



Herbert Warehouse  
The Docks  
Gloucester  
GL1 2EQ

Wednesday, 14 November 2018

**TO EACH MEMBER OF GLOUCESTER CITY COUNCIL**

Dear Councillor

You are hereby summoned to attend a **MEETING OF THE COUNCIL** of the **CITY OF GLOUCESTER** to be held at the Civic Suite - North Warehouse, The Docks, Gloucester, GL1 2EP on **Thursday, 22nd November 2018 at 6.30 pm** for the purpose of transacting the following business:

**AGENDA**

1. **APOLOGIES**

To receive any apologies for absence.

2. **MINUTES (Pages 11 - 32)**

To approve as a correct record the minutes of the Council Meeting held on 27 September 2018 and the Special Council Meeting on 25 October 2018.

3. **DECLARATIONS OF INTEREST**

To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.

4. **CALL OVER**

- (a) Call over (item 9 only) will be read out at the meeting and Members invited to reserve the items for discussion.
- (b) To approve the recommendations of those reports which have not been reserved for discussion.

**5. PUBLIC QUESTION TIME (15 MINUTES)**

The opportunity is given to members of the public to put questions to Cabinet Members or Committee Chairs provided that a question does not relate to:

- Matters which are the subject of current or pending legal proceedings or
- Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers.

**6. PETITIONS AND DEPUTATIONS (15 MINUTES)**

A period not exceeding three minutes is allowed for the presentation of a petition or deputation provided that no such petition or deputation is in relation to:

- Matters relating to individual Council Officers, or
- Matters relating to current or pending legal proceedings

**7. ANNOUNCEMENTS (10 MINUTES)**

To receive announcements from:

- a) The Mayor
- b) Leader of the Council
- c) Members of the Cabinet
- d) Chairs of Committees
- e) Head of Paid Service

**8. MEMBERS' QUESTION TIME**

- a) Leader and Cabinet Members' Question Time (30 minutes)

Any member of the Council may ask the Leader of the Council or any Cabinet Member any question without prior notice, upon:

- Any matter relating to the Council's administration
- Any matter relating to any report of the Cabinet appearing on the Council's summons
- A matter coming within their portfolio of responsibilities

Only one supplementary question is allowed per question.

- c) Questions to Chairs of Meetings (15 Minutes)

## **ISSUES FOR DECISION BY COUNCIL**

### **9. GAMBLING ACT 2005 - REVISED STATEMENT OF PRINCIPLES FOLLOWING TEN WEEK CONSULTATION (Pages 33 - 86)**

To consider the report of the Head of Communities concerning the adoption of the revised Gambling Act 2005 Statement of Principles.

## **MOTIONS FROM MEMBERS**

### **10. NOTICES OF MOTION**

#### **1. PROPOSED BY COUNCILLOR JAMES**

“This Council:

Notes the proposal by Post Office Limited to relocate up to 40 Post Offices into WH Smith stores in 2019;

Further notes that this could include the main Post Office in Gloucester located in Kings Square;

Recognises the importance of the Post Office building to the setting of Kings Square;

Welcomes the fact that a consultation period will take place before any final decision is made and urges customers, residents and businesses to make their views known;

Expresses its concern that the city’s main Post Office must be accessible and able to provide the wide range of services and facilities currently available;

Resolves to make its own submission to the consultation to be agreed by the three group leaders.”

#### **2. PROPOSED BY COUNCILLOR PULLEN**

“Council recognises and values that green public spaces in the City centre are at a premium and that they greatly enhance the environment and quality of life for both residents and visitors.

Council further agrees that Greyfriars bowling green is a valuable green space close to local residencies and should be enhanced and protected from future development.

Council therefore resolves:

1. To include Greyfriars bowling green as a designated area of public open space as part of the Council’s review of its Public Open Space Strategy.

2. That the bowling green be protected from being built upon in any future redevelopment of the area.
3. That a comprehensive plan be drawn up as part of the Local Plan process that provides for a small development of residential/ retail properties including Aviation Gardens that retains the bowling green as its central feature.”

### **3. PROPOSED BY COUNCILLOR HAIGH**

“This Council notes:

- That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of councillors in England are women, up 1% since 2017. Of the seats that were up for election in 2018, 38% went to women, up just 3 percentage points on 2014 when these seats were last contested;
- That across England, Labour has improved its representation since seats were last up for grabs, with 45% women compared with 40% in 2014, Liberal Democrat representation up from 34% to 36% whilst the Conservative Party saw a fall from 31% to 29% in the share of its councillors who are female;
- By summer 2017, only 4% of councils in England and Wales have parental leave policies, according to research by the Fawcett Society;
- That the role of a councillor should be open to all, regardless of their background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to start a family to remain as councillors;
- That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.

This Council resolves:

- that the General Purposes committee be asked to draw up a parental leave policy with due regard to best practice in other Councils and that this policy to give all councillors an entitlement to parental leave after giving birth or adopting;
- To ensure that councillors with children and other caring commitments are supported as appropriate.”

### **4. PROPOSED BY COUNCILLOR PULLEN**

“This Council notes that many council budgets are now at Breaking Point. Austerity has caused huge damage to communities up and down the UK, with devastating effects on key public services that protect the most defenceless in society – children at risk, disabled adults and vulnerable older people – and the services we all rely on, like clean streets, libraries, and children’s centres;

- Government cuts mean councils have lost 60p out of every £1 that the last Labour Government was spending on local government in 2010;
- Councils had to spend an extra £800m last year to meet the demand on vital services to protect children
- With an aging population and growing demand adult social care faces a gap of £3.5 billion – with only 14% of council workers now confident that vulnerable residents are safe and cared for
- Government cuts have seen over 500 children’s centres and 475 libraries close, potholes are left unfilled, and 80% of council workers now say have no confidence in the future of local services
- Northamptonshire has already gone bust, and more councils are predicted to collapse without immediate emergency funding
- Councils now face a further funding gap of £7.8 billion by 2025 just to keep services ‘standing still’ and meeting additional demand. Even Lord Gary Porter, the Conservative Chair of the Local Government Association, has said ‘Councils can no longer be expected to run our vital local services on a shoestring’

This Council condemns Chief Secretary to the Treasury Liz Truss for stating on BBC Newsnight on 1<sup>st</sup> October 2018 that the government is “not making cuts to local authorities”, when all independent assessments of government spending show that this is entirely false; and that this Council further notes that Prime Minister Theresa May has also claimed that “austerity is over” despite planning a further £1.3bn of cuts to council budgets over the next year;

This Council agrees with the aims of the ‘Breaking Point’ petition signed by labour councillors across the country, in calling for the Prime Minister and Chancellor to truly end austerity in local government by:

- Reversing next years planned £1.3bn cut to council budgets;
- Immediately investing £2bn in children’s services and £2bn in adult social care to stop these vital emergency services from collapsing;
- Pledging to use the Spending Review to restore council funding to 2010 levels over the next four years

This Council resolves to:

- Support the ‘Breaking Point’ campaign, recognising the devastating impact that austerity has had on our local community

Ask the Leader of the Council to write to the Chancellor of the Exchequer, the Prime Minister, and the Secretary of State for Housing, Communities and Local Government setting out the funding pressures faced by our local council, and calling on the Government to truly end austerity in local government.”

## **5. PROPOSED BY COUNCILLOR HILTON**

“This council expresses its disappointment and opposition to the closure of Hempsted Household Recycling Centre one day a week and to the reduced opening hours on the days the centre grants access to the public.

This council believes that this decision by Gloucestershire County Council cabinet will discourage recycling and encourage flytipping.

This council agrees to write to the cabinet member responsible for the decision, requesting that he opens Hempsted Recycling Centre seven days a week and reconsiders the daily opening hours, especially during British Summer Time.”

## **6. PROPOSED BY COUNCILLOR WILSON**

“Council welcomes the recent completion and opening of the new Gloucester Transport Hub and congratulates all those involved in making this project such a success.

Council recognizes the importance of good transport links both in facilitating easy access to the city centre and hospital but in also creating a good first impression of our city as a good place to live and do business of which the Transport Hub is the first step in achieving this.

Council resolves, as the scheme promoter for the Railway Station Improvement project, to focus its efforts now in working with Great Western Railways and all stakeholders to ensure this project is also delivered to the same high standards as the Transport Hub.”

## **7. PROPOSED BY COUNCILLOR MELVIN**

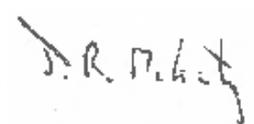
“This Council:

- Recognises the difficulty that many residents in inner city wards of Gloucester have parking outside or near their homes;
- Welcomes the County Council’s proposed review of parking across the County, resolves to work with them to ensure its success in Gloucester including making City Council channels available to assist with the consultation, and asks the County Council to review inner city wards of Gloucester early in the process;
- Notes that the conversion of former family homes to houses in multiple occupation, including for students, can exacerbate already difficult parking issues and asks the Planning Policy Working Group to consider how City Plan policies can be used to assist with this problem.”

11. **WRITTEN QUESTIONS TO CABINET MEMBERS (Pages 87 - 90)**

Written questions and answers. Only one supplementary question is allowed per question.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. R. McGinty".

**Jon McGinty**  
**Managing Director**

## NOTES

### Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area.  For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share

- capital of that body; or
- ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

### **Access to Information**

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For enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk).

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

### **Recording of meetings**

Please be aware that meetings may be recorded. There is no requirement for those wishing to record proceedings to notify the Council in advance; however, as a courtesy, anyone wishing to do so is advised to make the Mayor aware before the meeting starts.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

### **FIRE / EMERGENCY EVACUATION PROCEDURE**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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**COUNCIL**

**MEETING** : Thursday, 27th September 2018

**PRESENT** : Cllrs. J. Brown (Mayor), Hyman (Sheriff & Deputy Mayor), James, Watkins, Cook, Noakes, H. Norman, Organ, Pullen, Hilton, Gravells, Tracey, Stephens, Lugg, Hanman, Lewis, Morgan, Wilson, Bhaimia, Haigh, D. Brown, Dee, Taylor, Hansdot, Patel, Toleman, D. Norman, Hampson, Brazil, Coole, Fearn, Finnegan, Hawthorne, Melvin, Ryall and Smith

**Others in Attendance**

Managing Director  
Corporate Director (Partnership Working)  
Corporate Director (Service Transformation)  
Solicitor (One Legal)  
Head of Communities  
Head of Place  
Policy and Governance Manager  
Democratic and Electoral Services Team Leader

**APOLOGIES** : Cllrs. Williams, Brooker and Walford

**22. MINUTES**

22.1 Save for minor adjustments to the Mayor's involvement in 'Beat the Street', the minutes of the meeting which took place on 12<sup>th</sup> July 2018 were agreed and signed as a correct record by the Mayor.

**23. DECLARATIONS OF INTEREST**

23.1 Councillors D. Norman, Gravells and D. Brown declared an interest in agenda item 10 (3) by virtue of their being Members of Gloucestershire County Council. The Managing Director advised that, whilst it was open to such Members to declare as such, it was not required of them.

