

# LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 18

Brighton & Hove City Council

**Subject:** *Gambling Act 2005 – revised policy*  
**Date of Meeting:** 26 November 2009  
10 December 2009  
**Report of:** *Director of Environment*  
**Contact Officer:** Name: Tim Nichols Tel: 01273 29-2163  
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**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Gambling Act 2005 requires Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they propose to apply when exercising their functions, and they must publish the statement following the procedure set out in the Act, including whom they should consult.

#### 2. RECOMMENDATIONS:

- 2.1 That the Director of Environment agrees to refer the final version of the Statement of Gambling Policy to Full Council for adoption. (Appended)
- 2.2 That the final Statement of Gambling Policy is presented to Full Council.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Following Gambling Commission guidance, the council's current Gambling Statement was sent to all statutory consultees.

#### 4. CONSULTATION

- 4.1 Consultation commenced 4 August 2009 and lasted 12 weeks. The existing statement of gambling policy was sent to consultees and was available on the council's website.
- 4.2 Responses were received on the standard questionnaire from 7 residents and 3 businesses. In addition to this, we also received responses from a charity, one from East Sussex Fire and Rescue Service and one from Sussex Police. The responses were evaluated. Respondents were

generally in favor. No proposals were made for any changes and therefore it is proposed to maintain our existing policy. (See appendix 1).

- 4.3 Before publishing the Statement, the local authority is required to publish a notice of its intention to publish a statement. This must be done no less than two weeks before the statement is published. The notice must
- a) Specify the date on which the statement is to be published
  - b) Specify the date on which the statement will come into effect
  - c) Specify the internet address where the statement will be published and the address of the premises at which it may be inspected and
  - d) Be published on the authority's website and in or on one or more of the following places
    - A local newspaper circulating in the area covered by the statement
    - A local newsletter, circular or similar document circulating in the area covered by the statement
    - A public notice board on or near the principal office of the authority's public notice board on the premises of public libraries in the area covered by the statement.

The statement must be published at least one month before it takes effect.

4.4 Timetable:

- Licensing Committee 26 November 09
- Full Council 10 December 2009
- Advertised and published during December 2009.
- January 2010 Revised Statement comes into effect

**5. FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

- 5.1 There are no financial implications arising from the production of this statement, as the licensing fees are set at a level that will be cost neutral to the licensing authority.

Finance Officer Consulted: Karen Brookshaw

Date: 19/10/2009

Legal Implications:

- 5.2 Local authority responsibilities include: upholding licensing objectives, publishing a three year licensing policy, determining applications for premises licences and regulating members clubs – club gaming and machine permits. The Licensing Committee established under section 6 of the Licensing Act 2004 has authority to exercise functions under the Gambling Act 2005 with the exception of: a resolution not to issue casino licences, the three year licensing policy (full council) and setting fees.

Lawyer Consulted: Rebecca Sidell

Date: 04/11/09

#### Equalities Implications:

- 5.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling is one of the licensing objectives. The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. "Vulnerable persons" will not be defined but for regulatory purposes the assumption is that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Operators should encourage where appropriate, strategies for self help and provide information on organisations where advice and help can be sought.

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments..

#### Sustainability Implications:

- 5.4 None.

#### Crime & Disorder Implications:

- 5.5 Gambling Commission Inspectors will have the main enforcement/compliance role. The police and licensing authority officers have powers of entry and inspection.

#### Risk and Opportunity Management Implications:

- 5.6 Gambling licensing objectives are:
- (a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime
  - (b) Ensuring gambling is conducted in a fair and open way
  - (c) Protection children and other vulnerable persons from being harmed or exploited by gambling.

