



## AGENDA ITEM: 5

### SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	27 October 2015
PART:	I
If Part II, reason:	

Title of report:	<b>Review of licensing policies for alcohol, entertainment and gambling licences</b>
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To report the results of consultation on draft revisions to the Council's Statement of Licensing Policy (Licensing Act 2003) and Statement of Principles (Gambling Act 2005)
Recommendations	<ol style="list-style-type: none"> <li>1. That the Committee endorse the revised draft Statement of Licensing Policy under the Licensing Act 2003 for the period 2016 – 2021, and refer it to Full Council for approval and adoption; and</li> <li>2. That the Committee endorse the revised draft Statement of Principles under the Gambling Act 2005 for the period 2016 – 2019, and refer it to Full Council for approval and adoption.</li> </ol>
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>• Maintain a clean and safe environment</li> </ul> <p>Dacorum Delivers</p> <ul style="list-style-type: none"> <li>• Performance excellence</li> <li>• Reputation and profile delivery</li> </ul>
Implications:	<p><u>Equalities Implications</u> A Community Impact Assessment has been prepared and will be circulated separately.</p> <p><u>Financial / Value for Money / Risk / Health And Safety Implications</u> None identified.</p>

Consultees:	<p>The draft policies were published on the Council's website and comments invited for an 8-week period in August and September. Notifications were sent directly to responsible authorities, borough and county councillors, town and parish councils, local community groups, licensed trade representative bodies, and representatives of licence-holders. Comments were also invited via messages on the Council's social media accounts, and an article in Dacorum Digest.</p> <p>8 responses were received, which are reproduced at Annex A.</p>
Background papers:	<p>Draft Statement of Licensing Policy 2016-2021  Draft Statement of Principles 2016-2019  <i>(both circulated separately)</i></p>
Glossary of acronyms and any other abbreviations used in this report:	

## 1. BACKGROUND

- 1.1. Two of the major regulatory regimes under which the Council has statutory responsibilities are the licensing of alcohol supplies, regulated entertainment and late night refreshment under the Licensing Act 2003; and of non-remote gambling activities such as betting, prize gaming (including bingo and poker), provision of gaming machines and promotion of lotteries under the Gambling Act 2005.
- 1.2. Both of these Acts require licensing authorities (district councils or unitary authorities) to publish written policies, setting out how they intend to exercise the licensing and enforcement powers conveyed to them under the Acts, the principles that they will follow, and their expectations of licensees. These policies must be periodically reviewed, so as to ensure that they reflect the current legislation, and are relevant to the issues arising in the authority's area.
- 1.3. Dacorum last reviewed its licensing policies in 2010 (Licensing Act 2003) and 2012 (Gambling Act 2005). Both policies are due for review and replacement by January 2016, in order to satisfy the statutory requirements in the Acts.

## 2. CONSULTATION RESULTS

- 2.1. At the Committee's meeting on 28 July 2015, consultation was approved on draft versions of policy documents under both Acts. The report considered at that meeting detailed the major changes made to each policy.
- 2.2. Consultation took place over an 8-week period in August and September 2015. Notification was sent by email to: the responsible authorities, borough and county councillors, town and parish councils, local MPs, local community groups, multiple licence-holders (companies holding two or more premises licences), representative trade bodies and licensing-focussed legal firms.

- 2.3. The consultation was also publicised via the council's website and social media accounts, and an article in Dacorum Digest. An online survey form was also provided for the duration of the consultation but received no responses.
- 2.4. A total of 8 written responses were received to the consultation, all of which are reproduced at Annex A. The responses break down as follows:
- Three from responsible authority officers
  - Two from ward councillors
  - One from a council officer (non-responsible authority)
  - One from a gambling licence-holder
  - One from a gambling trade representative body
- 2.5. A number of further changes have been made to the draft policy documents after considering the consultation responses, and these are detailed within Annex A, after each response.
- 2.6. The final decision to adopt or revise a licensing policy under these Acts must be made by Full Council. The Committee are now asked to resolve to recommend the adoption of the revised policies (with the additional revisions) by Full Council.