**24. CALL OVER**

24.1 The Mayor invited Members to indicate whether they wished to reserve agenda item 9. No Members indicated as such and Councillor James was therefore invited to move agenda item 9.

**25. PUBLIC QUESTION TIME (15 MINUTES)**

- 25.1 A Gloucester resident asked the Cabinet Member for Communities and Neighbourhoods, Councillor Watkins, in relation to works that were being carried out at the Rose Garden on London Road, how long the fence around the garden would be erected. Councillor Watkins stated that she was happy to have discussions regarding the Rose Garden at any point. With regard to the fencing, she advised that an exact time frame could not be provided but that she would feed concerns back. She further advised that she had been assured by the County Council that the site was safe.
- 25.2 The same Gloucester resident asked Councillor Watkins whether previous temporary accommodation figures that had been provided (which showed that 170 Gloucester households were in temporary accommodation) included minors and if they did not, could they be included. Councillor Watkins advised that there were 153 households in temporary accommodation which represented a 12% reduction since July. She further advised that ten of these were placed out of Gloucester which represented a 38% reduction in the same period.
- 25.3 Councillor Watkins stated that these figures represented households and that figures should be able to be produced to show how many minors there were.

**26. PETITIONS AND DEPUTATIONS (15 MINUTES)**

- 26.1 The following petition, signed by 110 people, was presented by a group of Gloucester residents:

*Planned Development on Sneedhams Green*

*We, the undersigned, are totally against the planned development on several grounds. Namely: loss of views, loss of local usage of the green which is in constant use as a starting point.*

*We ask that Gloucester City Homes review and discuss this with affected local residents as to the way forward.*

*We would bring it to your attention that the latest masterplan (received on the 17<sup>th</sup> May 2018) was related to a meeting held on 15<sup>th</sup> May 2018 – we were never informed or invited to any meeting. The first thing that we knew about the new masterplan was when we received this through the letter box.*

- 26.2 A resident of Sneedhams Green stated that there was distress among residents at the prospect of building on the area. He stated that numerous recreational activities took place on the green and that many wished to keep it. He further stated that the group recognised and supported the need for housebuilding in the Matson area but this could be located elsewhere. He highlighted an increase in traffic and the potential threat to wildlife as other factors.

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- 26.3 Councillor Organ, Cabinet Member for Housing Strategy and Planning, thanked the petitioner for raising the issue. He stated that he knew the area well. Councillor Organ also advised that no application was in progress but that, when the process was underway, they would be at liberty to make representations regarding any proposed development.

**27. ANNOUNCEMENTS (10 MINUTES)**

**The Mayor**

- 27.1 The Mayor informed Members that she had completed all 71 stages of the Beat the Street challenged and thanked Councillor James and Council D. Brown for completing the final seven stages with her. She further thanked the Sheriff and Deputy Mayor for welcoming her to his ward on her journey.
- 27.2 The Mayor congratulated Councillor Laura Brooker on her recent marriage and wished her and Mr. Brooker many happy years together.
- 27.3 The Mayor announced that the Mayor's Children's Party would be held on Saturday 15<sup>th</sup> December at Ribston Hall High School.
- 27.4 The Mayor also reminded Members of the upcoming Special Council Meeting which would take place on Thursday 25<sup>th</sup> October 2018.
- 27.5 The Sheriff informed Members that £878.78 had been raised for the James Hopkins Trust at the Assize of Ale event. He thanked all those involved in the event and advised that there would be further fundraising activities for the charity which provides care and support for Gloucestershire's life limited and life threatened children.

**Leader of the Council**

- 27.6 The Leader of the Council, Councillor James, announced the appointment of Councillor Hannah Norman to the post of Cabinet Member for Performance and Resources following the departure of Councillor David Norman MBE to take up a post in the Cabinet at Gloucestershire County Council. He congratulated Councillor H. Norman on her appointment and expressed his thanks to Councillor D. Norman for his service to the Council during his tenure.
- 27.7 The Cabinet Member for Performance and Resources, Councillor H. Norman, announced that the new Council website would be live from 17.30hrs on Friday 28<sup>th</sup> September 2018. She further informed Members that the Council's closure of reception on the last Wednesday of the month in order for staff training to take place would cease after the October training day. She advised that this was always under review and the option would be there to arrange further training days where necessary.

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**Chairs of Committees**

- 27.8 The Chair of the Overview and Scrutiny Committee, Councillor Coole, informed Members that a number of Officers and Members had completed the recent survey on the work of the Overview and Scrutiny Committee. He report that, on a scale of 1 to 5 (which 1 being not at all effective and 5 being extremely effective), the average result was 3.5. He stated that this was positive and there was still room to improve. He further announced that the next meeting of the Committee would take place on Monday 1<sup>st</sup> October 2018 at 6.30pm and that all Members were welcome.
- 27.9 Councillor Gravells, in highlighting the work of the Audit and Governance Committee, thanked the Head of Policy and Resources and the Finance team for all their endeavour throughout the year including the preparation of accounts and the Annual Report of the Committee.

**28. MEMBERS' QUESTION TIME**

**Questions to Cabinet Members**

- 28.1 Councillor Pullen welcomed Councillor H. Norman to her new post as Cabinet Member for Performance and Resources and stated that he was pleased that the closure of reception on the last Wednesday of the month would cease. He asked of the Cabinet Member how, in light of residents and others unable to access the Council's reception, how he should have answered their queries regarding the closure.
- 28.2 Councillor H. Norman stated that training was not affected by some who were unable to access the building and apologised to those individuals who could not access the Council's offices. She further stated that good quality had been delivered during the closures.
- 28.3 Councillor Pullen noted that at the most recent meeting of the Cabinet, the outgoing Cabinet Member for Performance and Resources stated that he wished the new Cabinet Member for remaining within budget. He asked how confident the new Cabinet Member for Performance and Resources was for remaining within budget. Councillor H. Norman stated that the Cabinet was a strong team and that she was confident this would happen.
- 28.4 By way of a supplementary question, Councillor Pullen asked the Cabinet Member for Performance and Resources, Councillor H. Norman, what pressure would be put on the Culture and Leisure portfolio to remain within its budget. Councillor H. Norman stated that the whole Cabinet would be working together so that all portfolios would remain in budget.
- 28.5 Councillor Hilton congratulated Councillor H. Norman on her new post. He asked of the Cabinet Member for Environment, Councillor Cook, if the shortfall of £300k of income from Amey resulting from the missing recycling waste and underselling of other recyclable materials had been recovered.

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Councillor Cook advised that payments had been withheld and would continue to be withheld until a satisfactory resolution was achieved.

- 28.6 Councillor Hilton asked whether the Council had received legal advice on whether there were sufficient grounds to issue Amey with a notice to terminate the contract and if the Council had issued instructions to terminate the streetcare contract. Councillor Cook advised that the Council's representatives continued to liaise with representatives from Amey to find a resolution.
- 28.7 Councillor Hilton asked of the Councillor Cook what progress had been made in bringing forward alternative arrangements for the delivery of the streetcare services. Councillor Cook stated that he would continue to receive options appraisals and guidance accordingly. By way of a supplementary question, Councillor Hilton asked what Councillor Cook's preferred option was –to go out to tender on the open market or to bring the services 'in house' as a Council direct labour organisation. Councillor Cook advised that he would examine all relevant option on an objective basis.
- 28.8 Councillor Toleman asked the Cabinet Member for Housing Strategy and Planning, Councillor Organ, to confirm whether the transfer of housing stock to Gloucester City Homes was a cross-party endeavour. Councillor Organ confirmed that it was.
- 28.9 Councillor Coole asked the Cabinet Member for Performance and Resources, Councillor H. Norman, if, given the announcement that reception closures would cease, he had been incorrect in his assessment of the level of interactions sought on closure days. Councillor H. Norman stated that there had been a difference in calculations and definitions of those who had been interacting with the Council on closure days.
- 28.10 Councillor Coole asked Councillor H. Norman if she would apologise to those who could not access Council services. Councillor H. Norman stated that she would apologise to anyone inconvenienced by closures and that it had been a beneficial training programme.
- 28.11 Council Haigh asked the Leader of the Council, Councillor James, what the funding source for the King's Square development was. Councillor James responded that the first phase was under the Capital Programme.
- 28.12 Councillor Lugg asked Councillor Cook what the ultimate destination of a black plastic tray was. Councillor Cook advised that such items were not recyclable.
- 28.13 Councillor Lewis asked Richard Cook if there had been any improvement in the recycling of food waste. Councillor Cook advised that there had been a 13% increase in such recycling which represented 450 tonnes per year.
- 28.14 Councillor Ryall asked Councillor James if he would join her in welcoming all new students to Gloucester. Councillor James welcomed all the new students and informed Members that he attended the opening of the new

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business school. Councillor James further stated that the new students would undoubtedly enhance the life of the City.

- 28.15 Councillor Ryall asked Councillor James what action had been taken to overcome some negative perceptions of safety in the City. Upon deferment, Councillor Watkins thanked partners, particularly the University of Gloucestershire, for working with the City Council to address safety concerns. He stated that he was confident that such concerns would be allayed.
- 28.16 Councillor Wilson asked Councillor James if he had been in contact with the Local Government Association (LGA) given the chances of a 'No-Deal' Brexit had increased and what the Council would do to help the most vulnerable were there to be no agreement with the European Union. Councillor James advised that the Council took its lead from the LGA as well as briefing notes from the Key Cities Group. He further stated that such matters would be dealt with as and when they arose.
- 28.17 Councillor Dee asked the Cabinet Member for Culture and Leisure, Councillor Noakes, how well attended the recent History Festival was. Councillor Noakes advised that it was a very successful festival and informed Members that the talks at Blackfriars saw a large increase in visitors from all over the world.
- 28.18 Councillor D. Brown asked Councillor Cook if there was explanation for delays in green waste collection. Councillor Cook advised Councillor D. Brown to furnish him with the details and he would respond accordingly.
- 28.19 Councillor D. Brown asked of Councillor Cook if there were any early indications of take up for the new green waste collection. Councillor Cook advised that it was likely to be commensurate with previous years.
- 28.20 Councillor Hampson asked Councillor Cook if there was any advice for residents who had had their green waste collection delayed and whether there was a possibility of a refund. Councillor Cook advised that residents should report their concerns to the Council and, in relation to refunds, further advised that he would be raising the matter with the relevant parties.
- 28.21 Councillor Gravells noted that upcoming AGM of the National Sherriff's Association and asked Councillor James if he agreed with him that all should be done to preserve the Sheriff's Mill and other similarly historic buildings. Councillor James stated that he did agree and that he was looking forward to discovering more about such matters.

**Questions to Chairs of Committees**

- 28.22 Councillor Haigh asked the Chair of the Overview and Scrutiny Committee, Councillor Coole, whether he thought the Council should contribute a submission to the Ministry of Housing, Communities and Local Government (MCLG) in relation to statutory scrutiny guidance which was due to be

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published at the end of the year. Councillor Coole stated that it would be useful to prepare a submission.

28.23 Councillor Hilton asked the Chair of the Planning Committee, Councillor Taylor, whether he had, to date, met Redrow Homes or their agents since the 5<sup>th</sup> August 2016 to discuss planning applications in respect of 89 or 100 dwellings on the former Civil Service Sports Ground. Councillor Taylor advised that he had not met either Redrow Homes or their agents prior to any planning application.

