

Licensing Committee

Monday, 5th November,
2012

at 9.30 am

PLEASE NOTE TIME OF MEETING
Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor Cunio (Chair)
Councillor Parnell
Councillor Mrs Blatchford
Councillor B Harris
Councillor Vassiliou
Councillor Laming
Councillor Lewzey
Councillor Lloyd
Councillor Spicer
Councillor Tucker
Councillor L Harris
Councillor Fitzhenry
Vacancy

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PUBLIC INFORMATION

Terms of Reference

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – Please turn off your mobile telephone whilst in the meeting.

Fire Procedure – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2012/13

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 5.

DISCLOSURE OF INTEREST

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Personal Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PERSONAL INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having a, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's website at
www.southampton.gov.uk/council/meeting-papers

1 **APOLOGIES**

To receive any apologies.

2 **ELECTION OF VICE CHAIR**

To elect a Vice-Chair for the 2012/13 Municipal Year.

3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

4 **STATEMENT FROM THE CHAIR**

5 **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

To approve and sign as a correct record the Minutes of the meeting on 14th June 2012 and to deal with any matters arising, attached.

6 **TRIENNIAL REVIEW OF GAMBLING ACT 2005 POLICY - CONSULTATION**

Report of the Head of Legal, HR and Democratic Services, requesting that the Committee consider the draft revised Gambling Act Policy and comments to be reported back to the 14th November 2012 Council Meeting, attached.

Friday, 26 October 2012

HEAD OF LEGAL, HR AND DEMOCRATIC
SERVICES

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SOUTHAMPTON CITY COUNCIL
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 14 June 2012

Present:

Members of the Council

Councillors Parnell, Thomas, Cunio (Chair), Vassiliou, Laming, Lewzey, Lloyd, Spicer and Tucker

1. **ELECTION OF VICE-CHAIR**

RESOLVED that Councillor Thomas be elected as Vice-Chair for the 2012/13 municipal year.

2. **APOLOGIES**

Apologies were received from Councillors Mrs Blatchford, Fitzhenry, B Harris, and L Harris.

3. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 22nd March 2012 be approved and signed as a correct record. (Copy of the minutes appended to the agenda and circulated with the signed minutes).

4. **HACKNEY CARRIAGE LICENCES - UNMET DEMAND SURVEY**

The Committee considered the report of the Head of Legal, HR and Democratic Services setting out a report by the Halcrow Group Limited, concerning Hackney Carriage demand in relation to the City Council's current policy of numerical control of the number of Hackney Carriage licences issued. (Copy of the report circulated with the agenda and appended to the signed minutes).

The Committee received a presentation by Ms L Richardson from the Halcrow Group, providing details of the study conducted.

Members of the trade and representatives of the Southampton Hackney Carriage Association, the Southampton Taxi Association and Unite Cab Section were present and with the consent of the Chair, Mr Johnson, Mr Perry, Mr Hall and Mr S Afzal, addressed the meeting.

The following was noted:-

- that the study had identified that there was no evidence of significant unmet demand for hackney carriages in Southampton;
- spikes in demand were not a result of the numerical restriction but other local factors including access to the docks / the number of dock permits applied for

- and the physical provision of rank space in the City – none of which would be affected by removal of the limit, and;
- that the issues relating to extended taxi ranks and permits for the docks was not an issue for the Licensing Committee whilst determining this particular matter, but otherwise generally for the Highways Department and ABP.

The Committee accepted legal advice that when making their decision it was important that they did not base it only on the unmet demand figures, but that relevant Government Guidance, attached as Appendix 2 to the report, should also be taken into consideration. This was considered carefully but local factors as identified in the report felt to outweigh the Guidance in this instance.

Councillor Parnell put forward the following proposal, seconded by Councillor Thomas which was unanimously adopted:-

RESOLVED that having taken into consideration the reports, presentation, comments and relevant government guidance, the number of licensed hackney carriages should continue to be restricted to 283.

Agenda Item 6

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	TRIENNIAL REVIEW OF GAMBLING ACT 2005 POLICY - CONSULTATION
DATE OF DECISION:	5 TH NOVEMBER 2012
REPORT OF:	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

Section 349 of the Gambling Act 2005 requires the City Council, as licensing authority, to prepare and publish a statement of licensing principles (SLP) that it proposes to apply in exercising its functions under the Act. The Council adopted its first policy from January 2007 and renewed it from January 2010. This policy must be reviewed at least every three years.

A consultation draft is attached at Appendix 1 for Members' consideration. The draft SLP includes relevant minor amendments as a result of revisions of Government statutory guidance, minor changes in the introduction. More significantly specific additions have been included to address any issues that arise should the Council proceed with its ability to consider applications for a Large Casino under the Act. The Act and Regulations made thereunder are extensive and prescriptive in relation to the content and form of the Statement.

RECOMMENDATIONS:

- (i) That the committee considers the draft revised Gambling Act policy and any response be reported back to Council at the meeting on 14th November 2012;

REASONS FOR REPORT RECOMMENDATIONS

1. The Council has a statutory obligation to adopt a Statement of Licensing Principles and administration of all matters under the Act.

DETAIL (Including consultation carried out)

2. The City Council is undertaking consultation on the draft SLP in accordance with the Act and Regulations as well as the Council's own consultation requirements. The current draft SLP is also be available on the Council's website.
3. Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act.
4. The Act provides for three categories of licence:-
 - (a) Operating licences;
 - (b) Personal licences; and
 - (c) Premises licences
5. The Gambling Commission issues operating licences and personal licences;

and licensing authorities issue premises licences.

6. The main functions of licensing authorities under the Act are as follows: -
 - Licensing premises for gambling activities
 - Considering notices given for the temporary use of premises for gambling
 - Granting permits for gaming and gaming machines in clubs and miners' welfare institutes
 - Regulating gaming and gaming machines in alcohol licensed premises
 - Granting permits to family entertainment centres for the use of certain lower stake gaming machines
 - Granting permits for prize gaming
 - Considering occasional use notices for betting at tracks
 - Registering small societies' lotteries
7. In May 2009 the Gambling Commission issued revised detailed guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and in particular, the principles they should apply in exercising their functions. Revised Guidance from the Commission is expected in the next few months, but it not expected that any significant alterations will be made from the current guidance.
8. The vast majority of the SLP is prescriptive or flows from statutory guidance which is expected to be included in the document unless there is very good reason not to do so. The Council has also had the benefit of Leading Counsel's opinion on the draft SLP in order to ensure it meets all statutory requirements.
9. As referred to above it is appropriate to include greater detail in the policy as to how the Council will approach any application process in relation to a Large Casino. Council will be aware that in 2007 it was granted permission along with seven other authorities nationally to grant such a licence but to date has not done so. This has been due to numerous factors including the recession, gambling duty changes and the Council's own desire not to actively move the matter forward. In light of the proposals being drawn up for the major redevelopment and regeneration of Royal Pier and Mayflower Park and the possibility that this may contain a casino/leisure complex as part of the overall scheme the timing is right to include more detail in policy. Even if the Council did not formally commence an application period for a large casino there is an ability under the Act for any operator to do so. Given the level of informal interest in Southampton as a location for a new casino as it is the only place where a new large casino could be situated in southern England it is therefore prudent to include appropriate considerations etc in the policy to allow for this option. The revisions are contained within Section 15 of the policy.
10. Further detail of the casino licensing procedure will be detailed in the Application Pack and this will include the evaluation process including criteria, scoring and weighting. The Application Pack will be approved by Licensing Committee or Council prior to its issue.
11. It should be noted this does not commit the Council to grant a licence but it is

prudent to include detail as the policy is due for review in any event.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

