.

The report confirmed that a consultation exercise had been conducted and where such consultation responses were deemed to be relevant and not addressed by other legislation, were included within the policy statement.

The Senior Licensing Officer advised that at the last committee hearing of the 15th September the Committee approved the 12 week consultation process which ended on the 28th December 2015 and responses to the consultation which were received have been attached at Appendix A of the report. Also attached in the report was a

table of changes at Appendix B and the amended Statement of Licensing Policy at Appendix C.

The Senior Licensing Officer advised the committee that SEV have alternative legislative oversight

In response to questions from the Committee the Senior Licensing Officer advised that temporary events notices are being enforced.

RESOLVED

The Committee **APPROVED** that the draft Statement of Licensing Policy be approved for adoption of it by the Full Council on 25th January 2016.

The Senior Licensing Officer Bill Edwards left the committee at 18:18.

7. REVIEW OF PRIVATE HIRE OPERATOR FEES

The Senior Licensing Officer Louise Faulkner presented the report and elaborated thereon. This report is concerned with amending the fee structure for Private Hire Operators, in order to take into consideration that licences must now be issued for the statutory five years, unless in circumstances of an individual case. The proposed fee structure and existing fees are detailed in Appendix A & B of the report.

It was advised that a cost exercise has been undertaken in order to ascertain the level of fee that should be set for a New/Renewal Operators Licence and this exercise has been carried out using a toolkit recommended by the Institute of Licensing for the calculation of licensing fees.

It was proposed that all Operators pay a standard fee for the application and grant of a licence, including associated fees for inspection visits by an officer to carry out ad-hoc audit checks. A separate element is applied based upon the number of vehicles operated by each company. This will allow for the administration/compliance and monitoring costs associated with ensuring that accurate records are maintained of all vehicles/drivers working for the company

In response to questions from the committee the Senior Licensing Officer advised that Appendix D of the report reflects the reduction in staff cost and the baseline fee includes compliance audit check, disciplinary hearings, project work, and administration.

The Environmental Health and Licensing Manager advised that enforcement is being carried out and that there are plans to utilise Wardens to support the Licensing Enforcement Officers.

The Senior Licensing Officer advised the toolkit gives guidance on how fees are set and that it was a costing exercise to deliver the service. It was also advised that this item cannot be deferred as a 5 year plan must be put in place otherwise the Borough Council will lose money.

Councillor Beardsworth requested that representation be made at cabinet.

The Licensing solicitor advised this was a costing exercise to decipher how much it would cost to operate licensing function.

Resolved

That with immediate effect the fees be revised in line with the recommendations at Appendix A of the report with a modification to the one vehicle operator fee.

That with effect immediate effect the policy for dealing with non-payment of Operators Fees is agreed in accordance with Appendix G of the report.

That the fees have been advertised in the local press and NBC website and the statutory 28 day consultation has taken place with those who are subject to the new fee structure, and that any objections should be considered before the revised fees are implemented.

Taking into consideration the comments received during the consultation and in the interest of equity , it was agreed to a modification of the fees for Private Hire Operators with one vehicle to remain the same at £1100.

8. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

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The meeting concluded at 18:52

M8131

Appendices
A – Responses
B – Changes
C- Policy



LICENSING COMMITTEE REPORT

Report Title	Statement of Gambling Principles 2016- 2019
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	2 nd February 2016
Directorate:	Customers and Communities

1. Purpose

The purpose of this report is to:

Enable the Licensing Committee to consider the Council's Statement of Principles in relation to the Gambling Act 2005

2. Recommendations

Members are recommended to consider the statement of principles and offer any comments prior to approval by Council on 22nd February 2016.

3. Issues and Choices

3.1 Report Background

3.1.1 The Gambling Act 2005 passed the responsibility for the licensing of premises used for gambling to local authorities.

3.1.2 Section 349 of The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act, and in particular the following three licensing objectives:

- Keeping gambling crime free
- Making sure that gambling is fair and open
- Protecting children and vulnerable adults

- 3.1.3 The statutory period for the statement is three years. The last statement was approved by the Council on 25th February 2013 and came into effect on 1st March 2013. A new statement must be prepared and published with a view to it coming into effect on 1st March 2016.
- 3.1.4 In Northamptonshire the statement is prepared jointly by all local authorities in the county and was reviewed in accordance with guidance from the Local Government Association and members of the national licensing policy forum.
- 3.1.5 In the course of preparing the statement the Council is obliged to consult with
- The Chief Officer of Police
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling business 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
- 3.1.6 Consultation was undertaken between 21st September 2015 and 4th November 2015. Four responses were received and they are attached at Appendix A
- 3.1.7 A summary of the changes made is attached at Appendix B.
- 3.1.8 The new statement is attached to this report as Appendix C.

3.2 Choices (Options)

- 3.2.1 To adopt the reviewed statement that incorporates the most recent guidance issued by the Gambling Commission.
- 3.2.2 To reject the reviewed statement and maintain the existing document which does not reflect the updated guidance issued by the Gambling Commission.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 These changes will not have any impact on the licensing of premises in our district other than providing greater clarity in the statement.

4.2 Resources and Risk

- 4.2.1 The adoption of the revised statement will not have any effect on resources.

4.3 Legal

The Committee need to be mindful that the three Licensing Objectives are upheld and promoted within the Statement of Gambling Principles. There are no new Enforcement Issues to take into account. The principles within the Statement of Gambling Principles must be approved by Council before 1st March 2016

Section 349 Gambling Act 2005 expressly states that a licensing authority shall before each successive period of three years:

(a) prepare a statement of the principles that they propose to apply in exercising their functions under Gambling Act during that period, and

(b) publish the statement

The purpose of this report and accompanying policy is commensurate with the obligations under statute

4.4 Equality

4.4.1 As this does not affect policy there is no duty to undertake an Equality Impact Assessment. However, by definition the purpose of the statement is to assist the licensing authority to exercise its function so as to meet the licensing objectives. A key objective is to protect children and vulnerable adults

4.5 Consultees (Internal and External)

4.5.1 The statement was advertised electronically online offering electronic opportunities for the public to engage and hard copies of the document if required. All gambling establishments and premises with gaming permits (approximately 200) were written to advising them of the consultation and directing them to the website to view the document and comment. A full list of other consultees is attached at Annex A of the new statement.