### **3. RECOMMENDATION**

- 3.1. That the Committee endorse the revised draft Statement of Licensing Policy under the Licensing Act 2003 for the period 2016 – 2021, and refer it to Full Council for approval and adoption; and**
- 3.2. That the Committee endorse the revised draft Statement of Principles under the Gambling Act 2005 for the period 2016 – 2019, and refer it to Full Council for approval and adoption.**

**Annex A – Consultation responses** *(ordered as received)*

**Philip Stanley**

**Assistant Team Leader, Planning Enforcement, Dacorum Borough Council**

**From:** Philip Stanley

**Sent:** 05 August 2015 08:28

**To:** Licensing Policy Mailbox

**Subject:** RE: Dacorum Borough Council - review of licensing policies (alcohol, entertainment, gambling)

Hello Ross,

I have read the Draft policy document (but not the annexes) and it is a very thorough and informative document. Certainly it is interesting to read the scope of considerations your team have to take into account. And this policy only covers one area of licensable activities!

You appear to have everything covered. A couple of small points:

7.2 Could this be changed to 'Dacorum Local Planning Authority'?

26.2 Could you stress that in particular no works should be made to listed buildings without first applying to the Local Planning Authority for listed building consent where appropriate?

Phil.

**Officer comments**

*The suggested changes have been incorporated.*

**Councillor Julian Ashbourn**  
**Berkhamsted West ward councillor, Dacorum Borough Council**

**From:** Julian Ashbourn  
**Sent:** 05 August 2015 09:04  
**Cc:** Licensing Mailbox  
**Subject:** Revisions to documentation

Thank you for posting these proposed revisions.

My observations are as follows;

That both documents are very comprehensive and clearly laid out and will be easily read and understood by a wide audience.

However, I have some concerns over a couple of points which I feel may be interpreted in a negative manner by some.

Firstly, the word 'promotion' while I understand the context in which it is offered, may not be welcomed by some who may feel that it is not the part of Council to 'promote' anything in the commercial sector, especially when there are implications around cultural or societal wellbeing. I would not have recommended the use of such terms.

Secondly, in both documents, we seem to be at pains to point out that we "..will not take into account any moral objections to the carrying on of licensable activities..." This will not be welcomed by those who will hold that the first responsibility of Council is surely towards its residents - not to those who are seeking to exploit residents. Furthermore, we should have a keen appreciation of societal wellbeing and the impact of certain commercial activities upon the same. In this context, we cannot deny the moral issue.

On this last point, we are already seeing changes in our local towns which many will see as detrimental from a cultural perspective. In addition, the presence of such commercial activities undoubtedly influences the character of the towns themselves, including the streetscapes. To completely disassociate any moral responsibility in relation to these acts is a stance which I believe will not be welcomed by many, whether or not they understand the precise context in which these statements are made.

Just thought I would make these points.

Kind regards,

Julian Ashbourn  
Berkhamsted West Ward

**Officer comments**

*One reference to 'promote' has been replaced, at para 2.7 of the Statement of Licensing Policy. Other references relate to the promotion of the licensing objectives, which is the phrase used in the primary legislation to describe the key duty of licensing authorities.*

*References to moral objections have been adjusted to make clear that these provisions refer to generalised moral or ethical objections to the licensable activities themselves rather than to specific incidents arising from the operation of local premises. This position is established by case law and the statutory guidance, rather than any intention to distance the authority from such issues.*

**PS Mike Saunders**  
**Dacorum Community Safety Unit, Hertfordshire Constabulary**

**From:** Mike Saunders  
**Sent:** 04 September 2015 18:17  
**To:** Ross Hill GCSX mailbox  
**Subject:** FW: Dacorum Borough Council - review of licensing policies (alcohol, entertainment, gambling)

Hi Ross.

I've just managed to finish reading the draft copy of the Dacorum Statement of Licensing Policy and Statement of Principles that you recently published and appreciate that producing such high quality documents must have taken up quite a bit of your time.

