



**Oversight and Governance**

Chief Executive's Department  
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## CITY COUNCIL

Monday 22 November 2021  
2.00 pm  
The Guildhall, Plymouth

**Members:**

Councillor Mrs Beer, Chair

Councillor Mrs Bridgeman, Vice Chair

Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Dr Buchan, Burden, Carlyle, Churchill, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Deacon, Derrick, Downie, Drear, Evans OBE, Goslin, Harrison, Haydon, Hendy, Hulme, James, Mrs Johnson, Jordan, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Morris, Murphy, Neil, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Ms Watkin and Wheeler.

Members are invited to attend the above meeting to consider the items of business overleaf.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - [Get Involved](#)

**Tracey Lee**

Chief Executive

## City Council

### Agenda

**1. Apologies**

To receive apologies for absence submitted by councillors.

**2. Minutes**

**(Pages 1 - 20)**

To approve and sign the minutes of the meetings as a correct record -

- 13 September 2021;
- 13 September 2021 (EGM).

**3. Declarations of Interest:**

**4. Appointments to Committees, Outside Bodies etc**

The Assistant Chief Executive will submit a schedule of vacancies on committees, outside bodies etc and of changes notified to us.

**5. Announcements**

- (a) To receive announcements from the Lord Mayor, Chief Executive, Service Director for Finance or Head of Legal Services;
- (b) To receive announcements from the Leader, Cabinet Members or Committee Chairs.

**6. Questions by the Public**

To receive questions from and provide answers to the public in relation to matters which are about something the council is responsible for or something that directly affects people in the city, in accordance with Part B, paragraph 11 of the Constitution.

Questions, of no longer than 50 words, can be submitted to the Democratic Support Unit, Plymouth City Council, Ballard House, West Hoe Road, Plymouth, PL1 3BJ, or email to [democraticsupport@plymouth.gov.uk](mailto:democraticsupport@plymouth.gov.uk). Any questions must be received at least five complete working days before the meeting.

**7. Gambling Statement of Principles (Gambling Policy)**

**(Pages 21 - 100)**

**8. City Council meeting dates 2022 - 23**

**(Pages 101 - 102)**

**9. Finance and Capital Monitoring Report September 2021** (Pages 103 - 116)

**10. Appointment of the Monitoring Officer (Head of Legal Services)** (To Follow)

**11. Motions on notice**

To consider motions from councillors in accordance with Part B, paragraph 14 of the Constitution.

**12. Questions by Councillors**

Questions to the Leader, Cabinet Members and Committee Chairs covering aspects for their areas of responsibility or concern by councillors in accordance with Part B, paragraph 12 of the constitution.

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## City Council

Monday 13 September 2021

### PRESENT:

Councillor Mrs Beer, in the Chair.

Councillor Mrs Bridgeman, Vice Chair.

Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Dr Buchan, Carlyle, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Derrick, Downie, Drean, Evans OBE, Goslin, Harrison, Hendy, Hulme, James, Mrs Johnson, Jordan, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Murphy, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham and Ms Watkin.

Apologies for absence: Councillors Burden, Churchill, Deacon, Haydon, Morris and Wheeler.

The meeting started at 1.45 pm and finished at 2.00 pm.

*Note: The full discussion can be viewed on the webcast of the City Council meeting at [www.plymouth.gov.uk](http://www.plymouth.gov.uk). At a future meeting, the Council will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 15. **Declarations of Interest**

There were no declarations of interest made by Members in accordance with the code of conduct.

### 16. **Freedom of the City**

Councillor Kelly (Leader of the Council) introduced the nomination for Thomas Robert Daley to be bestowed the honour Freedom of the City. The motion was seconded by Councillor Evans OBE (Leader of the opposition).

It was agreed that, in pursuance of its powers under Section 249(1) of the Local Government Act 1972, the Council confers the title of Freeman of the City in recognition of his achievements in the field of Diving at the European, World Championships, Commonwealth Games and the Olympics.

For (50)

Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Mrs Bridgeman (DLM), Dr Buchan, Carlyle, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Derrick, Downie, Drean, Evans OBE, Goslin, Harrison, Hendy, Hulme, James, Jordan, Johnson, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Murphy, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Mrs Watkin, Lord Mayor Councillor Mrs Beer.

Against (0)

A video was played from Thomas Robert Daley accepting the honour of Freedom on the City.

## City Council

**Monday 13 September 2021**

### **PRESENT:**

Councillor Mrs Beer, in the Chair.

Councillor Mrs Bridgeman, Vice Chair.

Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Dr Buchan, Carlyle, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Derrick, Downie, Drear, Evans OBE, Goslin, Harrison, Hendy, Hulme, James, Mrs Johnson, Jordan, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Murphy, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Ms Watkin and Wheeler.

Apologies for absence: Councillors Burden, Churchill, Deacon, Haydon and Morris.

The meeting started at 2.00 pm and finished at 6.10 pm.

*Note: The full discussion can be viewed on the webcast of the City Council meeting at [www.plymouth.gov.uk](http://www.plymouth.gov.uk). At a future meeting, the Council will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 17. **Minutes**

The minutes of 14 June 2021 (EGM), and 14 June 2021 Full Council meetings were agreed as a true and accurate record.

Under this item Councillor Tudor Evans OBE offered a full and sincere apology to the Lord Mayor regarding the words he used towards her at the previous meeting; he apologised most sincerely for the remarks and gave assurance he wouldn't use those words against her again.

### 18. **Declarations of Interest**

The following declarations of interest were made by councillors in accordance with the code of conduct in respect of items under consideration at the meeting -

<b>Name</b>	<b>Minute Number</b>	<b>Reason</b>	<b>Interest</b>
Councillor Stevens	Minute 27	Linked to an investigation into his employers.	Private
Councillor Harrison	Minute 28	She was working with those on universal credit.	Private

The Monitoring Officer granted full dispensation for all Councillors to speak on the motions on notice regarding Keyham and Universal Credit.

**19. Appointments to Committees, Outside Bodies etc**

Members noted the changes to appointments to committees as follows:

- Councillor Morris is to be replaced by Councillor Penberthy on the Brexit, Infrastructure and Legislative Change Overview and Scrutiny Committee;
- Councillor Hulme is to be replaced by Councillor Stoneman on the Performance, Finance and Customer Focus Overview and Scrutiny Panel;
- Councillor James is to be replaced by Councillor Collins on the Corporate Parenting Group;
- Councillor Penberthy is to fill a vacancy on the Corporate Parenting Group;
- Councillor Hulme is to be replaced by Councillor Salmon on the Health and Adult Social Care Overview and Scrutiny Panel;
- Councillor Shayer is to be replaced by Councillor Salmon on the Devon and Cornwall Police and Crime Panel.

**20. Announcements**

The Lord Mayor advised Members that she had several announcements for the meeting however started by asking Council to join her to stand for a minute's silence as a mark of respect for those who tragically lost their lives in the devastating incident in Keyham, and in support also of their families and loved ones as well as all those who had been affected.

It was highlighted that the Lord Mayor had attended the vigil in Keyham on the 13th August 2021 and was overwhelmed by the love and support shown for those affected by this tragic event. Yet in the middle of this unspeakable thing to happen to Keyham, Plymouthians had been pulling together, caring for one another and refusing to be defined by something so terrible. There were some wonderful examples of the city standing together:

- Redrok UK designed and gave out Plymouth Together car stickers while fundraising for Devon Air Ambulance;
- local artists had created some wonderful art, which had commemorated the lives lost and those injured;
- tributes were paid as part of the National Fireworks Championships;
- 60 community groups and individuals had been fundraising for the families of the victims;
- the staff from The Box have carefully made sure any tributes left in Keyham were protected from the weather;



- community leaders in Keyham had passionately spoken out for their neighbours, about what they need now and in the future;
- staff from a broad range of partner agencies including Victim Support, Livewell Southwest, Plymouth Community Homes and Devon and Cornwall Police have been working with Council staff to carry out visits and be available in Keyham for those who need support;
- partners gave up their buildings so we could set up Reassurance Hubs – spaces that residents could visit if they wanted to. Our particular thanks to Ford Primary School, St Mark's Church and the Wolseley Trust for their support;
- our children's centres, youth service and targeted support service have been working together running fun activities for children and families in the centre of Keyham;
- we've sent out a support leaflet for Keyham to 5000 households, and set up a dedicated website and email address so we can make sure as many people as possible know where they can get help.

Members took a short adjournment in order for them to collect their thoughts.

The Lord Mayor also advised Members –

- to note the sad passing of Alderman Harold Luscombe who passed away on Sunday 22 August 2021. He was made an Honorary Alderman of the City of Plymouth on 17 February 1992. His funeral was today and attended by former Lord Mayor Alderman Mavin as the representative of Plymouth City Council. Our thoughts are with his family and friends at this sad time. Harold would be missed by all who knew him. Council was asked to stand again for a minutes silence to remember Alderman Harold Luscombe;
- with regards to SailGP, the Lord Mayor thanked the Events Team and all those involved from teams across the Council that came together to make it happen. This included staff from Economic Development, Sports Development, Waste, Cleansing, Legal, Planning, Facilities, Street Services and Natural Infrastructure;
- that Reece Dunn will be awarded The Lord Mayor Achievement award, for his outstanding achievement in the Tokyo Para Olympics; Reece won 3 Golds, 1 Silver and 1 Bronze in the pool.

The Lord Mayor proposed to suspend the rules of procedure to allow the Director of Public Health Ruth Harrell to provide an update on Covid 19 to Council and answer any questions that were submitted by Councillors to Ruth.

Deputy Lord Mayor, Councillor Mrs Bridgeman seconded the proposal and went to a vote.

Members voted unanimously in favour of the motion.

Ruth Harrell, Director of Public Health presented a video to Council.

Councillor Nick Kelly (The Leader) provided the following announcements –

- rates of Covid 19 in Plymouth still remained stubbornly high – this was a concern to us all. The Council was looking to send out new guidance measures;
- with regards to Keyham – this was the first formal council meeting since the tragic event which rocked the city. Lee, Sophie, Kate, Steven and Maxine remained in the city's thoughts and would not be forgotten. Thanks was offered to the first responders that who bravely ran to the aid of the people in Keyham on that night. Council staff were also thanked due to their tireless work to support residents and those affected;
- a Plymouth together website had been set up so support, update and advice could be found;  
[www.plymouthtogether.co.uk](http://www.plymouthtogether.co.uk)
- Livewell SW, Plymouth Community Homes, Devon and Cornwall Police, Community Groups and Local and Neighbouring Ward Councillors were thanked for their support in responding to the incident in Keyham;
- the Conservative administration had completed its first 100 days and its commitment to complete 22 commitments to make Plymouth the place to work, live or visit in the South West;
- with regards to the Covid business grants – the final scheme closed and the Council had administered 16 separate schemes and paid out £92, 518, 530 in funding and made 19,435 payments to 7,440 business; staff were thanked who worked over and above to deliver;
- SailGP – the total economic benefit to Plymouth from hosting the event equalled £6.9m total spend of £8.9m of spectators, organisers and the teams – had it not been for covid then the benefit to Plymouth could have been £10m; 6270 people watched from the Hoe;
- The Box – the Leader was invited to join the Australian High Commissioner to attend the launch of the UK and Australia Season 21/22 at the British museum – was invited to see the Indigenous and Australia Museum;
- a video was to be shown to Council – on Sunday 29 August Plymouth joined by the Hatching take flight from the Hoe and soar across the sea; the giant dragon puppet transformed into a kite and everyone watched in awe.

The Lord Mayor advised Members that agenda item number 7 Honorary Alderman, was to be brought forward – this was seconded by Deputy Lord Mayor, Councillor Mrs Maddi Bridgeman and agreed by Members.

**21. Honorary Alderman**

The Lord Mayor advised Members that following the agreement of Council to award the title of Alderman to five former Councillors in June 2021, Council extended an offer to those receiving the honour who were unable to attend to return to Council in September to respond publically on receiving the title of Alderman.

Alderman Pete Smith, Michael Leaves and Sam Davey were in attendance at the meeting and addressed the Council.

Alderman Michael Leaves highlighted that he was born and bred and always lived in Plymouth and had been on the Council for 21 years, representing Plymstock Radford ward. He said it was an honour to represent residents of Radford.

Alderman Pete Smith thanked everyone that sent well wishes and gifts since his recent health scare, and thanked the Council for bestowing the honour of Alderman on him. He also thanked his wife and family for putting up with his 26 years of being a councillor, and Plympton St Mary and Honicknowle residents, the Plymouth Labour party for their support and the Plymouth Labour Cabinet who ought to be proud of their achievements. Lastly thanks was extended to Councillor Evans OBE for being his mentor.

Alderman Sam Davey thanked Council for the honour of bestowing on him the title of Alderman and was grateful and proud.

The Lord Mayor thanked them for their attendance and asked that they accept the Council's thanks for their many years of service.

**22. Announcements**

This item is a continuation of minute 20, 'Announcements'.

Councillor Patrick Nicholson (Deputy Leader) provided announcements on the following:

- there were ongoing issues of capacity at Derriford hospital – the Council played a significant part as a key stakeholder in assisting in those pressures. The hospital discharge pressures were related to the limited domiciliary care in the city, the covid 19 impact on providers, the complexity of those that needed support and the different thresholds of risk – the Council was doing its best to assist the University Hospitals Plymouth to expedite discharges from Derriford. Now there was twice daily attendance of the council at escalation calls with University Plymouth – revised risk arrangements to open care homes as quickly as possible following the outbreak of covid. Commissions of adult social care and were provisioning a care hotel of 13 beds in care homes in the city to ease discharges. The council formed a domiciliary care brokerage team to maximise capacity of domiciliary care in the community;
- the Council had launched a recruitment campaign for providers of

domiciliary care providers in the city; the campaign started on 20 August 2021 and would run for 12 weeks promoting flexibility of the role and the benefits and rewards of working in this sector;

- since the decision to support further discharge William Patricia Venton Centre at Mount Gould with deliver further beds – builders start this week;
- the 2021 tree programme – 2031 trees over 17 wards were to be planted from October this year – 59 projects in the programme, of which 34 were supported by Councillors through community grant funds;

Councillor Downie (Cabinet Member for Education, Skills and Children and Young people) provided announcement on the following –

- with regards to young peoples' return to school, the council proactively prepared schools for a September return whilst the city was designated as a covid enhanced response area. The Council and Public Health worked closely to provide an information pack with advice needed;
- on 6 September 2021 an EGM was held with Head Teachers and CEOs from the city's schools and academies. Enabled the council to give further advice and answer questions about school re-openings;
- Plymouth schools all opened as planned;
- an inspection of the youth offending team taking place on 27 September;
- demand for childrens social care continued and was 25% than previously experienced;
- Mark Riddell MP will visit the city on 29/30 September 2021 to allow the Council to share its progress in working with care leavers in the city and young people.

Councillor Mrs Maddi Bridgeman (Cabinet Member for Environment and Street Scene) provided announcements on the following:

- Garden waste services – there was a problem regarding HGV drivers and the impact on street services teams. In light of high level of staff absence and annual leave, the Council made the decision to give priority to brown and green waste collections with garden waste collections being affected;
- the schedule for grass cutting and weeding an issue in the city – over the past few months consulted with the public and now defined areas that agreed as suitable for re-wilding. This was in line with the climate and emergency action plan;
- praise the grass cutting team – the team worked hard and the Hoe was looking beautiful for the Hatchling event;

- bulky waste collections were to resume in October with online registrations to open shortly – blossoms together improvements at Devil's Point were progressing well;
- correspondence was read out praising the refuse team.

Councillor Jonathan Drean (Cabinet Member for Transport) provided an announcement on the following:

- that he had a statement from Plymouth Citybus, Stagecoach, Network Rail and the Tamar Bridge and Torpoint ferry regarding disruption to commuters in the city however there was not enough time to provide this update – these would be sent around to Councillors for their information.

### 23. Questions by the Public

There were three questions submitted by members of the public.

The following question was submitted by Mr Danny Bamping and answered by The Lord Mayor, Councillor Mrs Beer:

Question: "Can PCC confirm that Councillor Mark Lowry made the decision to rename Sir John Hawkins Square to Jack Leslie Square on the 11th June 2020? If PCC claim that this is not the date, can the Council then confirm when Cllr Lowry actually made the decision and in what form?"

Answer: The Council has made various public statements about its actions in relation to the renaming of the Square in June 2020. It would be inappropriate to make further statements about this matter pending the resolution of the ongoing court proceedings. The council will make a further statement following the conclusion of those proceedings.

The following question was submitted by Mr Gregg Black and answered by Councillor Jonathan Drean (Cabinet Member for Transport):

Question: "Residents of Efford and Lipson are concerned about the speed people drive on Efford Lane, Blandford Road and Pike Road. They are concerned that a major accident could happen. Has traffic calming similar to Leigham been considered for these roads and if not could it?"

Answer: There are currently no plans to introduce traffic calming on the three roads in question although the junction with Pike Rd and Old Laira Rd are included in a proposed 20mph Zone on Old Laira Road currently under design. Works on these schemes were regrettably impacted by COVID19, however works are now on track, we intend to consult on the scheme soon and complete this financial year. The scheme will also include a section of Efford Lane from its junction with Old Laira Rd to a point North of Western Drive. Speed Surveys have recently been undertaken on all of these roads and have

	<p>shown that average speeds are well under 30mph with the highest being Blandford Rd at 27mph. The three roads in question total approx. 3km in length and Police records indicate that there have been 11 injury collisions on these roads in the last 5 years. 10 of the collisions classed as slight and 1 as serious which did not involve inappropriate speed. In only 2 cases was inappropriate speed cited as a contributory factor. A collision rate of 3.6 per kilometre on a residential distributor route with a low incidence of speed related collisions would not usually warrant further investigation.</p> <p>By contrast, the length of Old Laira Rd currently being considered is 1200m long has 13 injury collisions reported by the Police in 5 years of which 5 were speed related, a rate of 10.8 per kilometre.</p>
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The following question was submitted by Chanine Flood and answered by Councillor Jonathan Dreaan (Cabinet Member for Transport):

<p>Question: "There is an un-named road in Plymouth – behind the Life Centre and connecting Home Park to Outland Road. Can the Council confirm if they are planning to now re-adopt this important road in Plymouth, maintain it and give it a name – such as Mariners Way?"</p>	<p>Answer: The Council will deal with the official street naming of this stretch of road, when requested to do so by developers as part of the redevelopment proposals of Home Park. There are a number of stakeholders who are likely to have an input into this matter; prospective developers and/or owners of Home Park, Plymouth Argyle Football Club and Friends of Central Park. There are ongoing discussions between planning officers and the relevant applicants with regards to the proposed redevelopment applications at Home Park and whilst currently there are no final details, it is agreed that this will include improvement to this important area of public realm. At this time, however there are no plans for this road to become adopted highway. Streets do not have to be adopted in order to be officially named, therefore even if the road remains un-adopted the Council's street naming powers enable us to give it an official street name. The street naming and numbering process would usually be dealt with once planning permissions are approved</p>
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	<p>and the developer submits a street naming and numbering application to the authority along with the appropriate fees for this service. There have already been a number of suggested names put forward to the Council, which will be considered if they comply with the street naming criteria as outlines in the Council's street naming and numbering policy. The final decision about the street naming must be agreed by the Peverell Ward Councillors, who represent the electorate for this area.</p>
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24. **A Bright Future 2021 - 2026**

Councillor Downie (Cabinet Member for Education, Skills and Children and Young People) introduced the 'A Bright Future 2021 – 2026' report, this was seconded by Councillor Nicholson (Deputy Leader).