28.24 As a supplementary question, Councillor Hilton asked Councillor Taylor what verbal or written discussions he had had with Members of the Cabinet or Council Officers in respect of the two applications. Councillor Taylor advised that no such discussions had taken place.

**29. ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE 2017/18**

29.1 Councillor James, seconded by Councillor H. Norman moved the Annual Report of the Audit and Governance Committee 2017/18.

29.2 **RESOLVED:** - That the Annual Report of the Audit and Governance Committee 2017/18 be approved.

**30. NOTICES OF MOTION**

Notice of Motion from the Liberal Democrat Group

30.1 Councillor Brazil, seconded by Councillor Ryall, proposed the following motion:

This Council recognises:

the value of having public drinking fountains in a number of key areas in the city where people can fill their own bottles or drink straight from the fountain. With the hot weather we experienced this Summer it would also benefit visitors and residents alike. This would also reduce the quantity of plastic bottles of water being purchased locally, reduce the need for recycling and promote water as a healthy option.

Council resolves to:

- 1) acknowledge the importance of providing access to free drinking water around the city, welcome the recent establishment of Refill Gloucester and give its support to the reintroduction of public drinking fountains,
- 2) ask Cabinet to work with Gloucester Bid and Severn Trent Water to look at the feasibility of installing and maintaining public drinking fountains in the city.

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- 30.2 Councillor Cook, seconded by Councillor James, proposed the following amendment:

This Council recognises:

the value of having public ~~drinking fountains~~ **access to water refill stations** in a number of key areas in the city where people can fill their own bottles ~~or drink straight from the fountain~~. With the hot weather we experienced this Summer it would also benefit visitors and residents alike. This would also reduce the quantity of plastic bottles of water being purchased locally, reduce the need for recycling and promote water as a healthy option.

Council resolves to:

- 1) acknowledge the importance of providing access to free drinking water around the city, **and** welcome the recent establishment of Refill Gloucester ~~and give its support to the reintroduction of public drinking fountains,~~
- 2) ~~ask Cabinet to work with Gloucester Bid and Severn Trent Water to look at the feasibility of installing and maintaining public drinking fountains in the city."~~

- 30.3 The amendment was put to the vote and was carried. It, therefore, became the substantive motion.

- 30.4 The substantive motion was put to the vote and was carried.

- 30.5 **RESOLVED that: -**

"This Council recognises:

the value of having public access to water refill stations in a number of key areas in the city where people can fill their own bottles With the hot weather we experienced this Summer it would also benefit visitors and residents alike. This would also reduce the quantity of plastic bottles of water being purchased locally, reduce the need for recycling and promote water as a healthy option.

Council resolves to acknowledge the importance of providing access to free drinking water around the city, and welcome the recent establishment of Refill Gloucester.

Notice of Motion from the Liberal Democrat Group

- 30.6 Councillor Hilton, seconded by Councillor Wilson proposed the following motion:

This council welcomes, ahead of a planning application, the public consultation being carried out over the new plans for redevelopment of the Kings Quarter.

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This council agrees the Kings Quarter redevelopment should include office accommodation and that it could be an ideal location to relocate the city council's civic and administrative headquarters.

This council also agrees that a new justice centre is desperately needed in Gloucester and the Kings Quarter could also include new crown, magistrates and county courts, which would enhance the scheme still further.

This council also notes that the city council HQ and a justice centre would be adjacent to the new bus station, an improved railway station and a new multi-storey car park, making easy access to these public facilities for everyone.

- 30.7 Councillor James, seconded by Councillor Watkins, proposed the following amendment:

This council welcomes, ahead of a planning application, the public consultation being carried out over the new plans for redevelopment of the Kings Quarter.

This council agrees **that it is important to get more people working in the city centre and that** the Kings Quarter redevelopment should include office accommodation and that ~~it could be an ideal location~~ **the option** to relocate the city council's civic and administrative headquarters **there in the future should remain open.**

This council also agrees ~~that a new justice centre is desperately needed in Gloucester and the~~ **to highlight the opportunities at** Kings Quarter could also include new crown, magistrates and county courts, which would enhance the scheme still further **to other public sector partners through the One Public Estate programme.**

This council also notes that the ~~city council HQ and a justice centre would~~ **Kings Quarter development will** be adjacent to the new bus station, an improved railway station and a new multi-storey car park, making easy access to these public facilities for everyone **and an attractive site for developers and occupiers.**

**This council also welcomes the proposal for a Cultural Entrepreneurs Hub at Kings House and resolves to support the bid to the Government's Cultural Development Fund."**

- 30.8 The amendment was put to the vote and was carried. It therefore became the substantive motion.

- 30.9 The substantive motion was put to the vote and was carried.

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**30.10 RESOLVED that: -**

“This council welcomes, ahead of a planning application, the public consultation being carried out over the new plans for redevelopment of the Kings Quarter.

This council agrees that it is important to get more people working in the city centre and that the Kings Quarter redevelopment should include office accommodation and that the option to relocate the city council’s civic and administrative headquarters there in the future should remain open.

This council also agrees to highlight the opportunities at Kings Quarter to other public sector partners through the One Public Estate programme.

This council also notes that the Kings Quarter development will be adjacent to the new bus station, an improved railway station and a new multi-storey car park, making easy access to these public facilities for everyone and an attractive site for developers and occupiers.

This council also welcomes the proposal for a Cultural Entrepreneurs Hub at Kings House and resolves to support the bid to the Government’s Cultural Development Fund.”

Notice of Motion from the Labour Group

**30.11 Councillor Stephens, seconded by Councillor Pullen, proposed the following motion:**

This council notes:

Though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.

There were 3805 victims of modern slavery identified in the UK in 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office.

Modern Slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

This council believes:

That action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK.

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That the current support for victims is not sufficient and needs to go beyond the 45 days they are currently given by the government.

That councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation.

**This council resolves:**

To adopt the Co-operative Party's Charter against Modern Slavery to ensure our procurement practices don't support slavery.

Gloucester City Council will:

1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually.

30.12 The motion was put to the vote and was carried.

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30.13 **RESOLVED that: -**

This council notes:

Though slavery was abolished in the UK in 1833, there are more slaves today than ever before in human history. Figures from the International Labour Organisation (ILO) suggest that there are more than 40 million people in modern slavery across the world, with nearly 25 million held in forced labour.

There were 3805 victims of modern slavery identified in the UK in 2016. A rising number but still well below the 10,000 and 13,000 potential victims estimated by the Home Office.

Modern Slavery is happening nationwide. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment. This can include sexual and criminal exploitation.

This council believes:

That action needs to be taken to raise awareness of modern slavery and the fact that it is happening all over the UK.

That the current support for victims is not sufficient and needs to go beyond the 45 days they are currently given by the government.

That councils have an important role to play in ensuring their contracts and supplies don't contribute to modern day slavery and exploitation.

**This council resolves:**

To adopt the Co-operative Party's Charter against Modern Slavery to ensure our procurement practices don't support slavery.

Gloucester City Council will:

1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.

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5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually.

Notice of Motion from the Labour Group

- 30.14 Councillor Haigh, seconded by Councillor Coole, proposed the following motion:

This Council notes that sanitary products are essential items for people who have periods and that people visiting Council buildings may need such products when they visit. Council believes that people in Council buildings should have free access to sanitary products in the same way as they are provided with toilet paper and soap.

Council notes that the County Council has set up a scheme to provide access to products for people vulnerable to period poverty.

This Council therefore resolves to provide free sanitary products in all City Council buildings.

- 30.15 Councillor Watkins, seconded by Councillor H. Norman, proposed the following amendment:

This Council notes that sanitary products are essential items for people who have periods and that people visiting Council buildings may need such products ~~when they visit~~. Council believes that people ~~in Council buildings~~ **who are unable to afford sanitary products** should have free access to ~~sanitary products in the same way as they are provided with toilet paper and soap~~ **them**.

Council notes that the County Council has set up a scheme to provide access to products for people vulnerable to period poverty, **notes that Gloucester Foodbank and Gloucester City Mission already provide free**

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**sanitary products to vulnerable women and agrees to work with these groups and others to raise awareness of their availability.**

~~This Council therefore resolves to provide free sanitary products in all City Council buildings~~ **also agrees to ensure relevant staff are aware and highlight the availability of free sanitary products as part of the referral process.**

30.16 The amendment was put to the vote and was carried. It therefore became the substantive motion.

30.17 The substantive motion was put to the vote and was carried.

30.18 **RESOLVED that: -**

This Council notes that sanitary products are essential items for people who have periods and that people visiting Council buildings may need such products. Council believes that people who are unable to afford sanitary products should have free access to them.

Council notes that the County Council has set up a scheme to provide access to products for people vulnerable to period poverty, notes that Gloucester Foodbank and Gloucester City Mission already provide free sanitary products to vulnerable women and agrees to work with these groups and others to raise awareness of their availability.

This Council also agrees to ensure relevant staff are aware and highlight the availability of free sanitary products as part of the referral process.

Notice of Motion from the Conservative Group

30.19 Councillor James, seconded by Councillor Noakes proposed the following motion:

This Council:

- welcomes the progress made by Gloucester City Football Club in working towards a return to playing at Meadow Park, including groundworks to raise the level of the pitch and the relocation of the telecommunications mast;
- supports the Club's ambition to be playing back in Gloucester for the 2019/20 season;
- notes that the majority of the £100,000 allocated to the Club by the City Council from the Regeneration Account to enable its return to the city has been drawn down with the remainder available to assist with the final stages of the project;
- will support funding applications by the Club to the Football Association and other funders to help finance the new stadium;

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calls upon businesses, individuals, the local media and other key stakeholders in the city to get behind the club to finally bring an end to its years in exile

30.20 The motion was put to the vote and was carried.

30.21 **RESOLVED that:** -

This Council:

- welcomes the progress made by Gloucester City Football Club in working towards a return to playing at Meadow Park, including groundworks to raise the level of the pitch and the relocation of the telecommunications mast;
- supports the Club's ambition to be playing back in Gloucester for the 2019/20 season;
- notes that the majority of the £100,000 allocated to the Club by the City Council from the Regeneration Account to enable its return to the city has been drawn down with the remainder available to assist with the final stages of the project;
- will support funding applications by the Club to the Football Association and other funders to help finance the new stadium;

calls upon businesses, individuals, the local media and other key stakeholders in the city to get behind the club to finally bring an end to its years in exile

**31. WRITTEN QUESTIONS TO CABINET MEMBERS**

- 31.1 Councillor Haigh asked Councillor Cook would the two relevant Cabinet Members from both the County and City Councils work together to use the data in the written answer to combat psychoactive substance use. Councillor Cook advised that it was particularly difficult to get accurate figures for this and that there were a number of organisations involved in such cleaning.
- 31.2 Councillor Hilton asked Councillor James if he had discussed the value of possible s106 agreements at his two meetings with Redrow Homes. Councillor James stated that there no detailed discussions in this matter.
- 31.3 Councillor Hilton asked Councillor Organ if he could name the other persons, other than Councillor James, present at the meeting on 14<sup>th</sup> February 2018. Councillor Organ stated that he was invited at short notice and could not recall the others present.
- 31.4 Council Hilton asked Councillor Cook if there had been any communication between himself and Kingsholm Primary School, Spartans Rugby Club or High School for Girls in relation to their possible interest in using the Civil Sports Ground for sporting activities. Councillor Cook stated that there had been no correspondence with any organisations.

