



Statement of Principles

2016 – 2019

Gambling Act 2005

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Statement of Principles – Gambling Act 2005

1.0 Introduction

- 1.1 Malvern Hills District Council is situated in the County of Worcestershire, which contains 6 District Councils in total. The Council area has a population of 74,760 and covers an area of 577 Square Kilometres and as a rural area there are many small villages.

The three main towns in the Malvern Hills District are:

- Malvern, the main centre of population and well known for its mineral and spring waters and the Three Counties Show Ground
- Upton on Severn situated on the banks of the river Severn and the venue for several festivals.
- Tenbury Wells, a market town situated on the river Teme at the northern most end of the District.

The district's economy is primarily made up of agricultural activities, small enterprises, offices, retailing and tourism with some larger manufacturers and business parks and has transport links by road and rail.

- 1.2 Malvern Hills District Council's vision is that through enterprise, innovation and working in partnership, Malvern Hills District Council will deliver high quality, really good value services to improve the living, environmental & economic conditions and the health of our communities. This statement accords with that vision in seeking to promote the licensing objectives set out in the Act, which 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.
- 1.3 The Licensing Authority has produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as "the Act") and having had regard to the Gambling Commission's formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that the Licensing Authority have consulted.
- 1.4 The Licensing Authority consulted widely upon this statement before finalising and publishing. The list of those persons and organisations consulted is appended. The consultation took place between September and November 2016 in line with the Government's published Consultation Principles. Should you have any comments with regards to this policy statement please send them via email to: wrsenquiries@worcsregservices.gov.uk
- 1.5 The Licensing Authority intends that this document should provide information and guidance on the general approach that the Licensing Authority will take to licensing. A series of advice sheets with more specific guidance is available on request; advice tailored to individuals is available by phone or to personal callers.

1.6 Nothing in this policy takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our Statement of Principles below.

2.0 Gambling Act 2005

2.1 This Statement of Principles reflects our key priorities that through enterprise, innovation and working in partnership, Malvern Hills District Council will deliver high quality, really good value services to improve the living, environmental & economic conditions and the health of our communities. Our Key Objectives and Priority Actions being to: To Stimulate Economic Development, Sustain High Quality, Really Good Value Services through Innovation and More Effective Partnership Working and To Improve the Quality of Life for Our Communities

2.2 The Act provides for gambling to be authorised in a number of different ways.

2.3 The Licensing Authority's main functions are to:

- license premises for gambling activities, including the issue of Provisional Statements.
- regulate and grant permits for gambling and gaming machines in clubs including commercial clubs.
- regulate gaming and gaming machines in premises licensed to sell alcohol.
- grant permits to family entertainment centres for the use of certain lower-stake gaming machines,
- grant permits for prize gaming,
- receive and endorse notices given for temporary use notices,
- receive occasional use notices for betting at tracks,
- register lotteries of small societies,
- maintain public registers, and
- provide information to the gambling Commission on the issue of licences.

2.4 The Gambling Commission regulates remote gambling and issues personal and operating licences for premises.

2.6 Spread betting is regulated by the Financial Services Authority.

2.7 The "National Lottery" is regulated by the National Lottery Commission.

3. The Gambling Commission

3.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

3.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.

- 3.3 In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.
- 3.4 Information about the Gambling Commission can be found on the Internet at: www.gamblingcommission.gov.uk or by phone: 0121 230 666

4 Local Area Profile

- 4.1 Alongside its Statement of Principles, the Licensing Authority would like to work with the other Licensing Authorities in Worcestershire and other partners during the lifetime of this Statement to develop a "Local Area Profile" for the County as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to the local landscape.
- 4.2 This Local Area Profile is likely to take account of a wide range of factors, data and information held by the Licensing Authority and its partners. An important element of preparing the Local Area Profile will be proactive engagement with responsible authorities as well as other organisations in the area that can give input to 'map' local risks in the area.
- 4.3 These are likely to include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as GamCare or equivalent local organisations.
- 4.4 The aim of the Local Area Profile will be to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The Local Area Profile will also help to inform specific risks that operators will need to address in their own risk assessments, which will form a part of any new licence application, or an application to vary a licence from April 2016.
- 4.5 The creation of a Local Area Profile, however, is dependent on information and knowledge of the local area gathered by partner agencies and other relevant organisations that have the expertise and knowledge of the impact gambling has in the local area. Where evidence is submitted to the Licensing Authority which identifies the areas of concern it is intended to produce a Local Area Profile separate to this Policy.
- 4.6 Once a Local Area Profile has been developed, it will be published on the Licensing Authority's website and updated on a regular basis to reflect changes to the local environment.