4.6 Other Implications

4.6.1 No other implications have been identified.

5. Background Papers

5.1.1. Gambling Commission Guidance 2015

5.1.2. The Gambling Act 2005 (Gaming Machines In Adult Gaming Centres And Bingo Premises) Order 2011 - Guidance for Operators and Licensing Authorities – Letter from DCMS

Report Author – Bill Edwards, Senior Licensing Officer, 8986

Appendix A Summary of responses received

Respondent Details	Comments made	Response
<p>Coral Racing Limited One Stratford Place Montfichet Road London E20 1EJ</p>	<p>Consultation on Central Licensing Admin Unit Statement of Principles – Gambling Act 2005 – on behalf of:-</p> <ul style="list-style-type: none"> • Corby Borough Council • Kettering Borough Council • Daventry District Council • Northampton Borough Council • East Northamptonshire Council • Borough Council of Wellingborough <p>Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.</p> <p>Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to ‘aim to permit gambling’ where this is ‘reasonably consistent with the licensing objectives’, additionally noting that it should not take into account of any moral objections to gambling.</p> <p>Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion</p>	<p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>(requirement is from 6th April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.</p> <p>Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. A number of Council's have created long lists of locations which by inclusion are required to be risk assessed & strict templates to be completed. Coral are of the opinion that as there is no evidence that the proximity of such locations causes harm to the licensing objectives, it is best left to the operators to provide their own risk assessments. Naturally, if these do not meet the level desired by the Council, we would adjust to suit.</p> <p>If we can provide any further information, we would be pleased to do so.</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comment noted.</p>
<p>Gosschalks Solicitors Queens Gardens Hull HU1 3 DZ (Note: Two slightly differently worded responses were received from the above (28 October 2015 and 05 November 2015) - the 28 October 2015 submission is quoted)</p>	<p>We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.</p> <p>The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.</p> <p>This response will explain the ABB approach to partnership working with local authorities, it will detail its</p>	<p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.</p> <p>The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.</p> <p>The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.</p> <p>It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.</p> <p>Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.</p> <p>As far as problem gambling is concerned, successive</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.</p> <p>In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.</p> <p>The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.</p> <p>Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.</p> <p>Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: "The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."</p> <p>Describing the project, Glasgow's City Treasurer and</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said: “This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.”</p> <p>Primary Authority Partnerships in place between the ABB and local authorities</p> <p>All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.</p> <p>These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.</p> <p>For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.</p> <p>By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.</p> <p>Local area risk assessments</p> <p>With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>risks posed to the licensing objectives and how these would be mitigated.</p> <p>Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.</p> <p>The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.</p> <p>Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.</p> <p>The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.</p> <p>Local Area Profiles – Need for an evidence based approach</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.</p> <p>This would distort the “aim to permit” principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.</p> <p>A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.</p> <p>We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.</p> <p>Concerns around increases in the regulatory burden on operators</p> <p>Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.</p> <p>Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.</p> <p>Employing additional licence conditions</p> <p>The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.</p> <p>This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.</p> <p>Specific Policy Comments</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>In Part B Under the 'General Principles' heading at paragraph 1.1, there is a statement that 'licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate'. The statement of policy should be clear throughout that conditions in addition to the mandatory and default conditions will only be imposed where there is evidence of a risk to the licencing objectives in the circumstances of a particular case.</p> <p>Paragraph 1.3 of the draft statement of principles indicates that moral objections and unmet demand are not criteria for a licencing authority when considering an application for a premises licence. It is respectfully submitted that this paragraph be expanded to state that issues of nuisance and the likelihood of the grant of planning permission or building regulation approval are not issues that can be taken into account when considering an application for a premises licence.</p> <p>Paragraph 1.4 refers to the concept of primary gambling activity and indicates, in the final sentence, "Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licences." The statement of principles introduces in Paragraph 1.5 indicators of primary gambling activity as outlined by the Gambling</p>	<p>The Gambling Commission Guidance to Licensing Authorities (5th edition - September 2015) guides licensing authorities on the use of conditions. Paragraph 1.2 of Part B of the draft Policy Statement makes it explicit that relevant decisions will be taken in accordance with, <i>inter alia</i>, that guidance document. As such, no alterations are considered necessary.</p> <p>The wording of Paragraph 1.3 of Part B of the draft Policy Statement reflects Paragraph 5.34 of the Gambling Commission Guidance to Licensing Authorities (5th edition - September 2015). As such, no alterations are considered necessary.</p>

Respondent Details	Comments made	Response
	<p>Commission in its October 2013 Advice Note but ignores, however, subsequent case law. The case of <i>Luxury Leisure v The Gambling Commission</i> – May 2014 held that condition 16 (primary gambling activity) does not require a contest between over the counter betting and the use of machines. There must be sufficient facilities for betting (as described in paragraph 1.5) if gaming machines are to be utilised. The requirement, however, is simply that these facilities are available. The actual use of those facilities is not an issue. For that reason, the final sentence of paragraph 1.4 should be removed from the statement of principles as this appears to require evidence of actual use.</p> <p>Paragraph 1.16 deals with location. The final two sentences of this paragraph cause the ABB significant concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears to implement a cumulative impact type policy as exists within the licencing regime under Licencing Act 2003. Such a policy is contrary to the overriding principles of ‘aim to permit’ contained within s153 of the Gambling Act 2005. Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two sentences should be removed and replaced with a simple statement that each case will be determined on its own merits.</p>	<p>Having taken advice from the Gambling Commission, they have since confirmed that they intend to consult on this issue shortly and that it is currently covered in their <i>Guidance to Licensing Authorities</i> (5th edition - September 2015). As such, it is proposed that Paragraphs 1.4 and 1.5 of Part B of the draft Policy Statement are removed and Officers will duly monitor the aforementioned consultation.</p> <p>Having taken advice from the Gambling Commission, they suggested that the two sentences in question could be removed and replaced with a sentence stating that the</p>