Following contributions from Councillors Laing and Penberthy, Council unanimously agreed to adopt the Bright Future plan and vision for children and young people in Plymouth for 2021-2026.

Votes for: (50) (Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Mrs Bridgeman, Dr Buchan, Carlyle, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Derrick, Downie, Drean, Evans OBE, Goslin, Harrison, Hendy, Hulme, James, Mrs Johnson, Jordan, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Murphy, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Ms Watkin and Wheeler.

Votes against: (0)

Did not vote/ absent: (7) (Lord Mayor and Councillors Burden, Deacon, Haydon, Morris, Churchill and Neil)

25. **Finance and Capital Monitoring Report June 2021**

Councillor Nick Kelly (Leader of the Council) introduced the Finance and Capital Monitoring Report June 2021, this was seconded by Councillor

Following debate, with contributions from Councillors Lowry, Laing, Nicholson, Kelly, Dr Mahony, Bingley, Council unanimously agreed to:

1. note the current revenue monitoring position;
2. approve the revision of the Capital Budget 2021-2026 to £612.270m (as shown in Section C Table I).

Votes for: (50) (Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Mrs Bridgeman, Dr Buchan, Carlyle, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Derrick,

Downie, Drean, Evans OBE, Goslin, Harrison, Hendy, Hulme, James, Mrs Johnson, Jordan, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Murphy, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Ms Watkin and Wheeler.

Votes against: (0)

Did not vote/ absent: (7) (Lord Mayor and Councillors Burden, Deacon, Haydon, Morris, Churchill and Neil)

26. **Annual Report on Treasury Management Activities for 2020 - 2021**

Councillor Dr Mahony (Chair of the Audit and Governance Committee) introduced the Annual Report on Treasury Management Activities for 2020 – 2021 this was seconded by Councillor Bingley.

Councillor Dr Mahony then summed up following no further requests to speak on this item therefore Council agreed to approve the Treasury Management Annual Report 2020/21.

Votes for: (50) (Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Mrs Bridgeman, Dr Buchan, Carlyle, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Derrick, Downie, Drean, Evans OBE, Goslin, Harrison, Hendy, Hulme, James, Mrs Johnson, Jordan, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Murphy, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Ms Watkin and Wheeler.

Votes against: (0)

Did not vote/ absent: (7) (Lord Mayor and Councillors Burden, Deacon, Haydon, Morris, Churchill and Neil)

27. **Motions on notice**

28. **Keyham**

Councillor Kelly (The Leader) introduced the cross party motion on notice on Keyham. This was seconded by Councillor Evans OBE.

Following a discussion, with contributions from Councillors Cresswell, Hulme, Derrick, Coker, Stevens and Laing, the motion was carried.

Votes for: (50) (Councillors Allen, Mrs Aspinall, Bingley, Bowyer, Mrs Bowyer, Mrs Bridgeman, Dr Buchan, Carlyle, Coker, Collins, Corvid, Dr Cree, Cresswell, Dann, Derrick, Downie, Drean, Evans OBE, Goslin, Harrison, Hendy, Hulme, James, Mrs Johnson, Jordan, Kelly, Laing, Loveridge, Lowry, Dr Mahony, McDonald, Murphy, Nicholson, Partridge, Patel, Penberthy, Mrs Pengelly, Rennie, Riley, Salmon, Shayer, Singh, Smith, Stevens, Stoneman, Tuffin, Vincent, Wakeham, Ms Watkin and Wheeler.

Votes against: (0)



Did not vote/ absent: (7) (Lord Mayor and Councillors Burden, Deacon, Haydon, Morris, Churchill and Neil)

29. **Universal Credit**

Councillor Kelly (The Leader) introduced the cross party motion on notice on Keyham. This was seconded by Councillor Evans OBE.

Following a discussion, with contributions from Councillors Cresswell, Hulme, Derrick, Coker, Stevens and Laing, the motion was lost.

Votes for: (23) (Councillors Allen, Mrs Aspinall, Mrs Bowyer, Dr Buchan, Coker, Corvid, Cresswell, Dann, Derrick, Evans OBE, Goslin, Hendy, Mrs Johnson Laing, Lowry, McDonald, Murphy, Penberthy, Rennie, Stevens, Tuffin, Vincent and Wheeler.

Votes against: (25) (Councillors Bingley, Bowyer, Mrs Bridgeman, Carlyle, Collins, Downie, Drean, Harrison, Hulme, James, Jordan, Kelly, Loveridge, Dr Mahony, Nicholson, Partridge, Patel, Mrs Pengelly, Riley, Salmon, Shayer, Smith, Stoneman, Wakeham and Ms Watkin.

Abstain: (1) Councillor Singh

Did not vote/ absent: (8) (Lord Mayor and Councillors Burden, Dr Cree, Deacon, Haydon, Morris, Churchill and Neil)

30. **Questions by Councillors**

	<b>From</b>	<b>To</b>	<b>Subject</b>
1	Councillor Murphy	Councillor Mrs Pengelly	Why did this administration allow Belvedere Garden of Remembrance to be used as a bar for the SailGP event?
	Response: Councillor Mrs Vivien Pengelly will ensure that Councillor Deacon provides a reply to Councillor Murphy for her question as soon as possible.		
	Supplementary Question: Councillor Murphy would like to be assured that this would never happen again and also a public apology to the armed forced community.		
	Response: Councillor Mrs Vivien Pengelly will ensure that this never happens again and apologised to the Armed Forces.		
2	Councillor Singh	Councillor Mrs Maddi Bridgeman	I represent the Drake ward which will be the gateway to the redeveloped train station. We have problems with bins being left out, will the cabinet members responsible think about new schemes in regards to enforcement with bins being left out on the street causing obstructions?
	Response: The teams in enforcement have bought a new camera which has been effective in catching fly tippers and those that are regularly causing those such issues. Councillor Bridgeman can ensure that Councillor Singh's		

	<p>suggestion is taken forward and would like to take more people to Court in relation to fly tipping, littering and any sort of damage. Councillor Bridgeman is aware of the issues on North Road East and the camera will be deployed there soon.</p>		
	<p>Supplementary Question: Councillor Singh would like a meeting with Councillor Mrs Maddi Bridgeman to discuss a scheme that is working in another part of the country.</p>		
	<p>Response: Councillor Mrs Maddi Bridgeman agreed to the meeting.</p>		
3	Councillor Pat Patel	Councillor Nicholson	<p>Following on from the meeting that was organised by Councillor Nicholson with the Mayflower Medical Group on the 9th September. The Mayflower Group represents a fifth of Plymouth residents for patient numbers. Please can I ask that you maintain pressure on the Mayflower Group and offer any and all support to ensure the turnaround of service delivery to all patients in order to relieve pressure for other GP surgeries as well as the accident and emergency department as Derriford Hospital? Also that the Mayflower Group continues to listen to its patients through the reactivation of the patient participation group and ensure that communication lines remain open to keep everyone informed of actions being taken and the improvement plan that is being implemented.</p>
	<p>Response: Thanked Councillor Pat Patel and 14 other members for their attendance at the meeting that took place on the 9th September. It was a meeting which provided an honest appraisal of the difficulties that the Group are currently facing. The Mayflower Medical Group are committed to maintaining a dialogue with members and sharing the improvement plan that they are undertaking to seek to rectify the issues raised by the CQC. The Mayflower Group acknowledged that the issues raised had not been good enough and significant improvement is required.</p> <p>The patient participation group was in the process of being re-established and a number of members of the council will participate in that group to bring about direct intervention with the Mayflower Medical Group in trying to improve standards that they deliver.</p> <p>This matter as well as general GP access is on the agenda for the Health and Wellbeing Board and on the agenda for Councillor David James scrutiny panel and will keep up the pressure to ensure that the delivery of services are at the highest possible standard.</p>		
4	Councillor Mrs Lynda Bowyer	Councillor Downie	<p>Studies conducted in the pandemic show that young people are most vulnerable to increased psychological stress. Data also showed that young</p>

			women and people with young children are at risk of mental health, what measures have you put in place to address this?
	Response: I don't have the exact funding figures to fully detail the answer but we have been successful in achieving funding which will be directed to where you have asked for it to be directed. Councillor Downie will respond to Councillor Mrs Linda Bowyer with exact figures next week.		
	Supplementary Question: What extra resources are you proposing to commit in the future?		
	Response: Councillor Downie will get those proposals to Councillor Mrs Linda Bowyer when he has them to hand.		
5	Councillor Ian Bowyer	Councillor Mrs Maddi Bridgeman	This Administration brought forward a Corporate Plan which would deliver quality service for street services. When will Plymouth receive this quality service?
	Response: Councillor Mrs Maddi Bridgeman advised that we have just come out of a pandemic and have inherited a poor service from the previous administration. Although the current staff work incredibly hard there are additional pressures of not having enough staff which has impacted the service.		
	Supplementary Question: Can you advise me and my residents what a good quality service would look like when it finally arrives.		
	Response: Councillor Mrs Maddi Bridgeman advised that the administration had inherited the poor service but they are currently working to turn this around.		
6	Councillor Jemima Laing	Councillor Downie	Every Councillor is a Corporate Parent, it was disappointing to see that no conservative members were present at the Corporate Parenting Group at the quarterly meeting last Tuesday. To not have a single conservative member present was hugely impolite to the officers and partner organisations who work very hard to prepare for these meetings and disrespectful to the children and young people these meeting focus on. It ignores the 10 wishes contained in the earlier agenda item spoken about Bright Future. Can Councillor Downie offer reassurances that at least one member of the Conservative group will attend meetings in the future.
	Response: Councillor Downie was disappointed that there had been no representation from conservative members at this meeting and he will ensure that there is representation at the Corporate Parenting Group at all times.		
	Supplementary Question: Can I ask that Conservative Group members liaise		

	amongst themselves and if they are not able to attend the meeting, can they put in a request to postpone the meeting?		
	Response: I have been in recuperation from major surgery, I haven't been contactable, phone broken down and waiting for a replacement, I do apologise.		
7	Councillor Sue McDonald	Councillor Downie	Change of date for the allocation of pupils' premium to schools based upon the number of children eligible for free school meals. This year's funding will be based on the number of children in schools and the count has been put back by the conservative government from January 2021 to October 2020, creating a three month gap resulting in some children not being counted despite their entitlement. Will Councillor Downie be prepared to commission an impact assessment on the loss of funding to schools in Plymouth?
	Response: I can ask officers if it is achievable to do that analysis.		
	Supplementary Question: Is Councillor Downie aware that the government is refusing to compensate for these schools even those in the poorest 10% of deprivation that will be hit disproportionality. In the document Bright Futures page 41 of west locality bullet point 6, a higher proportion of children will be eligible for free school meals. Councillor McDonald highlighted that children on the west side of the city will be hit disproportionality hard.		
	Response: Councillor Downie advised that he was not aware of that policy but thanked Councillor McDonald for bringing it to his attention.		
8	Councillor Margaret Corvid	Councillor Mrs Maddi Bridgeman	Can you reassure residents of the Drake ward that the weeds and litter will be cleared and when. There has been a significant increase in complaints and significant delay in casework submissions for their actions and remediation.
	Response: Councillor Mrs Maddi Bridgeman advised that there is a dedicated member of staff in the Drake Ward who litter picks, however expressed disappointment that this member of staff will go back on a subsequent day to find the same amount of litter there. It takes 3-4 weeks for weeds to die back before staff are able to sweep and scrape them all. Additional bins will be distributed to the Drake ward to alleviate litter issues.		
	Supplementary Question: Can you give a timetable as to when and where these additional bins will be deployed?		
	Response: Councillor Mrs Maddi Bridgeman will take this question back to the team and provide a response to Councillor Corvid.		
9	Councillor Mark	Councillor Jonathan	When Plymouth Live ran an announcement about the buses from CityBus, what input did Plymouth

	Coker	Drean	City Council and yourself as Cabinet member have before that announcement was made.
	Response: Councillor Drean had been with the Citybus team on the Wednesday discussing staff shortages but was assured at that time that it was a day to day problem. Councillor Drean was disappointed the following day by the headlines in the media. Councillor Drean has spoken with them and they have apologised. Councillor Drean will circulate his announcement in relation to this to members.		
	Supplementary Question: What input did Plymouth City Council have in getting out a clear and concise message to the travelling public?		
	Response: The passenger information system delivered by twenty first century are looking into problems there and I will check what statements have been released. They are a commercial services and they are pushing out their own statements with regards to what is going on with their services. Emails will be sent out with quotations from Citybus and Stagecoach to members.		
10	Councillor Andrea Johnson	Councillor Nicholson	2,000 new trees are being planted in the city but I am interested in the existing trees in the city. Have many new Tree Preservation Orders have been approved and applied to protect and preserve existing trees within the city.
	Response: Councillor Johnson will be provided with the requested statistics and soon as they are available.		
	Supplementary Question: will you commit to protecting and preserving existing and older trees as much as a priority as purchasing new ones?		
	Response: On a personal level it is just as important to protect and preserve existing trees due to their greater impact on climate change. I will discuss this with Councillor Maddi Bridgeman as it has been an historic Council policy that a tree on City Council land is not subject to a Tree Preservation Order.		
11	Councillor Dan Collins	Councillor Drean	With the short notice torrential downpour last week how many vehicles clear the drains of the city, especially on the main arterial roads?
	Response: We have three vehicles clearing drains, two undertake normal work and a third vehicle will do half reactive and half programme work.		
12	Councillor Sue Dann	Councillor Mrs Maddi Bridgeman	How many complaints had been received in relation to grass cutting in the months April, May, June and July?
	Response: Councillor Mrs Maddi Bridgeman will come back to Councillor Dann with the exact figures within a few days.		
	Supplementary Question: A response from Councillor Mrs Maddi Bridgeman stated in a previous email to a councillor that the inherited schedule had		

	<p>received thousands of complaints about grass cutting. This councillor asked Councillor Dann to look at this as part of the role as shadow portfolio role. How many residents have complained during April, May, June and July which was before your answer to the email. Councillor Mrs Maddi Bridgeman advised that it was 112. Councillor Dann also asked how many councillors had complained about grass cutting and the answer was 162, totalling 274 complaints, this is not thousands of complaints about an inherited grass schedule. How are you measuring the performance of the council when the actual figures the council have got which are different to the emails you say you are receiving.</p>		
	<p>Response: Councillor Mrs Maddi Bridgeman will provide those figures to Councillor Dann.</p>		
13	Councillor Pat Patel	Councillor Drean	Can you appraise Plymouth residents as well as Cornwall residents when the Tamar bridge will return to four lanes of traffic and a further lane for pedestrians and cyclists?
	<p>Response: Councillor Drean advised that the final phase of the main deck began in September and the project remains on schedule to be completed by October. The bridge management team are aware of the impact of traffic and delays to residents as well as those visiting, hauliers as well as other local businesses and are doing everything possible to minimise delays. The bridge control team have electronic information to see where queues are on both sides of the bridge and if they need to change the direction of flow, this has to be done manually and this can take 10-15 minutes to change the flows.</p>		
14	Councillor Tudor Evans OBE	Councillor Downie	Due to a combination of circumstances it is reported that around 400 taxi drivers have left the profession in the last 12 months. What has the portfolio holder for Education done to prioritise and ensure that there is enough school taxi drivers to provide transport for our most vulnerable children to school?
	<p>Response: Councillor Downie advised that since children returned to school last week, there hasn't been any children stranded at home without transport and the reconstruction of the service had been sufficient.</p>		
	<p>Supplementary Question: what has the portfolio holder done about it?</p>		
	<p>Response: Councillor Downie – I was in hospital for a few weeks and medicated the team that I oversee undertook work to ensure children were transported to and from school.</p>		
15	Councillor Chaz Singh	Councillor Patrick Nicholson	In regards to the announcement made earlier for care home job opportunities, training schemes, access to more jobs and upskilling. Could you give a care home briefing in similar fashion to the schemes that would be available to all councillors?

	Response: Care home briefings will be sent to all members of the Council with one due to be sent out tomorrow. There had been 39 applicants but seeking recruit in the care sector of 100 new entrants into the profession. This is a great opportunity to move into the sector to develop in a very rewarding career.		
16	Councillor Jemima Laing	Councillor Nick Kelly	I am very sorry to hear that Councillor Downie has been unwell and uncountable due to a broken phone. Could you provide some reassurance as to the systems you have put in place as Leader when crucial cabinet roles cannot be fulfilled due to elongated sickness?
	Response: Councillor Downie was in hospital and having major surgery and was in hospital and we didn't contact him on those days, however since then we have traded messages about his welfare but equally there are cabinet planning meetings and we discuss anything that comes as an urgent matter to ensure there is adequate coverage with regards to anything in this city. But ultimately there are so many items that the Council deal with ad-hoc every single day that you wouldn't bring everything unless it's a problem and as you heard earlier from Councillor Downie and about the provision to get children to school, it wasn't an issue as it had already been covered off, if it had become an issue and we were made aware of that we would take adequate steps to make sure that issue had been solved as a matter of urgency.		
	Supplementary Question: Can you ensure that Councillor Downie has a functioning telephone?		
	Response: this council has come a long way with regards to technology however sometimes things do go wrong. Councillor Downie has a requisite order currently with DELT, our IT service provider to ensure he has access to the relevant Council software and hardware.		
17	Councillor Mark Coker	Councillor Patrick Nicholson	Are you aware if there is a backlog in planning enforcement cases?
	Response: There has been for a number of months a backlog, there has always been a certain caseload in Strategic Planning enforcement. I was concerned at the level of enforcement action that was still outstanding or ongoing a month or so ago. Mr Barnard as a senior level team have reviewed all of the enforcement cases and as reported at the last Planning committee there had been a reduction of around 100 cases. The team undertaking enforcement is a team of three of which there had been some turnaround, I hope that performance will continue to increase and cases will continue to reduce.		
	Supplementary Question: Five months waiting for Councillor queries on a planning enforcement notice and not having a response for local residents is very detrimental to community cohesion but thank you for updating me on where we are going.		
	Response: If you have concerns about performance or particular cases, please		

	bring them to my attention and they will get prioritised. The general standard of approach has improved and is hopefully an improving situation.		
18	Councillor Sue Dann	Councillor Mrs Maddi Bridgeman	Where is the money coming from in relation to the current budget pressures and the commitments already promised by this administration for Street Services?
	<p>Response: As soon as I joined as the portfolio holder, the first thing I looked at was the structure of the entire service and how we could improve efficiencies. A good example of this would be the bulky waste, we have reintroduced that and the public have got real good value for money, this service will bring in some revenue. We are also reviewing commercial waste and looking at how businesses can engage with us rather than going to private companies. We also had a lot of temporary staff which incurred additional costs, we are now looking to take staff on and fully employed Council staff.</p> <p>Councillor Dan still had concerns in relation to budget pressures and the additional promises Councillor Mrs Maddi Bridgeman has made, but looks forward to seeing if this can be delivered.</p>		

*Please note that questions, answers, supplementary questions and supplementary answers have been summarised.*



# City Council



Date of meeting:	22 November 2021
Title of Report:	<b>Gambling Statement of Principles (Gambling Policy)</b>
Lead Member:	Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)
Lead Strategic Director:	Ruth Harrell (Director of Public Health)
Author:	Rachael Hind
Contact Email:	Rachael.hind@plymouth.gov.uk
Your Reference:	RH/GSoP
Key Decision:	No
Confidentiality:	Part I - Official

## Purpose of Report

The report provides details of the three year review of the City Council's Gambling Act Statement of Licensing Policy and contains a draft policy to commence from 31 January 2022. The Statement of Licensing Policy is specified within the Council's Policy Framework, therefore, City Council is required to consider and formally adopt the revised policy prior to the expiry of the current policy on the 30 January 2022.