As a result of reading through it I would respectfully like to highlight the following points regarding the Statement of Licensing Policy that you might like to consider:

1. I've spotted a possible typo in the second line of para 16.2 where the first word "and" has been typed instead of the word "any".
2. With regards to para 17.1, the last line of the last bullet point could be misinterpreted as referring to someone that is supplying controlled drugs to the police and recommend that the last line should be amended to read – "and reporting to the police any person suspected of supplying controlled drugs".
3. Whether it is possible within para 19.7 to incorporate a sentence that supplying CCTV footage to the police within a 24 hour period is also encouraged (the thought process behind this request is the number of times that officers attend Service Stations to request/collect CCTV and no-one is available to provide the necessary footage due to the CCTV only being under the control of a manager or supervisor).
4. Unfortunately the interpretation of Sect 63 ASCP Act 2014 in para 24.2 where the person with alcohol needs to be creating disorder or acting in an anti-social manner is at odds with legal references available to police. The following is an extract from the Police National Legal Database:

Section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 provides for actions to be taken when a breach of a prohibition in the order has occurred.

63(1) This section applies where a constable or an authorised person reasonably believes that a person (P) –

- (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
- (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section authorised person means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

63(2) The constable or authorised person may require P -  
(a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;  
(b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

63(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

63(4) and 63(5).....

63(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

With regards to Primary Authority Partnerships, is there a list available to show which premises licence holders or gambling operators are involved?

Kind regards

Mike

PS 795

Dacorum and St Albans

Community Safety Unit

Officer comments

*The suggested changes have been incorporated.*

*With respect to the 4<sup>th</sup> point, the original draft text was an attempt to illustrate the statutory test for the creation of a public space protection order. In hindsight, including this within a reference to the exercise of powers under an existing order was confusing, and this has now been amended accordingly.*

*A link to the BRDO's register of primary authority partnerships has been added.*

**Jim Guiton**

**CCTV / Community Control Centre Team Leader, Dacorum Borough Council**

**From:** Jim Guiton

**Sent:** 16 September 2015 09:29

**To:** Licensing Mailbox

**Subject:** Dacorum Borough Council - review of licensing policies (alcohol, entertainment, gambling)

Hi,

As the CCTV Team Leader for Dacorum Borough Council I would make the following comments in relation to the Draft Licensing Policy specifically section 19 Security / 19.6 CCTV

The surveillance Commissioners Code of Practice makes reference to relevant Authorities who have a licensing function and I have included the extract below.

In the draft policy reference is made to the Data Protection Act however this authority has to have regard for the Surveillance Code and this should be mentioned in the Policy.

We need to consider if an applicant offers CCTV as a condition that it is proportionate to the pressing need.

I am happy to meet with Ross to discuss further if he wishes.

1.15 When a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.

1.16 A failure on the part of any person to act in accordance with any provision of this code does not of itself make that person liable to criminal or civil proceedings. This code is, however, admissible in



evidence in criminal or civil proceedings, and a court or tribunal may take into account a failure by a relevant authority to have regard to the code in determining a question in any such proceedings.

- 1.17 Other operators of surveillance camera systems who are not defined as relevant authorities are encouraged to adopt this code and its guiding principles voluntarily and make a public commitment to doing so. Such system operators are not, however, bound by any duty to have regard to this code.

Regards

Jim

**Jim Guiton**

CCTV / Community Control Centre Team Leader

Resident Services

Dacorum Borough Council

Officer comments

*Additional paragraphs summarising the licensing authority's duty under the Surveillance Camera Code of Practice have been added.*

## Association of British Bookmakers



**GOSSCHALKS**  
SOLICITORS

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Dacorum Borough Council  
Licensing  
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**Your ref:**  
**Date:** 21 September 2015

Dear Sir/Madam,

### **Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

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Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

### **Working in partnership with local authorities**

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

### **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said: *"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

### **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

### **Local area risk assessments**

With effect from 6<sup>th</sup> April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

#### **Local Area Profiles – Need for an evidence based approach**

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

#### **Concerns around increases in the regulatory burden on operators**

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

### **Employing additional licence conditions**

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

### **Specific Policy Comments**

#### **Paragraph 2.3**

This paragraph indicates that the licensing authority is required to exercise its functions "with a view to promoting the licensing objectives". This is incorrect. As recognised later in the policy (at paragraph 4.1) the requirement of the licensing authority is that it must have regard to the licensing objectives as set out in s1 Gambling Act 2005. The only body with a duty to promote the licensing objectives within the Gambling Act 2005 is the Gambling Commission.