Respondent Details	Comments made	Response
	<p>Paragraph 1.21 explains the first licencing objective – preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. This paragraph indicates that the licensing authority is aware of the distinction between nuisance and disorder but we suggest that it should be expanded to make it clear that issues of nuisance are not relevant considerations and that the Gambling Commission has defined disorder as intending to mean activity that is more serious and disruptive than mere nuisance.</p> <p>Paragraphs 1.25 to 1.32 outline the policy relating to conditions. The statement of principles would be assisted by an indication that the starting point for consideration of any application is that it will be granted subject only to the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licencing objectives. The draft statement of principles should make it clear that additional conditions will only be imposed where there is clear evidence of a risk to the licencing objectives that requires that the mandatory and default conditions be supplemented and not simply where there is ‘perceived need’ or where there are ‘concerns’.</p> <p>Paragraph 6 of Part B would benefit from a clear</p>	<p>Licensing Authority has the option of adding conditions to a premises licence to address any such concerns. If is proposed that this is actioned as suggested by the Gambling Commission.</p> <p>The Gambling Commission Guidance to Licensing Authorities (5th edition - September 2015) includes guidance on this issue. As such, no alterations are considered necessary.</p> <p>No alterations are considered necessary due to the existing clarity of the wording of paragraphs 1.25 to 1.32 of Part B of the draft Policy Statement and the guidance included in the Gambling Commission Guidance to Licensing Authorities (5th edition - September 2015).</p>

Respondent Details	Comments made	Response
	<p>distinction between betting machines and gaming machines in order that applicants, potential representors and the licensing committee may be aware that whilst the number of betting machines may be limited by condition, there is no power to impose conditions relating to the number of gaming machines. A betting premises licence authorises the holder to make use of up to 4 machines of categories B,C, or D as long as sufficient facilities for over the counter betting are provided.</p> <p>Conclusion</p> <p>The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.</p> <p>ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.</p> <p>Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across</p>	<p>No alterations are considered necessary due to the existing clarity of the wording of paragraph 6 of Part B of the draft Policy Statement and the guidance included in the Gambling Commission Guidance to Licensing Authorities (5th edition - September 2015).</p> <p>Comments noted.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
	<p>the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.</p>	<p>Comments noted.</p>
<p>The Farming Community Network Manor Farm West Haddon Northants NN6 7AQ</p>	<p>Thank you for providing the opportunity to contribute to the process of consultation. The Farming Community Network is registered under the Small Society Lotteries of the Act.</p> <p>As you appreciate, we use lotteries for the sole purpose of raising funds to enable us to continue with our charitable aims and not for any commercial purpose. Like many small charities, we rely on the efforts of volunteers and a small number of part-time employees and, as a consequence, we hope to spend as little time as possible on the necessary administration tasks which are required. The initial process of registration ran quickly and smoothly and the demands placed on us by the Act are fair and not unduly onerous. Ideally, we would like this to continue.</p> <p>It will be of considerable benefit to charities and to other associations if the procedural requirements and the demands of regulations are kept to a minimum; ideally, no more than at present.</p> <p>I hope these comments may be of use within the scope of the consultation.</p>	<p>Comments noted.</p> <p>Comments noted.</p> <p>This consultation is highly unlikely to lead to the change of any existing small society lottery administrative procedures. Of course, the Licensing Authority does not have the gift to alter Regulations.</p> <p>Comments noted.</p>

Respondent Details	Comments made	Response
Oundle Town Council	Further to your letter dated 22.09.2015 (copy attached), I can confirm that Oundle Town Council has reviewed the document and has no comment to submit.	Comments noted.

Appendix B

Gambling Act 2005 Statement of Licensing Policy

Table of Proposed Changes to the existing 2013 Policy

Pre consultation

Page/Section	Proposed Amendment
Cover Page	Remove County logos as the Policy must be specific to the relevant Licensing Authority
Page 2	Insert revision table
Part A: Section 2.1	Delete as the Policy must be specific to the relevant Licensing Authority
Part A: Sections 4.2, 5.3, 7.3, 7.4 Part B: Sections 1.7, 1.10 (x2), 1.11, 1.16, 1.19, 1.20, 1.28, 1.36, 5.1, 5.2, 5.3, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10 Part C: Sections 1.2, 4.3, 4.5, 4.6, 5.4	Delete specific reference to paragraph numbers and quotes in the Gambling Commission's Guidance to Licensing Authorities (The Guidance) NB. the Guidance is currently subject to review
Part A: Section 7.5	Include ' <i>...the Primary Authority, if applicable...</i> ' and delete ' <i>Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.</i> ' i.e. the latter statement may conflict with Primary Authority Assured Advice
Part A: Section 7.7	Replace ' <i>Better Regulation Executive</i> ' with ' <i>Department for Business Innovation & Skills</i> '
Part B: Section 1.3	Wording amended to reflect the Guidance that is currently subject to review
Part B: Section 4.1	Blank to insert casino resolution
Part D: Annex 1	Delete as the Policy must be specific to the relevant Licensing Authority
Part D: Annex 4	Delete as incorporated into Part B: Section 4.1

Post consultation

Page/Section	Proposed Amendment
Part B: Paragraphs 1.4 and 1.5 <i>Namely:</i> 1.4 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises	Delete both paragraphs. The consultation process threw doubt on these paragraphs being lawful. Having taken advice from the Gambling Commission, they confirmed that they intend to consult on this issue (i.e. Primary Gambling Activity) shortly and that it is currently covered in their recently revised Guidance to Licensing Authorities (5 th edition - September 2015) which will facilitate robust decision making by the Council. As such, it is proposed that Paragraphs 1.4 and 1.5 of Part B of the draft Policy Statement are removed and Officers will duly monitor the aforementioned consultation.