#### Corporate / Citywide Implications:

- 5.7 Licensing authorities licence all gambling premises in the city: casinos, bingo, betting, tracks, adult gaming centres, family entertainment centres as well as administering notices and granting gaming permits.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

Proposed Revised Gambling Statement

#### **Documents In Members' Rooms:**

None

**Background Documents:**

None

## Summary of responses

## Responders R1-R3 Trade

Question No.	Response	<i>whether accommodated or reasons not</i>
Q2 1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	R1) By opening a telephone line whereby we can contact and report any wrongdoings directly.  R2) No reply R3) A bigger police presence around high risk areas. More investment into the effects on gambling in people's lives.	Gambling Commission/LA have contact details available.  N/A Gambling Commission Sussex Police Authority prioritise police resources
3) Protecting children and other vulnerable people from being harmed or exploited by gambling	R1) Difficult to see what the council can do. We have signs denoting you must be 18 and also challenge anyone who doesn't look 18 R2) Strongly object R3) more police presence, and targeting specific individuals who constantly try to gamble and make staff's jobs more difficult.	Already law  N/A Sussex Police priorities
Q3 What impact do you think the policy will have on the city in five years time with the introduction of this legislation?	R1) very little as normal people don't understand. R2) No reply R3) Not sure about 5 years time.	N/A N/A N/A
Q4 Do you have any further comments about the policy.	R1) Good to see my local council involved. R2) No reply R3) No reply	Helpful to raise awareness N/A N/A

Responders R4-R10

Residents

<p>Q2 1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</p>	<p>R4) Observation R5) None R6) No reply R7) Careful monitoring of regular frequenters of gambling premises. Setting a maximum limit on how much someone can win (it has been shown there is a correlation between this and problem gambling). R8) No reply R9) It is a known fact that nearly all people who gamble lose. Some people will commit a crime to fund their gambling but the council will have a job to stop this. Gambling does not support crime. Crime supports gambling. R10) To ensure that premises managers/owners are aware of the new laws and they must check if they are eligible to have a machine in the first place and if they are what is expected of them.</p>	<p>N/A N/A N/A Stakes and maximum prizes are set by regulation  N/A Preventing criminal incursion is a recognised gambling licensing objective LA wrote to all premises with machines. Gambling Commission inspecting.</p>
<p>3) Protecting children and other vulnerable people from being harmed or exploited by gambling</p>	<p>R4) Observation R5) Raise the age to gamble to 21 years R6) I think those holding a gambling licence should develop and present a policy that deals with identifying and stopping those affected by gambling addiction. Similar to alcohol licensed premises. A good licensee will not serve those who are over intoxicated or violent, aggressive etc. If they have to develop this policy themselves it would show that they have considered the issue. R7) Be aware that all adults (as well as children) are potentially vulnerable to gambling addiction. Premises managers and other staff should be trained in how to recognise the symptoms of gambling addiction and have strategies for how to deal with it. R8) No reply R9) If the operator is in doubt about a persons age he should ask for ID (Passport or birth certificate). How can the council stop children and vulnerable people from</p>	<p>N/A Age limits are set by statute Signposting vulnerable people to support services is common, best practice in casinos.  Operators will advise with strategies for help with problem gambling  N/A Remote gambling equipment is licensed by</p>

	<p>gambling online. Nearly all people today have access to the internet and can gamble night and day. Would you please answer this question from me.</p> <p>R10) Any premises planning on making gaming machines available should consider how they will prevent under 18's from accessing them and prove this before being issued a licence.</p>	<p>the Gambling Commission</p> <p>Age restrictions are set by statute and create criminal offences for operators</p>
<p>Q3</p> <p>What impact do you think the policy will have on the city in five years time with the introduction of this legislation?</p>	<p>R4) Little</p> <p>R5) None</p> <p>R6) No reply</p> <p>R7) Not sure as I'm not 100% clear what is the case now. I believe a regional casino would have a negative impact.</p> <p>R8) No reply</p> <p>R9) None</p> <p>R10) Hopefully see far less illegal machines insitu.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>No regional casino permitted by DCMS or Gambling Commission</p> <p>N/A</p> <p>N//A</p> <p>Joint work with Gambling Commission is effective in preventing illegal gambling machines</p>
<p>Q4</p> <p>Do you have any further comments about the policy.</p>	<p>R4) No reply</p> <p>R5) No reply</p> <p>R6) No reply</p> <p>R7) I'm unconvinced there would be any social benefits to a regional casino.</p> <p>R8) No reply</p> <p>R9) No reply</p> <p>R10) No reply</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>City is not designated for any new casino</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