12. Not applicable

RESOURCE IMPLICATIONS

Capital/Revenue

13. None

Property/Other

14. None

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

15. Section 349 of the Gambling Act 2005.

Other Legal Implications:

16. The SLP sets out the factors which the Licensing Authority shall take into account, along with relevant statutory guidance, the Gambling Act 2005 and Regulations made thereunder when performing its licensing functions. It is important to note and reiterate that the Licensing Authority is unable to consider issues relating to morality or demand when determining premises licence applications.

POLICY FRAMEWORK IMPLICATIONS

17. The Gambling Act policy is one of the policy framework documents that is required to be considered and adopted by full Council on at least a triennial basis.

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SUPPORTING DOCUMENTATION

Appendices

1.	Southampton City Council's Revised Draft Statement of Licensing Principles
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Documents In Members' Rooms

1.	None.
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	Yes/No
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Other Background Documents

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	Guidance to Licensing Authorities – 3rd Edition	Not applicable
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Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	n/a
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GAMBLING ACT 2005 SECTION 349

STATEMENT OF PRINCIPLES

Revised draft – Autumn 2012

This Statement of Principles will remain in force from
14th November 2012 until 13th November 2015

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Part A - General

1.0 Licensing Objectives

1.1 In exercising most of the functions under the Gambling Act 2005, the Licensing Authority 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2 The Licensing Authority is aware that the Gambling Commission has stated that 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 in accordance with Section 153 of the Act, in making its decisions about premises licences and temporary use notices it should aim to permit the use of the premises for gambling in so far as it thinks it:

- (a) in accordance with any relevant code of practice under section 24,
- (b) in accordance with any relevant guidance issued by the Commission under section 25,
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

2.0 Introduction

2.1 Southampton is the south coast's regional capital with a population of over 239,700 in an area of 50 square km. It is the 3rd fastest growing city in the UK in terms of economic and population growth and skills of local residents. The Southampton area has been voted one of the most pleasant places to work in the UK, and the City is the gateway to a wide range of world-class features from the Solent with its maritime opportunities to the national park in the New Forest.

2.2 Southampton has a rich heritage, with a famous seafaring history as an important Roman and then Saxon port. The Old Town is surrounded by some of the best-preserved medieval walls in the country. Monuments commemorating links with Henry V, the Pilgrim Fathers and RMS Titanic can be found around the city.

2.3 2.4 million people live within an hour's drive, with over half a million within the "travel-to-work" area. Southampton lies at the very centre of the south coast's communications network, providing excellent links by road, rail and to national and international destinations through Southampton International Airport and the Port of Southampton.

- 2.4 The City and Port of Southampton is at the heart of the country's cruise industry and enjoys a growing market with over 1 million cruise ship passengers passing through the port annually, with continuing significant investment in passenger facilities. The cruise industry injected £400 million into the local economy in 2011.
- 2.5 Southampton is the largest city in southeast England outside London, and is seeing expansion in important emerging sectors, including media and creative industries, business and financial services, and marine. Southampton and the immediate region boasts the south's largest concentration of major companies and is home to some of the UK's biggest brands, including Carnival UK, Skandia Life, Ordnance Survey, Lloyds Register, HSBC and Ford Transit. The Maritime Centre of Excellence (MCE), due to open in 2014, will see Lloyd's Register joining forces with the University of Southampton to create the largest partnership of its kind in the UK. The MCE will be a world-leading centre for innovation, business and education in various maritime disciplines including marine engineering and sciences.
- 2.6 The West Quay shopping centre opened in 2000 and in the years since Southampton has risen from 43rd place to 15th in 2012 nationally in the Experian table of shopping destinations. Additionally, the City is home to two universities, the University of Southampton and Southampton Solent University, with a significant student population of around 42,000. The Southampton Boat Show, the largest of its kind in Europe, takes place in September every year.
- 2.7 The City Council has recently published a draft City Centre Masterplan, which once completed will bring over 24,000 new jobs, 5,000 new homes and £3 billion of investment into the City by 2030. £800 million worth of developments are already underway or about to start in the City. This includes the "Cultural Quarter" which has seen £175 million of investment and includes the One Guildhall Square regional business centre, award winning Guildhall Square and new Sea City Museum which opened in April 2012 to celebrate the city's maritime history. They will be joined by a new arts complex in 2015 which has been awarded an Arts Council grant of over £7 million.
- 2.8 In June 2012 gambling facilities in the city included three casinos, four bingo clubs, 35 betting offices, 19 amusement centres, one betting track, and 419 premises licensed for the supply of alcohol for consumption on the premises, a large proportion of which have gaming machines installed.
- 2.9 A map of the Southampton area is attached as Appendix A.

3.0 Consultation on the Statement of Principles

- 3.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles that 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 then be re-published.

- 3.2 The Licensing Authority has consulted widely on this statement before finalising and publishing it. A list of those persons consulted is provided at Appendix B. It should be noted that unsolicited comments may have been received from other persons but all of these have not been listed.
- 3.3 The Gambling Act requires that the following parties be consulted by licensing authorities:
- The Chief Officer of Police for Hampshire;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Southampton 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 Act.
- 3.4 The full list of comments made and the consideration by the Council can be obtained from the Licensing Team, Legal, HR & Democratic Services, Southampton City Council, Civic Centre, Southampton So14 7LY. The first policy was approved at a meeting of the Full Council on 15th November 2006 and has been subsequently revised and published via the Council's website (www.southampton.gov.uk/licensing). Copies are placed in all the city's public libraries as well as being available from the Licensing Team at Southbrook Rise.
- 3.5 The Licensing Authority will also consult the above and any other relevant persons as may be appropriate for any subsequent revision of the statement.
- 3.6 Any comments as regards this statement should be sent to:
- Licensing Manager
Legal, HR and Democratic Services
Southampton City Council
PO Box 1344
Southampton
SO15 1WQ
Tel: 023 8083 2715 Fax: 023 8083 4061
Email: licensing.policy@southampton.gov.uk
- 3.7 It should be noted that this Statement of 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.