#### **Paragraph 4.5**

This paragraph acknowledges that the licensing authority must distinguish between disorder and nuisance. The paragraph would be assisted by including a statement that nuisance is not a relevant consideration under Gambling Act 2005 and that the Gambling Commission has defined disorder as "intended to mean activity that it is more serious and disruptive than mere nuisance."

#### **Paragraph 7.4**

This paragraph deals with representations and reviews and states that in order to take action to refuse or revoke or to suspend a licence in review proceedings the authority "will usually need to see evidence which substantiates the grounds cited in representations or review applications..." We respectfully submit that the word "usually" should be deleted. If the licensing authority were to refuse a licence, revoke or suspend a licence without evidence then the decision to do so would be corrected upon appeal especially given the requirement (as acknowledged earlier in the policy) that the authority is required to "aim to permit" the use of premises for gambling.

#### **Paragraph 10 – Gaming Machines**



Paragraphs 10.1 to 10.7 deal with gaming machines. The policy would be assisted by a statement that certain types of licences entitle the holder to operate specified numbers of gaming machines. For example s172(8) Gambling Act 2005 entitles the holder of a betting premises licence to make up to 4 gaming machines of category B, C or D available for use.

#### **Paragraph 11.7**

This paragraph causes the ABB significant concern. The ABB will always work with councils to discuss any concerns but we respectfully submit that this paragraph should be deleted. It is emotive and adds nothing to the policy. It refers to controversy around the issue of fixed odds betting terminals which was not borne out in any of the evidence of the Gambling Prevalence Surveys or subsequent health surveys. The purpose of the policy is to state the principles that the authority will propose in exercising its function and not to pass comment.

#### **Paragraph 12 – Conditions**

This section of the policy starts by acknowledging that premises licences issued under Gambling Act 2005 are already subject to mandatory and default conditions. The policy would be assisted an acknowledgement that in the vast majority of cases, the mandatory and default conditions will suffice to ensure that the operation of a premises is reasonably consistent with the licensing objectives. The mandatory and default conditions will only need to be supplemented where there is specific evidence in a hearing that there is a need to do so.

#### **Paragraph 12.5 – Door Supervisors**

This paragraph starts with a statement that if the licensing authority is concerned that a premises licence may attract disorder then it may impose a condition relating to door supervision. We would remind the licensing authority that a mere concern is not enough to consider imposing a condition. There would need to be evidence of a particular risk in a particular case for the committee to consider imposing such a condition.

#### **Location**

This section of the policy causes the ABB serious concerns. The policy would be assisted by a statement that gambling is a lawful pastime and for the vast majority of people causes no problem whatsoever. Operators have strict policies in place to ensure the continued safety of staff and customers and all betting operators are required to actively promote responsible gambling.

#### **Paragraph 13.2**

This states that the local area profile will be produced by the authority and published on the website. It would be helpful if the local area profile was actually attached to the licensing policy. Thereafter, there is a list of potential issues – large levels or vulnerable persons, the proximity of schools, youth centres and medical facilities or a high level of deprivation are factors which the authority believes should be taken into consideration. The authority is reminded that betting

offices in particular have operated in areas of high population (and therefore close to schools, youth centres, parks and medical facilities) without any problem for over 50 years. Furthermore, the policy seems to imply that deprived areas are areas which are likely to include a greater number of residents who may be considered to be vulnerable persons. This does not follow. The policy itself acknowledges at paragraph 4.11 the definition of vulnerable persons as being persons who, for example, gamble more than they want to, gamble beyond their means and people who may not be able to take informed or balanced decisions about gambling due to mental health needs etc. It does not follow that simply because an area has lower income levels that people in that area are more vulnerable. The policy should be amended to reflect this.

It is important that the local area profile is based upon evidence. The overriding principle in s153 Gambling Act 2005 is that authorities are to “aim to permit” the use of premises for gambling. If the authority proceeds without evidence then this could potentially undermine the overriding principle.