<p>when seeking variations to licenses.</p> <p>1.5 In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity:</p> <ul style="list-style-type: none"> • the offer of established core products (including live event pictures and bet range) • the provision of information on products and events • the promotion of gambling opportunities and products • the actual use made of betting facilities • the size of premises • the delivery of betting facilities 	
<p>Part B: Paragraph 1.16</p> <p><i>Namely:</i></p> <p>(iv) Location</p> <p>1.16 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.</p>	<p>Delete the last two sentences of Paragraph 1.16 of Part B of the draft Policy Statement</p> <p>The consultation process threw doubt on the last two sentences of this paragraph being lawful. Having taken advice from the Gambling Commission, they suggested that the two sentences in question could be removed and replaced with a sentence stating that the Licensing Authority has the option of adding conditions to a premises licence to address any such concerns. It is proposed that this is actioned as suggested by the Gambling Commission.</p> <p><i>NB. This can be seen as Paragraph 14 in the revised draft Policy Statement due to re-numbering of the paragraphs following the above paragraph deletions.</i></p>

**Northampton Borough
Council
Gambling Act 2005
Policy Statement 2016-2019**

This Statement of Principles was adopted by Northampton Borough Council at its Council meeting on [Insert date]

Revisions

Version	Date	Author
Dv01	13 July 2015	EC Draft
Dv02	20 August 2015	EC/RH Draft
Dv03	3 September 2015	EC
Dv04	16 November 2015	EC

**Northampton Borough Council
Statement of Principles
Gambling Act 2005**

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PART A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives and
 - In accordance with the authority’s statement of licensing policy

2. Introduction

- 2.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 2.2 The Council consulted widely upon this statement before finalising and publishing it. A list of Northamptonshire local authorities and their partners is provided in Annex 1. A list of the persons/organisations that we consulted is provided in Annex 2.
- 2.3 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; and
 - 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.
- 2.4 Our consultation took place between 21st September to 4th November 2015 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at www.bis.gov.uk/files/file47158.pdf
- The full list of comments made and consideration given is available by request from the relevant contacts detailed in Annex 1.
- 2.5 The policy was approved at a meeting of the Full Council on 25th February 2016 and was subsequently published on our website.
- 2.6 Should you have any comments about this policy statement, please send them by email to the relevant

contacts specified in Annex 1.

- 2.7 It should be noted that this statement of licensing principles 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.

3. Declaration

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

4. Responsible Authorities

- 4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

- 4.2 This authority designates the Northamptonshire Safeguarding Children Board for this purpose.

- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website, please see Annex 1.

5. Interested Parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- 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 who satisfy paragraph (a) or (b)"

- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are as follows.

- 5.3 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 to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.4 Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the

councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.5 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. If there are any doubts then please contact the relevant licensing team as specified in Annex 1.

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the 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.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing 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.
- 7.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- the licensing objectives
 - relevant codes of practice
 - guidance issued by the Gambling Commission
 - the principles set out in this statement of principles.

- 7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission, the Primary Authority (if applicable) and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.7 This licensing authority also keeps itself informed of developments as regards the work of the Department for Business Innovation & Skills in its consideration of the regulatory functions of local authorities.
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing team (see Annex 1 for relevant contact details).

8. Licensing authority functions

- 8.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
 - issue Provisional Statements
 - regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issue Club Machine Permits to Commercial Clubs
 - grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register *small society lotteries* below prescribed thresholds
 - issue Prize Gaming Permits
 - receive and Endorse *Temporary Use Notices*
 - receive Occasional Use Notices
 - provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
 - maintain registers of the permits and licences that are issued under these functions
- 8.2 It should be noted that licensing authorities are not be involved in licensing remote gambling as this is regulated by the Gambling Commission via operating licences.

PART B: PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

1.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

(i) Decision-making

1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

1.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (with the exception of the casino resolution powers).

(ii) Definition of "premises"

1.4 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

1.5 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit;
- customers should be able to participate in the activity names on the premises licence.

1.6 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include whether:

- the premises have a separate registration for business rates;
- the premises' neighbouring premises are owned by the same person or someone else?
- the premises can be accessed from the street or a public passageway?
- the premises can only be accessed from any other gambling premises?

1.7 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street;
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

1.8 The Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises "ready for gambling"

1.9 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

1.10 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

1.11 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:

- first, whether the premises ought to be permitted to be used for gambling;
- second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

1.12 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

1.13 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

(iv) Location

1.14 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This authority has the option of adding conditions to a premises licence to address any such concerns.

(v) Planning:

1.15 This authority will not take into account irrelevant matters as per the Gambling Commission guidance.

(vi) Duplication with other regulatory regimes

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

1.17 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.18 Licensing Objectives

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 Licensing Authorities and some comments are made below.

1.19 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

1.20 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document.

1.21 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

1.22 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

1.23 Conditions

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

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

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

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

1.26 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

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

1.27 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.28 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

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

1.29 Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

1.30 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

2. Adult Gaming Centres

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

2.2 This licensing authority may consider measures to meet the licensing objectives such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres

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

3.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff on how to deal with suspected truant school children on the premises

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

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

4. Casinos

4.1 Four Casino Premises Licences have been issued by Northampton Borough Council for casinos in Northampton; Two for separate areas at Gala Casino, Regent Street, and one each at Aspers Casino, Commercial Street and Beacon Casino, Weedon Road

4.1.2 The options available to local authorities in relation to Casino's are:

4.2 No Casino Resolution

4.2.1 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to

pass such a resolution, it will update this policy statement with details of that resolution.

4.3 **Casinos and competitive bidding**

4.3.1 This Licensing Authority is aware that where a Licensing Authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State..

5. **Bingo premises**

5.1 This licensing authority will satisfy itself 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 bingo 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 licences, for that or those excluded areas.

5.2 This authority also notes the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted.

6. **Betting premises**

6.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, 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 by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. **Tracks**

7.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

7.3 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes

- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 7.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 7.5 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, 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 (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

- 7.6 The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.
- 7.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 7.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 7.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 7.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

8. Travelling fairs

- 8.1 This licensing authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the

statutory limits are not exceeded.

9. Provisional statements

- 9.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 9.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.

- 10.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 10.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 10.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 10.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are to:
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 10.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 10.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 10.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

1. Unlicensed family entertainment centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 1.1 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 (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

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

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.
- 2.2 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.

Permit: 3 or more machines

- 2.3 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.*”

- 2.4 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 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.
- 2.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.6 It should be noted that the licensing authority can decide to grant the 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.
- 2.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize gaming permits

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.
- 3.3 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 (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that 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.