Responder R11 Charity

<p>Q2</p> <p>1) Preventing gambling</p>	<p>R11) The licensing authority needs to investigate the suitability of an application. Betting offices should all have door supervision.</p>	<p>All applicants need to have Gambling Commission</p>
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from being a source of crime or disorder, being associated with crime or disorder or being used to support crime		operators and personal licences. Council could apply conditions around DS following review
3) Protecting children and other vulnerable people from being harmed or exploited by gambling	R11) Under 18 year olds should not be allowed to use betting/gambling machines.	Under 18s are permitted to use Cat D machines in Family Entertainment Centres by virtue of national legislation
Q3 What impact do you think the policy will have on the city in five years time with the introduction of this legislation?	R11) Better protection for the public, and young persons, against crime in gambling.	Support for current policy
Q4 Do you have any further comments about the policy.	R11) None – but in accompanying letter they say “As a small voluntary group I am very grateful that the form is so clear and simple.	N/A
Fire & Rescue Service	The fire authority has considered the BHCC Gambling Statement and can confirm that it has no further comment to offer.	N/A
Sussex Police		
Q2 1) Preventing gambling from being a source of crime or disorder, being associated with crime or	Fully concur with the principles set out in sections 2.1 – 2.6 and the police will do everything we can to support them. Bearing in mind that gambling issues sometimes interrelate with alcohol licence issues, there might be value in broadening the objective to prevent ‘gambling and associated activities’/	Licensing objectives are set out in section 1 of the Gambling Act 2005 – a matter for DCMS.

disorder or being used to support crime		
3) Protecting children and other vulnerable people from being harmed or exploited by gambling	Fully concur with the principles set out in sections 2.10 – 21.7 and the police will do everything we can to support them. Nothing further to add.	Support for current policy
Q3 What impact do you think the policy will have on the city in five years time with the introduction of this legislation?	The policy is designed to prevent crime and protect the vulnerable while not seeking to stifle local business and tourism. The objectives are likely to be met.	Support for current policy
Q4 Do you have any further comments about the policy.	None but in covering letter “The statement is consistent with many of our joint objectives and responsibilities, hence there is very little we would wish to alter.	Support for current policy



**Brighton & Hove  
City Council**

**Brighton & Hove City Council  
Gambling Statement**

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## 1. Brighton and Hove City Council: Gambling Statement

### 1 Introduction

1.1 This statement has been prepared in accordance with the provisions of the Gambling Act 2005. Its purpose is to promote the gambling objectives, give weight to views of consultees listed below and set out a general approach to making gambling decisions. Brighton & Hove City Council as the licensing authority in relation to gambling must carry out its functions with a view to promoting the gambling objectives and this statement is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this Policy covers the following:

- Avoidance of unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation
- Demand for gaming premises
- Principle to be applied in exercising functions under Section 15 of the Act with respect to inspection of premises and the power under Section 346 of the Act to institute criminal proceedings
- Principle to be applied to determine whether a person is an interested party in relation to a premises licence, or in relation to an application for or in respect of a premises licence
- Consideration of applications
- Statement regarding casino resolution
- Information exchange
- Statement of principles

1.2 The gambling objectives are:-

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- b) Ensuring that gambling is conducted in a fair and open way, and;
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.3 The statutory consultees are:-

- (a) the chief officer of police for the authority's area;
- (b) such persons as the licensing authority considers to represent the interests of persons carrying on gambling businesses in the authority's area;
- (c) such 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.

1.4 In addition to consultees in 1.3 above, a list of the persons or bodies consulted can be found at (12) on page 12.

Due consideration was given to all those who responded – the consultation period commenced 12 August 2009 and lasted 12 weeks.

1.5 This policy will come into force on 1 January 2010 by resolution of Full Council during December 2009 and will be reviewed and published at least every

three years.

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The review process will be undertaken using the same principles as the initial consultation process. The policy will also be under review in the interim periods; any revisions required by either process will also be the subject of consultation. It is also subject to guidance issued by the Government including any issued after the date of publication of this Statement.

