

# **STATEMENT OF GAMBLING POLICY**

**2023 -2026**

**The Gambling Act 2005**

**DRAFT**

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# PART A

## Statement of Principles

### 1. Introduction

1.1. The Gambling Commission was set up under the Gambling Act 2005 (The Act) to regulate gambling in the UK in partnership with licensing authorities.

The commission is an independent non-departmental public body sponsored by the Department for Digital Culture, Media and Sport (DCMS) whose work is funded by fees set by DCMS and paid by the organisations and individuals whom the Commission licences.

The Commission issues operating licences for gambling operators and through effective regulation and public engagement to ensure that crime is kept out of gambling, that gambling is fair and open and that children and the vulnerable are protected.

1.2. The Commission has issued guidance in accordance with Section 25 of the 2005 Act about the manner in which licensing authorities exercise their licensing functions under the act.

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

1.3. Westmorland & Furness Council is designated as a Licensing Authority for the purposes of the Gambling Act 2005 and is therefore responsible for granting premises licences within the Council area in respect of:

- Adult Gaming Centres
- Bingo Premises
- Betting Premises including tracks
- Casino Premises
- Family Entertainment Centres

- 1.4. The Act requires Westmorland & Furness Council to prepare and publish a Statement of Licensing Policy that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.5. This policy will come into effect on the date of adoption by the Council and will be reviewed where necessary and at least every three years from the date of adoption.

## **2. The Licensing Objectives**

- 2.1. The Council has a duty under the Gambling Act 2005 to carry out its licensing functions in a manner which is consistent with three Licensing Objectives:
  - Prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
  - Ensure that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2. In discharging its responsibilities under the Act and in making decisions in relation to premises licences and temporary use notices, this Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks that its use will be:
  - In accordance with any relevant code of practice issued by the Gambling Commission.
  - In accordance with any relevant guidance issued by the Gambling Commission.
  - Reasonably consistent with the licensing objectives.
  - In accordance with this Licensing Authorities Statement of Licensing Policy.
- 2.3. The Council particularly notes the Gambling Commissions latest guidance to Licensing Authorities:

“Licensing Authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for

premises licences. In deciding to reject an application a Licensing Authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be met and such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area with the exception of the casino resolution powers" (Part 5, Section 5.34).

- 2.4. Each application must be considered on its merits.
- 2.5. In deciding whether or not to grant a licence this Licensing Authority does not have regard to the expected demand for the facilities that are the subject of the application.

### **3. The Geographical Area**

#### 3.1. Westmorland and Furness in numbers:

- Area = 3,754 Km<sup>2</sup>
- area within National Parks, 1,900 Km<sup>2</sup>
- population, 225,000
- living in rural areas, 34,000 (estimated)
- largest town, Barrow, population 55,000
- ageing population (65 plus) in 2020, 59,400
- ageing population (65 plus) projected 2040, 75,800
- working age population, 123,777
- primary schools, 122
- secondary schools, 20
- special schools, 3
- businesses and jobs, 11,815 businesses providing 114,000 jobs

- 3.2. Westmorland and Furness is a special place. On the coast is Barrow-in-Furness, a busy shipbuilding town and port with cutting edge sub-sea technology industries, while inland South Lakeland and Eden have a rural, land-based economy with a strong visitor and cultural economy.

3.3. Westmorland and Furness has national transport routes within its boundaries with the M6 and West Coast Main Line running north to south and the A66 and A590 running east to west.

3.4. Westmorland and Furness Council is England's third largest unitary authority by geographical area and the Council is committed to building strong links with parish and town councils, local community groups and other organisations.

- parishes, 136
- wards, 33
- town councils, 9
- parish councils, 107
- unitary Councillors, 65

**Figure 1:** The Cumbria County Map showing former Council areas and the new Council Division between Cumberland and the Westmorland & Furness Councils.

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3.5. The Council recognises that the provision of entertainment is a major contributor to the economy of the Council area, attracting tourists and visitors which in turn is vitally important as a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.

## 4. Statement of Principles

4.1. Licensing Authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also

be reviewed from time to time and any amendments consulted upon following which the statement must then be re-published.

- 4.2. This statement of principles is written to conform to the provisions of the Act and its associated regulations. The Gambling Commissions Guidance issued under Section 25 of the Act by the Gambling Commission outlines the way that this Licensing Authority will deal with applications for a range of premises licences, permits and enforcement of the Act.
- 4.3. This statement of principles will be effective from the date of approval by the Council for a three-year period (or alternative time period as may be imposed by statutory provision) after which time it will be the subject of a further public consultation. The statement of principles may also be reviewed from time to time where there are significant changes in Government Guidance at which point an appropriate public consultation will be undertaken prior to any amendments being published.
- 4.4. It should be noted that the statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.
- 4.5. The Council's Statement of Principles will be published on the Council Website ([link](#)).
- 4.6. The Act requires that the following parties are consulted by Licensing Authorities:
  - The Chief Officer of Police.
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area.
  - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 4.7. The Council will also consult with relevant organisations and interested parties who it considers have a relevant legal or professional interest to comment and consider any other contribution from any other person, business or organisation that it considers as relevant.