4. Club gaming and Club Machines Permits

- 4.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

- 4.2 Members clubs and miners' welfare institutes – and also commercial clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB commercial clubs may not site category B3A gaming machines offering lottery games in their club.
- 4.3 The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.
- 4.4 Licensing authorities may only refuse an application on the grounds that:
- (a) 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;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.5 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.
- 4.6 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.

5. Temporary use notices

- 5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state 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, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in the Gambling Commission Guidance to Licensing Authorities. 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", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.5 This 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's Guidance to Licensing Authorities.

6. Occasional use notices (OUNs)

- 6.1 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. This licensing authority will though, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

7. Small society lotteries

- 7.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
 - submission of incomplete or incorrect returns;
 - breaches of the limits for small society lotteries.
- 7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting, athletic or cultural activities.
- 7.3 Charities and community groups should contact the relevant licensing authority using the contact details in Annex 1.

PART D: ANNEXES

Annex 1

Northampton Borough

Northampton is a distinctive market town strategically situated at the centre of England, spread over an area of 80.51 sq. km.

Northampton has a population of 219,500 , making it one of the largest towns and the largest district in the country. By 2025 the population of Northampton is projected to increase to 243,300 and by 2035, to 260,300

Deprivation is lower than the national average with 1 in 5 residents living in the twenty percent most deprived areas nationally (ranking 127 out of 326 local authorities) and although historically the area suffered as shoe manufacturing closed, now it has become a warehousing/distribution hub because of its excellent road and rail links.

Northampton has a larger proportion of the working age population compared to Great Britain. Around 80% of residents in age groups 16 to 74 are classified as being economically active with around 3% are claiming JSA.

In Northampton, the proportion of the population aged 65+ reached nearly 14.5%. In contrast, the population of under 16s is just over 20%. It is projected that by 2025 there will be an additional 16,000 people aged 65 and over, including an extra 1,700 aged over 90. By 2035 it is projected that those aged 65 and over will account for 23% of the total population.

Northampton is the most ethnically diverse district in the county. Ethnic minorities make up 15.5 per cent of the population. Nearly 5,000 people living in Northampton said that their main language was not English and they could not speak English well or at all. Polish is the most common language after English. All major faiths co-exist in Northampton.

A successful vibrant town centre economy is an essential part of prompting growth and prosperity. The council's focus is on regenerating the town and raising its national profile. Northampton is one of the UK's most enterprising places and operating costs are low in relation to other parts of the country. The town is also making the UK's fastest economic recovery.

The Council recognises it cannot achieve this alone. It is actively working with others to keep the town clean, safe, attract new investment, visitors and jobs, whilst enhancing the town's heritage and cultural opportunities.

Having access to a wide variety of cultural, leisure and sport activities and events is also a key part of having a vibrant and successful town. We will also work with partners to improve access to cultural opportunities such as our museums, cultural events programme and through our support to the local theatres.

The challenge for the Council is to ensure that growth takes place in the right place and at the right time to bring vibrancy to the town centre, whilst protecting and enhancing the aspects that mean a lot to our citizens like our jobs, the choices we have in terms of shopping and leisure and our history and heritage.

Annex 2: List of Local Authorities and other Partners

Corby Borough Council

Deene House
New Post Office Square
Corby
NN17 1GD
TEL: 01536 464242

www.corby.gov.uk

Daventry District Council

Council Offices
Lodge Road
Daventry
NN11 4FP
TEL: 01327 871100

Email: licensing@daventrydc.gov.uk
www.daventrydc.gov.uk

East Northamptonshire Council

East Northamptonshire House
Cedar Drive
Thrapston
NN14 4LZ
TEL: 01832 742050

www.east-northamptonshire.gov.uk

Kettering Borough Council

Council Offices
Bowling Green Road
Kettering
NN15 7QX
TEL: 01536 410333
FAX: 01536 410759

www.kettering.gov.uk

Northampton Borough Council

The Guildhall
St Giles Square
Northampton
NN1 1DE
TEL: 01604 838000
FAX: 01604 838723

www.northampton.gov.uk

South Northamptonshire Council

The Forum
Moat Lane
Towcester
NN12 6AD
TEL: 01327 322278

www.southnorthants.gov.uk

Borough Council of Wellingborough

Swanspool House
Doddington Road
Wellingborough
NN8 1BP
TEL: 01933 231966

Email: licensing@wellingborough.gov.uk
www.wellingborough.gov.uk

Northamptonshire Safeguarding

John Dryden House
8-10 The Lakes
Northampton NN4 7YD
TEL: 01604 364036

www.northamptonshirescb.org.uk

H M Revenue & Customs

St James House
Mansfield Road
Derby
DE1 3TU

www.hmrc.gov.uk

Northamptonshire Fire & Rescue Service

The Inspection Team Manager
Bolton House
Wootton Hall Park
Northampton NN4 9BN
TEL: 01604 797000

Northamptonshire Police Northamptonshire West Area

Western Area Commander
Campbell Square
The Mounts
Northampton NN1 3EL
TEL: 08453 700 700

Northamptonshire Police Northamptonshire North Area

Northern Area Commander
Corby Police Station
Elizabeth Street
Corby NN7 1SH
TEL: 08453 700 700