4.0 Declaration

- 4.1 In publishing this document, the Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Guidance issued by both the Government and the Gambling Commission and any responses from those consulted on the statement.

5.0 Responsible authorities and interested parties

5.1 When dealing with applications for and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as “responsible authorities” and “interested parties.” (It should be noted that these are defined differently to those defined in the Licensing Act 2003). Representations made by persons other than responsible authorities or interested parties will be inadmissible.

5.2 “Responsible authorities” are public bodies that must be notified of applications by the applicant. They are as follows:

- the Licensing Authority in whose area the premises are wholly or partly situated;
- the Gambling Commission;
- the Chief Officer of Police;
- the Fire and Rescue Authority;
- the Local Planning Authority;
- the Public Protection Service;
- the Southampton Local Safeguarding Children Board;
- HM Revenue and Customs; and
- Any other person prescribed by the Secretary of State

5.3 A full list and contact details of all the Responsible Authorities under the Act are contained on the Council’s website (www.southampton.gov.uk/licensing).

5.4 The Licensing Authority is required by the regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act when designating 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.

5.5 In accordance with the suggestion in the Gambling Commission’s Guidance to Local Authorities, this authority has designated the Southampton Local Safeguarding Children Board as the body that is competent to advise the authority about the protection of children from harm.

5.6 “**Interested parties**” are persons who may make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:

“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 application is made, the person -

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

- has business interests that might be affected by the authorised activities; or
 - represents persons in either of those two groups referred to above”.
- 5.7 Each case will be considered on 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 Local Authorities.
- 5.8 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.
- 5.9 The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations, and trade unions, and residents and tenants’ associations (paragraph 8.17 of the Gambling Commission Guidance to Local Authorities). This authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act, i.e. lives sufficiently close to the premises to be likely affected by the activities being applied for.
- 5.10 Interested parties can be persons who are democratically elected such as local councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected.
- 5.11 If interested parties 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 that particular licence application. If there are any doubts then please contact
- Democratic Services,
Southampton City Council,
Civic Centre,
Southampton
SO14 7LY.
- 5.12 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.

6.0 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 respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

6.2 The Licensing Authority will act in accordance with the provisions of the Act 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 the Gambling Commission's April 2008 "Advice to Licensing Authorities on information exchange with the Gambling Commission" and any subsequent revisions, as well as relevant regulations made by the Secretary of State under the powers provided in the Gambling Act 2005.

7.0 Compliance and Enforcement

7.1 Licensing Authorities are required by regulation under the Act 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 June 2007 "Guidance to Local Authorities" (and any subsequent revision), will adopt a risk-based inspection programme in accordance with the Regulators' Compliance Code and will endeavour to be:

- **Proportionate:** intervention only when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** decisions must be justified, and 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:** focused on the problem, and minimise side effects.

7.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other authorisations. The Gambling Commission will be the enforcement body for the operator and personal licences it issues. It should also be noted that concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

7.5 In particular, the Gambling Act 2005 (Mandatory and Default Conditions)(England and Wales) Regulations 2007 (SI 2007 no. 1409) make provision for conditions to be attached to premises licences under section 167 and 168 of the Gambling Act 2005

7.6 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 Having regard to the principle of transparency, the Licensing Authority enforcement/compliance protocols/written agreements will be available on

request to the Licensing Team. Our risk methodology will also be available on request.

7.8 Southampton City Council has an adopted Enforcement Policy which will be adhered to when considering enforcement activity.

8.0 The Licensing Authority Functions

8.1 The Licensing Authority will:

- 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) of 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 more than two machines are required
- 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 The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.

Part B – Premises Licences

Part B – Premises Licences**9.0 Premises Licences – What Standards the Licensing Authority Expects from Applicants**

9.1 The Licensing Authority is required to take into account the following when taking decisions in respect of premises licences:

- (a) Relevant Gambling Commission Codes of Practice
- (b) Relevant Gambling Commission Guidance
- (c) Reasonable consistency with the Licensing Objectives (subject to a and b)

This is our gambling statement of principles (subject to a – c)

9.2 It is important for us to have clear guidelines as to how we will make decisions about premises licence applications. In this way we can be consistent and ensure the committee have clear reasons for decisions taken. It is also important to be transparent about this process so that those who apply for licences and those who may have opinions about gambling premises know how the process works.

9.3 In light of this we have set out below what we are looking for from applicants looking to offer gambling in Southampton.

9.4 Each application for a premises licence will be considered on its merits; applicants are expected to show how they will fully meet licensing objective concerns, in order to be granted a licence. Where applicants fail to show how they will meet licensing objective concerns, licence conditions can be imposed or the application rejected.

9.5 Licensing objectives: minimum standards for all premises

9.5.1. We expect high standards from all gambling premises. These standards are in line with the three licensing objectives of the Gambling Act.

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

Generally this objective will be addressed through operating licences issued by the Gambling Commission. However we will require that premises have protocols in place to prevent staff or customers becoming a victim of robbery and identify those persons who may be at risk and the existence of these protocols be well-publicised. We will also outline control measures for tracks, as track operators do not need to hold an operating licence. The Gambling Commission highlights that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance.” For example, was police assistance required? How threatening was the behaviour to those who could see or hear it?

9.5.3. Ensuring that gambling is conducted in a fair and open way

Generally this objective will be addressed by:

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- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

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

The Gambling Act defines 'children' as those persons under 16 years of age and 'young persons' as those persons aged 16 or 17 years of age.

The term 'vulnerable persons' is not defined, however the Gambling Commission does offer some guidance:

- People who gamble more than they want to
- People who gamble beyond their means
- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
- In Southampton we would also consider the following people to be vulnerable:
 - Those with an inclination to gamble more than they want to or beyond their means
 - Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
 - Those who are employed by gambling operators and have regular contact with gambling
 - Those aged 16-29.
 - Habitual players of gaming machines.

What constitutes harm or exploitation will have to be considered on a case-by-case basis.

9.5.5. General considerations for all gambling premises

We expect high standards from premises licence applicants to promote the licensing objectives. We will therefore look to apply licence conditions where appropriate to ensure these standards are met. The type of conditions we may look to apply in respect of all types of premises are listed below with more premises specific conditions listed in 10 to 19 below.

9.5.6. Large Casino Premises contribution towards research, education and treatment

We expect any large casino operator to contribute towards any national and local problem gambling initiatives as deemed appropriate by the

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Licensing Authority from time to time. This may include the Responsible Gambling Trust and any projects within the City of Southampton.

9.5.7. Data gathering and sharing

Keeping track of the incidence and handling of problem gambling in Southampton is a key part of promoting the licensing objectives. We expect all Southampton-based gambling premises to maintain a log and share this and other information with the Licensing Team upon request.