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**Time of commencement: 6.30 pm hours**  
**Time of conclusion: 9.10 pm hours**

**Chair**



## COUNCIL

**MEETING** : Thursday, 25th October 2018

**PRESENT** : Cllrs. J. Brown (Mayor), Hyman (Sheriff & Deputy Mayor), James, Watkins, Organ, Noakes, Cook, H. Norman, Pullen, Hilton, Tracey, Stephens, Lugg, Hanman, Lewis, Morgan, Wilson, Bhaimia, Haigh, D. Brown, Dee, Taylor, Hansdot, Patel, Toleman, D. Norman, Hampson, Brooker, Brazil, Coole, Hawthorne, Melvin, Ryall, Smith and Walford

**Others in Attendance**

Anne Brinkhoff, Corporate Director  
Jonathan Lund, Corporate Director  
Ian Edwards, Head of Place  
Tanya Davies, Policy and Governance Manager  
Cheryl Lester, Planning Solicitor, One Legal  
Adam Gooch, Principal Planning Officer  
Tony Wisdom, Democratic Services Officer

**APOLOGIES** : Cllrs. Gravells, Williams, Fearn and Finnegan

### 32. DECLARATIONS OF INTEREST

32.1 No declarations were made on this occasion.

### 33. COMMUNITY INFRASTRUCTURE LEVY (CIL) FORMAL ADOPTION OF CHARGING SCHEDULE AND SUPPORTING POLICIES ALONGSIDE APPROVAL OF THE REGULATION 123 LIST FOR PUBLICATION AND SETTING A COMMENCEMENT DATE FOR CHARGING

33.1 Council considered the report of the Cabinet Member for Planning and Housing Strategy which invited Council to adopt a Community Infrastructure Levy (CIL) Charging Schedule and supporting policies alongside a list of infrastructure that may be funded from CIL (Regulation 123 list) and to set a commencement date for charging of 1<sup>st</sup> January 2019.

33.2 Councillor Organ, Cabinet Member for Planning and Housing Strategy, thanked Members, Officers and Mr Barry leach for attending

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the meeting. He noted that CIL would ensure that the provision of infrastructure would keep pace with the pace of development and would replace some aspects of Section 106 funding.

- 33.3 He advised that the draft charging schedule had been the subject of two rounds of public consultation and the report of the Independent Examiner had been received in July 2018.
- 33.4 He also advised that two officers were employed jointly by the three JCS authorities to assist them in preparing for CIL.
- 33.5 Councillor Pullen thanked officers for the briefing sessions which had been organised for Members. He referred to paragraph 5.1 of the report and asked if the Council would be initiating Neighbourhood Development Plans; whether they would sit under the City Plan and how would consultation be carried out.
- 33.6 Councillor Hilton referred to paragraph 13.3 of the report and noted the importance of involving the community. He wished to see monies raised spent in the area of the development and, if necessary, the Constitution should be amended to ensure that this would be the case.
- 33.7 Councillor Coole believed that proposals for spending the 15 per cent neighbourhood portion should be examined by the Overview and Scrutiny Committee to ensure public engagement as he believed that transparency was the key. He believed that the funding should be used to create a legacy and asked how large developments would be treated.
- 33.8 Councillor Taylor called on all Members to support the recommendation. He advised that Neighbourhood Plans were the subject of a prescribed process and noted that the proposed Plan for Hempsted had not been completed.
- 33.9 Councillor Wilson asked how it could be ensured that the Council did not create an imbalance between CIL and Section 106 contributions as it could not use both.
- 33.10 Councillor Stephens supported the recommendation which would provide a more definite guide to the monies raised than Section 106 contributions. He noted that the Government expected CIL to raise more funding than Section 106 but expressed concerns as affordable housing was funded by Section 106 contributions.
- 33.11 He expressed concern that the proposed tariff for Gloucester was lower than that for the other Districts but noted that the charging schedule would be subject to review. He called for a written policy on the consultation mechanism and formal definition of terms.

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- 33.12 He believed that the development of Neighbourhood Plans presented a role for the Council and for Ward Members in particular.
- 33.13 Councillor Melvin believed that there should be a charge for developments of less than ten dwellings. She expressed concerns that the tariffs were lower than Cheltenham and Tewkesbury and did not reflect the incredible achievements of regeneration in the City.
- 33.14 Councillor James, Leader of the Council, responded to the points raised as follows:-
- Neighbourhood plans could be based on communities within ward areas.
  - There was no intention that Cabinet would make decisions on the neighbourhood portion without community input.
  - Officers would be aware of ‘double dipping’ and he noted that CIL can be used to contribute to larger infrastructure projects.
  - There had been a struggle to provide affordable housing through Section 106 agreements due to viability issues and he had met with a Housing Association that day to discuss delivery of affordable housing.
  - The Charging Schedule had been the subject of an Independent Examination which had been informed by viability issues.
- 33.15 Councillor Organ thanked Members for their contributions and made the following points:-
- It was important to involve communities and people in neighbourhood planning.
  - The cross-party Planning Policy Members Working Group had been set up to make recommendations on such matters.
  - The differing tariffs between the Districts reflected differences in land price and market values.
- 33.16 Paul Hardiman, JCS CIL Manager, drew Members’ attention to the Regulation 123 list which would ensure the right amount of contributions were apportioned to correctly to CIL or Section 106. He advised that the list was a crucial document which could be reviewed.
- 33.17 Mr Hardiman advised that Section 106 remained in the National Planning Policy Framework as CIL Regulation 122. Section 106 funding had to be closely related to the development or essential to the development whereas no development could be reliant on CIL contributions. It was therefore essential that the Regulation 123 list was able to secure what was needed to make a development work.
- 33.18 **RESOLVED that:**
- (1) **The Gloucester City Council Community Infrastructure Levy Charging Schedule, as modified in line with the recommendations of the Independent Examiner, be adopted.**

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- (2) The following supporting CIL policies be adopted:**
  - a. Payment by instalments (Regulation 69b)**
  - b. Request for Review and Appeals (Part 10)**
- (3) The Regulation 123 List for Gloucester City Council be approved for publication.**
- (4) Commencement date for charging of the 1<sup>st</sup> January 2019 be set, in line with JCS partner authorities.**

**34. GLOUCESTER, CHELTENHAM AND TEWKESBURY JOINT CORE STRATEGY - ISSUES AND OPTIONS**

- 34.1 Council considered the report of the Cabinet Member for Planning and Housing Strategy which sought approval for publication of and consultation on the Joint Core Strategy 'Issues and Options' document.
- 34.2 Councillor Organ advised that a new National Planning Policy Framework had been published which required a full review every five years and that plans should cover a period of fifteen years.
- 34.3 He noted that the other JCS authorities had approved the document for consultation on 15<sup>th</sup> October 2018.
- 34.5 Councillor Hilton believed that a full review of the Strategy after only one year was premature. He believed that priority should be given to the completion of the City Plan as the last plan dated from 1983. He noted that he still had not seen a list of new policies for the City Plan and expressed concerns that the public could be confused by a review of the JCS. He also expressed concern that sites outside the City boundary would cost less to develop than brownfield sites within the City.
- 34.6 Councillor Pullen thanked officers for the briefing and stated that he appreciated the reasons for the review of the JCS.
- 34.7 Councillor James, Leader of the Council , noted that the Inspector had directed that two sections of the JCS be reviewed immediately. He stated that City Plan would not be delayed.
- 34.8 He noted that a 'brownfield first' policy had been considered but was not considered to be practical as all sites would be required. He confirmed that it was the Council's intention to bring forward the brownfield sites as quickly as possible.
- 34.9 Councillor Organ stated that the JCS process had taken ten years to complete. Councillors had a role in helping to convey the message and he confirmed that the development of brownfield sites was very much the Council's intention.

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**34.10 RESOLVED that**

- (1) The JCS Review Issues and Options consultation document (Appendix 1), be approved for public consultation under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (2) The Head of Place be authorised, after consultation with the Cabinet Member for Housing and Planning, to make minor amendments to the text of the document and appropriate changes to the design prior to its publication for consultation.

**Time of commencement: 6.30 pm hours**

**Time of conclusion: 7.16 pm hours**

**Chair**

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# Gloucester City Council

<b>Meeting:</b>	<b>Licensing and Enforcement Committee</b>	<b>Date:</b>	<b>11 September 2018</b>
	<b>Council</b>		<b>27 September 2018</b>
<b>Subject:</b>	<b>Gambling Act 2005 – Revised Statement of Principles following 10 week consultation</b>		
<b>Report Of:</b>	<b>Head of Communities</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Rebecca Tuck, Community Wellbeing Officer</b>		
	<b>Email: Rebecca.Tuck@gloucester.gov.uk</b>	<b>Tel:</b>	<b>396678</b>
<b>Appendices:</b>	<ol style="list-style-type: none"> <li><b>1. Revised Statement of Principles</b></li> <li><b>2. Response from Gamcare</b></li> <li><b>3. Response from HM Revenue &amp; Customs</b></li> <li><b>4. Response from Glos County Council – Public Health Team</b></li> <li><b>5. Response from Gambleaware</b></li> </ol>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

5.1 The committee is asked to consider the responses received during the recent consultation on the revised draft Gambling Act 2005 Statement of Principles and recommend to Council that the revised Statement of Principles for 2019-2022 be formally approved and adopted.

### 2.0 Recommendations

2.1 The Licensing and Enforcement Committee is asked to **APPROVE** the Statement of principles and **RECOMMEND** that the revised Gambling Act 2005 Statement of Principles is approved and adopted by Council before it can advertise and publish it.

2.2 Council is asked to **RESOLVE** to adopt the Gambling Act 2005 Statement of Principles for 2019-2022 and to authorise the Head of Communities to publish and advertise it.

### 3.0 Background and Key Issues

3.1 The Council is the Licensing Authority for the purposes of the Gambling Act 2005

3.2 The Gambling Act 2005 sets out the regulatory system that governs the provisions of all gambling in Great Britain, other than the National Lottery. The Act requires us

to prepare a Statement that we propose to apply in exercising our functions under the Act.