- 1.6 The City of Brighton & Hove provides many gambling facilities. There are two racetracks. Brighton Racecourse on Whitehawk Down has been a site of organised public racing since the late eighteenth century. Brighton and Hove were two of the 53 permitted areas in Great Britain with four casinos under the 1968 Act. There are numerous bingo and betting premises. As a seaside resort, there is a history of amusement arcades (family entertainment centres or adult gaming centres).
- 1.7 The types of applications covered by the licensing authority of Brighton & Hove City Council and relevant to this statement are:-
- To license premises for gambling activities
  - To consider notices given for the temporary use of premises for gambling
  - To grant permits for gaming and gaming machines in clubs
  - To regulate gaming and gaming machines in alcohol licensed premises
  - To grant permits to family entertainment centres for the use of certain lower stake gaming machines
  - To grant permits for prize gaming
  - To consider occasional use notices for betting at tracks
  - To register small societies' lotteries
- 1.8 Family Entertainment Centres  
Applicants for permits for family entertainment centres will be required to submit enhanced criminal records bureau certificate and declaration from an applicant that he or she has not been convicted of a relevant offence.
- 1.9 Gambling decisions and functions may be taken or carried out by the licensing committee of Brighton & Hove City Council or delegated to the licensing sub-committee or in appropriate cases by officers of the authority. As many of the decisions will be purely administrative in nature, the principle of delegation to officers is adopted in the interests of speed, efficiency, and cost effectiveness. The terms of delegation of function are set out below.

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		If a representation made	If no representation made
Application for a variation to a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/club machine permits		If a representation made	If no representation made
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of			X

- 1.10 The licensing authority shall foster ownership, co-ordination and partnership. Work shall include consultation with business managers to encourage understanding and ownership of policy and good practice.
- 1.11 Nothing in this policy shall undermine any person from applying for a variety of permissions under the Act and appropriate weight will be given to all relevant representations. Such representations will not include those that are frivolous or vexatious.
- 1.12 **Human Rights**  
In considering applications, and taking enforcement action, licensing authorities are subject to The Human Rights Act and in particular the following relevant provisions of the European Convention on Human Rights:-
- Article 1, Protocol 1 - peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest.

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- Article 6 - right to a fair hearing.
- Article 8 - respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life; and
- Article 10 – right to freedom of expression.

Licensing Authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being met.

## **2 Fundamental Principles**

### **2.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

2.2 Applicants for premises licences will have to hold an operating licence from the Gambling Commission before the premises licence can be issued. The licensing authority will not need to investigate the suitability of an applicant since the Commission will have already done so for both operating and personal licences.

2.3 If, during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.

2.4 Licensing authorities will need to consider the location of premises in the context of this objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems e.g. with organised crime, the authority should think about what controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence. Section 169 of the Act allows the authority to impose conditions to prevent disorder.

2.5 Consideration may be given to imposition of conditions concerning:

- Security and door supervision – guarding premises against unauthorised access or occupation, or against outbreaks of disorder or against damage may only be undertaken by Security Industry Authority licensed personnel.
- As set by regulation.

2.6 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

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## **2.7 Ensuring that gambling is conducted in a fair and open way**

Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter dealt with under the operating licence or personal licence.

2.8 In relation to the licensing of tracks, the licensing authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. Off-course operators with on-course facilities may be required to hold a separate betting premises licence for this area but this will not be a mandatory requirement and will be at the discretion of the racecourse and the betting operator.

2.9 Conditions may be imposed as set by regulation.

## **2.10 Protecting children and other vulnerable persons from being harmed or exploited by gambling**

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises that are adult-only environments. Children must be protected from being "harmed or exploited by gambling" which in practice means preventing them from taking part in or being in close proximity to gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

2.11 Specific measures to prevent this may include:-

- a) Supervision of entrances
- b) Segregation of gambling from areas frequented by children
- c) Supervision of gaming machines in non-adult gambling specific premises
- d) Gaming machines in betting shops should not be visible from outside the premises
- e) Enhanced CRB checks may be required for all applicants in relation to Family Entertainment Centres and declaration from an applicant that he or she has not been convicted of a relevant offence

These considerations will be particularly relevant on tracks (where children will be permitted in the betting areas on race-days).

2.12 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. "Vulnerable persons" will not be defined but for the purposes of this policy the assumption is that this group includes people who from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem, a known compulsion to gamble or the effects of alcohol or drugs.