Annex 3: List of Consultees on the Statement of Principles

Chief Constable of Northamptonshire Police Wootton Hall Northampton NN4 0JQ	British Beer and Pub Association Market Towers 1 Nine Elms Lane London SW8 5NQ	Daventry and South Northants PCT Nene House Drayton Way Drayton Fields Industrial Estate Daventry NN11 8EA
The Chief Fire Officer Fire Service Headquarters Moulton Way Northampton NN3 6XJ	Bingo Association Lexham House 75 High Street North Dunstable Bedfordshire LU6 1JF	Northampton PCT Highfield Cliftonville Road Northampton NN1 5DN
Trading Standards Service Wootton Hall Park Northampton NN4 0GB	Casino Operators Association P O Box 55 Thorncombe Chard Somerset TA20 4YT	Northamptonshire Heartlands PCT Bevan House Kettering Parkway Kettering Venture Park Kettering NN15 6XR
Her Majesty's Revenue & Customs Boundary House Cheadle Point Cheadle Cheshire SK8 2JZ	Internet Gambling Gaming and Betting Association Regency House 1-4 Warwick Street London W1B 5LT	East Northants Faith Group Rushden Full Gospel Church & Christian Centre 60 High Street South Rushden NN10 0QY
Responsibility in Gambling Trust First Floor Downstream Building 1 London Bridge London SE1 9BG	GamCare 2& 3 Baden Place Crosby Row London SE1 1YW	Northampton Youth Ministry Office Ker Anna Centre Aylesbury Road Princes Risborough Buckinghamshire HP27 0JN
British Casino Association 38 Grosvenor Gardens London SW1W 0EB	The Gordon House Association 114 Wellington Road Dudley West Midlands DY1 1UB	Archdeaconry of Northampton Westbrook 11 The Drive Northampton NN1 4RZ
BACTA King's Cross House 211 King's Cross Road London WC1X 9DN	Gamblers Anonymous P O Box 88 London SW10 0EU	Methodist Church Nene Valley Circuit Office Park Road Methodist Church Rushden NN10 0RW
Association of British Bookmakers Regency House 1-4 Warwick Street London W1B 5LT	Mencap 123 Golden Lane London EC1Y 0RT	Multi Faith Group Victoria Centre Palk Road Wellingborough
The Northamptonshire Millenium Volunteer Project University College Northampton Nene Centre for Children and Youth Room MY93 Avenue Campus St. George's Avenue Northampton NN2 6JG	Northampton Citizens Advice Centre 72a St Giles Street Northampton NN1 1JW	Turner Coulston 29 Billing Road Northampton NN1 5DQ

Northampton Borough Council

Whizz-Kidz Elliott House 10-12 Allington Street London SW1E 5EH	Oundle Citizens Advice Centre Fletton House Glaphthorn Road Oundle PE8 4JA	Vincent Sykes & Higham Montague House Chamcery Lane Thrapston
NSPCC Weston House 42 Curtain Road London EC2A 3NH	Rushden Citizens Advice Centre Bakehouse Office 46 Duck Street Rushden NN10 9SD	Wilson Browne Commercial Law Kettering Parkway Kettering Venture Park Kettering NN15 6WN
NCH Eastern 1 Carisbrooke Court Buckingway Business Park Swavesey Cambridge CB4 5UG	Wellingborough Citizens Advice Centre 2b High Street Wellingborough NN8 4HR	Park Woodfine Solicitors 16 High Street Rushden NN10 0PR
Brackley Citizens Advice Centre 2 Bridge Street Brackley NN13	Borneo Hughes Martell 9 Notre Dame Mews Northampton NN1 2BG	Poppleston Allen (Nottingham) 37 Stoney Street The Lace Market Nottingham NG1 1LS
Corby Citizens Advice Centre Civic Centre Annex George Street Corby NN17 1QG	EMW Law Eleanor House Queens Office Park Northampton NN4 7JJ	R J Osborne & Co 59 Midland Road Wellingborough NN8 1HF
Daventry Citizens Advice Centre The Abbey Centre Abbey Street Daventry NN11 4BH	Frank Jones & Harley 87 St.Giles Street Northampton NN1 1UD	Alan Thompson 41 Winston Cliose Nether Heyford Northampton NN7 3JX
Kettering Citizens Advice Centre The Oasis Centre 10 Market Street Kettering NN16 0AH	Hardman & Co Solicitors 3 Albion Place Northampton NN1 1UD	John Birch 47 Staverton Road Daventry NN11 4EY
Market Harborough Citizens Advice Centre 11 St. Mary's Road Markey Harborough LE16 7DS	MJK Law Plum Park Estate Paulerspury Towcester NN12 6LQ	licenza 2 nd Floor 119b Midland Road Bedford MK40 1DE
National Casino Industry Forum (NCiF) Carlyle House 235 – 237 Vauxhall Bridge Road London, SW1V 1EJ		
All Parish Councils in Northamptonshire	All Town Councils in Northamptonshire	All gambling premises in Northamptonshire

- Appendices:**
- A. Request to change letters
 - B. Car Boot Sales Policy



LICENSING COMMITTEE REPORT

Report Title	Review of Car Boot Sale Frequency and number of events.
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	2nd February 2016
Policy Document:	Car Boot Sales
Directorate:	Customers and Communities

1. Purpose

That the Committee formally review Car Boot Sale frequency of events and time stipulation between events (condition 1 of existing policy).

2. Recommendations

- 2.1** That with effect from 1st March 2016.
- (i). The limit on the number of events and the time restriction between them be removed

3. Issues and Choices

3.1 Report Background

3.1.1. Northampton Borough Council, as holder of the market franchise, requires all car boot sales and similar events held within 6 $\frac{2}{3}$ miles of Northampton Market Square to be registered with the Council and operate under a permit issued by the Council.

3.1.2. Permits are granted for a period not exceeding 12 months and will expire on 31st December each year. They will only be issued to charities or non-profit making philanthropic bodies. Traders are not allowed to trade at these events.

- 3.1.3 In August of last year we received an initial request from a representative of Duston Mill Charity Car Boot Sale to remove the requirement to have a minimum of 14 days between each car boot sale and remove the maximum of 12 events per year. Two further requests from him for the matter to be considered by the Licensing Committee and they are attached at Appendix A.
- 3.1.4 Currently, condition 1 of the policy stipulates that events are limited to 12 per year and there must be at least 14 days between them. The current policy is attached at Appendix B
- 3.1.5 The most relevant reason affecting licence holders put forward to change the current policy is:
- that the regular appearance of the German Market is in direct Breach of the Councils' Car Boot policy as detailed in appendix A.
- 3.1.6 The representative lists further reasons and benefits specific to Duston Mill that the removal of the condition would bring in the letter of 3rd August 2015
- 3.1.7 I can also attest that in recent years been an increasing concern voiced by other car boot sale licence holders is the number of events that have to be postponed or become a washout due to inclement weather. Often they would like to rearrange for the following day or weekend but at present this is not possible under the existing policy.