The Gambling Act 2005 (the Act) creates the regulatory system that governs the provision of all gambling in Great Britain, other than for the National Lottery and spread betting.

The regulation of gambling aims to promote the following licensing objectives:

- 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.

Plymouth City Council is designated as a licensing authority for the purposes of the Gambling Act 2005 and is responsible for granting premises licenses within its area. Gambling premises would include casinos, bingo halls, betting shops, adult gaming centres and family entertainment centres. The Gambling Commission regulate the operators of gambling activities and how gambling is undertaken.

The Act requires the Council to review and publish a Statement of Licensing Policy every three years on how we will exercise our functions over the three year period to which it applies.

The new policy has only required minor updates as the policy was updated in detail in 2019. The minor updates include reference to the Local Area Gambling Profile which was published in April 2020 and guidance for businesses to assist them in undertaking the local gambling risk assessments.

The Policy has been presented at Cabinet on 12 October 2021 and the Cabinet Members agreed that the Statement of Principles contained in Appendix B should be adopted with effect from 31 January 2022.

### **Recommendations and Reasons**

That Council considers this report and agrees to adopt the proposed Gambling Act Statement of Principles contained in Appendix B with effect from 31 January 2022.

### **Alternative options considered and rejected**

No alternative options are available.

In order to comply with statutory requirements the Policy must be considered and adopted by City Council at the meeting set for 22 November 2021. There is a statutory requirement to publish the revised policy, at least four weeks before the date on which it comes into effect. Failure to meet these timescales would result in the Council not being able to process any applications after the 31 January 2022 until a new policy statement had been formally approved.

### **Relevance to the Corporate Plan and/or the Plymouth Plan**

The relationship to the Corporate Plan (and Plymouth Plan) –

**Unlocking the City's Potential** – Gambling is a part of the local leisure and entertainment industry offered within the City. This revised policy will provide businesses with a consistent and transparent view of how the Council will consider premises licence applications in respect to the design, layout and operation of premises used for gambling activities

**Caring for people and communities** – Gambling activities could negatively affect a participant's welfare. This revised policy and the licensing system will assist in minimising the risk of negative impact as far as the law allows. The statutory controls via the Gambling Commission and Local Authorities will assist in excluding children and young persons from accessing age-restricted activities, or those with any gambling addiction.

**Plymouth Plan** – the Policy will assist in the delivery of Policy HEA5 – Delivering safe and strong communities and good quality neighbourhoods.

### **Implications for the Medium Term Financial Plan and Resource Implications:**

None

The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded.

The Council Constitution and Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee, who have determined that its fees should be set at the maximum level to secure full cost recovery in carrying out its regulatory functions as specified in the Act.

### **Financial Risks:**

None. Fees for this process are recovered by the gambling fees and charges as stated above.

**Carbon Footprint (Environmental) Implications:**

Emails, instead of sending letters, were sent to as many contacts as possible for the consultation process. The proposed policy documents were not sent with any letters and was available to view via the Council website. A copy of the proposed policy with tracked changes was available to view so that the changes could be easily identified and all correspondence encouraged everyone to read the policy online rather than printing it.

**Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:**

*\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.*

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

The Equalities Impact Assessment concluded that the new Statement of Licensing Principles (Gambling Policy) would promote equality. It is a statutory requirement that no persons under the age of eighteen shall be permitted entry to age-restricted licensed premises for the purposes of gambling, although there is no upper limit. There are no restrictions that apply to any of the other protected characteristics i.e. disability, gender, race and sexual orientation.

Problem gambling can cause significant social and health problems, irrespective of socioeconomic status. The adverse impacts on family members, including children, are also clear (34% of callers to Gamcare reported gambling affected the family, friend or partner). Problem gambling can exacerbate child poverty. Parents who have a gambling problem may adversely affect their children's well-being; they are less likely to parent well; they will have less money to spend to meet their family's needs; and they may be less able to work.

Local data identifying the number of persons who are at risk of or those that experience problem gambling is not easily obtainable. National surveys are undertaken periodically by NatCen which show that 3.9% of adults are classified as "at risk" using the Problem Gambling Severity Index (PGSI). Problem gambling was more prevalent among people who had participated in a number of gambling activities in the past year. Prevalence was 11.9% for those who participated in seven or more activities compared to 0.3% of these who had taken part in just one gambling activity in the past year.

The policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities providing that they are lawful and within their licensing requirements, in particular in respect to the protection of young persons and other vulnerable persons.

**Appendices**

*\*Add rows as required to box below*

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		<i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7
A	Appendix A: Consultation response received regarding the Gambling Statement of Principles							
B	Appendix B: Proposed Gambling Statement of Principles (Gambling Policy) 2022 - 2025							
C	Equalities Impact Assessment							

**Background papers:**

\*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)						
	If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
	1	2	3	4	5	6	7

**Sign off:**

Fin	djn.2 1.22. 110	Leg	3723 7/ag/2 .9.21	Mon Off	It/372 37/0 2092 1	HR		Assets		Strat Proc	
Originating Senior Leadership Team member: Rob Nelder (Consultant Public Health)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 18/08/2021											
Cabinet Member approval: Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)											
Date approved: 25/08/2021											

## Briefing Report

### 1.0 Background

- 1.1 The Gambling Act 2005 (the Act) contains the regulatory system that governs the provision of all gambling in Great Britain, other than for the National Lottery.
- 1.2 Plymouth City Council is designated as a 'licensing authority' for the purposes of the Gambling Act 2005 and is therefore responsible for granting premises licenses within its administrative district in respect of;
  - Casino premises;
  - Bingo premises;
  - Betting premises, including tracks;
  - Adult Gaming Centres;
  - Family Entertainment Centres.
- 1.3 The Gambling Commission regulates gaming and certain lotteries. They are responsible for issuing new operating licences under the Act to organisations and individuals who are providing facilities for gambling and personal licences to certain categories of people working in the gambling industry. In general the Gambling Commission regulate the operation of the gambling activities, whilst the Licensing Authority regulates the environment in which the gambling activity takes place, such as the building.
- 1.4 The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded. The Council Constitution Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee, who has determined that fees should be set at the maximum level to secure full cost recovery in carrying out its regulatory functions as specified by the Act.
- 1.5 The report provides details of the 3 year review of the City Councils Gambling Act Statement of Licensing Policy and contains a draft policy to commence from 31 January 2022. The Statement of Licensing Policy is specified within the Council's Policy Framework, therefore, Full Council is required to consider and formally adopt the revised policy prior to the expiry of the current policy on the 30<sup>th</sup> January 2022.
- 1.6 The Gambling Policy (Statement of Principles) was updated in detail in 2019 and therefore only minor changes are required.

### 2.0 Statement of Licensing Policy

- 2.1 The Council are required to publish a Gambling Statement of Principles (Gambling Policy) regarding the exercise of their functions in a manner, which is consistent with three licensing objectives. The licensing objectives are:
  1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
  2. Ensuring that gambling is conducted in a fair and open way, and
  3. Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Council's existing Statement of Principles is due to expire on the 30 January 2022, therefore the current review must be completed and the revised policy in place by this date in order for the Council to continue to be able to administer this legislative function.

- 2.2 The Council's revised policy is divided into three parts.

Part A sets out a **statement of principles** of how the Council, as the licensing authority, will discharge its functions, its policy on the exchange of information and the better regulation principles that will be applied;

Part B sets out the **general principles of how the Council will consider applications**, its relationship with other agencies and the relevance of licensing conditions;

Part C sets out **how the Council will issue gaming machine permits**.

- 2.3 Most people who gamble do so safely most of the time. But gambling can be harmful for some. Excessive play due to inexperience or binge gambling, periods of loss of control and more serious gambling addiction. The harm suffered is not restricted to the gambler, but also felt by families, friends, communities and employers.

Inequalities and the protection of children and vulnerable persons is a priority for the City. Parents who have a gambling problem may adversely affect their children's well-being; they are less likely to parent well; they will have less money to spend to meet their family's needs; and they may be less able to work.

- 2.4 The new policy includes reference to the Local Area Gambling Profiles which were published in April 2020. The local area profile has been produced with our Public Health colleagues and is an assessment of the key characteristics of Plymouth in the context of gambling related harm. The information obtained for the assessment helps to provide a better understanding of the types of people that are at risk of being vulnerable to gambling related harm, where they are located and any current or emerging problems that may increase that risk. The profiles can be used by gambling operators to assess local risks to the licensing objectives, posed by the provision of gambling facilities at each of their premises and to have policies, procedures and control measures in place to mitigate the risks. The profiles will also assist gambling operators in undertaking and preparing their local premises risk assessment.

The new policy also refers to the 'Guide to undertaking local gambling risk assessments' which was produced last year to assist gambling operators in undertaking, preparing and reviewing their local premises risk assessments.

- 2.5 The policy also provides further detail with regards to how the Licensing Authority will deal with applications in buildings which are divided into more than one premises and what is expected of applicants.

### 3.0 Public Consultation

- 3.1 The Council is required to consult publicly with stakeholders affected by the administration of its functions under the Act. A six week public consultation exercise was undertaken between 01 July 2021 and 16 August 2021, which included writing to the following interested parties:

Citizen's Advice Bureau

Safer Plymouth

Devon and Cornwall Constabulary

Plymouth City Council

Social Services

Education

Public Health

Team Plymouth

Environmental Health

Devon & Somerset Fire and Rescue Service

Gambling welfare support organisations

Gambling Commission

Local businesses groups

Local faith groups

Local residents groups

NSPCC

Existing licence-holders

Voluntary & Community organisations working with children & young people

Ward Councillors

- 3.2 The Gambling Act Statement of Licensing Policy is specified within the Council's Policy Framework.
- 3.3 One response was received from the consultation. Please see appendix A. As detailed in Appendix A, a number of changes were made in response to the letter received.





**Appendix A: Consultation response received regarding the Gambling Statement of Principles**

Response Number	Comments received	Response
I	<p><b>Re: Gambling Act 2005 Policy Statement Consultation</b></p> <p>We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.</p> <p><b><u>The Betting and Gaming Council</u></b></p> <p>The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.</p> <p>The BGC has four principle objectives. These are to –</p> <ul style="list-style-type: none"> <li>• <b>create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable</b></li> <li>• <b>ensure future changes to the regulatory regime are considered, proportionate and balanced</b></li> </ul>	<p>Thank you for your response to the consultation.</p>

- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

### **Betting and Gaming in the UK**

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show

that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. These figures do not take into account the COVID 19 period which betting offices saw a further 374 betting offices close.

- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

### **Problem Gambling**

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP

accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

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

The BGC 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 the opportunity to respond to this consultation is welcomed.

#### **Differentiation between Licensing Act 2003 and Gambling Act 2005 applications**

When considering applications for premises licences, it is important that a clear distinction is made between the

	<p>regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.</p> <p>Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.</p> <p>It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.</p> <p>The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.</p> <p>When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to</p>	<p>The LCCP ordinary code does reference anyone 'under 21', however this does not preclude Plymouth City Council from having a policy which recommends a 'Challenge 25' policy and this has been in place since 2019. This is not imposing unnecessary burdens on the industry. There will be significant geographical variations which require local responses and the Betting and Gaming Council (BGC) members will not readily know of the local variations (although they should reflect this in their local risk assessments). 'Challenge 25' is not an additional condition, it is an expectation that operators will adopt this like the majority of other licensed trades.</p>
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deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would 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

**Considerations specific to the draft Gambling Act 2005 statement of licensing policy**

We note that only minor changes are intended to the Statement of Licensing Policy. Some of the comments below, therefore, relate to paragraphs within the Statement of Licensing Policy that have been unchanged for the last three years.

Paragraph 13 of Part A starts with a paragraph which purports to give a definition of “harmful gambling”. It would assist if the Statement of Policy could be clear of the origins of this definition.

Similarly, paragraph 13.2 refers to “evidence” that certain groups are more vulnerable to problem gambling. Once again, the provenance for this statement should be made clear.

This definition was taken from page 4 of the [‘Tacking Gambling Related Harm: A Whole Council Approach’](#) and the document has been updated to include the source of this definition.

The source has also been referred to in this paragraph to make this clear.

	<p>Paragraph 14 (test purchasing) should simply be removed. This requires the results of any underage testing to be shared with licensing, trading standards or the Police. It is not clear with whom it is intended these results be shared with but in any event this paragraph should be deleted as the sharing of such information duplicates SR Code Provision 3.27 which requires operators to provide results of test purchasing to the Gambling Commission. The Gambling Commission is best placed to review any figures and determine the efficacy of policies and procedures operated or indeed the training of staff.</p>	<p>As with other parts of the policy, we cannot see the issue with repeating this responsibility in this paragraph to remind operators of their duties to share with Trading Standards Officers, Licensing Officers or Police Officers. These results should be available to view on the premises during inspections and the operators should be aware of the results and be able to demonstrate that the local area risk assessments have been reviewed as a result. Unfortunately, during inspections this has not shown to be the case and therefore it is important that we emphasise our expectations in our policy.</p> <p>The requirement to report Test Purchasing results to the Gambling Commission also only applies to larger operators. Given the number of independent arcades in Plymouth, this provision should remain in the policy.</p> <p>Inspections will be driven by emerging risk - one of these could of course be a Test Purchase failure identified between inspections.</p> <p>The outcome of the Gambling Review is also very likely to place more responsibility for regulating gambling in local premises with Licensing Authorities. The preface to the recently updated GLA clearly states that LAs will be expected to take the lead on local gambling regulation.</p> <p>Given that the Gambling Commission will be focusing on operators and issues of national significance (and principally on-line gambling), it is important that Local Authorities receive details of any Test Purchasing exercises carried out not least from a safeguarding and wider Public Health perspective.</p> <p>The Gambling Commission also expects that Local Authorities notify any emerging risks to them.</p>
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Paragraph 1.20 of Part B is headed “Location”. The second paragraph within this section should be deleted as this refers to the possibility of a policy relating to locations where gambling premises should not be located. The existence of any policy is likely to be unlawful, is certainly contrary to the “aim to permit” principal and the establishment of a rebuttable presumption of refusal has echos of Licensing Act 2003 cumulative impact policies.

Thereafter, there is the suggestion that there are “sensitive” areas. This is highly subjective and ignores the fact that licensed betting offices, and indeed many other gambling premises have always been situated either in high street locations or in areas of dense population. Such premises

Paragraph 14 has been updated to state:

(Page 13) 14.1 The results of any under-age testing that is carried out on the Gambling Premises should be shared with Licensing Officers, Trading Standards Officers or the Police, during inspections/visits and used to review the local area risk assessment (as outlined in the Social Responsibility Code 3.27).

The section you are referring to states ‘The Council will have regard to any further guidance as regards areas where gambling premises should not be located although the existence of any policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome’.

The paragraph has been updated to:

‘The Council will have regard to any further guidance as regards areas where gambling premises should not be located and any objections received under the licensing objectives. Although the existence of any policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome’

<p>have, therefore, always been in areas of high population/footfall where there are children. Notwithstanding this, there is very little evidence to show that the proximity of licensed betting offices/gambling establishments poses any harm to school children or other young people passing by.</p> <p>The suggestion that the Licensing Authority could impose restrictions on advertising is already covered by SR and OC provisions contained within the LCCP and the Licensing Authority should not trespass into this area.</p> <p>Paragraph 1.25 deals with the Licensing Authority's approach to the imposition of gambling conditions. This section should be clear that the mandatory and default conditions that attach to all Gambling Act 2005 premises licences are designed to be and are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The Statement of Policy should be clear that additional conditions will only be imposed where there is clear evidence of a need to supplement those mandatory and default conditions.</p> <p>The suggestion that an applicant should make his/her own suggestions with regard to additional conditions with reference to the model pool should be removed as there is no provision within the mechanics of a Gambling Act 2005 premises licence application to "offer" conditions, unlike with Licensing Act 2003 conditions.</p>	<p>There are a number of parts of the policy that refers to the guidance and this is not unusual and reinforces the message. These factors have been included in the local area profile so that they are not subjective, but factual information based on the most up to date data.</p> <p>The following has been added at the start of 1.25 :  Under Section 153 of the Gambling Act 2005, the aim is to permit the use of premises for gambling. The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences where there is an inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement. Licence conditions are one method by which it is possible to mitigate risks associated with a particular premises (<u>Gambling Commission Guidance to Licensing Authorities 1.25 – 1.30</u>).</p> <p>Section 1.29 refers to open engagement – and states: 'However, licensing authorities may also wish to have proactive engagement with local operators to mitigate risks to the licensing objectives. Such engagement can facilitate an open and constructive partnership which, in turn, can improve compliance and reduce regulatory costs. Engagement with operators should be prompted by justifiable concerns or in pursuit of the principles set out under s.153'.</p>
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	<p>Paragraph 12 (local area gambling risk assessment) takes up five pages of the Statement of Policy. This is overly prescriptive and needs only to reflect the SR code provision that licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks.</p> <p>This section within the draft policy contains a number of references to matters that cannot be relevant to any assessment of risk to the licensing objectives posed by the provision of gambling facilities. These should be removed and the draft Statement of Policy will benefit from this simplification.</p> <p><b><u>Conclusion</u></b></p> <p>On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that</p>	<p>Whilst there is no similar provision for operators to 'offer up conditions' as would be the case under the Licensing Act 2003, there may be cases where effective engagement with an operator results in them agreeing to additional conditions (for example additional door staff).</p> <p>The paragraph does not require amending and it indicates a willingness to positively engage in an effective working partnership which you have referred to within your response letter.</p> <p>The majority of this section was introduced in 2019. The reason for the detail provided in this section was due to the issues found during inspections and local area risk assessments were either not being completed or were generic and not locally focused. Since this has been made more prescriptive, improvements have been found during inspections. Therefore, this will remain in the policy to ensure the improved standard of the local risk assessments are maintained. It is vital that each Local Authority clearly sets out its expectations in respect of Local Risk Assessments in their policies and the LCCP (Social responsibility Code 10) requires that an operator takes into account their Local Authority Statement of Principles.</p>
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	<p>these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.</p>	
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# **STATEMENT OF LICENSING POLICY**

Gambling Act 2005



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## PART A – STATEMENT OF PRINCIPLES

### I Introduction

I.1 The Gambling Commission was set up under the Gambling Act 2005 (The Act) to regulate gambling in Great Britain in partnership with licensing authorities. The Commission is an independent non-departmental public body sponsored by the Department for Digital, Culture, Media and Sport (DCMS) whose work is funded by fees set by DCMS and paid by the organisations and individuals whom the Commission licenses.