Data that we consider should be recorded and shared includes (but is not exclusive to):

- (a) Number of interventions in a calendar month along with a short description of the cause and effect
- (b) Number of cases in a calendar month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
- (c) Number of mandatory exclusions needing enforcement in a calendar month along with a short description of the cause and effect
- (d) Attempts to enter by those under age in a calendar month along with short description of incident and action
- (e) Attempts to enter by those under age in the company of adults in a calendar month along with short description of incident and action
- (f) Attempts to enter by those under age with complicit adults in a calendar month along with short description of incident and action
- (g) Incidents of 'at risk behaviour' (to be defined when a data request is made) in a calendar month along with short description of incident and action
- (h) Incidents of 'behaviour requiring immediate intervention' (to be defined when a data request is made) in a calendar month along with short description of incident and action.

We will look to provide a logbook for easy recording of this information and will look to work with the trade to ensure inconvenience is minimised while we build up a picture of gambling risks and progress in risk management.

9.5.8. Knowledge

We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

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- (a) The importance of social responsibility (Premises may wish to seek an audit from GamCare or such other appropriate body in order to obtain a Certificate of Social Responsibility)
- (b) Causes and consequences of problem gambling
- (c) Identifying and communicating with vulnerable persons: primary intervention and escalation
- (d) Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment
- (e) Refusal of entry (alcohol and drugs)
- (f) Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
- (g) Importance and enforcement of time/spend limits
- (h) The conditions of the licence
- (i) Maintaining an incident log
- (j) Offences under the Gambling Act
- (k) Categories of gaming machines and the stakes and odds associated with each machine
- (l) Types of gaming and the stakes and odds associated with each
- (m) Staff exclusion from gambling at the premises where they are employed and reasons for restriction
- (n) The 'no tipping' rule
- (o) Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
- (p) Safe cash-handling/payment of winnings
- (q) Identify forged ID and bar those using forged ID from the premises
- (r) Knowledge of a problem gambling helpline number (for their own use as well as that of customers)
- (s) The importance of not encouraging customers to:
 - Increase the amount of money they have decided to gamble
 - Enter into continuous gambling for a prolonged period
 - Continue gambling when they have expressed a wish to stop
 - Re-gamble winnings
 - Chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling.

In so far as training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

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9.5.9. A self-exclusion scheme

We expect all premises to operate a voluntary exclusion scheme. This means that wherever customers request to be excluded from the premises, they are excluded for an agreed timeframe. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant code of practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period unless a counselling session has first been held and readmittance agreed.

9.5.10. Intervention to protect vulnerable persons from being harmed or exploited by gambling

We expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme. However intervention may also include a counselling session and following that session potentially mandatory exclusion.

Beyond the minimum standards outlined here, we do not wish to be overly prescriptive in how intervention shall proceed. This is a developing area and we feel there are benefits with different operators trying out different approaches; the best of which can then be taken forward on a wider scale.

9.5.11. The location of gambling premises

Locations for gambling premises, which may pose problems, include those in close proximity to premises frequented by children or other vulnerable persons e.g. schools or parks. Each case will be considered on its merits and if adequate measures are put in place in accordance with this policy to restrict access to children, protect vulnerable persons and prevent crime and disorder, there is no reason why one location poses substantively more risk than another. We recognise that the presence of gambling premises with a constant stream of trade in what may have formerly been an underused area may serve to reduce crime and disorder, however this will only be the case where necessary safeguards are put in place either by the operator or by the licensing authority in the form of licence conditions.

9.5.12. Layout and Access

Premises should ensure that appropriate systems and procedures are in place to ensure the exclusion of those persons who have requested to be excluded as well as under 18s (where appropriate). This should include a 'Think 21' scheme with acceptable ID limited to either a photo driving licence, passport or PASS accredited proof-of-age scheme. Prominent signage at all entrances should indicate this requirement. We would encourage easily visible exit signs and large clock faces to be placed so that visitors do not lose track of time

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Whilst under 18s CANNOT enter the vast majority of licensed gambling premises, there are exceptions. Under 18s CAN enter:

- The non gambling area of a large casino
- The gambling areas of a bingo club other than areas containing category C gaming machines
- The gambling areas of a track (on race days) other than off-course betting and areas containing category C gaming machines
- Licensed Family Entertainment Centres

(See Appendix G for full details of under 18s rights of access and participation and Appendix M for details of Proof of Age Standards Schemes).

In the case of a large casino, under 18s should NOT:

- Be invited to participate in gambling
- Have accidental access to gambling
- Closely observe gambling

In the case of premises that are able to allow under 18s to access some gambling areas, due attention should be given to layout and access to ensure under 18s do not participate in gambling or gain access to areas where access is restricted, and that the areas are suitably monitored.

Where category C or above gaming machines are available in premises to which under 18s are admitted, we expect: that:

- All such machines are located in an area of the premises 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 the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Where under 18s are loitering in the immediate vicinity of the premises, steps should be taken by the premises licence holder to move them on, and consideration should be made to reporting this to the police or a truancy officer as appropriate.

Furthermore, premises should ensure that vulnerable persons are either excluded from gambling (in the case of those who are under the influence of alcohol or drugs, under voluntary exclusion or have been excluded for whatever other reason) or are under supervision with the possibility of intervention.

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Whilst supervisors of entrances and exits may need to be registered with the Security Industry Authority, we expect all customer-facing and managerial staff in Southampton to show a due level of competence and understanding of responsible gambling. This may, for example, involve undergoing training and sitting an examination.

Sometimes several licences may be in place for just one premises or one licence may cover only part of the premises. In light of this operators must carefully consider the premises layout to ensure children and young persons (as appropriate) neither gain access to areas used for gambling nor are brought into close proximity to gambling.

9.5.13. Staff restrictions on access to gambling

Gambling premises staff are brought into close proximity with gaming and/or gaming machines on a regular basis and therefore may have a heightened vulnerability to problem gambling. There is also a risk of off duty staff colluding with their colleagues. For these reasons we feel staff must be excluded from gaming or gambling on the premises at which they work at all times. Larger operators may also want to consider offering an Employee Assistance Programme. Smaller operators may simply wish to refer staff with gambling problems to a local counselling service.

9.5.14. Staff to customer ratio

To ensure the safety of both customers and staff, sufficient staffing numbers should be in place at all times the premises is open. All premises will be expected to demonstrate that they will have in place a suitable staff to customer ratio as appropriate to the premises. A suitable ratio should take into account the protection of staff and customers with respect to the crime and disorder objective as well as the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

When deciding their ratio we would advise premises to seek the advice of the Crime Reduction Officer prior to application.

9.5.15. Inducements to gamble

To further ensure the safety of both customers and staff and protect vulnerable persons from being harmed or exploited by gambling, premises should not use inducements to gamble such free or cut price as alcohol or food.