4. Issues

- 4.1 While this request has come in to remove the restrictions on Duston Mill Car Boot sale only, any decision should be a policy decision affecting all car boot sales and not just Duston Mill
- 4.2 Removing the limit of 12 events per year will not create a situation where car boot sales will be held every weekend as Part 4(B2) Town and Country Planning Act (General Permitted Development) Order 1995 restricts temporary markets on any land to 14 days per year.
- 4.3 The Committee may want to consider stipulating that Car Boot sales can only be held at weekends and Bank Holidays.

5. Choices (Options)

- 5.1 To amend condition 1 as requested for Duston Mill Car Boot sale.
- 5.2 To amend condition 1 for all car boot licence holders
- 5.3 To amend condition 1 and include the stipulation regarding weekends and bank holidays.
- 5.4 To refuse the requested amendment so the policy remains the same.
- 5.7 To introduce alternative amendments.

6. Implications (including financial implications)

6.1.1 Policy

6.1.2 Save for the recommended changes, there would be no other change to the existing policy.

6.1.3 Resources and Risk

6.1.4 There is a fee payable to the authority from the organisers of Car Boot Sales that contributes towards the cost of administration and enforcement of the service.

6.1.5 Choosing 5.1 will have a prejudicial impact on other Car Boot licence holders

6.1.6 Legal

6.1.7 The current restriction of markets within six and two thirds is derived from Common Law and the Markets Charter by way of a Markets Franchise

6.1.7 The Markets Franchise does not breach Chapters I and II of the Competition Act 1998 and Articles 81 and 82 of the EC Treaty

6.1.8 The Council may lawfully adopt a policy (which is what this report purports) to regulate the Franchise

6.1.9 Any decisions may be subject to Judicial Review and must be made within Wednesbury reasonableness principle.

6.1.10 Associated Provincial Picture Houses Ltd. v Wednesbury Corporation [1948] 1 KB 223 [1] is an English law case that sets out the standard of unreasonableness of public-body decisions that would make them liable to be quashed on judicial review, known as Wednesbury unreasonableness.

6.2.1 Equality

6.2.2 There are no equality issues to be addressed; any issues relating to public safety have been addressed within the existing policy.

6.2.3 Consultees (Internal and External)

Legal.
Car Boot Licence Holders

6.3 Other Implications

6.3.1 N/A

5. Background Papers

- 5.1 Car Boot Sales Policy and Conditions.
- 5.2 Northampton Markets Charter
- 5.3 Town and Country Planning Act (General Permitted Development) Order 1995

Report Author: Bill Edwards
Title Senior: Senior Licensing officer
Ext: 8986

APPENDIX A



Mr Ian Ellis
Licensing Enforcement Officer
Northampton Borough Council
Guildhall
St Giles Street
Northampton
NN1 1DE

Dear Mr Ellis

**RE: Duston Mill Charity Car Boot Sale
Request to Increase Frequency of Events to a weekly occurrence**

During our telephone conversation on Wednesday 29 July 2015, I raised the possibility of increasing the frequency of charity car boot sales at Duston Mill. You kindly suggested that I submit a case supporting this proposal for the Licensing Committee's consideration at the next committee meeting on 2 September 2015.

Proposal

The Duston Mill Car Boot Sale is regulated by the Councils Licensing Department and operates in accordance with the Councils 'Car Boot Sale Policy' (enclosed for convenience).

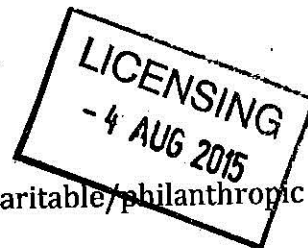
Condition 1 of this Policy provides that there be at least 14 days between each event and no more than 12 events per year.

We request a special licence allowing Duston Mill Charity Car Boot Sales to operate as follows:

1. Relax the restriction on the frequency of Duston Mill Charity Car Boot Sales so weekly events can be held.
2. Remove the restriction on the number of Duston Mill Charity Car Boot Sales per annum.

Reasons for this proposal:

1. Increased requests for donations from local charitable/philanthropic causes.
2. Increased requests for more car boot sales by attendees.



Community Benefits of the Proposal

- By operating the Duston Mill Charity Car Boot Sale on a weekly basis with an increased number of events throughout the year, the frequency and amount of donations made available to local charitable/philanthropic causes will increase by an estimated 20%.
- Duston Mill endeavours to select local charities for its donations (see list below) so this increase will directly benefit the local area.
- The Council will receive an estimated additional 20% in licence fees in line with the Council's fee scale for Car Boot Sale events.
- Increase in general household recycling
- Reduction in household items going to landfill

Effects on the Market Square

The Market Square is solely made up of traders. Car Boot Sales operating under the Councils' Car Boot Sale Policy specifically exclude traders, as per regulation No.10 of the Council's Car Boot Sale Policy.

Further, allowing regulated car boots to expand in number and frequency will increase competition for unregulated car boot sales, which do allow and are attended by traders. Increased competition for these unregulated car boots can only be a benefit to the Market Square.

Additional Supporting Information

A German Christmas Market made up of traders was permitted, by way of special licence, to operate on Abington Street, some 100m from and in direct competition with the Market Square for a period of 30 consecutive days from 21 November 2014 to 21 December 2014. It is understood that the Council intends to operate this market again in 2015. Comparatively, the Duston Mill Car Boot sale does not in any way compare to or compete with the Market Square and, therefore, these proposals should not be controversial.

Summary

The two proposed variations to Condition 1 of the Councils Car Boot Sale Policy Document would directly increase donations to Northampton-based charities and/or philanthropic causes, increase revenue to the Council and increase competition for those unregulated car boot sales which do directly compete with the Market Square.

A selection of past Beneficiaries of the Duston Mill Charity Car Boot Sale have been:



Children with Cancer
Kingslingbury Bowls Club
Children Dance Academy
Special Effect
The Prompt Maternity Foundation
Cancer Research UK
Winston Churchill Memorial Trust
Silverstone Technical College
The Jennifer Trust
FEPOW
Families of the Fallen
St Peters Church, Irthingborough
Always a Chance
SCCWID

I look forward to your confirmation that the above proposal will be included within the agenda of the Licensing Committee meeting to be held on 2 September 2015 with your support.