- 3.3 The Statement is a licensing policy which sets out the general approach we will take when carrying out our regulatory role under the Act.
- 3.4 As of September 2007, licensing authorities were granted powers to licence gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and club and minors welfare institutes. The Act also provides for a system of Temporary Use Notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for limited periods.
- 3.5 The Gambling Act contains three licensing objectives which underpin the functions that the Gambling Commission and Gloucester City Council will perform. These Objectives are central to the regulatory regime created by the Act. They are:-
- Preventing gambling from being a source of Crime and Disorder.
  - 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.
- 3.6 Section 349 of the Act requires Gloucester City Council to prepare and publish a Statement of Principles that is proposes to apply in exercising its functions under the Act. The statement is a licensing policy which sets out the general approach that will be taken when carrying out its regulatory duties under the Act. This should be kept under review and must be re-published every three years.
- 3.7 The current Statement of Principles is due to expire in December 2018 and a new Statement of Principles must be in place by 31 January 2019.
- 3.8 The Act provides that the Licensing Authority must consult with:-
- The Chief Officer of Police for the Authority's area
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
  - 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 this Act.
- 3.9 The Licensing and Enforcement Committee on 12 June 2018 approved the Draft Statement of Principles for the purposes of consultation. There were only minor amendments and additions to the Statement of Principles which included:-

#### Local Area Profile

The need for a Local Area Profile will be kept under review.

## Local Area Risk Assessment

More detailed information about Local Area Risk Assessments. These are intended to be live documents and will need to be revisited and refreshed by Operators of each individual premise's as local circumstances change rather than just be companywide policies and procedures in relation to the licensing objectives. This Statement of Principles is one means by which this licensing authority can make clear its expectations of gambling operators.

## Plans

A new section has been added that sets out this Licensing Authority's expectations.

## Public Health and Gambling

A new section has been added recognising the links between Public Health and gambling-related harms and how the Council would like to work together in partnership with the local Public Health team to try and better understand and address gambling-related harms in the area.

## Exchange of Information

A new paragraph has been added in respect of applications referred to the Licensing Sub-Committee.

## Gambling Commission

A new section has been included that provides information on the Gambling Commission and its responsibilities.

## Complaints

A new paragraph has been added that set out how this Licensing Authority will deal with complaints.

## Small Society Lotteries

A new section has been included that sets out how the Council will approach its role and responsibilities in relation to the registration and monitoring of Small Society Lotteries.

- 3.10 The document has been subject to a 10 week consultation between 15 June 2018 and 24 August 2018.
- 3.11 On 15 June 2018 all consultees were written to and invited to make a written comment. In addition, the consultation was advertised on the Council's website and a copy of the draft document was placed in the main library in Brunswick Road.
- 3.12 During the consultation period four responses were received.

- 3.13 The first response was from Gamcare who are a national charity that provide information, advice, support and free counselling for the prevention and treatment of problem gambling. Their response is attached as **Appendix 2** of this report.

Gamcare's response is generic and doesn't relate specifically to this draft statement. It deals mainly with matters relating to the adoption of a local area profile (see paragraph 3.15 below) and matters that have been identified and included in Paragraph 5 of the draft statement in respect of Local Area Risk Assessments. Gamcare's comments are noted.

- 3.14 The second response was from HM Revenue and Customs who are a responsible authority under the Act, they requested that their contact details be updated. The draft statement has been amended to reflect these changes and can be seen highlighted in grey in Appendix B of the document. Their response is attached as **Appendix 3** of this report.

- 3.15 The third response was from Gloucestershire County Council's Public Health Team and is attached as **Appendix 4** of this report.

The first part of their response relates to suggested changes to the wording of Paragraph 4 relating to a 'local area profile'. The CWB team have engaged with Becky Maclean the Gambling lead for Public Health around setting up a countywide working group to develop a local area plan, and, have asked for this to be an agenda item at the next Gloucestershire Licensing Officers Group meeting in September. Paragraph 4 of the draft statement has been amended to reflect the suggested changes to the wording and can be seen highlighted in grey in the document.

Their response also suggested changes to the wording of Paragraph 7 of the draft document that relates to 'Public Health and Gambling'. The draft document has been amended to reflect the suggested changes that support the ongoing engagement between Public Health and the CWB team when reviewing the statement of principles in the future. The changes can be seen highlighted in grey in the document.

- 3.16 The fourth response was from Gambleaware who are an independent charity set up to fund research, education and treatment services to help to reduce gambling-related harm in Great Britain.

Gambleaware's response is generic and doesn't relate specifically to this draft statement. The Community Wellbeing Team are aware of the LGA publications that have been referred to, and agree that there are a range of ways in which different Council services can support local residents who are affected by gambling related harm. We will provide leaflets in the Council's reception area for residents and will take into consideration the need to train frontline staff in recognising potential cases where harmful gambling may be present. We will create a page on our website to provide information about problem gambling.

Comments in respect of conducting a risk analysis of the local area are dealt with in Paragraph 3.15 above. Their response is attached as **Appendix 5** of this report.

#### **4.0 Asset Based Community Development (ABCD) Considerations**

4.1 There is a legal process we must follow under the Gambling Act 2005. However, giving communities as much information about an application as we can by providing help and advice where it is needed should also be a consideration. We will engage with the Community Wellbeing Team to develop an effective communication process.

#### **5.0 Reasons for Recommendations**

5.1 The Statement of Principles sets out how Gloucester City Council intends to administer its duties under the Gambling Act 2005.

5.2 To ensure that the Council complies with the Gambling Act 2005.

#### **6.0 Future Work and Conclusions**

6.1 The Council must publish its Statement of Principles at least 4 weeks prior to the date it is to come into effect. The effective date is 31 January 2019.

6.2 The Act requires that publication is to be:-

- On the Authority's website, and;
- For public inspection in one or more public libraries or other premises in the Council's area such as the Council's own offices.

6.3 The Council must also advertise the publication of the Statement of Principles by publishing a notice on the Authority's website and in one or more of the following places:-

- A local newspaper circulation in the area covered by the Statement;
- A local newsletter, circular or similar document circulating in the area covered by the Statement;
- A public notice board in or near the principal office of the Authority;
- A public notice board on the premises of public libraries in the area covered by the Statement.

6.4 Due to the publication and advertising requirements the Council will need to approve and publish the Statement of Principles no later than 1 January 2019. Therefore, the revised Statement of Principles will need to be agreed by Full Council on 22 November 2018 as that is the last meeting of full Council before the 1 January 2019 deadline.

#### **7.0 Financial Implications**

7.1 There are no financial implications associated with this report. We receive income through licence fees and this covers the cost of carrying out this function.

(Financial Services have been consulted in the preparation this report.)

## **8.0 Legal Implications**

- 8.1 The Act requires Gloucester City Council to prepare and approve a Statement of Principles to cover each 3 year period. The statement must contain the principles that the Council proposes to apply in exercising its function under the Act during the period.
- 8.2 Section 2 of the Act provides that the Council is the licensing authority for the purposes of the Gambling Act 2005. Section 157 of the Act provides that in relation to premises, the licensing authority in whose area the premises are situated is also a responsible authority. Therefore it is lawful and entirely proper for the licensing authority to carry out both of these roles.
- 8.3 Regulation 7 of the Gambling Act 2005 requires the Council to advertise and publish the statement for a period of four weeks before it takes effect.
- 8.4 If the Council approves that statement and advertises it for the required period prior to publication it will comply with its requirements as above.

(One Legal have been consulted in the preparation this report.)

## **9.0 Risk & Opportunity Management Implications**

- 9.1 The risk management implications for this report are as follows:-
- Statement of Principles unfair, or too prescriptive;
  - Revised Statement of Principles not published on time (on or by 1<sup>st</sup> January 2019)
  - Consultation is inadequate

## **10.0 People Impact Assessment (PIA) and Safeguarding:**

- 10.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

## **11.0 Other Corporate Implications**

### Community Safety

- 11.1 The Statement of Principles promote community safety because the Gambling Act 2005 Licensing Objectives prevent gambling from being a source of Crime and Disorder, being associated with Crime and Disorder or being used to support crime.

### Sustainability

- 11.2 None

### Staffing & Trade Union

- 11.3 None

## **Background Documents:**

Gambling Act 2005

Gambling Commission's guidance to Licensing Authorities (5<sup>th</sup> Edition) September 2015

LGA Tackling Gambling Related Harm – A Whole Council Approach



## STATEMENT OF PRINCIPLES

### GAMBLING ACT 2005

2019-2022

#### COMMUNITY WELLBEING

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## **PART A**

### **1. The Licensing Objectives**

In exercising most of its functions under the Gambling Act 2005, Gloucester City Council (“the licensing authority”) must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:-

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

Gloucester City Council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- 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 Authority’s Statement of Licensing Policy

### **2. Introduction**

Licensing authorities are required by the Gambling Act 2005 to publish a Statement of Principles which they propose to apply when exercising their functions. This Statement must be published at least every three years. The Statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement must be then republished.

Gloucester City Council will consult widely upon this Statement before finalising and publishing. A list of those persons who will be consulted is provided in Appendix A. The Gambling 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 Gambling Act 2005.

Gloucester City Council recognises that the best means of promoting the Licensing Objectives is through the co-operation and partnership of all the responsible authorities, local businesses and residents.

In developing a Statement of Principles that will deliver the Licensing objectives locally, consultation has taken place in accordance with the revised Code of Practice and the Cabinet Office Guidance on consultations by the public sector.

Our consultation took place between 15<sup>th</sup> June 2018 and 24<sup>th</sup> August 2018 and we had regard to the HM Government Code of Practice.

The policy was considered for approval at a meeting of the Full Council on 22<sup>nd</sup> November 2018 and will be published via our website [www.gloucester.gov.uk](http://www.gloucester.gov.uk) on or by 31st January 2019. A copy will be placed in the City's main library as well as being available in the Council Offices.

Should you have any comments as regards this Policy Statement please send them via email or letter to the following contact:-

Name: Rebecca Tuck, Community Wellbeing Officer

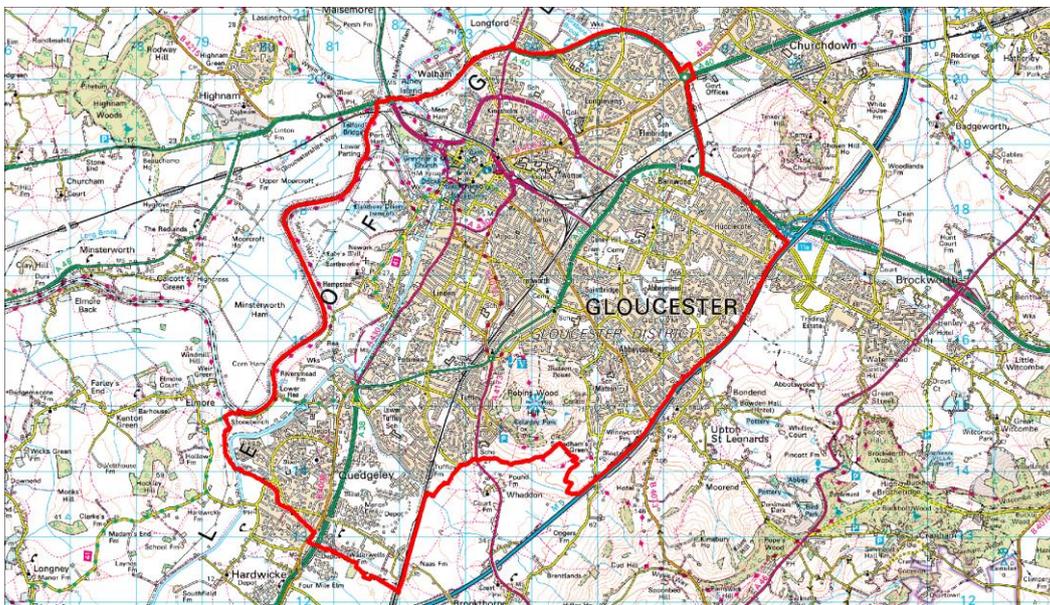
Address: Community Wellbeing Team, Gloucester City Council, Herbert Warehouse, The Docks, Gloucester GL1 2EQ

Email: [community.wellbeing@gloucester.gov.uk](mailto:community.wellbeing@gloucester.gov.uk)

It should be noted that this Policy Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### 3. The City of Gloucester

Gloucester City Council is situated in the County of Gloucestershire which contains 6 district councils in total. The Council area has an estimated population of 121,700 (2011 Census) making it the largest urban Authority in the County in terms of population. In terms of area it is one of the smallest covering just 15.64 square miles. The City of Gloucester is the County town for Gloucestershire and its area is mainly urban. It is surrounded by the rural authorities of the County.