Operators should make information publicly available via leaflets etc about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

- 2.13 Consideration must be given, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

- 2.14 The licensing authority recognises the Children and Young People's Trust as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to: Children and Young People's Trust Assistant Director (Children's Social Care) King's House, Hove, BN3 2LS in its capacity as the responsible authority.
- 2.15 Children are permitted to enter family entertainment centres and may play category D machines.
- 2.16 Consideration may be given to imposing conditions concerning
- Installation of cash dispensers (ATMs) on premises (e.g. location)
  - As set by regulation.
- 2.17 Bookmakers shops: While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

### **3. Avoidance of unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation**

- 3.1 This policy shall avoid unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation. Where appropriate, matters for consideration in gambling applications will not duplicate matters considered as part of any planning application.
- 3.2 The Licensing Committee should provide regular reports to the Planning Committee on the situation regarding licensed premises in the area. Such reports may include: the general impact of gambling related crime and disorder, numbers and types of applications per ward, results of applications/appeals, details of closing times, such other information as the committee deems appropriate.

### **4. Demand for gaming premises**

- 4.1 Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its merits without regard to demand.
- 4.2 The licensing authority may comment on the location of premises in so far as the location relates to the licensing objectives. The general principles that will be applied when determining whether the location of proposed gambling premises is acceptable (with or without conditions) will reflect the licensing objectives. So for example, the authority will consider very carefully whether applications for premises licences in respect of certain gambling premises located very close to a school, or a centre for gambling addicts should be

granted in light of the third licensing objective. (Many betting offices are located near schools or in residential areas but under 18's are not permitted on the premises. The location of racecourses will not have altered and cannot be transferred to another location). However, each application will be considered on its merits and will depend on the type of gambling that it is proposed will be offered in the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will have to be taken into account.

## **5. Interested parties**

- 5.1 Section 158 of the Act defines interested parties as persons who:
- a) live sufficiently close to the premises to be likely to be affected by the authorised activities
  - b) have business interests that might be affected by the authorised activities; or
  - c) represent persons who satisfy a) or b).

Persons who fall into c) above may include trade associations, trade unions, residents associations and tenants associations, and ward councillors or MPs.

Whether a person is an interested party with regard to particular premises will be considered on a case-by-case basis, judging each on its merits. The size of the premises and the activities taking place will be taken into account. Larger premises may affect people over a broader geographical area compared to smaller premises offering similar facilities.

## **6. Principle to be applied in exercising functions under Part 15 of the Act with respect to inspection of premises and the power under Section 346 of the Act to institute criminal proceedings**

- 6.1 The Enforcement Concordat (now called the Regulatory Compliance Code) will be accepted as best practice. The Better Regulation Executive and Hampton review of regulatory inspections and enforcement will be used as models, as follows:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - Consistent: rules and standards must be joined up and implemented fairly;
  - Transparent: regulators should be open, and keep regulations simple and user friendly; and
  - Targeted: regulation should be focused on the problem, and minimise side effects.

## **7 Statement regarding casino resolution**

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- 7.1 The licensing authority has not taken a decision to pass a resolution not to issue casino licences. The effect of a resolution would be not to issue new casino licences in Brighton & Hove.
- 7.2 The decision to pass such a resolution may only be taken by the authority as a whole and cannot be delegated to the licensing committee. In passing such a resolution the authority may take into account any principle or matter, not just the licensing objectives. Where a resolution is passed, it must be published by the authority in this licensing statement.
- 7.3 The resolution must apply to casino premises generally, so that the authority cannot limit its effect to geographic areas or categories of casinos. This will only affect new casinos. It will not have any effect on casino premises licences or provisional statements issued prior to the date the resolution comes into effect. Similarly, a resolution will not affect the ability of casinos with preserved entitlements from the 1968 Act from continuing to operate as casinos.

- 7.4 The Council's response to the Casino Advisory Panel stated that there would be no objection to one additional large casino and one additional small casino but there is no interest in any proposal for a regional casino.
- 7.5 Brighton & Hove City was not selected as one of the areas where a new casino (or casinos) would be located,

## **8 Information Exchange and Integration of Strategies**

- 8.1 The Commission may require authorities to provide information about applications covered by the gambling authority. This information will be provided in the format requested by the Commission.
- 8.2 This Policy will follow corporate guidelines regarding data protection and freedom of information. Where valid representations are received, a copy is sent to the applicant in order to facilitate discussions on the matters raised.