#### **Paragraph 17.2**

This paragraph refers to the fact that a licensing authority may initiate a review of a premises licence where premises have not provided for facilities for gambling for some time. Whilst this is correct, thereafter there is a statement that the purpose of this is to prevent people from applying for licences in a speculative manner without intending to use them. There may be many reasons why a premise hasn't offered facilities for gambling and it cannot be assumed that operators would apply for licences in a speculative manner. There is no reason to do so given that there is no quota/maximum number. We submit that this final sentence of this paragraph should be removed.

#### **Conclusion**

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.



Yours faithfully,



**GOSSCHALKS**

Officer comments

*Para 2.3: this was a misstatement which has now been corrected.*

*Para 4.5: nuisance is referenced at para 4.2 as not being of relevance to this regulatory scheme. Although the Statement of Principles references the Guidance in a number of places, it is not intended to duplicate it wholly, and when considering any matters the authority will consult both documents, side-by-side.*

*Para 7.4: redrafted*

*Para 10: as machine stake/prize reviews occur on a different schedule to statement of principle reviews, and machine entitlements have historically changed at short notice, we previously removed all machine categorisation and entitlement information to a separate document, signposted from this section, to allow for easier updating.*

*Para 11.7: redrafted*

*Para 12: this is already referenced within para 12.1*

*Para 12.5: redrafted*

*Para 13/13.2: The approach of maintaining the local area profile as a separate document is supported by GLA5 para 6.51. As the finalised Guidance was only published at the end of September, given the time constraints for preparation of the Statements of Principles it was not possible to produce a full area profile in time for inclusion within this document. Work on the area profile will now be undertaken in early 2016, prior to the commencement of the corresponding operating licence conditions and codes of practice in April 2016. The authority will examine a range of data sources in compiling its area profile. Ex-para 13.4, on deprivation, has been removed from the draft Statement, but may be reconsidered during the compilation of the area profile, if applicable data is collated.*

*Para 17.2: this was a historic clause from an early version of the Statement, which has now been removed.*

**John Liddle**  
**Director of Development – Coral Retail, Coral Racing Limited**



Licensing Policy Review,  
Dacorum Borough Council,  
Civic Centre,  
Marlowes,  
Hemel Hempstead,  
HP1 1HH

24<sup>th</sup> September 2015

Dear Sir,

**Consultation on Dacorum Borough Council's Statement of Principles – Gambling Act 2005**

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are broadly supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives', additionally noting that it should not take into account of any moral objections to gambling.

Coral Racing Limited do note that in paragraph 3.5, the Statement makes references to premises being located within the proximity of schools as being a possible relevant consideration in order to consider additional measures, to enable the licensing objectives to be upheld.

Coral knows of no evidence that the location of a licensed betting office within the proximity of schools causes harm to the licensing objectives nor that children coming from schools are gaining access to betting offices. Our general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

In paragraph 13.4 (Local Area Profile), the Draft Statement notes in relation to areas of deprivation:-

*Where an application is made for a premises licence within one of these areas, we will expect the operator to demonstrate a full range of measures that they intend to take to promote all of the licensing objectives, with particular attention to the protection of vulnerable persons.*

Coral Racing are of the opinion that all shops, wherever located, operate by our same strict standards and controls. Licensed betting offices are in the vast majority of cases, located in areas of high footfall, with the local population numbers determining the financial viability (as with many high street shops) and all vulnerable people, no matter where they reside, receive the same care and consideration.



**Coral Racing Limited**  
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Registered in England No. 541600  
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a  company

Coral Racing Limited recognise the requirement to supply risk assessments (Section 13.5 to 13.7 inclusive) with future applications & variations following the consultation completion (requirement is from 6<sup>th</sup> April 2016) and we are pleased to recognise that Council is not specifying a particular format. Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.

If we can provide any further information, we would be pleased to do so. I would like to thank you for the clear format of your Draft Statement with the areas of change highlighted.