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The key provided identifies the city's boundaries and wards. The following wards are also noted as areas of deprivation: Westgate and Barton & Tredworth, with the Westgate Ward a focus for regeneration including a new bus station and improvements to the railway station providing enhanced transport links to and from the City. The

Docks and Quays area of the City is a focus of a major regeneration and there is a substantial housing development to the south of the City in an area known as Kingsway situated between the Quedgeley by-pass and the M5 Corridor.

#### **4. Local Area Profile**

This Licensing Authority is currently working with Gloucestershire County Council's Public Health team to develop a Local Area Profile to assist applicants and licensees with their local area risk assessments. When a local area profile has been produced it will be a separate document to this Statement of Principles and will be made available on the Council's website.

#### **5. Local Area Risk Assessment**

The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Code of Practice (LCCP), which require gambling operators to assess the 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 to mitigate those risks. The national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risk associated with gambling.

A risk based approach provides a better understanding of risk, and enables a proportionate response. This approach includes looking at future risks and thinking or probable risks. Risk is not necessarily related to an event that has happened, it is also 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.

The LCCP states that licensees must review (and update as necessary) their local risk assessments:-

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

Local Risk Assessments apply to all Adult Gaming Centres, Family Entertainment Centres, Non Remote Betting, Non Remote Bingo, Non Remote Casinos and Betting Intermediaries (trading room only).

This Licensing Authority requires applicants to provide a risk assessment when applying for a premises licence or when applying for a variation to an existing licence.

This Licensing Authority will expect applicants and operators to consider factors such as:-

- institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, leisure centres, community centres and entertainment venues such as bowling allies, cinemas etc;
- locations where children may congregate including bus stops, café's shops, including those aimed at children such as toy shops and any other place where children are attracted;
- areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc;
- the demographics of the area in relation to vulnerable groups;

- the proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, homeless hostels and addiction and mental health support services or any place where people who have an alcohol or drug dependency may congregate;
- the ethnic profile of residents in the area;
- the proximity of places of worship such as churches, mosques, temples or any other place of worship or meeting place of any faith group;
- whether the premises is situated in an area of deprivation (refer to part a, paragraph 3, headed City of Gloucester);
- information held by the licensee regarding self-exclusions and incidences of underage gambling;
- gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- the proximity of pawn brokers or pay day loan shops;
- the proximity of other gambling outlets;
- the proximity of banks, public houses etc;
- whether the premises is in an area known to have high levels of crime and/or disorder;
- the proximity or areas used by street drinkers/rough sleepers and drug dealing activities;
- policies and procedures in place at the premises detailing how children and vulnerable people, including people with gambling dependencies, are protected. this could include staff training records on how to identify excessive gambling and vulnerable people and the steps to be taken to mitigate the risk;
- the layout of the premises including the siting of age restricted gaming machines to ensure that staff have an unobstructed view at all times of persons using the premises;
- the location and operation of CCTV at the premises. This licensing authority will expect operators to retain images for a minimum of 31 days, images must be downloadable to disc and made available on request to a delegated officer of any of the responsible authorities named in the Act. If the equipment becomes inoperative the police and the licensing authority must be notified as soon as is reasonable practicable and steps must be taken to repair the system as soon as possible. Staffing levels should be taken into consideration during any period of downtime;
- keeping details of people who have self-excluded;
- keeping details of under-age refusals and the results of any test-purchasing carried out at the premises.

This list is not exhaustive it simply provides examples of matters that may be relevant to the promotion of the licensing objectives.

A significant change in local circumstances that would require an Operator to review their local area risk assessment may include:-

- a substantial building development, residential or otherwise, which could lead to an increase in children or vulnerable persons in the local area, examples may include, homeless hostels, addiction support facilities, hospitals or doctor's surgeries;
- a new or significant change to an educational establishment;
- where an increase in anti-social behaviour or alcohol/drug related behaviour in the local area has been identified;
- any new pay day loan or pawn brokers open in the local area;
- Changes are made to the location and/or timings of public transport in the local area, such as a bus stop used by children going to/from school is moved to a location within the proximity of a gambling premises;
- where there has been a significant change to the layout of a gambling premises that could undermine the promotion of the licensing objectives;

This licensing authority expects that the local area risk assessment is kept at the individual premises and that staff are aware of the content of the risk assessment and can locate it for inspection on request by a Police Officer or an Authorised Officer of Gloucester City Council or the Gambling Commission.

## **6. Plans of the Premises**

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc.

## **7. Public Health and Gambling**

This Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.

Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are, however, significant numbers of people who do experience significant harm as a result of their gambling.

For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.

There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.

Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling related harm in its area.

This Licensing Authority will, therefore, continue to engage with the local Public Health team in the future development of this Statement of Principles and in developing a Local Area Profile. Public Health at Gloucestershire County Council recognises gambling-related harm and considers it a key issue when assessing risk to the wellbeing of their communities. The Public Health team will be able to help the Licensing Authority:-

- identify and interpret health data and evidence to inform the review of the statement and develop a local area profile;
- make decisions that benefit and protect the health and wellbeing of local communities;
- be clear on issues which they can have regard to when deciding on licences for a wide range of gambling activities.

## 8. Declaration

In producing this Statement, Gloucester City Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Local Authorities issued by the Gambling Commission, and any responses from those consulted on the draft Statement.

## 9. Responsible Authorities

Responsible Authorities are public bodies that must be notified of applications and who are entitled to make representations to the licensing authority if they are relevant to the Licensing Objectives.

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. 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 suggestion in the Gambling Commission's Guidance for local authorities this Authority designates the Gloucestershire Safeguarding Children Board for this purpose.

The contact details of all Responsible Authorities under the Gambling Act 2005 are attached as Appendix B.

## 10. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:-

"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 application is made, the person -

- (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)."

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:-

Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.11 to 8.19 (*Note: If a licensing authority does not wish to follow the Gambling Commission's Guidance in any respect it is advised to state this in its Statement. Note though that decisions on premises licences and temporary use notices must be "in accordance" with Gambling Commission Guidance (Section 153)*). It will also consider the Gambling Commission's Guidance that the term "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Community Wellbeing on 01452 396396 or by email: [community.wellbeing@gloucester.gov.uk](mailto:community.wellbeing@gloucester.gov.uk)

## **.11. Exchange of Information**

Licensing authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **12. Enforcement**

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified

This Licensing Authority's principles are that:-

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:-

Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

Consistent: rules and standards must be joined up and implemented fairly;

Transparent: regulators should be open and keep regulations simple and user friendly; and

Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority has adopted and implemented a risk-based inspection programme based on:-

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Principles

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but should be notified to the Gambling Commission.

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

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the Community Wellbeing Team (email: [community.wellbeing@gloucester.gov.uk](mailto:community.wellbeing@gloucester.gov.uk)). Our risk methodology will also be available upon request.

### **13. Licensing Authority Functions**

Gloucester City Council has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities. 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular Gloucester City Council will be responsible for:

- The licensing of premises where gambling activities are to take place by issuing *Premises Licences*.
- Issue *Provisional Statements*.
- Regulate *Members' Clubs and Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits to Commercial Clubs*.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.

- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'Information Exchange').
- Maintain registers of the permits and licences that are issued under these functions.
- Setting and collecting licence/permit fees.
- Inspection, compliance and enforcement locally in relation to licences, permits and permissions issued under the above functions.

It should be noted that the Gambling Commission regulates remote gambling and issues personal and operating licences for premises

A table outlining how this Authority will delegate its functions under this Act is attached at Appendix C.

#### **14. The Gambling Commission**

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

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

In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.

Information about the Gambling Commission can be found at:  
<http://www.gamblingcommission.gov.uk/Home.aspx>

## PART B

### PREMISES LICENCES : CONSIDERATION OF APPLICATIONS

#### 1. General Principles

Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- 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 Authority's Statement of Licensing Policy

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a Licensing Authority.

**Meaning of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But 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. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "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."

The licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:-

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also 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.
- Customers should be able to participate in the activity names on the premises licence.

The guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- 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?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

This authority recommends that all holders of Premises Licences sign up to Gloucester City Safe. For further details please contact the Licensing Team on 01452 396396.

**The Gambling Commission’s relevant access provisions for each premises type are reproduced below:-**

**Casinos**

- The principal access entrance to the premises must be from a ‘street’ (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not)
- 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 hold a gambling premises licence.

**Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises.

**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 premises 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 to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

**Premises "ready for gambling"** - The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied 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.

Applicants should note that this authority 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.

**Location** - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement will be updated. It should be noted that any such 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.

**Planning** – The Gambling Commission Guidance to Licensing Authorities states:-  
In determining applications the licensing authority has a duty to 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.

The authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:-

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 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.

**Duplication with other regulatory regimes** - This Licensing Authority will seek to avoid any duplication with other statutory / 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. It will though, listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

**Licensing Objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below:-

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where 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. This Licensing Authority 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, so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regards to tracks which is explained in more detail in the 'tracks' section below - page 15.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted the Gambling Commission's Guidance for local authorities states that 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 Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrance/machines, segregation of areas etc.

This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will 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". This Licensing Authority will consider this licensing objective on a case by case basis. A list of organisations set up to give help and advice about problem gambling is attached as Appendix D.

**Conditions** - 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.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:-

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;

- the area where these machines are located is arranged so that it can be observed by the staff of 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.

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

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

**Door Supervisors** - The Gambling Commission advises in its Guidance for local authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

## 2. Adult Gaming Centres

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority may consider measures to meet the licensing objectives such as:-

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.

- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This Licensing Authority may consider measures to meet the licensing objectives such as:-

- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises and how to identify and report safeguarding and child sexual exploitation (CSE) concerns.

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

This Licensing Authority will, as per the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

#### **4. Casinos**

*No Casinos resolution* - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should 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.

*Licence considerations/conditions* –This Licensing Authority 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 in the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

*Betting machines* - This Licensing Authority will, as per the Gambling Commission's Guidance take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

#### **5. Bingo Premises**

This Licensing Authority notes that the Gambling Commission's Guidance states:-

Licensing authorities will need 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 ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

A holder of a Bingo Premises Licence may make available for use, a number of Category B machines not exceeding 20% of the total number of gaming machines which are available for use.