Thank you for your guidance in this matter

Yours sincerely



Mr Ian Ellis
Licensing Enforcement Officer
Northampton Borough Council
Guildhall
St Giles Street
Northampton
NN1 1DE

Dear Mr Ellis

**RE: Duston Mill Charity Car Boot Sale
Request to Increase Frequency of Events to a weekly occurrence**

Further to your email of 4 August 2015, in response to my letter of 3 August 2015 seeking to increase the frequency of car boot sales at Duston Mill, Northampton, I am enquiring as to whether a date for the next Licensing Committee meeting has been set. When we last spoke, you seemed to support the proposal and apologised for it not being listed on the 15 September 2015 licensing committee meeting. You did however confirm this proposal would definitely be read at the next licensing committee meeting, scheduled sometime at the beginning of February 2016.

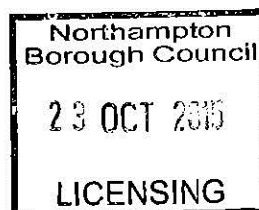
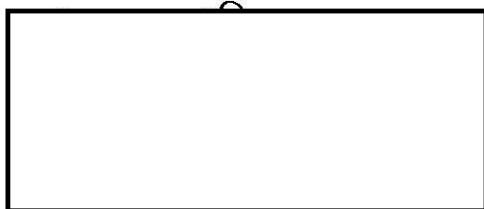
I would be grateful for your confirmation that this proposal to increase the frequency of car boot sales at Duston Mill is set on the agenda for consideration at this next licensing committee meeting.

Since 3 August 2015, it has been widely advertised that Northampton Borough Council's annual German Christmas Market will again be held on consecutive days, outside the Market Square in Abington Street, Northampton. It is respectfully requested that this is taken into account when the Officers report for the licensing committee is compiled.

Thank you for your guidance in this matter.

Kind regards

Yours sincerely





24 November 2015

Mr Ian Ellis
Licensing Enforcement Officer
Northampton Borough Council
Guildhall
St Giles Street
Northampton
NN1 1DE

Dear Mr Ellis

**RE: Duston Mill Charity Car Boot Sale
Request to Increase Frequency of Events to a weekly occurrence**

Further to my letter to you dated 19 October 2015, I would be grateful for your confirmation that the proposal to increase the frequency of car boot sales at Duston Mill is now 'confirmed' on the agenda for consideration at the next licensing committee meeting.

I would also be grateful if you would confirm the date of the next Licensing Committee meeting. I recall that you may have previously stated 3 February 2016?

You are aware of the 'German' market allowed to set up on Abington Street, Northampton, well within $6 \frac{2}{3}$ mile of Northampton's Market Square and operating every day for 31 consecutive days between the hours of 9.30am and 7pm.

According to the Northampton Borough Council's own website, there will be stalls selling food and drink as well as traditional Christmas gifts and decorations.

In accordance with Northampton Borough Council's own Market Policy, operational from 1 January 1998, this 'German Market' appears in direct breach of Policies; 1, 3,4,6 and 10 and with a seemingly high chance of also being or becoming in breach of policies 5, 8, 11 and 12.

It is respectfully requested that this is taken into account when the Officers present their report to the licensing committee in early February 2016 on the proposal to increase the frequency of car boot sales at Duston Mill.

Thank you for your guidance and advise in this matter.

Kind regards

Yours sincerely



NORTHAMPTON BOROUGH COUNCIL

CAR BOOT SALES POLICY

To operate from 1st January 1998

(1) Frequency, Size and number of events

No more than 12 car boot sales or similar events (“events”) may be held on any one site per year, with at least 14 days between each event. Organisers should ascertain whether planning permission is required. Each event shall be limited to not more than 200 pitches.
(amended February 2013)

(2) Notification

The Council shall be notified at least 14 days in advance that an event is to take place by the charity, charities or philanthropic non-profit making bodies by whom the event is to be held.

(3) Duration of Events

Events in residential areas shall not commence before 8.00am and shall finish no later than 4.00pm with a maximum duration of four hours.

(4) Advertising of Events

Where events are to be advertised (by press notices, posters or leaflets for example) there shall be stated in such statements “No traders allowed” (to make it clear that the events are for the public and that traders are excluded) and the name or names of the charity, charities or philanthropic non-profit making bodies organise the event.

(5) Parking

Organisers shall ensure that people attending the event park within the site and/or arrange for convenient off street parking elsewhere. In addition, there shall be stewards to supervise parking.

(6) On Site Notices

On site notices shall be displayed at the entrance to the event with the words “No traders allowed” and the name or names of the charity, charities or philanthropic non-profit making bodies organising the event.

(7) Person Responsible

There shall be at least two people, readily identifiable, on the site at all times during an event to liaise with Council officers and other if necessary.

(8) Compliance with Statutory Provisions

Organisers and landowners shall comply with all relevant statutory provisions and in particular ensure that no flyposting takes place and remove any advertisements and signage immediately after the event including any that appear in breach of this condition.

(9) Insurance

Organisers shall hold public liability insurance in the sum of at least £2,000,000 and produce the policy and receipt for inspection to Council officers on demand.

(10) Commercial Traders

Sales shall be limited to second hand goods no longer required by the private seller. Commercial and other traders shall not be allowed to take part. A trader is a person who buys goods for resale. One commercial refreshment stand per 50 pitches is permitted solely to provide refreshments for persons attending the event to consume on site.

(11) Proceeds

All proceeds, other than expenses not exceeding a maximum of 25% of the gross income from the event, shall be used for charitable or other philanthropic purposes.

(12) Form of Account

Organisers shall return the Form of Account (supplied by the Council) duly completed to the Council within 28 days of each event.

(13) Inspection of Accounts

Organisers shall make all accounts available for inspection by Council officers on demand.

(14) Emergency Access

Adequate access to and within the site shall be maintained for use by emergency services vehicles.

(15) Entry by Officers

All authorised officers of the Council shall be permitted to enter the site free of charge during events for inspection purposes.

Agenda Item 9

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 10

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 11

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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