The Commission issues operating licences for gambling operators and, through effective regulation and public engagement, ensures that crime is kept out of gambling, that gambling is fair and open, and that children and the vulnerable are protected. The Commission works closely with other regulators, including licensing authorities, and with bodies such as police and HM Revenue and Customs to regulate the gambling industry. (Gambling Commission: Who are and what we do; April 2011) The Commission has issued guidance in accordance with Section 25 of the 2005 Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.

The Commission will also issue Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission,  
Victoria Square House,  
Victoria Square,  
BIRMINGHAM,  
B2 4BP

<https://beta.gamblingcommission.gov.uk/>

Online contact form: <https://beta.gamblingcommission.gov.uk/contact-us>

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

I.2 Plymouth City Council (the Council) is designated as a Licensing Authority' for the purposes of the Gambling Act 2005 and is therefore responsible for granting premises licenses within its district in respect of;

- Casino premises;
- Bingo premises;
- Betting premises, including tracks;
- Adult Gaming Centres;
- Family Entertainment Centres.

The Act requires the Council to prepare and publish a Statement of Licensing Policy (Statement of Principles) that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

The policy will come into effect on the date of adoption by the Council and will be reviewed as necessary, and at least every three years from the date of adoption.



## 2 The Licensing Objectives

- 2.1 The Council has a duty under the Gambling Act 2005 (to carry out its licensing functions in a manner, which is consistent with three licensing objectives. The relevant licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way, and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 2.2 In discharging its responsibilities under the Act and in making decisions in relation to premises licences and temporary use notices (S.153), this Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks that its use will be:
- In accordance with any relevant code of practice issued by the Gambling Commission,
  - In accordance with any relevant guidance issued by the Gambling Commission,
  - Reasonably consistent with the licensing objectives,
  - In accordance with this Licensing Authorities Statement of Licensing Policy
- 2.3 The Council particularly notes the Gambling Commission's latest Guidance to Licensing Authorities (from now on referred to as the Gambling Commission's Guidance)
- "Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and 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)" (Part 5, Section 5.34).
- 2.4 Each case will be considered on its merits.
- 2.5 In deciding whether or not to grant a licence, this Licensing Authority does not have regard to the expected demand for the facilities that are the subject of the application.

## 3 The Geographical Area

- 3.1 Plymouth is one of the largest cities on the south coast and the 15<sup>th</sup> largest city in England with a population of approximately 262,700, an economic output of £5.2 billion, providing 108,000 jobs and with a further 100,000 people in its travel to work area (2016).
- 3.2 Plymouth is 'Britain's Ocean City', its connections to the sea go back to the sailing of the Mayflower in 1620 and now include western Europe's largest naval base, a thriving commercial and ferry port, a significant fishing industry, and one of the most significant global concentrations of marine research and production.
- The City is located in an area of outstanding beauty, with the Dartmoor National Park to the north, the natural harbour of Plymouth Sound to the south and the rivers Plym and Tamar on either side (Please refer to Figure 1). Plymouth's rich history and maritime heritage, combines the advantages of city living with the benefits of having the diverse countryside and coastline of Devon and Cornwall on its doorstep.
- 3.3 It is likely that over the next twenty years it is reasonable to expect that the population of Plymouth could rise to between 300,000 - 350,000 due to urban expansion (Mackay Vision 2003).

- 3.4 The Council recognises that the provision of entertainment is a major contributor to the economy of the City, attracting tourists and visitors, making for a vibrant City, which in turn continues to be a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.
- 3.5 The Licensing Authority has developed local area profiles which contain neighbourhood based data. The local area profiles will help to develop our Statement of Gambling Policy and set out our expectations of operators of gambling premises. The profiles will be maintained separately from this statement to enable the profiles to be updated when required. The Council's current local area gambling profiles can be seen in the Council's website [www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpolicy](http://www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpolicy).

**Figure 1: The Plymouth City Council boundary**



#### **4 Statement of Principles**

- 4.1 Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years (or alternate time period as may be imposed by statutory provision). The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

This Statement of Principles is written to conform to the provisions of the Act and its associated regulations. The Gambling Commission's Guidance issued under S.25 of the Act by the Gambling Commission outlines the way that this Licensing Authority will deal with applications for a range of premises licences, permits and enforcement of the Act.

- 4.2 This Statement or Principles is effective from the 31 January 2022 for a three-year period (or alternate time period as may be imposed by statutory provision) after which time it will be the

subject of a further public consultation. The Statement of Principles may also be reviewed from time to time where there are significant changes in government guidance at which point an appropriate public consultation will be undertaken prior to any amendments being re-published.

The Council's current Statement of Principles can be seen in the Council's website [www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpolicy](http://www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpolicy)

Should you have comments regarding this Statement of Principles please email the Licensing Service Manager at [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk) or by post to Licensing Department, Windsor House, Plymouth, PL6 5UF.

It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

### **Review Procedures**

- 4.3 The Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police;
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
  - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 4.4 The Council will also consult relevant organisations and interested parties who it considers have a relevant legal or professional interest to comment, and consider any other contribution from any other person, business or organisation that it considers as relevant.

### **Organisations and Interested Parties**

The Council may consult the following organisations /persons as part of any public consultation;

- Citizen's Advice Bureau
- Community Safety Partnership
- Devon and Cornwall Constabulary
- Plymouth City Council Adult Social Care
- Plymouth City Council Children's Social Care
- Plymouth City Council Planning Services
- Office of Director of Public Health
- Plymouth City Council Environmental Health Service
- Gamblers Anonymous
- Gamcare
- Gambling Commission
- Local Chambers of Commerce and Federation of Small Businesses
- Local faith groups
- Local residents groups
- NSPCC
- Existing licence-holders
- Voluntary & Community organisations working with children & young people
- Ward Councillors
- Team Plymouth Managers

- 4.5 Proper weight will be given to the views of all those who have been consulted prior to the date of implementation of the Statement of Principles.
- 4.6 In producing the published Statement of Principles, this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Gambling Commission's Guidance and any responses from those consulted on the statement.

## **5 Fees**

- 5.1 The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 sets out the standards to be followed in the setting of gambling fees and charges. The regulations do not set a specific fee that the authority must charge but set a maximum that cannot be exceeded. The Council Constitution Scheme of Delegation has delegated responsibility for setting fees to the Licensing Committee.

- 5.2 The Council takes the matter of non-payment of annual licence fees seriously and in accordance with Section 193 of the Gambling Act 2005 where an operator fails to pay, without reasonable excuse, the annual fee shall revoke the premises licence.

When dealing with public money the Council has a duty to secure prompt payment as any delay in settling debt can undermine the effective operation of services within the city. Prompt payment of bills will avoid possible imposition of late payment charges.

The same principles will apply to permits and the Council will exercise its powers under Schedule 13 paragraph 17 of the Gambling Act and cancel the permit.

Each case will be treated on its own merits and consideration may be given to mitigating circumstances.

## **6. Relationship with Other Legislation**

- 6.1 The Council will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.
- 6.2 The grant of a licence does not imply the approval of other legislative requirements.

Applicants for Premises Licences for Casinos, Bingo Halls, Adult or Family Entertainment Centres (licensed or unlicensed) or Permits are advised to speak to the Planning Services of this Council before making a formal application.

Email: - [planningconsents@plymouth.gov.uk](mailto:planningconsents@plymouth.gov.uk)

## **7 Responsible Authorities**

- 7.1 Responsible authorities are those public bodies, as specified by the Act, which must be notified of applications for premises licences. Such bodies are entitled to make representations in relation to applications. All representations made by responsible authorities are relevant if they relate to the licensing objectives. The responsible authorities are detailed in Appendix A.
- 7.2 The Council is required by regulation to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and

- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Gambling Commission's Guidance this Authority designates the Children Young People and Family Service, Plymouth City Council, Midland House, Notte Street, Plymouth, PL1 2EJ for this purpose.

## **8 Interested Parties**

- 8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. An Interested Party is defined in the Act as;

“For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications is made, the person -

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities
- Has business interests that might be affected by the authorised activities, or
- Represents persons who satisfy paragraph (a) or (b)” (S.158)

- 8.2 The Council is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles that will apply are that;

- Each case will be decided upon its merits.
- Will not apply a rigid rule to its decision-making.
- Will consider considerations provided in the Gambling Commission's Guidance.

Examples include interested parties who may be democratically elected councillors or MPs; people living close to the premises; the nature and scope of business interests that could be affected; and people who may represent those in the above categories.

Other than these we will expect written evidence that a person/body (e.g. an advocate/relative) 'represents' a person who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 8.3 The Council will also consider the Gambling Commission's Guidance that 'business interests' should be given the widest possible interpretation and include, for example partnerships, charities, faith groups and medical practices.

## **9 Exchange of Information**

- 9.1 The Council is required to include in their Statement of Principles the procedure to be applied in exercising the functions under S.29 and 30 of the Act in respect to the exchange of information with the Gambling Commission. The functions under S.350 of the Act with the respect to the exchange of information with persons and bodies are listed in Schedule 6 to the Act.

- 9.2 The Council will apply the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the General Data Protection Regulation 2018 will not be contravened and any Guidance issued by the Gambling Commission or the Secretary of State under the powers provided in the Act.

- 9.3 The Council will work closely with the Gambling Commission, Devon and Cornwall Police and with Responsible Authorities where there is a need to exchange information on specific premises. Should any protocols be established in respect to the exchange of information with other bodies then they will be made available.
- 9.4 The privacy of those making representations will be respected, but it may be necessary for the identity of those making representations to be passed on to Responsible Authorities and the Gambling Commission for the purpose of determining licensing applications or in any subsequent appeal that may be made.
- 9.5 This Licensing Authority will maintain a Licensing Register of all premises licences and permits issued and this will be available on the Council's web site at [www.plymouth.gov.uk/licensingandpermits/alcoholandentertainment/licensingregister](http://www.plymouth.gov.uk/licensingandpermits/alcoholandentertainment/licensingregister)

## 10 Enforcement

- 10.1 Licensing Authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under S.346 of the Act to institute criminal proceedings in respect of the offences specified.
- 10.2 The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.
- 10.3 The Council will undertake routine inspections using the premises assessment templates available at [www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Premises-assessments/Premises-assessments-templates.aspx](http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Premises-assessments/Premises-assessments-templates.aspx)
- 10.4 During proactive or pre-planned compliance visits the Licensing Enforcement Officers will review documentation including:
- Site Plan to ensure this reflects the actual layout of the premises
  - Local area risk assessments
  - Training policies and training undertaken by staff
  - Records of refusals to serve or admit on age grounds
  - The premise's approach to managing self-exclusion, how the premises fulfils the requirement to participate in multi-operator schemes and the numbers of people currently self-excluded
  - The involvement or impact of any work in local gambling schemes such as Betwatch
  - That appropriate signage and information is in place.
- 10.4 The Council's compliance and enforcement functions will be guided by the Gambling Commission's Guidance, Regulators Compliance Code, Better Regulation principles, Primary Authority partnerships schemes and the Public Protection Service Enforcement Policy in that the following guiding principles are applied;
- **Proportionality** - regulators should only intervene when necessary: Remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountability** - regulators must be able to justify decisions, and be subject to public scrutiny;
  - **Fairness and Consistency** - rules and standards must be joined up and implemented fairly;
  - **Openness and Transparency** - regulators should be open, and keep regulations simple and user friendly; and

- **Targeted Enforcement** - regulation should be focused on the problem, and minimise side effects.
- 10.5 In line with the Gambling Commission's Guidance the Council will endeavour to avoid duplication with other regulatory regimes so far as reasonably possible.
- 10.6 The Council will apply in principle of risk-based inspection based on;
- The Licensing Objectives
  - [Relevant Codes of Practice](#)
  - [Gambling Commission's Guidance](#), in particular Part 36 on Compliance and Enforcement
  - [Public Protection Service Enforcement Policy](#)
  - The Current Statement of Licensing Policy ([Statement of Principles](#))
- 10.7 The Council's enforcement and compliance role in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions, which it authorises having regard to the Gambling Commission's guidance Part 36.

## II Licensing Authority Functions

- 11.1 Licensing Authorities have a duty under the Act to;
- Issue premises licences where gambling activities are to take place
  - Issue Provisional Statements where gambling activities are to take place
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
  - Issue Club Machine Permits to Commercial Clubs
  - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
  - Receive notifications from premises licensed under the Licensing Act 2003 for the use of up to two gaming machines on the premises
  - Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines on the premises
  - Register small society lotteries below prescribed thresholds
  - Issue Prize Gaming Permits
  - Receive and Endorse Temporary Use Notices
  - Receive Occasional Use Notices
  - Provide information to the Gambling Commission
  - Maintain registers of the permits and licences that are issued

Local licensing authorities are not involved in licensing remote gambling, which is regulated by the Gambling Commission via operating licences. The National Lottery is regulated by the National Lottery Commission and Online (Remote) Gambling is dealt with by the Gambling Commission.

## 12 The Licensing Process

- 12.1 A Licensing Committee, a Licensing Sub-Committee, or officers acting under delegated authority may carry out the powers of the Licensing Authority under the Act.
- 12.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are delegated to licensing officers.
- 12.3 The Council will ensure that all Licensing Officers and Members of the Licensing Committee receive adequate training to enable them to undertake their role under the Act.
- 12.4 Where admissible and relevant representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Licensing Sub-Committee is delegated to hear the matter.

## 13.0 Gambling Prevalence and Social Responsibility

- 13.1 Harmful gambling is defined as any type of repetitive gambling that disrupts or damages a person, family or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances and affect a wide range of people, such as families, colleagues and wider local communities (for example where problem gambling is associated with crime or homelessness) and society as a whole (in terms of the costs that may be created by problem gambling). (Page 4 of ['Tackling Gambling Related Harm: A Whole Council Approach'](#)).
- 13.2 Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts ([Tackling Gambling Related Harm: A Whole Council Approach](#)).
- 13.3 A recent investigation published by the Citizens Advice reported research suggesting that for every problem gambler there are on average between 6 to 10 additional people who are directly affected by it.
- 13.4 Gambling Operators must comply with the Gambling Commission's licensing conditions and code of practice (LCCP). The social responsibility code requires gambling operators to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of and seek to identify problem gambling.
- 13.5 The requirements on gambling premises under the social responsibility code are based upon key areas:
  - **Provision of information on gambling responsibly** – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.
  - **Customer interaction** – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.
  - **Layout of the premises** - operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
  - **Self-exclusion** – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. In addition to operating their own self-exclusion schemes all licensees must offer



the facility for customers to self-exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

- 13.6 Any marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited. Licensees are required to comply with the Social Responsibility Code 5 of the Code of Practice.

#### **14.0 Test Purchasing**

- 14.1 The results of any under-age testing that is carried out on the Gambling Premises should be shared with Licensing Officers, Trading Standards Officers or the Police, during inspections/visits and used to review the local area risk assessment (as outlined in the Social Responsibility Code 3.27).

## **PART B - PREMISES LICENCES – CONSIDERATION OF APPLICATIONS**

### **I. General Principles**

#### **Introduction**

- I.1 Premises Licences are subject to the requirements set out in the Act and associated regulations, as well as specific mandatory and default conditions, which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

I.2

In accordance with section 153 of the Gambling Act 2005, the Council's decision making process shall aim to permit the use of premises for gambling in so far as the authority think it is:

- In accordance with any relevant code of practice or guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives
- In accordance with the Licensing Authority's Statement of Principles.

It is appreciated that in line with the Gambling Commission's Guidance "**moral objections to gambling are not a valid reason to reject applications for premises licences**" (except as regards to any 'no casino resolution' - see section on Casinos below).

The absence of 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.

#### **Definition of "Premises"**

- I.3 The Council will have regard to the definition of 'premises' as set out in the Section 152 of the Act to include 'any place'. In addition that the intention of Section 152 is to prevent more than one premises licence applying to any place.

A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. Particular attention will be given to the sub-division of a single building or plot to ensure that mandatory conditions relating to access between premises are observed.

#### **Multiple Licences**

- I.4 The Council will have regard to the Gambling Commission's Guidance that states 'In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does 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.”

- 1.5 The Council will have regard to the clarification of guidance issued by the Gambling Commission in respect to any premises granted multiple licences. These premises may be inspected to reconsider the separation control measures put in place; any material changes noted since the granting of the application and the relevance of all these factors having regard to the promotion of the licensing objectives, in particular to the protection of children and vulnerable persons from being harmed or exploited from gambling.

### **Buildings divided into more than one premises**

- 1.6 Part 7, paragraph 7.5 of the Gambling Commissions Guidance states that ‘there is no reason in principle why a single building could not be subject to more than one premises licence; provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises’. Examples are given of multiple unit premises, such as pleasure parks, tracks or shopping malls. It is also possible for licensed premises to be located next to each other, as long as there are no restrictions regarding direct access between these premises imposed on that category for gambling premises from its mandatory conditions. The Licensing Authority will follow this guidance.

It will be for the Licensing Authority to determine whether premises are genuinely separate, and not artificially created from that which is readily identifiable as a single premises.

Prior to making an application, applicants are encouraged to discuss with the Licensing Authority their premises configuration/layout and intended applications.

- 1.7 In considering whether different areas of a building are genuinely separate premises, the Licensing Authority will take into account factors which may include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person and whether the premises are operated independently of each other.

