



STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

Approved by Implementation Executive on 3 December 2008

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PART A

1. INTRODUCTION

- 1.1 Shropshire Council is the Licensing Authority under the Gambling Act 2005 for the county of Shropshire. Shropshire is a diverse, large, predominantly rural, inland county, situated in the West Midlands. With a population of just 289,300 and at only 0.9 persons per hectare, the County is one of the most sparsely populated. Shropshire sits on the far western edge of the West Midlands region and borders Wales and the North West region. Overall Shropshire County is a relatively affluent area and ranked as being the 111th most deprived county of 145 county and unitary authorities.
- 1.2 The map attached to the policy shows the overall deprivation by national quintile in Shropshire. The highest concentration of deprivations are visible mainly within the urban areas.
- 1.3 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they propose to apply when exercising their functions.
- 1.4 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 re-published.
- 1.5 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 to 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
- 1.6 Shropshire Council has consulted widely upon this statement of principles. A list of the persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.
- The Police
 - Social Services
 - Responsible Authorities as defined by s.157 Gambling Act 2005
 - Association of British Bookmakers (including local bookmakers)
 - GamCare
 - British Amusement Catering Association

- British Casino Association
- Bingo Association
- British Horseracing Board
- British Greyhound Racing Board
- Casino Operators Association
- Club and Institute Union
- Responsibility in Gambling Trust
- Gamblers Anonymous
- Licensed Victuallers Association
- Samaritans
- HJM Caterers
- Citizens Advice Bureau
- Voluntary and Community organisations working with Children and Young People
- Church and Faith Groups
- Other Representatives of existing licence holders
- Other Local businesses and their representatives
- Community Safety Partnerships
- Local Pub Watch Schemes
- Town and Parish Councils
- Shropshire Association of Local Councils

1.7 The consultation took place between 1st August 2008 and 26th September 2008 and followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>

<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

1.8 The full list of comments made during the consultation process are available on request to

Shropshire Council,

The Shirehall
Abbey Foregate
Shrewsbury
Shropshire. SY2 6ND

or via the Council's website: [www.shropshire.gov.uk]

- 1.9 This Statement of Principles was approved at a meeting of the Full Council on [*insert date*] and was published via our website on [*insert date*] and comes into force on 1st April, 2009. Copies have been placed in the public libraries of the area as well as being available at all of the area licensing offices.
- 1.10 Should you have any comments as regards this statement of principles please send them via e-mail or letter to the following contact:
- Name: Public Protection Team
Address: Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND
E-mail: www.shropshire.gov.uk
- 1.11 It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2. LICENSING OBJECTIVES

- 2.1 In exercising most of their functions under the Gambling Act 2005 licensing authorities must have regard to the licensing objectives as detailed 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; and
 - Protecting children and other vulnerable people from being harmed or exploited by gambling.
- 2.2 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".
- 2.3 This Licensing Authority 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 fit:
- In accordance with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Act
 - In accordance with any relevant guidance issued by the Gambling Commission under Section 25 of the Act

- Consistent with the licensing objectives and in accordance with the authority's Statement of Principles.

3. DECLARATION

- 3.1 In producing this statement of principles, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement of principles.

4. RESPONSIBLE AUTHORITIES

- 4.1 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
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

- 4.2 In accordance with the Gambling Commission's Guidance for local authorities this Authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Council's website at: www.shropshire.gov.uk

5. INTERESTED PARTIES

- 5.1 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:

- 5.2 "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)"

- 5.3 In determining whether someone lives sufficiently close to particular premises so as to be affected, the Licensing Authority will take into account, amongst other things:

- the size of the premises

- the nature of the premises
 - the distance of the premises from the person making the representation
 - the nature of the complaint
 - the potential impact of the premises
- 5.4 In determining whether a person has a business interest, which could be affected, the Licensing Authority will consider, amongst other things:
- the size of the premises
 - the catchment area of the premises, and
 - whether the person making the representation has business interests in the catchment area that might be affected
- 5.5 The Licensing Authority is required by regulation 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:
- 5.6 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 to local authorities, issued in April 2006. It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and includes partnerships, charities, faith groups and medical practices.
- 5.7 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.
- 5.8 The Gambling Commission has recommended that the Licensing Authority state that interested parties include trade associations and trade unions, and residents' and tenants' associations. This Authority will not however generally view these bodies as interested parties unless they have a member who can be as an interested party under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 5.9 Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the area 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 require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.10 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 the appropriate area licensing office.

6. EXCHANGE OF INFORMATION

- 6.1 Licensing Authorities are required to include in their policy statement 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.
- 6.2 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, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. ENFORCEMENT

- 7.1 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.