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.

#### **6. Betting Premises**

*Betting machines* - This Licensing Authority will, as per the Gambling Commission's Guidance take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people when considering the number/nature/circumstances of betting machines an operator wants to offer.

#### **7. Tracks**

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority may consider measures to meet the licensing objectives such as:-

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

*Gaming machines* – 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.

*Betting machines* – This Licensing Authority will, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### **Applications and plans**

The Gambling 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 plan will also be used for the licensing authority to plan future premises inspection activity.

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.

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.

This authority 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 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.

## **8. Travelling Fairs**

This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

## **9. Provisional Statements**

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.

Section 204 of the Gambling 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.

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.

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.

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.

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 has 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. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:-

- 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 Authority's Statement of Principles.

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.

This Licensing Authority 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.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during 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.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

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:-

- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence 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 must, 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 Review and Customs

## **11. Complaints**

This Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about a licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a mediation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to participate in a mediation meeting.

## PART C

### PERMITS/REGISTRATIONS AND TEMPORARY AND OCCASIONAL USE NOTICE

#### 1. Unlicensed Family Entertainment Centre Gaming Machine Permits

Where a premises does not hold a premises licence but wishes to provide gaming machines of category D only, 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.

“ ... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application ... licensing authorities might wish to consider asking applications to demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stake and prizes.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:-

- appropriate measures/training for staff as regards suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises;
- measures/training for staff on how to identify and report safeguarding and child sexual exploitation (CSE) concerns.

The Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed fecs;
- that the applicant has no relevant convictions (those that are set out in schedule 7 of the act);
- staff are trained to have a full understanding of the maximum stakes and prizes:

#### 2. (Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 4(1))

##### **Automatic entitlement: 2 machines**

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 and pay the prescribed fee. The

Licensing Authority can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

### **Permit: 3 or more machines**

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 of the Gambling Act 2005, and “*such matters as they think relevant*”.

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

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

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.

### **3. Prize Gaming Permits**

The Gambling Act 2005 states that a licensing authority may “prepare a Statement of Principles that they propose to apply in exercising their functions under this Schedule” and “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should 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;

- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm.

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

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:-

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

#### **4. Club Gaming and Club Machines permits**

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit (CGP) . The Club Gaming Permit will enable the premises to provide up to three gaming machines in total of categories (B3A, B4, C or D but by agreement, only one machine can be of category B3A), equal chance gaming such as poker and bingo and games of chance as prescribed in regulations (pontoons and chemin de fer only).

A Club Machine Permit (CMP) will enable the premises to provide up to three gaming machines in total of categories (B3A, B4, C or D but by agreement, only one machine can be of category B3A).

Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.

A Club Gaming Permit or Club Machine Permit lasts for 10 years unless it ceases to have effect because it is surrendered or lapses. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

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. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations". 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 the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local 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."

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.

## 5. **Small Society Lotteries**

### Introduction

Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence issued by the Gambling Commission or, is an exempt lottery. This Licensing Authority 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 Gloucester 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 lotteries;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

The Licensing Authority defines 'society' as the society or any separate branch of such a society on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

Section 19 of the Act defines a society as such if it is established and conducted:-

- for charitable purposes, as defined in s2 of the Charities Act 2006;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than that of private gain.

It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

### Applications to Register

Applicants for a small society registration must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.

Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all the necessary supporting documents required by the Licensing Authority to determine the application.

If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:-

- A list of the members of the society;
- the society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements;
- a written declaration from the applicant stating that they represent a bona fide non-commercial society.

The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application:-

- an operating licence held by the applicant for registration has been revoked under section 119(1) of the act, or
- an application for an operating licence made by the applicant for registration has been refused.

The Licensing Authority may refuse an application for registration if they think that:-

- the applicant is not a non-commercial society;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with the application for registration is false or misleading.

The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it

is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:-

- Whether allowing the registration of the society would be consistent with the Act;
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives;
- Whether allowing the registration of the society would be consistent with any relevant code of practice issued by the Gambling Commission.

Any decision made at a hearing may be appealed to the Magistrates' Court within 21 days of receiving notice of the decision.

#### Promoting a small society lottery

Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

As the minimum age for participation in a lottery is 16, this Licensing Authority expects those societies that it registers to have written procedures and policies in place to help prevent and deal with lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets;
- taking action where there are unlawful attempts to purchase tickets.

Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society;
- the price of the ticket, which must be the same for all tickets;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the external lottery manager (elm);
- the date of the draw, or information which enables the date to be determined.

The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

With regards to where small society lottery tickets may be sold, this Licensing Authority applies the following criteria to all small society lottery operators:-

Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Where the annual fee is not paid by the due date this Licensing Authority will cancel the small society registration. This is subject to the discretion of the Community Wellbeing Manager who shall determine whether cancellation shall apply on a case by case basis. The onus is firmly placed on the Society to ensure they pay the annual fee by the due date.

#### Financial Returns

As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society;
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000;
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed.

The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

The following information must be submitted:-

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
- the total proceeds of the lottery;
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

The Act also requires that returns must;

- be sent to the licensing authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratchcards) within three months of the last date on which tickets were on sale;
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

This Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority's website.

Where societies run more than one lottery in a calendar year, this Licensing Authority must monitor the cumulative total of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

This Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

#### Revocation of a registration

This Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- whether allowing the registration of the society to continue would be consistent with the act;
- whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives;
- whether allowing the registration of the society to continue would be consistent with any relevant code of practice issued by the gambling commission.

Any decision made at a hearing may be appealed to the Magistrates' Court within 21 days of receiving notice of the decision.

## **5. Temporary Use Notices**

A Temporary Use Notice (TUN) allows 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.

The Licensing Authority can 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 Gambling Act 2005 (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 Guidance to Licensing Authorities. 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.

This Licensing Authority 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 to Licensing Authorities.

## **6. Occasional Use Notices**

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

This Authority will notify the Gambling Commission of any notices made under this provision and share with them any relevant information.

## CONSULTEES

The Authority intends to consult the following on the content of this Statement of Principles:-

- National Casino Industry Forum (NCIF)
- British Amusement Catering Association (BACTA)
- The Bingo Association
- Association of British Bookmakers Ltd (ABB)
- The British Association of Leisure Parks, Piers & Attractions Ltd (BALPPA)
- Chief Officer of Police
- Elected Members of Gloucester City Council
- Richard Graham MP
- Citizens Advice Bureau
- GamCare
- Gamblers Anonymous
- Holders of existing licences, permits and registrations who will be affected by the provisions of the Act
- Licensed Victuallers Association
- Lotteries Council
- Responsible Authorities
- Quedgeley Town Council
- Responsibility in Gambling Trust
- Elected Members of Gloucestershire County Council

## CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

### LICENSING AUTHORITY

Gloucester City Council  
Environmental Health  
Herbert Warehouse  
The Docks  
Gloucester  
GL1 2EQ

Telephone: 01452 396396

**Email:**

[community.wellbeing@gloucester.gov.uk](mailto:community.wellbeing@gloucester.gov.uk)LOCAL

### PLANNING AUTHORITY

Development Control Service Manager  
Gloucester City Council  
Herbert Warehouse  
The Docks  
Gloucester  
GL1 2EQ

Telephone: 01452 396776

Fax: 01452 396779

Email: [development.control@gloucester.gov.uk](mailto:development.control@gloucester.gov.uk)

### THE GAMBLING COMMISSION

Victoria Square House  
Victoria Square  
BIRMINGHAM  
B2 4BP

Telephone: 0121 230 6500

Fax: 0121 233 1096

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

### GLOUCESTERSHIRE CONSTABULARY

Licensing Unit  
Community Engagement Dept.  
Police HQ  
No1 Waterwells  
Quedgeley  
Gloucester  
GL2 2AN

Telephone: 01452 754482

Email: [Licensing@Gloucestershire.pnn.police.uk](mailto:Licensing@Gloucestershire.pnn.police.uk)

The main Police switchboard number is 0845 090 1234.

**GLOUCESTERSHIRE FIRE AND RESCUE**

Chief Fire Officer  
Fire Service Headquarters  
Waterwells Drive  
Quedgeley  
Gloucester  
GL2 2AX

Telephone: 01452 753333  
Fax: 01452 753304  
Email: [fire@glosfire.gov.uk](mailto:fire@glosfire.gov.uk)

**GLOUCESTERSHIRE ACPC**

Gloucestershire Safeguarding Children Board  
Room 128  
1<sup>st</sup> Floor, Block 4  
Gloucestershire County Council  
Shire Hall  
Westgate Street  
Gloucester GL1 2TG

Email: [mail@gscb.org.uk](mailto:mail@gscb.org.uk)

**HM REVENUE & CUSTOMS**

Excise Processing Teams  
BX9 1GL  
United Kingdom

Telephone 0300 322 7072 Option 7  
Email [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

**For relevant premises e.g. vessels, the following may also be Responsible Authorities:**

**SOUTH WALES AND BRITISH WATERWAYS**

Canal & River Trust  
The Dock Office  
Commercial Road  
Gloucester  
GL1 2EB

E-mail [enquiries.southwalessevern@canalrivertrust.org.uk](mailto:enquiries.southwalessevern@canalrivertrust.org.uk)

**ENVIRONMENT AGENCY**

Riversmeet House  
Newtown Industrial Estate  
Northway Lane  
Tewkesbury  
Gloucestershire  
GL20 8JG

**SECRETARY OF STATE** (Note in practice, the Secretary of State for Transport who acts through the Maritime and Coastguard Agency)

DCMS  
2-4 Cockspur Street  
London  
SW1Y 5DH

Telephone: 020 7211 6200  
email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk) Page 74

**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

**LIST OF ORGANISATIONS THAT GIVE HELP AND ADVICE ABOUT PROBLEM GAMBLING**

The following organisations are working to tackle problem gambling and may be able to help individuals and/or organisations.