### **Access to premises**

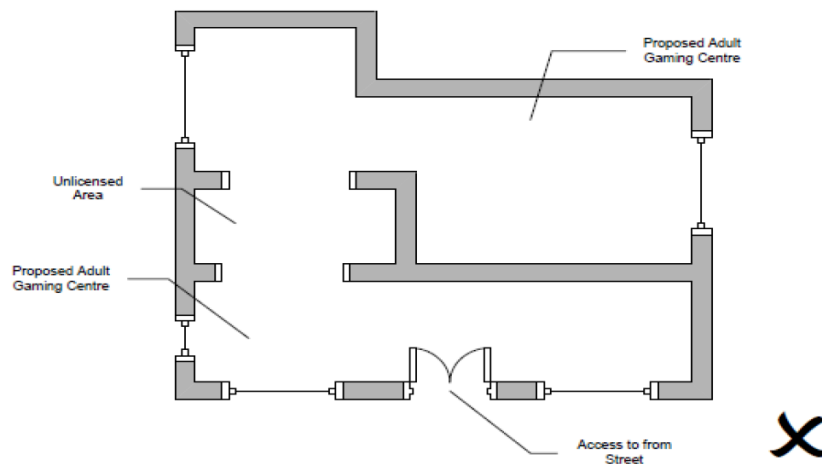
- 1.8 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 1.09 The Commission Guidance at paragraph 7.22 states ‘there is no definition of ‘direct access’ in the Act or Regulations, but Licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access.
- 1.10 In particular, where premises are not accessed from the street, the Licensing Authority has sought to define the nature of the area which must separate licensed premises and through which the premises are accessed, so as to prevent direct access between premises in order to comply with the provisions of the Act and Regulations.

- I.11 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.
- I.12 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
- Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part. The third licensing objective seeks to protect children from being harmed by gambling. In practice, that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating
  - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not **'drift'** into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit
  - There should be tangible and evident separation between premises. Adequate separation may be obtained by means of screening, walls, clear signage, Passive Infra-Red (PIR) alarms etc.
  - Customers should be able to participate in the activity named on the premises licence in accordance with Social Responsibility Code 9 of the Codes of Practice.

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

- I.13 Applications to place two licensed premises in one premises with an unlicensed area separating them, (see Figure 1) will not meet this Policy because of the artificial nature of the premises, access, and likely use issues which will arise.

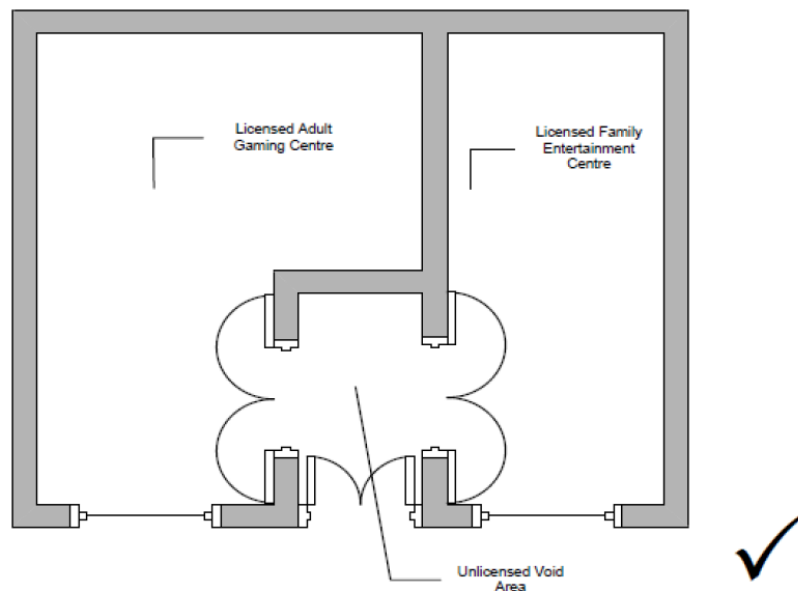
Figure 1



1.14 It is possible to have an unlicensed foyer area which separates one licensed premises from another if the foyer is accessed from the street. See Figure 2. The Licensing Authority would expect as a minimum that the area should be used for non-gaming purposes such as an information point, a coffee shop or similar but must not contain any gambling information or literature promoting gambling activities.

The size of the unlicensed area is a matter for each application but the Licensing Authority will not consider this configuration if the foyer is not of sufficient size to be a useable space.

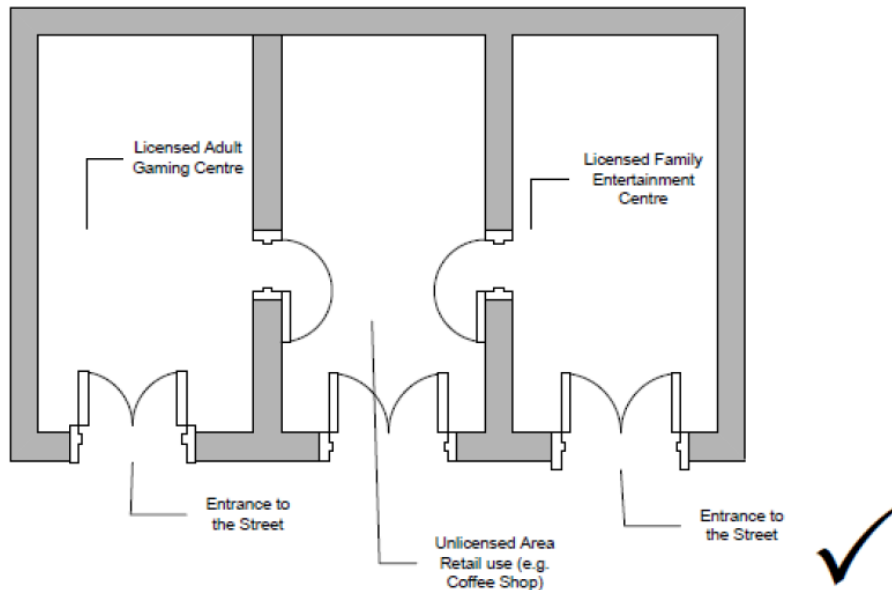
Figure 2



1.15 It may also be acceptable if a premises is separated by another non-licensed premises that has access to both licensed premises from it. An example of this could be in the form of a coffee shop which has a main entrance to the street. The coffee shop may have access to an Adult Gaming Centre on one side and an entrance to a Family Entertainment Centre on the other side, see figure 3. Where a member of the public not using the gambling premises is likely to

use the coffee shop, it may be considered that there is no direct access between the two licensed premises.

Figure 3



- I.16 The provisions of this revised Statement of Principles 2022 comes into force on the 31 January 2022. From this date, any new application for any type of Gambling Premises Licence, will be expected to fully comply with the terms and conditions as set out above. Existing licensed premises may continue to operate under the terms that have been granted by virtue of the licence that they currently hold, provided that the licensing objectives continue to be fully promoted at all times. Any application to vary however, will be subject to the full terms as outlined above.
- I.17 The Council may consider the following questions as relevant factors to in its decision-making, depending on all the circumstances of the case.
- Do the premises have a separate registration for business rates?
  - Is the premises' neighbouring premises owned by the same person or someone else?
  - Can each of the premises be accessed from the street or a public passageway?
  - Can the premises only be accessed from any other gambling premises?
  - Has a risk assessment identified and adequately controlled risks

**The Council will have regard to the Gambling Commission's Guidance on relevant access provisions for each premises type**

**Casinos**

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

#### Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises or one with a permit (such as an unlicensed family entertainment centre (uFEC)).

#### Betting Shops

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

#### Tracks

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

#### Bingo Premises

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

#### Family Entertainment Centre

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

Part 7 of the Gambling Commission's Guidance also contains further guidance on this issue, which this authority will also take into account in its decision-making.

### Provisional Statements

- 1.18 The Council will have regard to the Gambling Commission's Guidance that a licence to use premises for gambling should only be issued in relation to premises where the licensing authority can be satisfied that the premises are going to be **ready to be used for gambling** in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

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

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

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

- I.19 The Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence and will have regard to the detailed examples of the circumstances in which such a licence may be granted set out in the Gambling Commission's Guidance.

#### I.20 **Location**

The Council is aware that demand issues cannot be considered with regard to the "location of premises" but that considerations in terms of the licensing objectives are relevant to its decision-making. Particular attention will be given to the protection of children and vulnerable persons from being harmed or exploited by gambling in addition to issues of crime and disorder.

The Council will have regard to any further guidance as regards areas where gambling premises should not be located and any objections received under the licensing objectives. Although the existence of any policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

In determining whether a premises location is suitable for the grant of a licence regard will be given to the Local Area Profiles and to the following factors:-

- The proximity of the premises to any school, centre or establishment for the education, training or care of young and/or vulnerable persons
- The proximity of the premises to leisure centres used for sporting and similar activities by young and/or vulnerable persons
- The proximity of the premises to any youth club or similar establishment, and
- The proximity of the premises to any community, ecclesiastical, welfare, health or similar establishments used specifically, or to a large extent, by young and /or vulnerable persons
- Proximity to payday loan businesses, pawn shops or other similar premises
- The proximity of any other area or location where young and / or vulnerable persons could congregate

Where gambling premises are located in sensitive areas, e.g. near schools, the Licensing Authority will consider imposing restrictions on advertising gambling facilities on such premises where it is felt relevant and reasonably consistent with the Licensing Objectives.

#### **Relationship with Other Agencies**

- I.21 The Council is aware of the overlap with planning, building regulations in the granting of a premises licence. In determining applications the Council will take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence



application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Planning controls may restrict the provision of gambling activities. It is a relevant to consider the evidence base for this restriction and consider the reasons for the restrictions

### **Crime and Disorder**

- I.22 The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime or being used to support crime and will pay attention to the proposed location of gambling premises in terms of this licensing objective. Where evidence is submitted that an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it will be taken into account.

### **Openness**

- I.23 The Council is aware that the Gambling Commission has responsibility for ensuring that gambling is conducted in a fair and open way via operating and personal licences. However, this does not preclude this from being considered during premises inspections. The Licensing Authority will need to consider this objective in detail and may add conditions in situations where an operating licence is not in place, such as in the licensing of tracks.

### **Children and Vulnerable Persons**

- I.24 The Council notes the Gambling Commission's Guidance to protect children and other vulnerable persons from being harmed or exploited by gambling. This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

The Council notes the Gambling Commission [Codes of Practice](#) as regards this licensing objective, in relation to specific premises.

The Council recognises that the Gambling Commission does not seek to offer a definition of the term "vulnerable persons" but that "it does for regulatory purposes assume 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".

Where physical barriers are required to separate activities due to differing age restrictions the applicant must provide sufficient information with regards to the height, transparency and materials to be used. The licensing authority will require barriers to be designed and constructed to prevent inadvertent access and viewing of restricted areas. Adequate supervision within these areas must also be maintained.

We expect all operators to have a safeguarding policy in relation to children and vulnerable adults. All staff will be expected to undertake training regarding:

- Vulnerability risk factors

- How to identify safeguarding issues
- How to report and record concerns

Appendix B provides information for licence holders and their employees to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly if it relates to child sexual exploitation and trafficking.

### **Licensing Conditions That May Be Imposed**

- 1.25 Under Section 153 of the Gambling Act 2005, the aim is to permit the use of premises for gambling. The 'aim to permit' framework provides wide scope for licensing authorities to impose conditions on a premises licence, reject, review or revoke premises licences, where there is an inherent conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the licensing authorities own policy statement. Licence conditions are one method by which it is possible to mitigate risks associated with a particular premises Gambling Commission Guidance to Licensing Authorities 1.25 – 1.30).

The Council will consider the imposition of conditions on a case-by-case basis. Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

The Council will also expect the licence applicant to offer his/her own suggestions as to the ways in which the licensing objectives can be met effectively when making their application e.g. the use of supervisors, appropriate signage for adult only areas etc. Please refer to the suggested pool of conditions in Appendix C.

- 1.26 The Council will consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-restricted premises in order to pursue the licensing objectives.

The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted that the following measures are considered.

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

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

- 1.27 The Council notes that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In line with the Gambling Commission's Guidance, will consider the impact upon the third licensing objective and the need to ensure

that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

### **Conditions That May Not Be Imposed**

- 1.28 The Council will not attach conditions to premises licences, which;
- Are impossible to comply with as an operating licence condition;
  - Relate to gaming machine categories, numbers, or method of operation;
  - Provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
  - Are in relation to stakes, fees, winning or prizes

### **Door Supervisors**

- 1.29 Where premises attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then the entrances to the premises will be controlled by a door supervisor and attach such conditions as may be appropriate to the premises licence.

## **2. Adult Gaming Centres**

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

Appropriate licence conditions may cover issues such as:

- Proof of age schemes such as Challenge 25
- CCTV
- Door supervisors
- Location of entry
- Notices / signage
- Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms etc.
- Provision information leaflets helpline numbers for organisations such as GamCare
- Self-barring schemes/Multi-operator self-exclusion schemes (MOSES)
- Specific opening hours
- Supervision of entrances / machine areas

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

- 2.2 The Council recognises that the design and layout of adult gaming centres will vary. It will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff prevent the use of these machines by children and young persons. The Council reserves the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so.

Additional factors to be taken into consideration will include to following:

- Visual observation
- Re-location of the machines
- Door buzzers
- Remote cut-off switches
- Training provision
- Any other factor considered relevant

- 2.3 The Council will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to adult gaming centre applications in any decision-making.
- 2.4 The Council accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect to such applications.

### **3. (Licensed) Family Entertainment Centres**

- 3.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas that may be present.
- 3.2 The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes such as Challenge 25
  - CCTV
  - Door supervisors
  - Location of entry
  - Measures / training for staff on how to deal with suspected truant school children on the premises
  - Notices / signage
  - Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms etc.
  - Provision of information leaflets / helpline numbers for organisations such as GamCare
  - Self-barring schemes/Multi-operator self-exclusion schemes (MOSES)
  - Specific opening hours
  - Supervision of entrances / machine areas

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

- 3.3 The Council recommends applicants consider the adoption of BACTA's voluntary Code of Social Responsibility and Good Practice in respect to Adult Gaming Centres and Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

## 4 Casinos

### Casino – Local Policy

- 4.1 The Council has not passed a ‘**no casino**’ resolution under Section 166 of the Gaming Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council. Similarly, a resolution will not affect the ability of the casinos with preserved entitlements from the 1968 Gaming Act from continuing to operate as casinos.
- 4.2 The Council will attach conditions to casino premises licences according to the principles set out in the Gambling Commission’s Guidance, bearing in mind the mandatory conditions listed, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

## 5 Bingo Premises

- 5.1 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas that may be present.
- 5.2 The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes such as Challenge 25
  - CCTV
  - Door supervisors
  - Location of entry
  - Measures / training for staff on how to deal with suspected truant school children on the premises
  - Notices / signage
  - Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms etc.
  - Provision of information leaflets / helpline numbers for organisations such as Gam Care
  - Self-barring schemes/Multi-operator self-exclusion schemes (MOSES)
  - Opening hours
  - Supervision of entrances / machine areas

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

- 5.2 The Council notes the Gambling Commission’s Guidance, that it should take steps to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its licensed area and then applies for a new premises licence, or multiple licences, for those excluded areas.
- 5.3 Licensees must also ensure that the function along with the internal and/or external appearance of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities (Gambling Commission Social Responsibility Code Provision 9.1.2).
- 5.4 The Council will consider it an unusual circumstance in which the **splitting of pre-existing premises** into two adjacent premises might be permitted. In these cases this Licensing

Authority will have particular regard to the Gambling Commission Guidance on the 'meaning of premises' and compliance with the social responsibility code 9.

- 5.5 Children and young people are allowed into bingo premises however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

Section 177 of the Act does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, not make any payment in connection with the machines. This Licensing Authority will also take note of any restrictions and requirements on the Operating Licences for betting premises as regards credit.

## **6 Betting Premises**

- 6.1 The Council recognises that the design and layout of betting premises (or any other premises including tracks) will vary. The Council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to prevent the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the betting machines an operator wants to offer. The Council reserve the right to request that gaming machines are re-positioned or reduce the number where circumstances demonstrate that it is appropriate to do so. Factors to be taken into consideration will include to following:

- Proof of age schemes such as Challenge 25
- CCTV
- Visual observation
- Re-location of the machines
- Door buzzers
- Remote cut-off switches
- Training provision
- Self-barring schemes/Multi-operator self-exclusion schemes (MOSES)
- Opening hours
- Any other factor considered relevant

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

## **7 Tracks**

- 7.1 The Council is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, the impact on the protection of children and vulnerable persons from being harmed or exploited by gambling; the need to ensure that entrances to each type of premises are distinct; that children are excluded from gambling areas where they are not permitted to enter are considered.
- 7.2 The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they

are still prevented from entering areas where gaming machines (other than category D machines) are provided.

- 7.3 The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes such as Challenge 25
  - CCTV
  - Location of entry
  - Notices / signage
  - Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms etc.
  - Measures / training for staff on how to deal with suspected truant school children on the premises
  - Provision of information leaflets / helpline numbers for organisations such as GamCare
  - Self-barring schemes/Multi-operator self-exclusion schemes (MOSES)
  - Specific opening hours
  - Supervision of entrances / machine areas

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

### **Gaming Machines**

- 7.4 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Applicants are advised to consult the Gambling Commission's Guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The Council will also, in line with the Gambling Commission's Guidance, consider the location of gaming machines at tracks.

### **Betting Machines**

- 7.5 The Council will have regard to Part 6 of the Gambling Commission's Guidance, to take account the size of the premises and the ability of staff to prevent the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

On tracks where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines. The Council will generally consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.

## 8.0 Applications and Plans

- 8.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:
- the extent of the boundary or perimeter of the premises
  - where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
  - where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
  - where the premises are a vessel or part of a vessel, the location of any external or internal walls of the building which are included in the premises
  - the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads
- 8.2 If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s. 159 or to seek an amendment to the licence under s. 187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s. 187 would not be possible and a new application would be required under s. 159.
- 8.3 The Council will require a full premises licence variation application where premises are intending to use privacy screening and/or booting to any machines. The Council will expect any application proposing the use of customer privacy screens/booths, to clearly identify how these areas can be adequately supervised. A copy of the updated local risk assessment must also be included within the application to evidence that any risks presented have been recognised and mitigated.
- 8.4 The Licensing Authority expects all applicants for Gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons, persons gambling beyond limits they have set for themselves, persons who may be involved in crime, persons who may be prone to anti-social behaviour, persons who are drinking alcohol where this is prohibited and persons who are showing signs of distress in respect of their gambling.
- 8.5 Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
- 8.6 Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
- 8.7 Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.
- 8.8 Where access to premises is restricted, the Licensing Authority expects applicants to have a Proof of Age Scheme in place such as 'Challenge 25' and to train its staff in recognising acceptable forms of identification. Posters should be displayed stating that the relevant policy is in place and that users may be challenged.
- 8.9 Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been barred by the operator and any



instances of crime and disorder that occurs on, or in association with, the licensed premises. Applicants should demonstrate how they will identify self-excluded persons.