Yours faithfully,



John Liddle  
Director of Development – Coral Retail

Officer comments

*Para 3.5 (now 3.4) paraphrases para 6.38 of the Gambling Commission's guidance to licensing authorities, but has now been adjusted to bring it in line with the latest edition, which still references schools but with the qualifier 'certain types of gambling'.*

*Ex-para 13.4, on deprivation, has been removed from the draft Statement, but may be reconsidered during the compilation of the area profile, if applicable data is collated.*

*Para 13.5 has been adjusted to make clear that the risk assessment requirement is expected to come into effect in April 2016.*

**Robin O'Connor**  
**Fire Protection Manager, Hertfordshire Fire and Rescue Service**

**From:** Robin OConnor  
**Sent:** 26 September 2015 16:44  
**To:** Licensing Policy Mailbox  
**Subject:** RE: Dacorum Borough Council - review of licensing policies (alcohol, entertainment, gambling)

Dear Sir/Madam

**Consultation on Draft Statement of Licensing Policy 2016-2021 under the Licensing Act 2003**

1. Should you deem it appropriate to provide contact details for the Fire Authority in consideration of Licensing matters or for fire safety advice then please use;

Hertfordshire Fire and Rescue Service  
Fire Protection  
Postal Point MU 103  
Mundells  
Welwyn Garden City  
Hertfordshire  
AL7 1FT

[administration.cfs@hertfordshire.gov.uk](mailto:administration.cfs@hertfordshire.gov.uk)

Telephone 01707 292310

2. We request you consider the attached document which is an information guidance sheet provided by Hertfordshire Fire and Rescue Service to assist event organisers and premises licence holders in relation to organised events; and ask if it could be included within the policy by way of either a reference numbered hyperlink with the document saved to your website or within Annex B? At present the document is not yet on Hertsdirect as the site is undergoing improvement works and to date the fire protection information has not been covered.

**Consultation on Draft Statement of Principles 2016 - 2019 under the Gambling Act 2005**

I have read the draft policy with minor changes on behalf of Hertfordshire Fire and Rescue Service as a statutory consultee and have no comment to make.

Yours Sincerely

**Robin O'Connor**

Fire Protection Manager

**Hertfordshire Fire and Rescue Service**  
Fire Protection  
Mundells-MU103, Welwyn Garden City  
Hertfordshire AL7 1FT

**Website:** [www.hertsdirect.org](http://www.hertsdirect.org)

**Officer comments**

*Full contact details have not been included in the policy documents, but are available as a separate document on our website, to allow for easier updating as office relocations take place.*

*The guidance sheet has been added to the 'Event safety' section of our website, and referenced in Annex B of the Statement of Licensing Policy.*

**Councillor Janice Marshall**  
**Boxmoor ward councillor and Portfolio Holder for Environmental,**  
**Sustainability and Regulatory Services, Dacorum Borough Council**

**From:** Janice Marshall  
**Sent:** 26 September 2015 20:40  
**To:** Licensing Policy Mailbox  
**Subject:** RE: Dacorum Borough Council - review of licensing policies (alcohol, entertainment, gambling)

Thank you Ross for your email.

Concerning the Policy, in particular paragraphs 5.18 and 5.19, the Policy as drafted appears to me too weak concerning the applicants' obligation. In para 5.18, I would change in the second line "..., the licensing authority *require* a comprehensive operating schedule ....". In para 5.19, 5<sup>th</sup> line, I would change to "Applicants are *required* to include measures ....."

I note that para 6.13 of the Principles states "Interested parties can be persons who are democratically elected, such as borough or county councillors or MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor MP represents the ward or constituency likely to be affected ....". Splendid phrasing. Could it be please be replicated at 7.5 of the Policy.

Finally, a query regarding Local Area Profile (13.2-13.4) in the Principles. When will the local area profiles be produced?

Regards,

**Janice Marshall**  
**Councillor for Boxmoor**  
**Dacorum Borough Council**

**Officer comments**

*The suggested changes have been incorporated.*

*The wording from the Statement of Principles concerning elected representatives has not been reproduced exactly in the Statement of Licensing Policy, as the primary legislation is slightly different. Under the Gambling Act 2005, councillors/MPs can only make representations if they are representing a local resident or business. The Licensing Act 2003 on the other hand has seen deregulation to remove this restriction, allowing councillors/MPs (or any other person/body) to make representations in their own right.*

*In respect of the Local Area Profile, the corresponding operating licence conditions and codes of practice (LCCP) as set and enforced by the Gambling Commission, which will require the submission of local risk assessments with premises licence applications do not come into effect until April 2016. It is intended to have an initial profile in place by then, which will evolve over the coming years, as relevant evidence and intelligence becomes available.*