9.5.16. Advertising

Applicants will be required to demonstrate how they will comply with the relevant Gambling Commission code of practice and Advertising Standards Authority regulations in respect of advertisements. Advertising should not target 'vulnerable persons'.

9.5.17. On-premises provision of gambling advice

A risk-aware and gambling literate customer base with recourse to advice and assistance is likely to have a lesser chance of being harmed or exploited by gambling. Where people gamble we want them

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to do so for entertainment rather than in the expectation of a big win or to chase losses.

In light of this, we will expect that all gambling premises:

(a) Provide leaflets and posters, free telephone helpline and GAMCARE/RGT contact details aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and online counselling facility. For every 100m² of gambling/gaming and/or gaming machines at least one prominent leaflet display must be provided along with a neighbouring poster to reinforce the message. Leaflets and posters should also be available in more discreet locations e.g. toilets.

(b) Prominently display details of odds with each gaming machine

Premises should liaise with the Responsible Gambling Trust to gain approval for leaflet and poster content and ensure pointers to local sources of help and guidance are up to date and relevant.

Whenever a customer expresses concern about their gambling, unless prevented from doing so by staff safety concerns, staff should provide them with a responsible gambling leaflet, suggest they contact the helpline number and make them aware of their self-exclusion facilities and local counselling services available.

9.5.18. Exclusion of those who appear to be under the influence of alcohol or drugs etc.

In order to protect both staff and those who are under the influence of alcohol or drugs (thereby potentially distorting their ability to make rational decisions), those persons who appear to be in such a state must be immediately excluded from the premises. Signage should be prominently displayed to indicate this. Please note with reference to those persons with a mental impairment or mental health difficulties, premises would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling.

9.5.19. Safe Cash-handling

In the interest of preventing crime and disorder, we require all gambling premises in Southampton to have a minimum provision for safe cash-handling and thereby prevent against theft/robbery etc. We will expect minimum standards in terms of:

- The frequency of banking cash (to avoid large sums being involved)
- Use of security personnel for transport
- No. of staff handling cash at any one time
- A fully up to date CCTV system with records kept for an appropriate length of time (including signage to indicate the presence of such a system)

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- Local and emergency contact details for the emergency services clearly displayed in office areas
- Consultation with a Crime Reduction Officer and regular security reviews

For security reasons, while we will not expect premises to tell us the precise details of the protocols they have in place, the licensing authority will need to be satisfied that effective procedures exist. It should be prominently publicised on-site that robust security measures are in place.

9.5.20. Safe payment of winnings

In the interest of preventing aggravated robbery etc. gambling premises should consider offering their customers a choice of methods by which their winnings may be paid. This could include either cheque or BACS payment. These options should be well publicised.

9.5.21. Adequate lighting inside and out

We expect all premises to have adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.

9.5.22. Engagement with the police

In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police's architectural liaison unit at the design stage to ensure crime prevention and detection.

9.5.23. Specific types of premises and what we are looking for in respect of each

While we have outlined minimum standards we expect from all gambling premises in the previous section, any areas we need to stress, due to differences between premises types, are outlined below.

The Council will pay particular attention to any Codes of Practice, issued by the Gambling Commission in respect of specific types of premises.

10.0 General Principles

10.1 Premises licences will be subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be 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.

10.2 The Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it :

- (a) in accordance with any relevant code of practice under section 24,
- (b) in accordance with any relevant guidance issued by the Commission under section 25,

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- (c) consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c))

10.3 The Licensing Authority appreciates that in accordance with the Gambling Commission's Guidance "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any "no casino" resolution – see section on Casinos below – paragraph 15 below) and also that unmet demand is not a criterion for the Licensing Authority.

10.4 Definition of "premises"

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

10.5 This Licensing Authority takes particular note of the Gambling Commission's Guidance to Local Authorities which states that (paragraphs 7.14 and 7.15):

"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 that they are not permitted to be 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 and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

The proper application of section 152 means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo hall on week days and a betting shop at weekends."

10.6 Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be granted planning permission or building regulations approval, in its consideration of it. It will

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though, listen to, and consider carefully, any concerns about conditions that are not able to be met by licensees due to planning restrictions, should such a situation arise.

11.0 Conditions on premises licences

11.1 The Licensing Authority will ensure that any conditions imposed are proportionate to the circumstances which they are seeking to address, and will ensure that any premises licence conditions are:

- 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 respect

11.2 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 way in which the licensing objectives can be met effectively.

11.3 The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include:

- supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children;
- 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.

11.4 The Licensing 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.

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

11.5 The 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.

11.6 It is noted that there are conditions which the Licensing Authority cannot attach to premises licence which are:

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

11.7 Door Supervisors

The Gambling Commission advises in its Guidance to Local Authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). This Licensing Authority therefore will take into consideration relevant criminal convictions, cautions or formal reprimands, if any, and training requirements that meet SIA standards. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

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

12.0 Other Legislation

12.1 The Licensing Authority will not take into account matters not related to gambling and the licensing objectives when considering an application for a premises licence. However, it is for the operator to ensure that premises comply with all other relevant legislation such as fire safety, food safety and health & safety. It should be noted that these examples are not exhaustive, and applicants must ensure that they comply with all other regulatory regimes in respect of their employees and the public.

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- 12.2 So far as is possible, this statement of principles will avoid duplicating those other regulatory regimes.

13.0 Adult Gaming Centres (AGCs)

- 13.1 The 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 ensure, for example, that persons under the age of 18 do not have access to the premises.

- 13.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however, appropriate measures / licence conditions may cover issues 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-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is neither mandatory nor exhaustive and is merely indicative of reasonable measures which might be in place.

14.0 Licensed Family Entertainment Centres

- 14.1 The Licensing Authority will specifically have regard to the need to protect children and 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 persons under the age of 18 do not have access to the adult only gaming machine areas.

- 14.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours

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- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare/RGT
- Measures/training for staff on how to deal with suspected truant school children on the premises
- Ensuring there are no inducements to remain in the gaming areas longer than anyone can reasonably afford to

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

- 14.3 The Licensing Authority will refer to any conditions applied by the Gambling Commission 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 published.

15.0 Casinos

15.1 “No Casino” resolution

The 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 the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

- 15.2 This resolution will be reviewed at three yearly intervals or sooner should the circumstances warrant a revision of the resolution. Any such decision will be made by Full Council.