- 8.10 The Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The information will also be used to plan future premises inspection activity. The plan should be scaled (1:100).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

- 8.11 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

- 8.12 The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

## **9 Travelling Fairs**

- 9.1 Where category D machines and/or equal chance prize gaming without a permit are available for use at travelling fairs, the Council is responsible for deciding whether the facilities for gambling are no more than an ancillary amusement at the fair.

- 9.2 The Council will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair, applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring Authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

## **10 Provisional Statements**

- 10.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

- 10.2 S.204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- Expects to be constructed;
- Expects to be altered; or

- Expects to acquire a right to occupy.
- 10.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 10.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 10.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- They concern matters which could not have been addressed at the provisional statement stage, or
  - They reflect a change in the applicant's circumstances.
- 10.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- Which could not have been raised by objectors at the provisional statement stage;
  - Which in the authority's opinion reflect a change in the operator's circumstances; or
  - Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.
- 10.7 Once an operator has completed a building, the licensing authority will be able to consider a premises licence application for it. Requiring the building to be complete ensures that the authority can inspect it fully, as can other responsible Authorities with inspection rights under Part 15 of the Act. Inspection will allow Authorities to check that gambling facilities comply with all necessary legal requirements, for example, that Category C and D machines in a licensed family entertainment centre are situated so that people under 18 do not have access to the category C machines. The physical location of the machines will be an important part of this, and inspection will allow the authority to check that the layout complies with the operator's proposals and the legal requirements.

## **11 Reviews**

- 11.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities however it is for this Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- In accordance with any relevant code of practice issued by the Gambling Commission;
  - In accordance with any relevant guidance issued by the Gambling Commission;
  - Reasonably consistent with the licensing objectives; and
  - In accordance with the Licensing Authority's Statement of Principles.

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

## 12 Local Area Gambling Risk Assessments

- 12.1 The Gambling Commission's Social Responsibility Code (Licence Conditions and [Codes of Practice](#) (LCCP) 10.1.1) requires operators to consider local risks.
- The Gambling Commission's Social Responsibility Code require licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks.
- 12.2 The local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They must be specific to the premises, the area and the local community and must be owned by the premises managers to ensure they are site specific. A local risk assessment of gambling premises should be carried

out through a step-by-step approach. This will involve firstly assessing the local area; identify the relevant risk factors; assess the gambling operation and finally assess the premises design, both internal and external. Once the risk factors have been identified the appropriate control measures to mitigate the risks can be considered. These control measures may either already be in place or will need to be implemented.

- 12.3 The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.
- 12.4 The Council has produced the '[Guide to Undertaking Local Gambling Risk Assessments](#)' (April 2020) to assist gambling operators to conduct, assess and complete a premises based gambling risk assessment. Gambling operators who currently operate premises within Plymouth or who are applying for a new licence, or to vary an existing licence should have regard to this guide when completing or revising their premises risk assessments.
- 12.5 It will be the responsibility of the gambling operator to assign an assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and it is highly recommended that licensees use staff or area managers to assist in gaining an understanding of that local area.

In undertaking their risk assessments, licensees should take into account any relevant matters identified in this policy statement and any associated local area profile produced by this Licensing Authority.

- 12.6 It will be the responsibility of the gambling operator to ensure that a local risk assessment is provided, is regularly reviewed or updated having regard to the following circumstances;
- When applying for a new or a variation of a premises licence, including a Temporary Use Notice.
  - To take account of significant changes in local circumstances, including those identified in this policy.
  - When there are significant changes at a licensee's premise that may affect the level of risk or the mitigation of those risks.
  - on request of the Council
- 12.7 The following lists set out some examples of what the Licensing Authority considers to be significant changes in local circumstances:
- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
  - Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby.
  - Any new pay day loan or pawn brokers open in the local area
  - Changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises.

- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- The local area is identified as having elevated crime by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).
- A new gambling premises opens in the local area.

12.8 The following lists sets out some examples of what the Licensing Authority considers to be significant changes in licenced premises (some of which may also require a variation to the existing premises licence):

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed,
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- Changes in staffing levels or opening times
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.

12.9 A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

12.10 Operators must establish a regular review regime in respect of their local risk assessments. This should be at least annually and can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

12.11 The Social Responsibility Code provision is supplemented by the LCCP: Ordinary Code 10.1.2 and requires licensees to share risk assessments with the Licensing Authority when applying for premises licence or applying for a variation to existing licensed premises or otherwise on request of the Licensing Authority.

12.12 The Local Risk Assessment must be kept on the premises and be available for inspection by the licensing authority. Whilst there are no plans to request that licensed premises share their risk assessments on a periodic basis, where concerns do exist, perhaps prompted by new or

existing risks, the Licensing Authority is likely to request that a licensee share a copy of its risk assessment.

- 12.13 The risk assessment will set out the measures the licensee has put in place to address specific concerns, thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required. Licensees may wish to offer voluntary conditions to be attached to any licence.

### **Matters to be included when undertaking a local risk assessment**

#### The local area

- 12.14 Operators will be expected to identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

To assist in assessing the local area the Council will produce and maintain a Local Area Profile. The local area profile is held on the City Council's website at [www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpolicy](http://www.plymouth.gov.uk/licensingandpermits/gamblinglicencesandpermits/gamblingpolicy) and will be updated from time to time. The Local Area Profile sets out the demographic profile of areas of the City and the specific concerns and risks that have been identified in respect to gambling in those areas.

- 12.15 The list below is a small example of some of the risk factors that may be present in an area where gambling premises are located:

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people.
- Socio-economic makeup of the area
- Prevalence of dependant or addictive gambling in an area, including information from self-exclusion data
- Transport links and parking facilities.
- Educational facilities.
- Community centres.
- Hospitals, mental health or gambling care providers.
- Homeless or rough sleeper shelters, hostels and support services.
- The ethnicity, age, economic makeup of the local community.
- Significant presence of young children
- Crime rates and types
- Unemployment rates
- Presence of alcohol or drug support facility
- Presence of a pawn broker/pay day loan businesses in the vicinity.
- Presence of other gambling premises in the vicinity.

The gambling operation

- 12.16 In assessing the risk factors associated with a gambling operation the assessor should consider how that gambling operation may affect risk. The assessor as a minimum must consider:
- How the operator conducts its business
  - What gambling products it provides in the premises
  - The facilities to enable gambling within the premises
  - The staffing levels within the premises throughout different times of any day
  - The level and requirement for staff training
  - Whether loyalty or account cards are used or not
  - The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
  - The security and crime prevention arrangements it has in place
  - How it advertises locally and on the premises
  - The marketing material within the premises
  - The display and provision of information, etc.
  - The opening hours of the premises and the possible interaction of the gambling premises with any surrounding night time economy.
  - Support and early intervention engagement with customers
  - Issues of lone working and staff working with closely with children.

The internal and external design of the premises

- 12.17 The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. The design, both internal and external should be considered and specific risk factors identified and noted. For example:
- The ability to view all parts of the gambling area and entrances, whether directly or via aids such as mirrors /CCTV
  - The ability for children and young people to look into the premises and see gambling taking place
  - Nature and number of advertising materials present, particularly those viewable externally
  - Position of various gambling activities
  - The means to segregate various gambling activities

Control measures and monitoring

- 12.18 Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Some risk factors may require a combination of control measures to adequately mitigate the risk.

Adequate management arrangements must be in place to ensure any control measures are in operation and licensees may wish to record these checks as part of any due diligence defence.

Completed assessment

- 12.19 The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure.

A copy of the local area risk assessment must be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police. All staff should be made aware of the contents of the local risk assessment, including any additional control measures identified in the assessment.

The Licensing Authority will assess the risks identified and the measures implemented to mitigate those risks. When a completed assessment is provided with a new application or with a variation application, the authority will consider the assessment in the course of determining whether to grant the application or not. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local concerns.

**13. Local Area Profiles (LAP)**

- 13.1 The authority may produce local area profiles which will be a relevant matter when determining applications or reviewing existing licences.

LAPs will be updated more frequently than the licensing policy to ensure they take account of the latest data and guidance. LAPs will therefore be published separately to this policy.

- 13.2 These LAPs may identify levels of risk from gambling which should be considered as part of any operator risk assessment.



## **PART C - PERMITS/TEMPORARY & OCCASIONAL USE NOTICES**

### **I. Unlicensed Family Entertainment Centres (Gaming Machine Permits)**

- I.1 The term ‘**unlicensed family entertainment centre**’ (uFECs) is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements, such as computer games and ‘prize every time’ machines. The premises is ‘unlicensed’ in that it does not require a premises licence, but does require a permit to be able to provide its category D gaming machines. It should not be confused with a ‘licensed family entertainment centre’ which does require a premises licence because it contains both category C and D gaming machines.

uFECs will be most commonly located at seaside resorts, in airports and at motorway style service centres, and will cater for families, including unaccompanied children and young persons. Only premises that are wholly or mainly used for making gaming machines available may hold an uFEC gaming machine permit or an FEC premises licence (S238 of the Act). Both a licensed FEC and an uFEC are classified as ‘premises. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.

The Council will only grant an uFEC gaming machine permit where it is satisfied that the premises will be operated as a bonafide uFEC.

In line with the Act, while conditions will not be attached to this type of permit. The Council can refuse an application if not satisfied that issues raised in this Statement of Principles have been addressed in the application.

- I.2 Where an establishment does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (S.238 of the Act).
- I.3 The Council notes the Gambling Commission’s Guidance which states that ‘An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre and if the Chief Officer of Police has been consulted on the application...’ and will consider asking the applicant to demonstrate;
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
  - That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
  - That staff are, or will be trained to have a full understanding of the maximum stakes and prizes
- I.4 The Council will not attach conditions to this type of permit.
- I.5 The Statement of Licensing Policy clarifies the measures it will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre. This will allow this licensing authority to better determine the suitability of the applicant and the premises for a permit.
- I.5 Within this process the applicant must be able to demonstrate that:
- They are a fit and proper person to hold the permit
  - They have considered and are proposing suitable measures to promote the licensing objectives, and
  - They have a legal right to occupy the premises to which the permit is sought.

The measures suggested in this Statement of Licensing Policy will be applied although will consider any alternative measures suggested by the applicant and will substitute measures as appropriate

- I.8 The Council will require the following **supporting documents** to be served with all uFEC gaming machine permit applications:
- Proof of age - a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over).
  - Proof that the applicant has the right to occupy the premises - acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document.
  - A standard disclosure and barring service check issued within the previous month. This will be used to check that the applicant has no relevant convictions as defined in Schedule 7 of the Act.
  - Evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission.
  - Suitable and sufficient gambling local risk assessments where the uFEC is located adjacent to an AGC.
  - Suitable and sufficient safeguarding policy.
  - A plan of the premises for which the permit is sought showing the following items:
    - (i) The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
    - (ii) Where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny-falls, cranes)
    - (iii) The positioning and types of any other amusement machines on the premises
    - (iv) The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
    - (v) The location of any ATM/cash machines or change machines
    - (vi) The location of any fixed or temporary structures such as columns or pillars
    - (vii) The location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
    - (viii) The location of any public toilets in the building

Unless otherwise agreed, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

- I.9 The Council also encourage premises to sign up to the British Amusement Catering Trade Association (BACTA) Voluntary Code and restrict under 18's from playing Category D Cash Fruit Machines within their venues.
- I.10 Harm in this context is not limited to harm from gambling, but includes wider protection considerations. The council will consider these policies and procedures on their merits but should (depending on the particular permit being applied for) include appropriate measures/training for staff having regard to the following:
- Maintain contact details for any local schools and or the education authority so that any truant children can be reported
  - Employ policies to address problems associated with truant children who may attempt to gain access to the premises and to gamble when they should be at school

- Employ policies to address any problems that may arise when there is an increased likelihood that children may frequent the premises in greater numbers, such as half terms and summer holidays
- Safeguarding policies in place to both protect children and vulnerable adults but also staff training in relation to the identification and onward alerting of safeguarding concerns
- Display posters with the 'Child Line' phone number in discreet locations throughout the premises e.g. toilets, corridors
- Maintain a register of any incidents that arise on and around the premises related to children i.e. children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. The register can be used to detect any trends which require action by the management of the premises.
- Take steps to ensure all young children are accompanied by a responsible adult.
- Maintain policies to deal with any young children who enter the premises unaccompanied
- Undertake satisfactory disclosure checks (criminal records checks) for all staff who will be working with children.
- Clear signage that identifies gaming machines and skill machines
- Any prizes displayed must be capable of being won
- Staff training that covers all of the controls in place

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

1.11 The Council will expect the applicant to show that there are policies and procedures in place to **protect vulnerable persons**. The Council will assess the submitted policies and procedures on their merits, but (depending on the particular permit being applied for) should include appropriate measures/training for staff relating to the following:

- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises
- Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- Consider appropriate positioning of ATM and change machines, including the display of Gamcare stickers on any such machines.
- Customer self-exclusion systems (for example where the uFEC is adjacent to an AGC).

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

1.12 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- Maintain an effective CCTV system to monitor the interior and exterior of the premises
- Keep the exterior of the premises clean and tidy

- Ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- Consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

## 2. (Alcohol) Licensed Premises (Gaming Machine Permits)

### Automatic Entitlement: 2 Machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The Licensing Authority will consider removing an automatic authorisation in respect of any particular premises if:
- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - Gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines)
  - The premises are mainly used for gaming; or
  - An offence under the Act has been committed on the premises

The Licensing Authority expect businesses to comply with the Gambling Commission Code of Practice for '[Gaming machines in clubs and premises with an alcohol licence](#)'. Staff must be aware of this Code of Practice and how to ensure they can meet the requirements around the location and supervision of machines.

Licensed Premises will also need to refer to the Gambling Commission Code of Practice for '[Equal chance gaming in clubs and premises with an alcohol licence](#)', where they provide bingo, poker, bridge, whist or other equal chance gaming.

### Permit: 3 or More Machines

- 2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25, codes issued under s24 of the Act, and "other such matters as the Licensing Authority think relevant."

The Council considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the licensing authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18, or suitable Challenge scheme. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

- 2.3 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. Please refer to the 'Advice on gaming in clubs and premises with an alcohol licence: Gambling Act 2005 (March 2016)' at [www.gamblingcommission.gov.uk/PDF/Advice-on-gaming-in-pubs-and-alcohol-licensed-premises.pdf](http://www.gamblingcommission.gov.uk/PDF/Advice-on-gaming-in-pubs-and-alcohol-licensed-premises.pdf) and [www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf](http://www.gamblingcommission.gov.uk/pdf/code-of-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf)
- 2.4 All gaming machines must be located in a place within the premises so that their use can be adequately supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.
- 2.5 A plan must accompany applications indicating where and what type of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.
- 2.6 Applicants should be aware that only those premises which have a 'bar' (servery) at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants, which do not have a bar for serving drinks or can only, sell alcoholic drinks as an ancillary to food will no longer automatically qualify for two machines. Any gaming machines must be obtained from a licensed supplier.

### **3 Prize Gaming Permits**

- 3.1 The Act states that a licensing authority must prepare a Statement of Licensing Policy that they propose to apply in exercising their functions under this Schedule which 'may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit'.
- 3.2 The Council will expect the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations; and
  - That the gaming offered is within the law
  - Clear policies that outline the steps to be taken to protect children from harm
- 3.3 In making its decision on an application for this permit the Council does not need but may have regard to the licensing objectives but must have regard to any Gambling Commission's Guidance (Schedule 14 and Para 8.3).
- 3.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the Licensing Authority cannot attach conditions.

The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

#### 4 Club Gaming and Club Machines Permits

- 4.1 Member's Clubs (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit.

A **Club Gaming Permit** will enable the premises to provide gaming machines (3 machines of categories B3A or B4, C or D), equal chance gaming and games of chance as set out in regulations i.e. pontoon and chemin de fer. This is in addition to the exempt gaming authorised under S.269 of the Act.

Alternatively a member's club (but not commercial clubs) can apply for a **Club Gaming Machine Permit** will enable the premises to provide only gaming machines (3 machines of categories B3A or B4, C or D).

**Commercial clubs** are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) which means that they should only apply for a Club Gaming Machine Permit. However they are not able to site category B3A gaming machines offering lottery games in their club.

- 4.2 Gambling Commission Guidance states: 'Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations'.

The Council will take steps to ensure that a club is a bonafide club within the terms set out in the Act and with this in mind reserve the right to request or require sight of evidence that confirms the status of the club. The Council may request evidence any of the follow factors for consideration in its decision-making;

- Evidence of committee members and evidence of their election by club members?
- Minutes of previous meetings (where appropriate)?
- Is the primary activity of the club something other than gaming?
- Are the club's profits retained solely for the benefit of the club's members?
- Are there 25 or more members?
- Are the addresses of club member's genuine domestic addresses and live reasonably locally to the club?
- Do members participate in the activities of the club via the internet?
- Do guest arrangements link each guest to a member?
- Is the 48 hour rule being applied for membership and being granted admission being adhered to (for member clubs)
- Are there annual club accounts available for more than one year?
- How is the club advertised and listed in directories and on the internet?
- Are children permitted in the club?
- Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
- Submission of a plan of the premises for which the permit is sought i.e. premises, boundaries, machine position, etc.

- 4.3 The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- (a) The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

- (b) The applicant's premises are used wholly or mainly by children and/or young persons;
- (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) A permit held by the applicant has been cancelled in the previous ten years; or
- (e) An objection has been lodged by the Commission or by the police.

4.4 There is also a **'fast-track' procedure** available under the Act for premises, which hold a Club Premises Certificate under S.72 Licensing Act 2003 (Schedule 12 paragraph 10) are exempt from the stricter vetting process that applies to applications for Club Gaming and Club Gaming Machine Permits.

As the Gambling Commission's Guidance to licensing authorities states: 'Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police and the grounds upon which an Authority can refuse a permit are reduced' and;

The grounds on which an application under the process may be refused are:

- (a) That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

4.6 All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by suitable other means.

## 5 Temporary Use Notices

5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2 The Council will only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Act (Temporary Use Notices Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards temporary use notices. The meaning of 'premises' in Part 8 of the Act is discussed in Part 7 of the Gambling Commission's Guidance. As with 'premises' the definition of 'a set of premises' will be a question of fact, in the particular circumstances of each notice that is given. In the Act 'premises' is defined as including 'any place'.

In considering whether a place falls within the definition of 'a set of premises', the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

- 5.3 The Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance.

## **6 Small Society Lotteries**

- 6.1 Under the Act a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. The Council will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories.