5.0 Authorised Activities

- 5.1 'Gambling' is defined in the Act as gaming, betting, or taking part in a lottery.
- 'Gaming' means playing a game of chance for a prize.
 - Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not,
 - A lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

6.0 General Statement of Principles

- 6.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will generally aim to permit the use of premises for gambling as long as it is considered to be :-
- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
 - in accordance with any relevant Guidance issued by the Gambling Commission;
 - in accordance with this Statement of Principles; and
 - reasonably consistent with the licensing objectives.
- 6.2 The Licensing Authority will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 6.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority will follow the required procedures, and only takes into account issues that are relevant. Specifically the Licensing Authority will not have regard to “demand” when considering applications for gambling premises; nor will the Licensing Authority consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). The Licensing Authority will not reject an application on moral grounds. If the Licensing Authority decides to reject an application, the Licensing Authority will make known the reasons for doing so.
- 6.4 The Council has delegated its licensing function to its Licensing Sub-Committee and Licensing Officers. In the remainder of this Statement of Principles they are referred to collectively as the ‘Licensing Authority’.
- 6.5 Where an application is for a new premises licence, the responsible authorities may visit to check that gambling facilities meet all necessary legal requirements.
- 6.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.
- 6.7 If there are objections that can't be resolved informally, or the Licensing Authority intends to impose extra conditions, the Licensing Authority will hold a public hearing at which the licensing sub-committee will hear evidence and make a decision in accordance with the Act.
- 6.8 This statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

7.0 Preventing Gambling from being a source of Crime and Disorder

- 7.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before the Licensing Authority will issue a licence to use premises for gambling.
- 7.2 The Licensing Authority will not issue a premises licence to someone who does not hold an operator's licence, the Licensing Authority is not generally concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.
- 7.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors registered by the Security Industries Association.
- 7.4 'Disorder' is generally a matter for the Police; the Licensing Authority will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers. Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if Police assistance was required to deal with it; the Licensing Authority will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 7.5 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the Police.

8.0 Ensuring gambling is conducted in a fair and open way

- 8.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.
- 8.2 As betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

9.0 Protecting children and vulnerable people from being harmed or exploited by gambling

- 9.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.
- 9.2 Codes of Practice, including advice about access by children and young persons may be published by the Gambling Commission for specific kinds of premises. Applicants will be expected to heed this advice where applicable.
- 9.3 The Licensing Authority expects steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.
- 9.4 When determining a premises licence or permit the Licensing Authority will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.
- 9.5 In seeking to protect vulnerable people the Licensing Authority will include 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, perhaps due to a mental impairment, alcohol or drugs.
- 9.6 The Licensing Authority will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.
- 9.7 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

These principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Worcestershire Safeguarding Children Board for this purpose.

10. Local Risk Assessments

- 10.1 From 6 April 2016 it will be a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.
- 10.2 The Licensing Authority will expect the local risk assessment to consider, for example:
- whether the premise is in an area of deprivation;
 - whether the premise is in an area subject to high levels of crime and/or disorder;
 - whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
 - the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
 - how vulnerable persons as defined within this Policy are protected.
- 10.3 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this Policy.
- 10.4 Other matters that the risk assessment may include are, for example:
- Staff training, including refresher training, e.g. such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.
 - Where installed, details of CCTV coverage and how the system will be monitored.
 - Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved.
 - The number of staff employed at the premises at any one time taking into account any effects from seasonal trade in the area.
 - Where only one staff member is employed – in the case of smaller premises – what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason.
 - Provision of signage and documents relating to games' rules, gambling care providers.
 - The mix of gambling provided.
 - Consideration of primary gambling activity and location of gaming machines.

- 10.5 Operators are expected to share their risk assessments with the Licensing Authority when applying for a new premises licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary.
- 10.6 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence; to grant the licence with special conditions; or to refuse the application.
- 10.7 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.
- 10.8 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. By developing a Local Area Profile it is likely to assist operators in identifying specific local risks within the area.

11.0 Premises Licences

- 11.1 A premises licence can authorise the provision of facilities at the following:
- casino premises
 - bingo premises
 - betting premises, including betting tracks
 - adult gaming centres
 - family entertainment centres
- 11.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.
- 11.3 This will allow large, multiple unit premises such as tracks, shopping malls or service stations to obtain discrete premises licences, with appropriate safeguards in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. The Licensing Authority will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.
- 11.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and people are not

allowed to 'drift' accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. The Licensing Authority would also expect customers to be able to participate in the activity named on the premises licence.