Casinos and competing applications

15.3 *On 26 February 2008 the Secretary of State issued the Code of Practice on Determinations relating to large and small Casinos. The Licensing Authority will comply with this Code which sets out:*

- a) the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005; and*
- b) matters to which the Licensing Authority should have regard in making those determinations.*

15.4 *On 15 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved and Southampton City Council was authorised to issue a Large Casino Premises Licence.*

15.5 *The Licensing Authority is aware that there are likely to be a number of operators who may wish to operate the large casino. As a consequence the Licensing Authority will stage a ‘competition’ under Schedule 9 of the Gambling Act 2005 and have regard to The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and DCMS Code of Practice issued by the Secretary of State.*

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- 15.6 *In accordance with the above regulations the Licensing Authority will publish an invitation calling for applications for the Large Casino Premises Licence. In addition, consideration of all applications will be deferred until the published closing date for applications.*
- 15.7 *Where the Licensing Authority receives applications for the Large Casino Premises Licence, there will be a two stage application process in accordance with the DCMS Code of Practice issued by the Secretary of State.*

General Principles

- 15.8 *In the Code of Practice published on 26 February 2008 by the DCMS, it states that a Council should pay particular attention to the following in determining the principles or criteria they propose to apply:*
- a) *protection of children*
 - b) *crime and disorder*
 - c) *fair gambling*
 - d) *employment and regeneration*
 - e) *design and location*
 - f) *non-gambling facilities*
 - g) *financial and other contributions*
- 15.9 *The Licensing Authority recognises that applicants may either apply for a full Large Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Large Casino Premises Licences however must fulfil certain criteria, in that they must:*
- a) *hold or have applied for an Operating Licence; and*
 - b) *have the right to occupy.*
- 15.10 *In making any decision in respect of an application, the Licensing Authority shall not take into account the likelihood of the applicant's obtaining planning permission or building regulation approval and any decision shall not constrain any later decision by the Authority under the law relating to planning or building. The Licensing Authority does, however, strongly recommend that planning permission is sought prior to submitting an application.*
- 15.11 *The Licensing Authority will not consider unmet demand when considering applications for a Large Casino Premises Licence and each application will be taken on its own merits.*
- 15.12 *The Licensing Authority has not entered into any pre-existing contract, arrangement or other relationship with a company or individual in respect of the Southampton City Council large casino Licence. As a consequence, there is no reason for the procedure to be used for assessing applications to be unfair in any way or perceived to be unfair by any applicant.*
- 15.13 *The Licensing Authority's decision will not be prejudged and where advice is sought, this will be impartial advice.*
- 15.14 *In making a decision on both stages of the procedure, the Licensing Authority will have regard to any Regulations, Guidance or Code of Practice issued by the Secretary of State, DCMS or Gambling Commission.*

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Casino Application Stage 1

- 15.15 *The Licensing Authority will provide an application pack that will include a Statement of the procedure that the Licensing Authority proposes to follow in assessing applications for Large Casino Premises Licence.*
- 15.16 *With regard to Stage 1, the General Principles as stated in Part B of this Gambling Licensing Policy shall apply to all casino applications.*
- 15.17 *Stage 1 – ‘The Regulatory Test’ will be implemented where the Licensing Authority receives a Premises Licence application or a Provisional Statement application. The Licensing Authority will consider each application separately on its own merit and with no reference being made to the other applications received.*
- 15.18 *At this stage the Licensing Authority cannot accept any additional information other than the prescribed application form laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. All such additional information will be disregarded and returned to the applicant.*
- 15.19 *The Licensing Authority recognises that each of the other competing applicants is considered an ‘interested party’ and as a result may make representations. Such applicants are however reminded that an interested party is defined in Part A of this Policy and each representation will be considered carefully to ensure it meets the principles set within this Gambling Licensing Policy.*
- 15.20 *Representations will be treated in the same manner as for a Premises Licence and in accordance with paragraphs relating to Representations in this Policy and the Principles for deciding on interested parties as stated in this Gambling Licensing Policy. It is recognised that the Licensing Authority’s decision may be appealed against, in which case the Licensing Authority will not proceed to Stage 2 until all appeals have been dealt with.*
- 15.21 *If this process results in more than one provisional decision to grant a Premises Licence, Stage 2 – the ‘Greatest Benefit’ Test, will be implemented.*
- 15.22 *Where a Provisional Statement application is successful, the Licensing Authority may limit the period of time for which the Provisional Statement will have effect. This period may be extended if the applicant so applies.*

Casino Application Stage 2

- 15.23 *Although an application for a Casino Premises Licence may be made at any time, the Licensing Authority will not consider any Stage 2 applications until the closing date for applications in the competition.*
- 15.24 *At Stage 2, the applicant will be required to state what ‘greatest benefit’ they can bring to the residents of Southampton and how they can contribute to the wellbeing of the area.*

Part B – Premises Licences

- 15.25 *Details of the Licensing Authority's evaluation criteria and an explanation of the proposed process will be part of the Application Pack that will be sent to applicants.*
- 15.26 *The Licensing Authority will decide between the competing applications and grant the available licence to the applicant that it considers in its opinion will result in the 'greatest benefit' to the City of Southampton. The competition will be judged on a wide range of issues, reflecting the issues that are important in the City of Southampton, local concerns and local priorities, with a particular focus on tourism, employment opportunities, physical regeneration opportunities and financial contributions.*
- 15.27 *The Licensing Authority may during the second stage engage in discussions or negotiations with each second stage applicant with a view to the application being refined, expanded or altered so as to maximise the benefits to the area. If discussions are with a view to particulars of the application being improved or altered (rather than merely clarified or particularised), the same invitation will be offered to all other applicants so as to ensure transparency. Where oral discussions occur these will be fully minuted.*

Principles that apply in determining whether or not to grant a Casino Premises Licence.

- 15.28 *The Council and the Licensing Authority does have a preferred specific location for a large casino as part of the Royal Pier and Mayflower Park redevelopment project. This site was previously identified (amongst others) as part of the Council's submission to the Casino Advisory Panel. Other areas may be considered but would need to identify a very strong ability to deliver a similar scale of physical regeneration and other benefits. However it is expected that areas of Southampton that already have substantial visitor/tourists would be most likely to be successful due to the synergies that would be in place.*
- 15.29 *Where an applicant presents proposals for consideration by the Licensing Authority, they will be required to prepare a draft Legal Agreement committing themselves to the proposals being made in advance of consideration by the Licensing Committee. A decision by the Licensing Authority to approve an application will provide the requisite authority for the Council to enter into the Agreement, subject to any legal challenge to the Authority's decision. The form of such Legal Agreement will be provided in the application pack. In the event that the successful applicant fails to carry out the proposal in accordance with the Legal Agreement, the Licensing Authority may receive liquidated damages. Adherence to the Agreement will also be a condition on the Premises Licence so that a breach of the Agreement may result in a review of the Licence.*
- 15.30 *In the event that the successful operator does not open a casino within the agreed timescale, then the licence will be revoked and the Licensing Authority may elect to run a new competition.*

Part B – Premises Licences

The applicant will be expected to provide:

- 15.31 *At Stage 2, Applicants will be required to satisfy criteria and the evaluation matrix that will be set out in the Application Pack. The following information will be required from the Applicant at Stage 2 to allow the Licensing Committee to evaluate the proposals. This list is not exhaustive and Applicants may choose to provide additional information providing it is relevant to the Application. The Licensing Authority may request additional information to clarify certain elements of the application proposals.*
- 15.32 *A scaled plan (1:100 preferred) of the premises indicating the location of all gaming machines, tables and automated telling machines, bars and any non-gaming areas, together with an indication of any Notices/Rules that will be displayed in the gaming area.*
- 15.33 *Detailed numbers of all staff and Personal Licence Holders to be employed, together with a clear management structure.*
- 15.34 *A description of all activities carried on at the premises, including any proposals for the provision of late night refreshment and regulated entertainment. With regard to late night refreshment, the Licensing Authority would wish to have sight of the menu to ensure substantial refreshment and not just bar snacks will be provided.*
- 15.35 *An indication of the proposed location of the casino which should be sustainable and appropriate, taking into account residential properties, public buildings, public transport routes and accessibility, public realm and open space.*
- 15.36 *An indication of the availability of the site and the applicant's capacity implement their proposals.*
- 15.37 *Evidence of availability of funding and an estimated cost of the scheme.*
- 15.38 *Evidence of financial standing including submission of the applicant's last 3 years' audited financial accounts, together with 2 financial references confirming that there is sufficient finance in place to ensure delivery of the project.*
- 15.39 *Two professional references should evidence that the applicant has proven ability and track record within the casino gambling sector.*
- 15.40 *The applicant should evidence clearly how they intend to promote the statutory Licensing Objectives.*
- 15.41 *Submission of a clear and detailed business plan supported by a signed agreement in a form that is acceptable to the Council, committing the applicant in the event that his application is successful to the proposals that he has put forward.*
- 15.42 *A timescale for implementation and completion of the works setting out the various project stages of construction. This is to enable the Licensing*

Part B – Premises Licences

Authority to be kept informed of when the project is likely to be completed and that the applicant is on target for final completion.

- 15.43 *Evidence of ongoing consultation with statutory bodies and responsible authorities to ensure that all statutory regulations/ legislation are to be complied with.*
- 15.44 *Details of consultation with relevant stakeholders, including the Police, Public Health and Safeguarding bodies.*
- 15.45 *Evidence of a satisfactory employee training plan. The training must cover all relevant matters with a focus on the statutory Licensing Objectives, knowledge of the gambling legislation, an awareness of problem gambling and all relevant internal procedures. In addition, applicants are required as part of their training plan to evidence customer service training and a knowledge of the local area.*
- 15.46 *An example of an existing Premises Log Book, recording all staff training undertaken and confirming that a two-tier system will be used whereby staff are trained to their level of responsibility with senior staff trained to a higher level so as to ensure that they can effectively apply procedures and respond appropriately to any customer requesting information, or assistance.*
- 15.47 *Evidence of Policies and Procedures in place to protect children and vulnerable persons from harm.*
- 15.48 *A Policy detailing the applicant's internal procedures so that 'problem gamblers' are identified at the earliest opportunity. This Policy should be incorporated into the Training Plan for all employees. The Policy is likely to set out how advice and support will be provided to those engaged in or affected by problem gambling.*
- 15.49 *A Policy detailing the applicant's commitment to educating the community on 'problem gambling'.*
- 15.50 *A commitment to both annual financial and physical time contributions to GamCare/RGT and locally identified problem gambling initiatives.*
- 15.51 *An Admissions Policy incorporating procedures for the Door Supervisors to follow so as to manage the non-entry of drunken individuals, under age persons and any non-compliance with the stated entry dress code.*
- 15.52 *A copy of the operator's Social Responsibility Policy and the casino rules for each gambling activity on offer.*
- 15.53 *A commitment to providing within the gaming area a specific practice area or room that enables any customer to learn how to gamble on the various activities offered without feeling intimidated or embarrassed. There shall be information provided that emphasises the importance of customers staying in control of their gambling, the steps they can take to achieve this and where to access help should they become concerned about their gambling. There should be leaflets and information clearly displayed setting out these points.*

Part B – Premises Licences

- 15.54 *An indication on the plan where the separate non- gambling refuge area of the premises is located. This area should provide a refuge from gambling and could be by way of a non threatening sound proofed quiet room that is always available for those concerned about their own or someone else's gambling. Within this room there should be installed the facility to telephone the national helpline, access an online counselling facility or contact a local face-to-face counselling service or Gamcare/RGT. Leaflets with contact addresses and telephone numbers should be prominently displayed within this room.*
- 15.55 *Evidence on how the proposal is likely to benefit the City of Southampton, in terms of an assessment of the social, economic and physical impact.*
- 15.56 *Proposals for the location of the casino and any other facilities to be provided, along with how site selection, design and architecture will improve the surrounding area and street scene.*
- 15.57 *Proposals as to how a casino will assist with the delivery of further tourism, leisure and regeneration opportunities for Southampton and complement the strategies of the Council in this regard.*
- 15.58 *A marketing policy which explains how the proposal will promote Southampton in line with the Council's own strategies.*
- 15.59 *Details on how the proposals will directly assist sustainable job creation, local economic benefit and regeneration, learning and skills uplift. This should include local labour agreements to support young unemployed people in the city.*
- 15.60 *The applicant should evidence clearly how they intend to promote the statutory Licensing Objectives.*
- 15.61 *The applicant should clearly set out the level of financial contribution that will be offered as the 'greatest benefit' and made conditional in the event that the licence is awarded that will support the matters previously referred to in this Policy.*

Evaluation Process

- 15.62 *The Licensing Authority does not necessarily have all the necessary expertise in-house that it may need; so it may in certain circumstances seek advice on an applicant's proposal from Council Officers and/or external consultants/advisors.*
- 15.63 *The Licensing Authority may set up an Advisory Panel to assist in the evaluation of the Stage 2 application process. Members of this group will comprise individuals who are not biased or perceived to be biased and whose personal interests will not compromise their independence. They will be individuals who are able to maintain the confidentiality on which the integrity of this process depends. It will be for the Licensing Authority to determine which individuals would best represent the interests of the community. Where such a Advisory Panel is formed, the Licensing Authority will provide written*

Part B – Premises Licences

terms of reference for the Advisory Panel so as to ensure that the process is open and transparent. The Licensing Authority alone will make the final decision on the successful applicant.