- Licensed lotteries (requiring an operating licence from the Gambling Commission)
- Exempt lotteries (including small society lotteries registered with Plymouth City Council)

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lottery;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission guidance and their website:

<https://beta.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

## **7 Occasional Use Notices**

- 7.1 The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.
- 7.2 The Council will consider any guidance issued by the Gambling Commission or any other statutory agency (please refer to the glossary at the end of this document) regarding non-commercial betting and race nights of how their activities can be regulated within the Act.

## **8 Vessels**

- 8.1 The Council when considering applications for premises licences in respect of vessels will give particular weight to the views of the Maritime and Coastguard Agency in respect of promoting the licensing objectives. Where in the opinion of the Licensing Authority any of the three objectives are undermined, and this cannot be resolved through the imposition of conditions, the application will be refused.
- 8.2 Where a premises licence is sought in connection with a vessel which will be navigated whilst licensable activities take place, the licensing authority will be concerned following the receipt of relevant representations, with the promotion of the licensing objectives on-board the vessel. The licensing authority will not focus on matters relating to safe navigation or



operation of the vessel, the general safety of passengers or emergency provisions, all of which are subject to regulations, which must be met before the vessel is issued with a Passenger Certificate and Safety Management Certificate. It is expected that if the Maritime and Coastguard Agency is satisfied that the vessel complies with Merchant Shipping standards for a passenger ship, the premises will normally be accepted as meeting the public safety objectives. In respect of other public safety aspects, representations made to the licensing authority by the Maritime and Coastguard Agency will be given particular weight.

Disclaimer: The Council wishes to make clear that the Gambling Commission's Guidance to Local Authorities (1 April 2021) was the most recent information available at the time of writing and can be the subject of change within the period that this statement of principles is in force. This Licensing Authority will therefore have regard to changes in legislation, court judgements and any updated guidance issued by the Gambling Commission where it is appropriate to the application under consideration.

**Appendix A - Responsible Authorities Contacts (non-emergency calls only)****Licensing Authority**

Licensing Office,  
Public Protection Service,  
Plymouth City Council,  
Windsor House,  
Plymouth,  
PL6 5UF

Tel: 01752 304141

Email: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**The Gambling Commission**

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

Tel: 0121 230 6666

Fax: 0121 230 6720

Email: [licensing@gamblingcommission.gov.uk](mailto:licensing@gamblingcommission.gov.uk)

**H M Revenue & Customs**

Excise Processing Teams  
BX9 IGL  
United Kingdom

Tel: 03000 322 7072 Option 7

Email: [NRUBetting&Gaming@HMRC.gsi.gov.uk](mailto:NRUBetting&Gaming@HMRC.gsi.gov.uk)

**Child Protection**

Safeguarding Team,  
Children, Young People and Families,  
Plymouth City Council,  
Midland House,  
Notte Street,  
Plymouth,  
PL1 2EJ

Tel: 01752 306340

Email: [childprotect@plymouth.gov.uk](mailto:childprotect@plymouth.gov.uk)

**Devon & Cornwall Police**

Licensing Department,  
Launceston Police Station,  
Moorland Road,  
Launceston,  
Cornwall, PL15 7HY

Tel: 01566 771309

Fax: 01566 771388

Email: [licensing.team@devonandcornwall.pnn.police.uk](mailto:licensing.team@devonandcornwall.pnn.police.uk)

**Devon & Somerset Fire and Rescue Service**

West Devon Headquarters,  
Glen Road,  
Plympton,  
Plymouth, PL7 3XT

Tel: 01752 333600

Fax: 01752 333640

Email: [plymouthfs@dsfire.gov.uk](mailto:plymouthfs@dsfire.gov.uk)

**Public Protection Service**

Public Protection Service,  
Plymouth City Council  
Windsor House,  
Plymouth, PL1 2AA

Tel: 01752 304141;

Fax: 01752 226314

E-mail: [public.protection@plymouth.gov.uk](mailto:public.protection@plymouth.gov.uk)

**Planning Authority**

Development Consents Manager  
Plymouth City Council  
Level 2 West Wing, Ballard House  
Plymouth, PL1 3BJ

Tel: 01752 304471

Fax: 01752 305523

Email: [letters.of.representation@plymouth.gov.uk](mailto:letters.of.representation@plymouth.gov.uk)

**Maritime & Coastguard Agency (where applicable)**

Plymouth Marine Office  
New Fish Market

Sutton Harbour

Plymouth. PL4 0LH

Tel: 01752 266211

Fax: 01752 225826

Email: [plymouthmo@mcga.gov.uk](mailto:plymouthmo@mcga.gov.uk)

## **Appendix B: Child Sexual Exploitation and Trafficking of Children and Young People**

Plymouth City Council is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly the Police and Safeguarding Boards.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with the Police and Safeguarding Boards helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older person, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

### **How gambling premises licence and permit holders and their employees can help tackle child sexual exploitation**

Gambling establishment licence and permit holders and their employees are in a good position to help identify victims of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders and their employees regularly come into contact with children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

In particular, licence and permit holders and their employees should ask themselves the following questions when they see young and vulnerable people in their gambling premises:

- Do any of your customers appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with the Police (Tel: 101 or if immediate risk 999) and Plymouth Children's Gateway Service on Tel: 01752 668000 or please email for enquiries and referrals to [gateway@plymouth.gov.uk](mailto:gateway@plymouth.gov.uk)).

Alternatively please complete the online form:

Children - [www.plymouth.gov.uk/childrenandfamilies/reportchildabuseorneglect](http://www.plymouth.gov.uk/childrenandfamilies/reportchildabuseorneglect)

**Appendix C – Pool of Conditions**

1. The premises shall be fitted out and operational within 6 months of the issue of the licence.
2. The Licensee shall notify the Licensing Authority when the premises have been fitted out and are ready for operation, so that the Licensing Authority can inspect the premises. Such notification to the Licensing Authority shall be given no less than 10 days prior to the premises opening under the licence.
3. The licensee shall keep written records of all staff authorised to verify the age of customers who have received adequate training on the law using the SWERCOTS training package or similar, with regard to challenging persons to prevent under age gambling. The record should be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police.
4. There shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times that is open, whose duties are to include the age verification of persons entering the premises who appear under the age of 25 years.
5. The Licensee shall have a 'Challenge 25' Policy whereby all customers who appear to be under the age of 25 are asked for proof of their age.
6. The Licensee shall prominently display notices advising customers of the Challenge 25 policy.
7. The following identification should only be accepted
  - Proof of age cards bearing the 'PASS' hologram symbol
  - UK Photo Driving Licence
  - Passport
8. The Licensee is to keep a register (Refusals book) to contain details of the date and time, description of underage persons entering the premises and the name of the employee who verified that the person was under age.
9. The Refusals Book is to be kept on the licensed premises and made available for inspection by Licensing, Trading Standards and the Police.
10. A CCTV system shall be maintained in good working order and fully operational covering both internal and external areas when the premises are open to the public.
11. The medium on which CCTV images are recorded will be clearly visible, stored securely and shall be retained for a period of 28 days. Recordings shall be made available for inspection by the Police or Licensing Authority upon request.
12. A copy of the local risk assessment shall be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police. All staff authorised to verify the age of customers should be made aware of the contents of the local risk assessment, including any additional control measures identified in the assessment.
13. Test purchase results shall be shared with Licensing, Trading Standards or the Police.
14. All staff shall wear ID badges or other measures so that customers can easily identify them for assistance, guidance or gambling advice
15. Officers shall expect to be able to interview employees who can confidently define and clearly understand which are 'Gaming Machines' and which are not (e.g. only 'Skill Machines). Employees need to be fully conversant with the Gambling Act 2005 and familiar with their own 'Local Risk Assessment'.
16. Staff training records shall be kept on the licensed premises and made available for inspection by Licensing, Trading Standards or the Police.
17. Staff training shall include various topics including a section on 'truanting youngsters'

18. Social Responsibility Stickers/Notices shall be clearly displayed in a prominent position on all gaming machines at the point of play, to include category stickers/notices and also 'Gamcare' stickers/notices.

19. A book shall be kept at the premises, which is maintained with the following records:

- The name of the door supervisor deployed
- The SIA registration number of the door supervisor deployed
- The time they commenced and finished duty
- All incidents that the door supervisor dealt with

**Glossary**

**An Interested Party** – is a person, in the opinion of the Licensing Authority who:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) Has business interests that might be affected by the authorised activities, or
- c) Represents persons who satisfy paragraph (a) or (b)

**Responsible Authority –**

- (i) The Licensing Authority
- (ii) The Gambling Commissioner
- (iii) The Chief Officer of Devon & Cornwall Constabulary
- (iv) The Devon and Somerset Fire & Rescue Service.
- (v) The local planning authority within the meaning given by the Town and Country Planning act 1990 (c.8) for any area in which the premises are wholly or partly situated
- (vi) The local authority by which statutory functions are exercisable in any area in which the premises are wholly or partly situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) A body, which is designated in writing for the purpose of this paragraph, by the Licensing Authority for an area in which the premises are wholly or partly situated, as competent to advise the authority about the protection of children from harm:
- (vii) And any other person prescribed by regulations by the Secretary of State.

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# EQUALITY IMPACT ASSESSMENT – STATEMENT OF PRINCIPLES (GAMBLING POLICY)

Public Protection Service



## STAGE 1: What is being assessed and by whom?

What is being assessed - including a brief description of aims and objectives?	<p>Review of the Statement of Principles (Gambling Policy)</p> <p>This policy supports the licensing system which regulates the operation of gambling premises i.e. casinos, bingo halls, betting shops and adult gaming centres and provides a framework for decision-making. The policy will provide information to the Council, applicants, residents and other statutory authorities on the issue of premises licences.</p> <p>All applications are considered on their own merits.</p>
Responsible Officer	Rachael Hind
Department and Service	ODPH
Date of Assessment	16/6/21

## STAGE 2: Evidence and Impact

Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
Age	No person under the age of 18 shall be permitted	Neutral	Routine assessment of applications and	Licensing officers and other authorised officers

<b>STAGE 2: Evidence and Impact</b>				
<b>Protected Characteristics (Equality Act)</b>	<b>Evidence and information (e.g. data and feedback)</b>	<b>Any adverse impact?</b>	<b>Actions</b>	<b>Timescale and who is responsible?</b>
	<p>entry to age-restricted licensed premises such as casinos, bingo halls, betting shops and adult gaming centres, where gambling is permitted. There is no upper age limit. This is prescribed by statute.</p> <p>The Council does not impose any local age restrictions on the application process.</p>		<p>monitoring to ensure compliance with regulations</p>	
Disability	<p>There is no requirement for the applicant to pass on any details of medical capacity.</p> <p>There are no equality restrictions of who can enter licensed premises.</p> <p>The council hold no information of any applicants from this group.</p>	Neutral		None
Faith, Religion or Belief	<p>There is no requirement for the applicant to pass on any details concerning faith, religion or belief.</p>	<p>Neutral</p> <p>The policy will grant a premises licence to any applicant who has the</p>		None

<b>STAGE 2: Evidence and Impact</b>				
<b>Protected Characteristics (Equality Act)</b>	<b>Evidence and information (e.g. data and feedback)</b>	<b>Any adverse impact?</b>	<b>Actions</b>	<b>Timescale and who is responsible?</b>
	The council hold no information of any applicants from this group.	appropriate operator and personal licences required of the Gambling Commission and who conform with the requirements of this policy without consideration of faith, religion or belief		
Gender - including marriage, pregnancy and maternity	There are no equality restrictions of who can be a collector providing that the promoter has a valid permit/licence in place.  The council hold no information of any applicants are from this group.	Neutral  The policy will grant permits/licenses to any licenced operators that conform to the requirements of this policy without consideration of gender.		Ongoing monitoring by Licensing Officers and other authorised officers
Gender Reassignment	There are no gender restrictions of who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements	Neutral  The policy will grant a premises licence applicant that conforms to the requirements of this policy without consideration of gender		Ongoing monitoring by Licensing Officers and other authorised officers

<b>STAGE 2: Evidence and Impact</b>				
<b>Protected Characteristics (Equality Act)</b>	<b>Evidence and information (e.g. data and feedback)</b>	<b>Any adverse impact?</b>	<b>Actions</b>	<b>Timescale and who is responsible?</b>
	The council hold no information of any applicants from this group.	reassignment.		
Race	There are no race restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.  The council hold no information of any applicants from this group.	Neutral  The policy will grant a premise licence to any applicant that conforms to the requirements of this policy without consideration of race.		Ongoing monitoring by Licensing Officers and other authorised officers
Sexual Orientation -including Civil Partnership	There are no orientation restrictions to who can hold a premises licence or can enter licensed premises providing that they can satisfy any age-restricted requirements.	Neutral  The policy will grant a premises licence to any applicant that conforms to the requirements of this policy without consideration of sexual orientation.		Ongoing monitoring by Licensing Officers and other authorised officers

<b>STAGE 3: Are there any implications for the following? If so, please record 'Actions' to be taken</b>		
<b>Local Priorities</b>	<b>Implications</b>	<b>Timescale and who is responsible?</b>
Reduce the inequality gap, particularly in health between communities.	<p>The policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities providing that they are lawful and within their licensing requirements.</p> <p>Licensed premises must also have procedures in place to protect vulnerable persons from gambling irresponsibly.</p> <p>There are no other equality restrictions other than to protect children and young persons from age restricted gambling activities.</p> <p>National Data available from the NatCen 'Gambling behaviour in Great Britain in 2015' (<a href="http://natcen.ac.uk/media/1464625/gambling-behaviour-in-great-britain-2015.pdf">http://natcen.ac.uk/media/1464625/gambling-behaviour-in-great-britain-2015.pdf</a> )</p> <p>63% of adults (16+) in Great Britain had gambled in the past year, with men (66%) being more likely than women (59%) to do so.</p> <p>The most popular gambling activities were the National Lottery draws (46%), scratch-cards (23%) and other lotteries (15%).</p> <p>Excluding those who only played the National Lottery draws, just under half of adults (45%) participated in other types of gambling activity; 49% of men and 42% of women.</p> <p>For both men and women, overall participation was highest amongst the middle age groups and lowest amongst the youngest and oldest age groups.</p> <p>Excluding those who only played the National Lottery</p>	<p>To be considered during decision making.</p> <p>Additional work will be ongoing. The development of the Local Area Profiles (LAPs) has generated local data on at risk and problem gambling.</p> <p>Data and information obtained from the LAPs and gambling risk assessments will be used to influence further amendments to the policy where needed.</p>

<b>STAGE 3: Are there any implications for the following? If so, please record 'Actions' to be taken</b>		
<b>Local Priorities</b>	<b>Implications</b>	<b>Timescale and who is responsible?</b>
	<p>draw, gambling participation was highest among younger adults.</p> <p>Problem Gambling is gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits.</p> <p>Problem gambling prevalence among adults living in private households was 0.7%. Men were more likely than women to be classified as a problem gambler (1.3% and 0.2% respectively).</p> <p>The highest rates of problem gambling were among those who had participated in spread betting (20.1%), betting via a betting exchange (16.2%), playing poker in pubs and clubs (15.9%), betting offline on events other than sports or horse or dog racing (15.5%) and playing machines in bookmakers (11.5%).</p> <p>Problem gambling was more prevalent among people who had participated in a number of gambling activities in the past year (prevalence was 11.9% for those who participated in seven or more activities compared to 0.3% of those who had taken part in just one gambling activity in the last year).</p> <p>Overall, 3.9% of adults were categorised as at-risk gamblers.</p> <p>Men were more likely than women to be both low risk and moderate risk gamblers.</p> <p>This also means that the vast majority of people experience no problems from gambling.</p>	

<b>STAGE 3: Are there any implications for the following? If so, please record 'Actions' to be taken</b>		
<b>Local Priorities</b>	<b>Implications</b>	<b>Timescale and who is responsible?</b>
Good relations between different communities (community cohesion).	<p>The policy seeks to allow licensed premises the legitimate opportunity to undertake licensed gambling activities for the benefit of national and local needs</p> <p>There are no equality restrictions of who can be a premises licence holder.</p> <p>Local communities have an opportunity to visit these premises if they wish.</p>	To be considered during decision making.
Human Rights	The policy seeks to promote flexibility and fairness to all premises licence holders by balancing the lawful right of charities to collect without undue inconvenience to the general public	To be considered during decision making.

<b>STAGE 4: Publication</b>			
Director, Assistant Director/Head of Service approving EIA.	Ruth Harrell (Director of Public Health)	Date	16/6/21

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# City Council



Date of meeting:	22 November 2021
Title of Report:	<b>City Council meeting dates 2022/23</b>
Lead Member:	Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)
Lead Strategic Director:	Giles Perritt (Assistant Chief Executive)
Author:	Jamie Sheldon (Senior Governance Advisor)
Contact Email:	Jamie.sheldon@plymouth.gov.uk
Your Reference:	JS21/22
Key Decision:	No
Confidentiality:	Part I - Official

## **Purpose of Report**

The purpose of this report is to provide the City Council meeting dates for 2022/23. Consideration has been given to avoiding the schedule of main political party conferences, the Local Government Association conference and other key clashes in proposing these dates.

## **Recommendations and Reasons**

That Council notes the following dates for meetings to be held in 2022 and 2023 –

- 20 June 22
- 19 September 22
- 21 November 22
- 30 January 23
- 27 February 23
- 27 March 23
- 19 May 23 - AGM

## **Alternative options considered and rejected**

The Council's Annual calendar of meetings is agreed at its January meeting. This report gives advanced notification of proposed dates to aid Councillors' in their diary planning.

## **Relevance to the Corporate Plan and/or the Plymouth Plan**

The meetings of Council are a central element of the Democratic process of the Council which supports the Democratic values of the Corporate Plan

## **Implications for the Medium Term Financial Plan and Resource Implications:**

None identified.

## **Financial Risks:**

None identified.

**Carbon Footprint (Environmental) Implications:**

There are no direct implications.

**Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:**

\* When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

None identified.

**Appendices**

\*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
		1	2	3	4	5	6	7

**Background papers:**

\*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable) <i>If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</i>						
	1	2	3	4	5	6	7

**Sign off:**

Fin	djn.21 .22.16 0	Leg	LS/37 628/A C/11/ 11/21	Mon Off		HR		Assets		Strat Proc	
Originating Senior Leadership Team member: Giles Perritt (Assistant Chief Executive)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 27/10/21											
Cabinet Member approval: Councillor John Riley (Cabinet Member for Governance, HR, IT & Community Safety)											
Date approved: 27/10/21											

# City Council



Date of meeting:	22 November 2021
Title of Report:	<b>Finance and Capital Monitoring Report September 2021</b>
Lead Member:	Councillor Nick Kelly (Leader)
Lead Strategic Director:	Brendan Arnold (Service Director for Finance)
Author:	David Northey - Head of Integrated Finance Hannah West – Finance Business Partner
Contact Email:	David.northey@plymouth.gov.uk
Your Reference:	Fin/djn/2021(06)
Key Decision:	No
Confidentiality:	Part I - Official

## Purpose of Report

This report sets out the revenue finance monitoring position and the capital position of the Council to the end of the financial year 2021/22, as at the end of September 2021.