- 7.2 This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and as per the Gambling Commission's Guidance for Local Authorities, it 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

- 7.3 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.

- 7.4 This Licensing Authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme.

- 7.5 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 the Operator 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 will be notified to the Gambling Commission. This Authority also understands from LACORS that the Gambling Commission will be responsible for compliance as regards unlicensed premises.

- 7.6 Relevant issues under the Human Rights Act 1998 will be considered in any enforcement action taken by the Licensing Authority.
- 7.7 This 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.
- 7.8 Bearing in mind the principle of transparency, this Licensing Authority's enforcement /compliance protocols/written agreements will be available upon request to the area licensing department or on-line at www.shropshire.gov.uk

8. LICENSING AUTHORITY FUNCTIONS

8.1 Licensing Authorities are required under the Act to:

- 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) of 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

8.2 It should be noted that local Licensing Authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via Operator Licences.

PART B

PREMISES LICENCES

9. GENERAL PRINCIPLES

- 9.1 Premises Licences will be subject to the permissions/restrictions 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.
- 9.2 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 fit:
- 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
- 9.3 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" and also that unmet demand is not a criterion for a Licensing Authority.
- 9.4 **Definition of "premises"** - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to 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. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 9.5 This Licensing Authority takes particular note of the Gambling Commission's Guidance for local 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 that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
 - Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a

whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

- 9.6 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.
- 9.7 **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.
- 9.8 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy 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 the concerns can be overcome.
- 9.9 **Duplication with other regulatory regimes** - This 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 or building consent, in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 9.10 **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.
- 9.11 **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. Issues of nuisance cannot be addressed via the Gambling Act provisions.

- 9.12 The Licensing Authority also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions, and to do all it reasonably can to prevent crime and disorder in the County.
- 9.13 **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 regard to tracks which is explained in more detail in the 'tracks' section below.
- 9.14 **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 entrances/machines, segregation of areas etc.
- 9.15 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.
- 9.16 As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs." This Licensing Authority will consider this licensing objective on a case-by-case basis. Should a practical definition prove possible in future then this statement of principles will be updated with it, by way of a revision.
- 9.17 It should be noted that Children (defined in the Act as under 16s) and young persons (16-17) may take part in private and non-commercial betting and gaming, but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 or over. In summary:
- Casinos cannot admit anyone under 18 and Regional Casinos will not be allowed to permit under 18s into the gambling area.
 - Betting Shops cannot admit anyone under 18
 - Bingo Clubs may admit those under 18 but must have policies to ensure that they do not gamble, except on Category D machines
 - Adult Entertainment Centres cannot admit those under 18
 - Family Entertainment Centres and premises with a liquor licence (i.e. pubs) can admit under 18's but they cannot play machines other than Category D machines

- Horse and Dog Tracks can admit under 18s and they may have access to gambling areas on race days only. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than Category D machines.

9.18 **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.

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

9.20 This licensing authority will also consider specific measures, which may be required for buildings that 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.

9.21 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 or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

9.23 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.

9.24 It is noted that there are conditions that 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, winnings or prizes

9.25 **Door Supervisors** - The Gambling Commission advises in its Guidance for local authorities, that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). This licensing authority therefore has specific requirements for door supervisors working at casinos or bingo premises, which are 1: 100 people, or part thereof. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

9.26 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

10. **ADULT GAMING CENTRES**

10.1 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.

10.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

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

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

This list is not exhaustive.

11. (LICENSED) FAMILY ENTERTAINMENT CENTRES

- 11.1 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.
- 11.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues 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
- 11.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 11.4 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. The Licensing Authority will make applicants aware of the conditions and code of practice that they will have to adhere to should they wish to provide Category C Machines.

12. CASINOS

- 12.1 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 statement of principles with details of that resolution.
- 12.2 **Casinos and competitive bidding** - This licensing authority is aware that where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a ‘competition’ under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State.
- 12.3 **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.

13. **BINGO PREMISES**

- 13.1 This licensing authority notes that the Gambling Commission’s Guidance states:

“It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- All such machines are located in an area of the premises separate 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 the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.”

- 13.2 This Licensing Authority is aware that from time to time the Gambling Commission will issue guidance in relation to the suitability and layout of bingo premises. This Licensing Authority will take this guidance into account when considering any application for a bingo premise.

14. **BETTING PREMISES**

- 14.1 **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.

15. TRACKS

- 15.1 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.
- 15.2 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.
- 15.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
 - 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
- 15.4 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 15.5 **Gaming machines.** - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are

excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

- 15.6 **Betting machines** - This licensing authority will, as per the Gambling Commission's Guidance, 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 wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 15.7 **Condition on rules being displayed** - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."
- 15.8 **Applications and plans** - This Licensing Authority will consider regulations setting-out any specific requirements for applications for premises licences. This Licensing Authority will require sufficient information to "ensure that there is a proper understanding of what it is being asked to license. The Authority will require detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities" and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- 15.9 This licensing authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

16. **TRAVELLING FAIRS**

- 16.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit, are 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.
- 16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 16.3 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.