**Please note:** *names and addresses of those making representations will usually be disclosed to applicants.*

- 8.3 The gambling authority shall secure the proper integration of this policy with local crime prevention, planning, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, HM Revenue & Customs and the Community Safety Strategy representatives and following the guidance in community safety and crime and disorder strategy,
  - Liaising and consulting with the planning authority,
  - Liaising and consulting with tourism, stakeholder groups, business groups such as the City Centre Business Forum and the economic development functions for the Council.
  - Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- 8.4 The Statement of Gambling Policy will support the aims of the tourism strategy recognising the benefits for the tourism economy by creating a safer and more attractive City centre and improving competitiveness with other European Cities.
- 8.5 The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area, the employment situation of the area and the need for new investment and employment where appropriate to ensure that it considers these matters.
- 8.6 Planning permission is not a guarantee that permission to provide gambling will be granted. The two regimes work separately.

## **9. Standard Conditions**

Appendix 2 (Section 169 of the Act) contains a pool of model conditions that may be imposed or excluded by the licensing authority. The Act provides that

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conditions may be attached to premises licences. Conditions may be attached in a number of ways:

- They may be attached automatically, having been set out on the face of the Act including mandatory and default conditions from the Secretary of State, or
- They may be attached to premises licences by licensing authorities. The authority should take decisions on individual conditions on a case-by-case basis and choose suitable and appropriate conditions to suit the specific needs of an individual premises' operation.

## **10. Enforcement**

- 10.1 The enforcement of gambling law and the inspection of licensed premises will be detailed in the Protocol between the Gambling Commission, Brighton & Hove City Council and Sussex Police. This protocol will monitor compliance with the provisions of the Act and with licence conditions, and the investigation of suspected offences.
- 10.2 In general, the approach of the Commission will be that the authority which issues a licence or permit should take the lead in ensuring compliance with the licence and any conditions attached to it, including compliance with relevant codes of practice.
- 10.3 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

## **11. Contact Details, Advice and Guidance**

- 11.1 Further details for applicants about the gambling and application process, including application forms, can be found:
- By contacting the Health & Safety and Licensing Team at: Bartholomew House, Bartholomew Square, Brighton BN1 1JP
  - By telephoning them on 01273 294429
  - By faxing on 01273 292169
  - E-mail [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk)
  - Via [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk) (search under Licensing Act 2003 and follow the gambling links)
  - Via City Direct
  - Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP
  - Police Licensing Unit, Police Station, Holland Road, Hove BN3 1JY Tel: 01273 665523
  - Fire Authority East Sussex Fire and Rescue Service, Brighton & Hove Fire Safety, Office, Hove Fire Station, English Close, Hove, BN3 7EE, Tel: 01323 462130

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- Planning, Development Control, Hove Town Hall, Norton Road, Hove, BN3 1PT, Tel: 01273 290000
- Environmental Health, Environmental Protection Team, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP, Tel: 01273 290000
- Child protection - Children and Young People's Trust, Assistant Director, (Children's Social Care), King's House, Hove, BN3 2LS
- HM Revenue & Customs, 12<sup>th</sup> Floor Alexander House, 21 Victoria Avenue, Southend on Sea, SS99 1BD Tel: 0845 010 9000.

**12. Consultation was undertaken with the following:-**

- the chief officer of police for the authority's area; and HM Revenue & Customs
- persons representing the interests of persons carrying on gambling businesses in the authority's area – including existing casino operators, the British Casino Association, betting shops and the Association of British Bookmakers, bingo premises, operators of amusement facilities in the area, the Racecourse Association, Brighton Business Forum;
- persons who represent the interests of persons who are likely to be affected by the Act including faith groups, local residents and tenants associations, voluntary and community organisations working with children and young people, operators of small lotteries, organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations such as Citizens Advice Bureau, The Money Advice Trust and National Debtline, GamCare, Members and trade unions.