- 11.5 The Secretary of State has appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and/or large casinos may be located. In March 2006 Malvern Hills District Council resolved that it would not make a representation to the Casino Advisory Panel for the opportunity to issue casino licences.
- 11.6 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 11.7 Other than an application for a betting premises licence for a track, the Licensing Authority are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 11.8 When considering applications for premises licences the Licensing Authority will not take into account either the expected 'demand' for facilities or the likelihood of planning permission or building regulation approval being granted, as well as 'moral' objections to gambling. Equally, the grant of a premises licence would not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.
- 11.9 The Licensing Authority are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.
- 11.10 The Licensing Authority will only issue a premises licence once it is satisfied that the premises is ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required. If the construction of, or alterations to a premises are not yet complete, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made as having a right to occupy the premises is a pre-condition to making a Premises Licence application.
- 11.11 The Licensing Authority will apply a two-stage consideration process if there is outstanding construction or alteration works at the premises:
 - Should the premises be permitted to be used for gambling?
 - Can appropriate conditions be imposed to cater for the situation that the premises is not yet in the state in which they should be before gambling takes place?
- 11.12 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.
- 11.13 Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

11.14 The Licensing Authority will maintain a public register of Premises Licence applications received which may be viewed at the Council Offices during normal office hours which are generally Monday – Friday 9am until 5pm.

12.0 Responsible Authorities

12.1 Responsible authorities are identified in the legislation and have to be notified about licence applications so that it can identify any risk. The responsible authorities that the Licensing Authority currently recognises are listed below:

- The Gambling Commission
- The Chief of Police for the area
- Fire & Rescue Service
- Planning Department
- Worcestershire Regulatory Services – Community Protection, Business Compliance and Licensing
- Worcestershire Safeguarding Children Board
- HM Revenue and Customs
- Any other bodies identified in Regulation by the Secretary of State
- For vessels – the Environment Agency, British Waterways, Secretary of State

12.2 Contact addresses and telephone numbers for each of the responsible authorities identified are available on the Council's web-site, and will be sent with application packs and on request.

12.3 Any concerns expressed by a Responsible Authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives. However, each representation will be considered on its own individual merits.

13.0 Interested Parties

13.1 An interested party is someone who:

- 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 (including existing gambling premises), or
- represents persons in either of the above two groups.

13.2 The Licensing Authority will generally require written evidence that a person/body '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 representations is sufficient. Whilst this may not apply to those elected ward members or MP or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal 'minority'.

- 13.3 In determining whether someone lives sufficiently close to a particular premises so as to be affected, the Licensing Authority will take into account, among other things:
- the size of the premises;
 - the nature of the premises;
 - the distance of the premises from the person making the representation;
 - the nature of the complaint; and
 - the potential impact of the premises.
- 13.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:
- the size of the premises
 - the catchment area of the premises, and
 - whether the person making the representation has business interests in the catchment area that might be affected
- 13.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.
- 13.6 The Licensing Authority may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:
- who is making the representation and whether there is a history of making representations that are not relevant;
 - whether it raises an issue relevant to the licensing objectives; or
 - whether it raises issues specifically to do with the premises which are the subject of the application.

14.0 Licence Conditions

- 14.1 In particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. The Licensing Authority will not have recourse to a pool of standard conditions.
- 14.2 The Licensing Authority will also ensure that where category C or above machines that are on offer in premises to which children are admitted are located in an area of the premises which is separated by a physical barrier to prevent access other than through a designated entrance; the designated area is supervised and observed by staff or the licence holder.
- 14.3 Examples of conditions which are likely to be attached in certain circumstances include those relating to opening hours, segregation of gambling from non-gambling areas frequented by children, SIA licensed door supervisors, appropriate signage for adult only areas, age limits, or keeping

children and young persons away from gaming machines. The Licensing Authority will also expect the applicant to offer their own suggestions as to way in which the licensing objectives can be promoted effectively.

14.4 The Licensing Authority will not seek to control those matters specified in the Act with conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
- relating to gaming machine categories or method of operation;
- which specify that membership of a club or other body is required; or
- in relation to stakes, fees, winnings or prizes.

14.5 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

15.0 Gaming Machines

15.1 Gaming machines include all types of gambling activity which can take place on a machine, including betting on 'virtual' events.

15.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

15.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

15.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.