17. **PROVISIONAL STATEMENTS**

- 17.1 This licensing authority notes the Guidance from the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority can inspect it fully”.
- 17.2 In terms of representations about premises licence applications, following 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:
- a) Which could not have been raised by objectors at the provisional licence stage; or
 - b) Which in the authority’s opinion reflect a change in the operator’s circumstances.
- 17.3 This authority has noted the Gambling Commission’s Guidance that “A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.”

18. REVIEWS:

- 18.1 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, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 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 for gambling.
- 18.2 The licensing authority can also initiate a review of a licence on the basis of any reason, which it thinks is appropriate.

PART C

Permits / Temporary & Occasional Use Notice

19. **UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

- 19.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 19.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits. "This licensing authority will want to give weight to child protection issues."
- 19.3 The Guidance also states: "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 (Family Entertainment Centre), and if the chief officer of police has been consulted on the application. This authority will consider asking applicants 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) by providing a Criminal Records Bureau Check at enhanced level that is no more than three months old; and
 - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 19.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 19.5 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. This 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); and that staff are trained to have a full understanding of the maximum stakes and prizes.

20. **(ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

- 20.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority 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 to the Licensing Authority 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
- 20.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 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 harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. The Licensing Authority will consult the Chief Officer of Police and where representations are made, the application will be referred to the Licensing Sub Committee for determination. 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 help. As regards the protection of vulnerable persons, the applicant may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 20.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre premises licence.
- 20.4 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.
- 20.5 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.
- 21. PRIZE GAMING PERMITS**
- 21.1 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” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.

- 21.2 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;
 - And that the gaming offered is within the law.
- 21.3 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.
- 21.4 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.

22. CLUB GAMING AND CLUB MACHINES PERMITS

- 22.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in on the Gambling Commission's website – www.gamblingcommission.gov.uk. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 22.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. 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."
- 22.3 Gambling 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 Gambling Commission or the police.

22.4 It should be noted that there is a 'fast-track' procedure available for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12, Paragraph 10). 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 ground 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."

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

23. TEMPORARY USE NOTICES

23.1 There are a number of statutory limits as regards Temporary Use Notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in point 9.4 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready 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."

24. OCCASIONAL USE NOTICES:

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

24.2 Track is defined as:-

Not just a horse racecourse or dog track, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place (Section

353(1)). This means land which has a number of uses, one of which fulfils the definition of “track” can qualify, e.g. agricultural land upon which a point-to-point meeting takes place.

25.0 LOTTERIES

- 25.1 All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an ‘exempt’ lottery as defined by the Act.
- 25.2 One of those exemptions is in respect of what are termed “small societies lotteries” and the Authority is responsible for registering these ‘small’ lotteries.
- 25.3 A society will be allowed to register with the Licensing Authority if it is a ‘non-commercial’ lottery, in other words, it is established and conducted:
- for charitable purposes;
 - for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity ; or
 - for any other non-commercial purpose other than for private gain.
- 25.4 The Licensing Authority will maintain a register of small societies lotteries.

**SUMMARY OF LICENSING AUTHORITY DELEGATIONS PERMITTED
UNDER THE GAMBLING ACT**

Matter to be dealt with	Strategic Committee	Sub-Committee of Licensing Committee	Officers
<u>Final approval of three year licensing policy</u>	X		
<u>Policy not to permit casinos</u>	X		
<u>Fee setting</u> (When appropriate)	X		
<u>Application for Premises Licences</u>		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
<u>Application for a Variation to a licence</u>		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
<u>Application for a Transfer of a licence</u>		Where representations have been received from the Commission	Where no representations received from the Commission.
<u>Application for a Provisional statement</u>		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
<u>Review of a premises licence</u>		X	
<u>Application for club gaming/ club machine permits</u>		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
<u>Cancellation of club gaming/ club machine permits</u>		X	
<u>Application for gaming machine permit for more than 2 machines in an alcohol licensed premise</u>		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
<u>Application for other permits</u>			X
<u>Cancellation of licensed premises gaming machine permits</u>			X

<u>Consideration of temporary use notice</u>			X
<u>Decision to give a counter notice to a temporary use notice</u>		X	
<u>Determination of representation that is vexatious, frivolous or will not influence the decision made</u>			Council Solicitor

X Indicates at the lowest level to which decisions can be delegated.

This may be subject to change and approval by the New Authority.