Responsibility in Gambling Trust (RIGT)

10 Brick Street

London

W1J 7HQ

Tel: 0207 518 0023

Fax: 0207 518 0174

Email: [enquiries@rigt.org.uk](mailto:enquiries@rigt.org.uk)

Citizens Advice

Gloucester and District Citizens Advice Bureau

75 - 81 Eastgate Street

Gloucester

GL1 1PN

Tel: 01452 527202

Gam Anon

PO Box 5382

London

W1A 6SA

National Help Line: 08700 50 88 80

Midlands 0121 233 1335

Gamblers Anonymous (UK)

Birmingham 0121 233 1335

Gam Care

2nd Floor

7-11 St John's Hill

London

SW11 1TR

Tel: 020 7801 7000

Fax: 020 7801 7033

Email: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)

Gordon House Association

43-47 Maughan Street

Dudley

West Midlands

DY1 2BA

Tel: 01384 241 292

Email: [help@gordonhouse.org.uk](mailto:help@gordonhouse.org.uk)

NCH Children's Charity  
85 Highbury Park  
London  
N5 1UD  
Tel: 020 7704 9037  
Fax: 020 7704 7134

NHC South West  
Horner Court  
637 Gloucester Road  
Horfield  
Bristol  
BA7 0BJ  
Tel: 01179 354 440  
Fax: 01179 512 470

National Debt Line  
Tel: 0808 808 4000

## APPENDIX E

Category of Machine	Maximum Stake	Maximum Prize
A	No category A gaming Machines	Are currently permitted
B1	£5	£10,000 or £20,000 if linked to other B1 machines
B2	£100 (in multiples of £10)	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D	Various 10p to £1	£5 to £50 (max relates to non-money prizes only)

Rebecca Tuck

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**From:** Catherine Sweet <catherine.sweet@gamcare.org.uk>  
**Sent:** 14 June 2018 15:24  
**To:** Community Wellbeing  
**Subject:** RE: Consultation Document  
**Attachments:** GamCare Local Authorities Brochure 2018 (web).pdf; GamCare Training Brochure 2017.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see [www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/](http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/)
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact [mike.kenward@gamcare.org.uk](mailto:mike.kenward@gamcare.org.uk)

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,  
Catherine

**Catherine Sweet**  
**Head of Marketing and Communications**  
T: 020 7801 7028  
E: [catherine.sweet@gamcare.org.uk](mailto:catherine.sweet@gamcare.org.uk)



**Click here to sign up to our free, monthly e-newsletter**

Rebecca Tuck

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**From:** NRUBetting&Gaming@hmrc.gsi.gov.uk  
**Sent:** 19 June 2018 14:25  
**To:** Community Wellbeing  
**Subject:** RE: Draft Revised Statement of Principles

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Colleague,

Thank you for sending us access to your consultation document for your Gambling Policy Statement. As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address from 21 India Street to:-

HM Revenue and Customs  
Excise Processing Teams  
BX9 1GL  
United Kingdom

Our contact telephone number is now 0300 322 7072 Option 7.

Our email address remain the same.

Janet (Marron)  
Betting & Gaming  
Excise Processing Teams  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ  
03000 516023

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Rebecca Tuck

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**From:** MACLEAN, Becky <Becky.Maclean@gloucestershire.gov.uk>  
**Sent:** 06 August 2018 16:36  
**To:** Rebecca Tuck  
**Subject:** RE: Draft Gambling Act Statement of Principles 2019-2022

Hello

Many thanks for sending this through, apologies for taking a bit of time to get back to you but wanted to read through a few other Statements and look at some other areas Local Area Profiles.

I think in relation to paragraph 4 I would suggest amending to:

“This Licensing Authority is developing a Local Area Profile with the County Council public health team to assist applicants and licensees with their local area risk assessments. When a local area profile has been produced it will be a separate document to this Statement of Principles and will be made available on the Council’s website.”

I was wondering about listing what would be included but think that it is better to leave that to see what we can get, and make sure they are the same across Gloucestershire. There isn’t any need to include everything since you have listed the things that need to be considered in the risk assessment so really only want to put the most important aspects in the local area profile. I would anticipate demographics including deprivation, local education premises, crime, gambling premises. A lot of the demographic data is already available so should not be too onerous. Do you think that sounds reasonable? In relation to producing across Gloucestershire do the licensing officers meet or is there a way that we might be able to discuss together what would be required for all the districts? Also what are your thoughts about timescales for profiles?

I think that paragraph 5 is very comprehensive.

In relation to paragraph 7 is this about future Statements rather than this one? I might suggest altering the wording to:

“The Licensing Authority will continue to engage with the local Public Health team in the future development of this Statement of Principles and in developing a Local Area Profile. Public Health at Gloucestershire County Council recognises gambling-related harm and considers it a key issue when assessing risk to the wellbeing of their communities. Public Health team will be able to help the Licensing Authority:-

- . identify and interprets population data and evidence to inform the review of the statement and develop a local area profile;
- . make decisions that benefit and protect the health and wellbeing of local communities;
- . be clear on issues which they can have regard to when deciding on licences for a wide range of gambling activities.”

I removed the bullet around health impact assessment as I think this will probably be done across Gloucestershire with locality information but I don’t know the timescales (and they might be quite long).

I hope that helps, and very happy to discuss further if/when that is useful.

Kind regards

Becky

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Rebecca Tuck

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**From:** Iain Corby <iain@gambleaware.org>  
**Sent:** 07 August 2018 14:04  
**To:** Community Wellbeing  
**Subject:** FW: Consultation Document

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

GambleAware is an independent charity tasked to fund research, education and treatment services to help to reduce gambling-related harms in Great Britain. We work in partnership with the Gambling Commission and its independent advisors, the Responsible Gambling Strategy Board, to deliver many aspects of the National Responsible Gambling Strategy.

Due to the resource constraints on a small charity, we are not able to offer specific feedback on your policy.

However, we do strongly commend two recent publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers.

<https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>

<https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

We fully support local authorities which conduct an analysis to identify areas with increased levels of risk for any reason, but particularly where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling related harm – children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services – and include additional licence requirements to mitigate this increased level of risk.

We do not hold data at local authority level for treatment services. We are undertaking a needs assessment for treatment services which we expect will report early in 2019, and this will give councils insight into the expected level of need in their areas. The report will be published on our website here when it is available:

<https://about.gambleaware.org/research/research-publications/>

Kind regards,

Iain Corby

Deputy Chief Executive

Gamble**Aware**®

7 Henrietta Street • London • WC2E 8PS

Direct +44 (0) 20 8629 5589

General +44 (0) 20 7287 1994

Mobile +44 (0) 7811 409769

Media +44 (0) 7523 609413

Email [iain@GambleAware.org](mailto:iain@GambleAware.org)

Website [about.GambleAware.org](http://about.GambleAware.org)

**GambleAware**

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Paragraph 12.02 of Part 4 of the Rules of Procedure contained within the City Council's Constitution provides that a Member of the Council may submit a written question to any Cabinet Member.

This document informs Members of Council of written questions put to Cabinet Members and written replies thereto.

**Council is recommended to RESOLVE to note the written questions submitted and corresponding responses.**

No.	Question from/to	Question
1.	From Councillor Haigh to the Leader of the Council and Cabinet Member for Regeneration and Economy	Recent reports in the press about the new bus station have referred to the public toilet provision on site. Whilst any provision in the City is to be welcomed the design of individual separate toilets lends itself to a gender neutral designation but the reports indicate that cubicles have been designated 'male' and 'female' with a gender neutral 'disabled' toilet. Will the Leader take action to redesignate all the toilets at the bus station as 'toilets' and not designate them by gender?
<p><b>Response:</b></p> <p>The new bus station has seven public toilets – two each designated male and female, one family, one disabled and one unisex. This was felt to be a reasonable and balanced approach and there are no plans to change the designations. The operation of the toilets and the bus station generally will be kept under review and we will take into account of the views of the public before making any changes.</p>		
2.	From Councillor Pullen to the Leader of the Council and Cabinet Member for Regeneration and Economy	The quality of the public realm in the Gate Streets is deteriorating, outdated and of poor quality. This situation is made worse by the poor level of maintenance and cleaning. When will the objectives outlined in City Centre Action Plan (2016 -19) be achieved (ie. "Ensure high standards of street cleanliness are maintained " and "Ensure paved areas and street furniture is maintained to a high standard")?
<p><b>Response:</b></p> <p>I share Councillor Pullen's view that the standard of public realm in the gate streets is not what we aspire to. Eastgate Street was the first gate street to be pedestrianised in the late 1980s, shortly followed by Westgate Street. Both streets are largely unchanged since that time, aside from some decluttering works in Eastgate Street, and are indeed tired. Southgate and Northgate Streets were pedestrianised in the late 1990s and, in my view, are in substantially better condition.</p> <p>In terms of cleaning and maintenance, I would respond as follows:</p>		

	<ul style="list-style-type: none"> <li>• City Protection Officers (a joint initiative with Gloucester BID and the Office of the Police and Crime Commissioner) have worked alongside the City Cleaning Squad to deal with incidents and waste issues. As a result, street litter has dropped approximately 60%, which has meant that the Council have been able to re-allocate a litter picker from the Gate Streets to focus on additional areas in the City Centre. The introduction of a new environmental enforcement regime should improve the situation further.</li> <li>• The City Council has purchased a 'gum zapper' and has made great progress with removing chewing gum from the streets and we are now trialling street washer machines.</li> <li>• Options are being explored in relation to removal and relocating the planters sited across the Four Gates Streets. Officers are also reviewing street furniture and its placement.</li> <li>• The Licensing and Enforcement Committee will next month consider changes to the licensing regime for tables, chairs and 'A' boards for City Centre businesses to improve the quality of the street scene.</li> <li>• The Council invested a significant sum in the rising bollard system to prevent unauthorised vehicle movements in the pedestrian priority area during core hours.</li> </ul> <p>Maintenance of the paved surface is the responsibility of the County Council as Highway Authority and the City Centre Improvement Team works closely with highways officers to deal with any issues identified.</p>	
3.	From Councillor Pullen to the Leader of the Council and Cabinet Member for Regeneration and Economy	Following the work carried out by consultants LDA to produce a Public Realm scheme for the Gate Streets, when is the Council going to deliver the Gate Streets element of the Public Realm Strategy (2017) and ensure that these are streets we can be proud of and a place that we can all enjoy?
<b>Response:</b>		
<p>The Administration recognises the importance of the public realm and has delivered a number of improvements in recent years, including:</p> <ul style="list-style-type: none"> <li>• The Docks/Quays/Southgate Street linkages scheme.</li> <li>• The repaving of Kings Walk.</li> <li>• The creation of a new paved area in Kings Square following the demolition of the Golden Egg</li> <li>• The installation of rising bollards in the gate streets to prevent unauthorised vehicle access.</li> <li>• The completion of the public realm scheme to the north of the Victoria Basin in the Docks.</li> <li>• Public realm elements of the new Gloucester Transport Hub.</li> </ul> <p>The Council has worked with partner organisations to deliver improved public realm in a number of areas of the city centre, including Project Pilgrim at the Cathedral, Greyfriars Square in the Linden Homes development and Orchard Square at the Docks. The Gloucester Public Realm Strategy sets out a number of guiding principles which should be used to improve the public realm within the city centre when designing major redevelopment schemes.</p> <p>I share Councillor Pullen's view that the standard of public realm in the gate streets is not what we aspire to. Eastgate Street was the first gate street to be pedestrianised in the late 1980s, shortly followed by Westgate Street. Both streets are largely unchanged since that time, aside from some decluttering</p>		

works in Eastgate Street, and are indeed tired. Southgate and Northgate Streets were pedestrianised in the late 1990s and, in my view, are in substantially better condition.

The Council will be making a substantial investment in the public realm in 2019/20 with the refurbishment of Kings Square, on which public consultation has recently taken place, and it is not proposed to bring forward a major gate street scheme at the same time for practical as well as financial reasons.

There will, however, be some improvements to the Eastgate Street public realm associated with the works to bring the former BHS store back into use.

Maintenance of the paved surface is the responsibility of the County Council as Highway Authority, although it is general practice for major public realm schemes in two tier areas to be delivered by a partnership of both authorities. Discussions are taking place with the County Council on how and when we can work with them to deliver the improvements to the gate streets public realm that we all want to see.

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