- 15.64 The Advisory Panel may elect to interview applicants. If so all applicants will be interviewed. The purpose of the interview will be to clarify the detail of the application and not to negotiate with the applicants. All interviews will be minuted. The Panel will supply its draft evaluation to the relevant applicant so as to enable them to correct any factual errors or to make representations as to the scoring on the qualitative evaluation. No new information will be accepted at this stage. Following any reply in writing by the applicant, the Panel will complete its assessment and forward it together with the applicants' representations to the Licensing Committee.*
- 15.65 The Licensing (Licensing and Gambling) Sub-Committee will determine the application in accordance with its terms of reference. Any legal advice required shall be supplied by the Council's Legal Services' representative.*
- 15.66 The decision on the successful applicant will be made public and the reasons published on the Council's web site.*
- 15.67 The Licensing (Licensing and Gambling) Sub-Committee members will be able to consider all the applications and award their own scoring as considered appropriate using the competition principles and weighting document in the application pack. The Casino Licence or Provisional Statement will be offered to the highest ranked applicant at Stage 2, subject to completion of the Legal Agreement being accepted. If the Agreement is not completed then the Licensing Authority reserves the right to make the award for the next ranked applicant.*
- 15.68 The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable. Once a decision has been made by the Licensing Sub-Committee there will be no right of appeal against this decision.*
- 15.69 In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority shall ensure that there is a Register of Interests in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. The Register will be published on the Council's website, alternatively a hard copy will be made available upon request free of charge. However, applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during the second stage of the competition.*
- 15.70 In addition, the Licensing Authority shall have a Protocol governing the storage of confidential information submitted during the second stage to maintain confidentiality. This Protocol will be available on the Council's website or a hard copy will be available from the Council's offices upon request.*

Betting machines

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15.71 The Licensing Authority will, in accordance with 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.

16.0 Bingo Premises

16.1 The Licensing Authority has noted that if children are allowed to enter premises licensed for bingo that they must not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will ensure that:

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

16.2 This Licensing Authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this Licensing Authority once it is made available.

17.0 Betting Premises

17.1 **Betting machines** – The Licensing Authority will, in accordance with 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.

18.0 Tracks

18.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totalisator" or "tote"), and also general betting, often known as "fixed-odds" betting.

Part B – Premises Licences

- 18.2 The 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. The 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.
- 18.3 The Licensing 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.
- 18.4 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues 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-baring 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.

18.5 Gaming machines

Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

18.6 Betting machines

The Licensing Authority will 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,

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when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

18.7 Condition on rules being displayed

The Gambling Commission has advised in its Guidance to Local Authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

18.8 Applications and plans

This Licensing Authority awaits regulations setting out any specific requirements for applications for premises licences but will have regard to the Gambling Commission's suggestion that to ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require.

This will include:

- detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring")
- in the case of dog tracks and horse racecourses plans should show fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.
- Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

This Licensing Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

19.0 Travelling Fairs

19.1 It will fall to the Licensing Authority to decide 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.

19.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

Part B – Premises Licences

- 19.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, 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.

20.0 Provisional Statements

- 20.1 The Licensing Authority notes the Guidance for the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.
- 20.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible 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. 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:
- (a) which could not have been raised by objectors at the provisional stage; or
 - (b) which, in the authority’s opinion, reflect a change in the operator’s circumstances.
- 20.3 The Licensing Authority has noted the Gambling Commission’s Guidance that “A licensing authority should not take into account irrelevant matters... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.”

21.0 Reviews of premises licences

- 21.1 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, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:
- 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 Licensing Authority’s statement of principles.

Part B – Premises Licences

- 21.2 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Part C – Permits, Temporary and Occasional Use Notices**22.0 Unlicensed Family Entertainment Centre Gaming Machine Permits**

- 22.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 22.2 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 Gambling Commission under Section 25. The Gambling Commission's Guidance to Local Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles for permits..., licensing authorities will want to give weight to child protection issues." (24.6)
- 22.3 The Guidance also states: "...An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application."
- 22.4 The Licensing Authority cannot attach conditions to this type of permit.
- 22.5 The 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 the following:
- 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.
- 22.6 The Licensing Authority will also expect that
- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - the applicant shall disclose relevant convictions (those that are set out in Schedule 7 of the Act) in order that the Licensing Authority may consider whether it would be contrary to the licensing objectives to grant a permit; and
 - staff are trained to have a full understanding of the maximum stakes and prizes.

Part C – Permits / Temporary & Occasional Use Notices

23.0 Alcohol Licensed Premises Gaming Machine Permits

- 23.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises
- 23.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission, and “such matters as they think relevant.”
- 23.3 The Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that persons under the age of 18 do not have access to the adult only gaming machines. Measures which will satisfy the authority 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 persons under the age of 18;
 - Notices and signage; and
 - Provision of information leaflets/helpline numbers for organisations such as GamCare.
- 23.4 The Licensing Authority recognises 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.
- 23.5 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.

Part C – Permits / Temporary & Occasional Use Notices

23.6 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.

24.0 Prize Gaming Permits

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

24.2 The applicant should set out the types of gaming that he or she is intending to offer and should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law

24.3 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.

25.0 Club Gaming and Club Machine Permits

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

25.2 Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.

Part C – Permits / Temporary & Occasional Use Notices

Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

- 25.3 The Licensing Authority 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
- 25.4 There is a "fast-track" procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced and the grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 25.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

26.0 Temporary Use Notices

- 26.1 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site.
- 26.2 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 will look at, amongst other things, the ownership/occupation and control of the premises.
- 26.3 The concept of Temporary Use Notices is new to the Gambling Act and the Licensing Authority will consider objecting to notices where it appears that

Part C – Permits / Temporary & Occasional Use Notices

their effect would be to permit regular gambling in a place that could be described as one set of premises.

27.0 Occasional Use Notices

- 27.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need though to consider the definition of a “track” and whether the applicant is permitted to avail him/herself of the notice.

Part D – Other Information

Part D – Other Information**28.0 Rights of Appeal and Judicial Review**

28.1 The Licensing Authority is aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. To ensure a transparent decision making process the Licensing Authority will:

- give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
- wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.

28.2 An appeal may be commenced by the giving of a notice of appeal by the appellant to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

28.3 Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

29.0 Other Matters

29.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Council's website (www.southampton.gov.uk/licensing) or by contacting the Licensing Team:

- Register of premises licences issued by the Licensing Authority
- Fees
- Guidance on how to make an application
- List of responsible authorities and contact details
- Application forms, where appropriate
- Making representations
- Applying for a review of a licence

Part D – Other Information

30.0 The Licensing Authority Delegations

Matter to be dealt with	Full Council	Sub-Cttee of Licensing Cttee	Officers
Three year licensing statement of principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional transfer		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X

Part D – Other Information

Matter to be dealt with	Full Council	Sub-Cttee of Licensing Cttee	Officers
Decision to give a counter notice to a temporary use notice		X	
Decision to determine an application without holding a hearing on grounds contained within S.162 (3)			X
Decision to reject an application for review made under S.197 based on grounds contained within S.198			X
Take “action” (under S.202) following review		Where application heard by Sub Committee	Where no hearing and all parties agree in advance to relevant “action”.

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Appendices

Appendix A – Plan of Southampton

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