## Recommendations and Reasons

### That Council:

1. Notes the current revenue monitoring position;
2. Approve the revision of the Capital Budget 2021-2026 to £647.591m (as shown in Section C Table 1)

## Alternative options considered and rejected

None – our Financial Regulations require us to produce regular monitoring of our finance resources.

## Relevance to the Corporate Plan and/or the Plymouth Plan

The financial outturn report is fundamentally linked to delivering the priorities within the Council's Corporate Plan. Allocating limited resources to key priorities will maximise the benefits to the residents of Plymouth.

## Implications for the Medium Term Financial Plan and Resource Implications:

Robust and accurate financial monitoring underpins the Council's Medium Term Financial Plan (MTFP). The Council's MTFP is updated regularly based on on-going monitoring information, both on a local and national context. Any adverse variations from the annual budget will place pressure on the MTFP going forward and require additional savings to be generated in future years.

## Financial Risks

This is the monitoring position as at the end of September 2021. As with all financial information there are associated risks as we move through the year. These are set out in the report, and in particular

within the savings chart. All efforts will be made to bring the financial position back to a balanced outturn at the year end.

### Carbon Footprint (Environmental) Implications:

No impacts directly arising from this report.

### Other Implications: e.g. Health and Safety, Risk Management, Child Poverty:

The reducing revenue and capital resources across the public sector has been identified as a key risk within our Strategic Risk register. The ability to deliver spending plans is paramount to ensuring the Council can achieve its objectives.

### Appendices

\*Add rows as required to box below

Ref.	Title of Appendix	Exemption Paragraph Number (if applicable)						
		If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
		1	2	3	4	5	6	7
A	2021/22 Savings status							

### Background papers:

\*Add rows as required to box below

Please list all unpublished, background papers relevant to the decision in the table below. Background papers are unpublished works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based.

Title of any background paper(s)	Exemption Paragraph Number (if applicable)						
	If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.						
	1	2	3	4	5	6	7

### Sign off:

Fin	pl.21. 22.14 3	Leg	MS/2/ 01.11. 21	Mon Off		HR		Assets		Strat Proc	
Originating Senior Leadership Team member: Brendan Arnold (Service Director for Finance)											
Please confirm the Strategic Director(s) has agreed the report? Yes											
Date agreed: 26/10/2021											

Cabinet Member approval: Councillor Nick Kelly (Leader)

Date approved: 26/10/2021

## SECTION A: EXECUTIVE SUMMARY

**Table I: End of year revenue forecast**

	Budget £m	Net Forecast Outturn £m	Variance £m
<b>Total General Fund Budget</b>	<b>195.568</b>	<b>196.297</b>	<b>0.729</b>

The forecast revenue outturn after the application of Covid grants and council mitigating actions is currently estimated at £0.729m over budget, which is a variance of +0.37% against the net budget (+0.14% against the gross budget). This is a reduction of £0.216m from the last report (period 5).

This is the September monitoring report for 2021/22 and it should be noted that the financial position will fluctuate as we move through the year. Officers and Members will work closely to manage the finances towards a balanced position by the end of the year.

Within this position the following headline financial issues are reported:

1. The pandemic continues to have a major impact on our financial resources, with a potential drawdown of £16.562m against the currently available grants. The impact of COVID-19 will continue in this financial year but in this forecast the additional costs identified are offset by grant and so there is a nil impact on the forecast variance.
2. Key budget pressures:
  - a) £0.765m reported within Customer & Corporate Services Directorate. This has improved by £0.420m in the last month owing to (a) continued management of staff vacancies and (b) a further saving in the treasury area.
3. Key favourable variances:
  - a) The Office of the Director of Public Health (ODPH) is still reporting an underspend of £0.094m.

**SECTION B: Directorate Review****Table 2: End of year revenue forecast by Directorate**

Directorate	Budget £m	Forecast £m	COVID offset £m	Forecast Net Variance £m	Status
Executive Office	5.429	5.565	(0.116)	0.020	over
Customer and Corporate Services	44.031	45.859	(1.063)	0.765	over
Children's Directorate	53.074	60.988	(7.914)	0.000	on budget
People Directorate	89.441	93.018	(3.577)	0.000	on budget
ODPH	(0.537)	(0.572)	(0.059)	(0.094)	under
Place Directorate	24.976	28.848	(3.833)	0.038	over
Corporate Items	(20.846)	(37.409)	16.562	0.000	on budget
Total	195.568	196.297	0.000	0.729	over

**1. Executive Office**

- 1.1 The Executive Office is reporting a small overspend due to printing costs. COVID-19 related pressures have also increased due to costs associated with court activity and resourcing.

**2. Customer and Corporate Services Directorate**

- 2.1 The Customer and Corporate Services Directorate is forecasting an over spend of £0.765m. This has reduced from £1.185m last month due to vacancies and actions taken within the Treasury Management function. Work will continue to adopt mitigating actions and the position will continue to be closely monitored moving forward.

**3. Children's Directorate**

- 3.1 The directorate is forecasting a breakeven position for the year, after identifying COVID-19 related costs of £7.914m for the year, offset by applying equivalent grant.

**4. People Directorate**

- 4.1 The People Directorate is forecasting a breakeven position for the year.

**5. Office of the Director of Public Health (ODPH)**

- 5.1 Public Protection Service, within Public Health, is continuing to report an under spend of £0.094m as a result of continuing management reviews of all expenditure.

**6. Place Directorate**

- 6.1 The directorate is reporting an over spend of £0.038m which is a worsening position from the month 5 under spend of £0.139m. This is due to income targets being impacted on following delegated decisions signed off in June 2021. Service areas are doing what they can to mitigate.

6.2 COVID-19 related additional spend and income foregone totals £3.833m. The majority of this continues to relate to loss of car parking income. Although significant increased costs are still showing in Street Scene and Waste.

## 7. **Corporate Items**

7.1 The overall position shows a nil variation.

7.2 COVID-19 financial support continues to be held here, and is being used to offset pressures that have arisen across all Directorates as a result of the pandemic; currently these are forecast to a total of £16.562m.

**Appendix A 2021/22 Savings status (I) Summary**

	<b>Total</b>	<b>Achieved savings</b>	<b>on track for delivery</b>	<b>Working on for delivery</b>	<b>Planned, internal/external actions required to deliver</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Children's	<b>4.001</b>	1.644	1.179	1.178	0.000
People	<b>3.160</b>	0.300	2.860	0.000	0.000
ODPH	<b>0.028</b>	0.028	0.000	0.000	0.000
Customer & Corporate	<b>4.571</b>	0.000	2.266	0.019	2.286
Place	<b>1.035</b>	0.080	0.105	0.292	0.558
Corporate Items	<b>1.050</b>	1.015	0.000	0.000	0.035
<b>2021/22 Savings</b>	<b>13.845</b>	<b>3.067</b>	<b>6.410</b>	<b>1.489</b>	<b>2.879</b>



## Appendix A 2021/22 Savings status (2) Detail

Directorate / Plans	Target Savings	Achieved savings	Plans on track for delivery	Plans worked on for delivery	Planned, internal/external actions required to deliver
	£m	£m	£m	£m	£m
<b>Children</b>					
EPS step up	0.152			0.152	
Home to School Transport	0.179			0.179	
AST	0.500	0.100	0.292	0.108	
Fostering	0.670	0.189	0.242	0.239	
Troubled Families	0.650	0.317	0.333		
Placement Review	1.400	1.038	0.312	0.050	
Management Actions	0.450			0.450	
<b>Children - Savings</b>	<b>4.001</b>	<b>1.644</b>	<b>1.179</b>	<b>1.178</b>	<b>0.000</b>
<b>People</b>					
Care Package Reviews (SC)	0.775		0.775		
Direct Payment Reviews (SC)	0.250		0.250		
Increased FCP Income (SC)	0.100		0.100		
Commissioned Contracts (SC)	0.250		0.250		
Grant Maximisation (CC)	0.200	0.200			
Management Actions (CC)	0.050	0.050			
Income Targets (CC)	0.050	0.050			
One Off Savings 2020/21 (SC)	1.485		1.485		
<b>People - savings</b>	<b>3.160</b>	<b>0.300</b>	<b>2.860</b>	<b>0.000</b>	<b>0.000</b>
<b>ODPH</b>					

Additional Income	0.008	0.008			
Additional Income #2	0.020	0.020			
<b>ODPH - savings</b>	<b>0.028</b>	<b>0.028</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
<b>Customer, Corporate Services and Executive Office</b>					
Efficiency	0.949				0.949
FM review	0.550				0.550
Business support	1.200		0.434		0.766
ICT	1.000		1.000		
CEX; Legal services	0.100		0.100		
Coroner	0.040			0.019	0.021
Training	0.153		0.153		
Capitalise Capital Team	0.050		0.050		
Internal Audit	0.016		0.016		
Departmental	0.513		0.513		
<b>Customer &amp; Corporate Services and Executive Office savings</b>	<b>4.571</b>	<b>0.000</b>	<b>2.266</b>	<b>0.019</b>	<b>2.286</b>
<b>Place</b>					
Regeneration Property Fund	0.500				0.500
Concessionary Fares	0.080	0.080			
Weston Mill, bulky & trade waste income	0.208			0.180	0.028
Resident Parking	0.060		0.060		
On/Off parking	0.065			0.035	0.030
Fees and charges including Mt. Edgcumbe	0.122		0.045	0.077	
<b>Place savings</b>	<b>1.035</b>	<b>0.080</b>	<b>0.105</b>	<b>0.292</b>	<b>0.558</b>
<b>Corporate</b>					
Schools PFI - adjustments	1.015	1.015			
Income target not allocated	0.035				0.035
<b>Corporate savings</b>	<b>1.050</b>	<b>1.015</b>	<b>0.000</b>	<b>0.000</b>	<b>0.035</b>
<b>Overall Total savings</b>	<b>13.845</b>	<b>3.067</b>	<b>6.410</b>	<b>1.489</b>	<b>2.879</b>

## SECTION C: Capital Finance Report Quarter 2 2021/22

The five year capital budget 2021-2026 is currently forecasted at £647.591 as at 30 September 2021. The capital budget has been adjusted to take into account the new approvals or changes to the capital programme and to adjust the future funding assumptions shown in table 1.

### Current Capital Resources

Table 1 The Capital budget consists of the following elements:

Description	£m
Approved Capital Programme 2021-2026	344.716
Future Funding Assumptions *	302.875
<b>Total Revised Capital Budget for Approval (2021-2026)</b>	<b>647.591</b>

\* Estimate of funding to be received to finance future capital projects (funding see Table 2c)

The approved capital budget (representing forecast resources) is made up of two elements. One is the Capital Programme representing projects that have been approved and the other is future funding assumptions which are estimates of capital funding the Council is likely to receive in the future.

### Capital Programme

Project officers prepare detailed business cases, which are reviewed by finance officers and then are agreed by CCIB member before going to the Leader to sign the executive decision. Once the Leader (or Section 151 Officer for projects under £200k) has approved the project it is added to the Capital Programme for delivery.

### Future Funding Assumptions

The current estimate of future capital funding for the next five years 2021-2026 is £302.875 (see table 2c).

The Future Funding Assumptions are made up of external funding including both ring-fenced and un-ringfenced grants, S106 and other external contributions. The capital programme is funded by 37% of external funding and there is a further £227.801m of future external funding to be added to the capital programme over the next five years.

Bidding for further external capital funding is strongly encouraged during the preparation of business cases for new projects.

Tables 2a and 3 below shows the revised capital programme for the period 2021-2026, as at 30 September 2021.

## Additions to the capital programme during the quarter

During the quarter the new approvals are as follows:

Project	£
Fredrick Street	65,000
Langage Development South Phase 2	40,000
Plymouth International Medical & Technology Park	240,000
Oceansgate Phase 2 Direct Development	27,655
Tree Planting 2021/22	63,300
TCF T2 Mobility Hubs	95,674
Millbay Boulevard	109,088
Minor Traffic Signals	2,000
Disabled Facilities (incl Care & Repair works)	2,813,781
Plymouth Care Limited	30,000
Disabled Facilities (external contribution)	131,857
<b>Total</b>	<b>3,618,355</b>

The capital programme is delivering some major projects across the city and it has won large grant funding bids for these projects. Some of the notable projects:

- Future High Streets Fund grant - £12.047m
- National Marine Park - National Heritage Lottery Fund award £9.6m
- The Eclipse project - £1.887m
- Forder Valley Link Road – £41.191m
- Forder Valley Interchange - £7.336m
- Transforming Cities Fund – £51.244m
- Brunel Plaza redevelopment of Plymouth Train Station – £26.224m
- Highway maintenance and essential engineering – £19.198m
- Plymouth Crematorium - £13.001m

## Revised Capital Programme

Table 2a Capital Programme by Directorate

Directorate	2021/22	2022/23	2023/24	2024/25	2025/26	Total
	£m	£m	£m	£m	£m	£m
People	9.612	10.895	3.716	0.132	0.132	24.487
Place - Economic Development	41.417	58.998	20.372	0.115	0.080	120.982
Place – Strategic Planning and Infrastructure	61.811	68.788	4.910	0.527	0	136.036
Place – Street Services	25.082	11.329	3.963	2.017	0	42.391
Customer & Corporate Services	6.648	1.802	0	0	0	8.450
Public Health	12.370	0	0	0	0	12.370
<b>Total</b>	<b>156.940</b>	<b>151.812</b>	<b>32.961</b>	<b>2.791</b>	<b>0.212</b>	<b>344.716</b>
<b>Financed by:</b>						
Capital Receipts	1.918	5.637	6.128	0.619	0.080	14.383
Grant funding	52.614	56.680	2.226	0.132	0.132	111.784
Corporate funded borrowing	48.746	32.627	8.028	2.040	0	91.441
Service dept. supported borrowing	44.933	49.236	15.219	0	0	109.388
S106 & CIL	6.428	7.629	1.360	0	0	15.417
Other contributions	2.301	0.003	0	0	0	2.303
<b>Total Financing</b>	<b>156.940</b>	<b>151.812</b>	<b>32.961</b>	<b>2.791</b>	<b>0.212</b>	<b>344.716</b>

Table 2b Funding of the 2021-26 Capital Programme

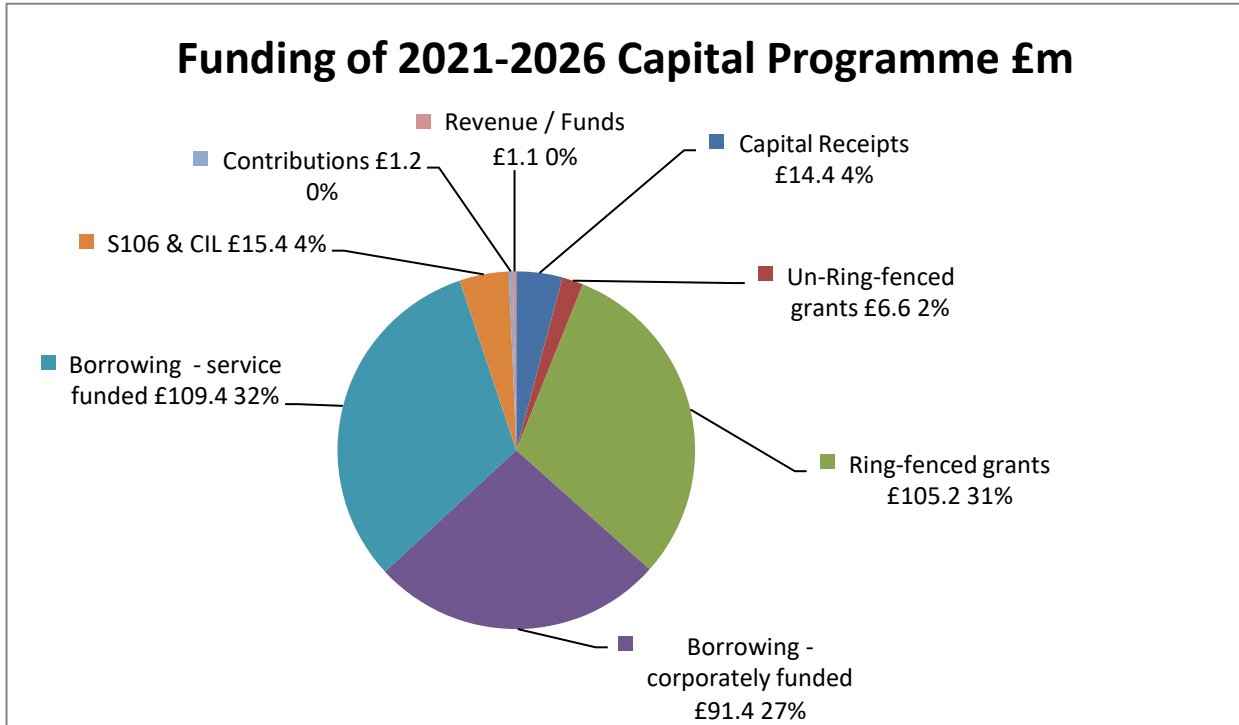


Table 2c Future Funding Assumptions

Future Funding Estimates	2021/22	2022/23	2023/24	2024/25	2025/26	Total
	£m	£m	£m	£m	£m	£m
Service borrowing & external loans	26.250	30.850	2.120	5.000	5.000	<b>69.220</b>
Grants	11.794	28.302	24.221	30.416	105.094	<b>199.827</b>
S106 and CIL	4.275	3.831	4.121	4.064	3.922	<b>20.212</b>
Other sources	2.881	6.851	1.278	1.325	1.280	<b>13.616</b>
<b>Total</b>	<b>45.199</b>	<b>69.835</b>	<b>31.740</b>	<b>40.806</b>	<b>115.296</b>	<b>302.875</b>

### Covid 19

The effect from Covid 19 has slowed the capital programme delivery. Since April 2021, the restrictions have been slowly lifting and capital projects have been getting back to work even with the additional safety requirements of social distancing.

The economy has been getting back to work but we have seen an increase in the cost of raw materials and labour which may affect some of the capital projects.

Table 3: Capital Programme by Delivery Outcome

Primary Outcome of Projects	£m
Securing Growth in the City Centre/Waterfront	17.137
Securing Growth in Derriford and the Northern Corridor	42.040
Securing Growth in the Eastern Corridor	3.687
Delivering More/Better Housing	27.342
Ensuring Essential City Infrastructure	85.782
Improving Neighbourhoods and Community Infrastructure	5.424
Ensuring Good Quality School Places	0.868
Growing the Economy	56.019
Delivering Oceansgate	4.202
Connecting the City	32.491
Celebrating Mayflower	1.150
Delivering The Box	0.936
Transforming Services	67.638
<b>Total</b>	<b>344.716</b>

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