15.5 The Licensing Authority will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

16.0 Temporary Use Notices

16.1 These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The Licensing Authority would object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.

16.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, Mah-jong, Rummy, Kalooki, Dominoes, Cribbage, Bingo and Poker.

17.0 Occasional Use Notices

17.1 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. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

18.0 Lotteries

18.1 All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission - unless they are 'exempt' lotteries as defined by the Act. One of those exemptions is for "small society lotteries," which the Licensing Authority will allow, after registration. The Licensing Authority will maintain a register of small society lotteries.

18.2 A society will be allowed to register with us if it is 'non-commercial', in other words, if it is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain.

19.0 Exchange of Information

19.1 To ensure the licensing objectives are met, the Licensing Authority will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

19.2 Subject to the provisions of the Data Protection Act 1998, the Licensing Authority will share any information it receives through the application process with the Gambling Commission and any relevant responsible authority. In doing so The Licensing Authority will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that The Licensing Authority holds about them by contacting our Information Management Officer.

19.3 The Licensing Authority is committed to being open about what it does and how The Licensing Authority comes to decisions, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment. Copies of our FOI publication scheme are available

on request from Malvern Hills District Council's Information Management Officer or via the Council's website www.malvern hills.gov.uk.

- 19.4 FOIA also provides the public with a general right of access to information held by public authorities, and subject to exemptions, be supplied with a copy of that information. Individual requests should be made in writing to the Information Management Officer or via the Council's website.
- 19.5 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that The Licensing Authority accepts will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

20.0 Enforcement Protocols

- 20.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 20.2 The Licensing Authority will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.
- 20.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.
- 20.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.
- 20.5 The Licensing Authority will also be mindful of future developments as regard the work of the Better Regulation Executive whilst carrying out our regulatory functions.
- 20.6 The Licensing Authority will endeavour to be proportionate, accountable, consistent, transparent and targeted, as well as avoiding duplication with other regulatory regimes so far as possible.
- 20.7 In order to ensure compliance with the law, the Licensing Authority will prepare a risk-based Inspection Programme and will carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories high, medium and low and will also carry out 'non-routine' evening programmed inspections. Where a one-off event takes place under a temporary use notice or occasional use notice, the Licensing Authority may also carry out inspections to ensure the licensing objectives are being promoted.

20.8 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

21.0 Reviews

21.1 A request for a review of a premises licence can be made by interested parties or responsible authorities, however, The Licensing Authority will decide if the review is to be carried out on the basis of the following:

- In accordance with any relevant Code of Practice and/or guidance issued by the GC.
- Consistent with the licensing objectives.
- In accordance with our statement of principles.

21.2 The Licensing Authority will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether the Licensing Authority would wish to alter/revoke or suspend the licence.

21.3 The Licensing Authority can also initiate a review of a premises licence on the basis of any reason which The Licensing Authority think is appropriate, including if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

21.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether The Licensing Authority should take any action in relation to the licence. The options available are:

- add, remove or amend a licence condition;
- remove or amend a default condition, such as opening hours;
- suspend the premises licence for a period not exceeding 3 months;
- revoke the licence.

Malvern Hills District Council Boundary



MALVERN HILLS DISTRICT COUNCIL

GAMBLING ACT 2005 – STATEMENT OF POLICY

LIST OF CONSULTEES

All Responsible Authorities

Gambling Commission

4th Floor, Victoria Square House
Victoria Square
Birmingham, B2 4BP

The Chief Officer of Police

West Mercia Constabulary
Police Station
Castle Street
Worcester, WR1 3AD

Hereford and Worcester Fire and Rescue Service,

Fire Safety Department
The Fire Station
Malvern Road
Malvern Link
Worcestershire, WR14 1TD

Development Control Manager

Planning Services
Malvern Hills District Council
The Council House
Avenue Road
Malvern
Worcestershire, WR14 3AF

Service Development Manager (Safeguarding Children)

Pavilion J/2 Children's Services
County Hall
Spetchley Road
Worcester, WR5 2NP

Environmental Services

Malvern Hills District Council
The Council House
Avenue Road
Malvern

Customs and Excise

HM Revenue & Customs
National Registration Unit
Portcullis House
21 India Street

All District Councillors

All Parish and Town Councils within the district

Trade Associations and Representatives of the Gaming Industry, including suppliers of gaming facilities and machines

Holders of Premises Licences issued by the Council under the Gambling Act 2005

Voluntary Organisations such as the Citizens Advice Bureau, GameCare and Gamblers Anonymous