4.8. The Council may consult the following organisations as part of any public consultation:

- Citizens Advice Bureau.
- Chamber of Commerce and Federation of Small Businesses.
- Council Planning Department.
- Council Adult Social Care.
- Council Children's Social Care.
- Council Environmental Health Team.
- Cumbria Constabulary.
- Director of Public Health.
- Existing Licence Holders.
- Gamblers Anonymous.
- Gambling Commission.
- Local Faith Groups.
- Local Residents Groups.
- NSPCC.
- Voluntary and Community organisations working with Children and Young People.
- Ward Councillors.

4.9. Proper weight will be given to the views of all those who have been consulted prior to the date of implementation of the Statement of Principles.

4.10. In Producing the published Statement of Principles the Licensing Authority declares that it has had regard to the Licensing Objectives of the Act, the Gambling Commissions Guidance and any responses from those consulted on the statement.

## **5. Fees**

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

- 5.2. The Council takes the matter of non-payment of annual licence fees seriously and in accordance with Section 193 of the Gambling Act 2005 where an operator fails to pay without reasonable excuse the annual fee the premises licence shall be revoked.
- 5.3. When dealing with public money the Council has a duty to secure prompt payment as any delay in settling debt can undermine the effective operation of Council services. The same principles will apply to permits and the Council will exercise its powers under schedule 13 paragraph 17 of the Gambling Act 2005 and cancel the permit. Each case must be treated on its own merits and consideration may be given to mitigating circumstances.

## **6. Other Legislation**

- 6.1. The Council will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning.
- 6.2. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval in its consideration of the application.
- 6.3. The grant of a licence does not imply the approval of other legislative requirements.
- 6.4. Applicants for Premises Licences for Casinos, Bingo Halls, Adult or Family Entertainment Centres (licensed or unlicensed) or Permits are advised to speak to the Planning Services of this Council before making a formal application.

## **7. Responsible Authorities**

- 7.1. Responsible authorities are those public bodies as specified by the Act which must be notified of applications for premises licences. Such bodies are entitled to make representations in relation to applications. All representations made by

responsible authorities are relevant if they relate to the licensing objectives. The Responsible Authorities are listed at Appendix A.

7.2. The Council is required by regulation to state the principle 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.
- In accordance with the Gambling Commissions Guidance this Authority designates the Westmorland and Furness Safeguarding Children's Board.

## 8. Interested Parties

8.1. Interested parties can make representations about licence applications or apply for a review of an existing licence. An interested party is defined in the Act as:

8.2. 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:

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

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

- Each case will be decided upon its merits.
- Will not apply a rigid rule to its decision making.
- Will consider the Gambling Commissions Guidance.

Examples include interested parties who may be democratically elected councillors or MP's, people living close to the premises, the nature and scope of business interests that could be affected and persons who may represent those listed.

- 8.4. Other than these we will expect written evidence that a person/body represents a person who either lives sufficiently close to the premises to be likely affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.
- 8.5. The Council will also consider the Gambling Commissions Guidance that business interests should be given the widest possible interpretation and include, for example partnerships, charities, faith groups and medical practices.

## **9. Exchange of Information**

- 9.1. The Council is required to include in the Statement of Principles the procedure to be applied in exercising the functions under Section 29 and Section 30 of the Act in respect to the exchange of information with the Gambling Commission. The functions under Section 350 of the Act with the respect to the exchange of information with persons and bodies are listed in Schedule 6 to the Act.
- 9.2. The Council will apply the provisions of the Gambling Act 2005 in its exchange of information, which includes the provision that the General Data Protection Regulation 2018 will not be contravened and any guidance issued by the Gambling Commission or the Secretary of State under the powers provided in the Act.
- 9.3. The Council will work closely with Cumbria Constabulary and other Responsible Authorities where there is a need to exchange information on specific premises. Should any protocols be established in respect to the exchange of information with other bodies then they will be made available.

- 9.4. The privacy of those making representations will be respected, but it may be necessary for the identity of those making representations to be passed on to Responsible Authorities and the Gambling Commission for the purpose of determining licensing applications or in any subsequent appeal that may be made.
- 9.5. This Licensing Authority will maintain a Licensing Register of all premises licences and permits issued and this will be available on the Councils web site at [\(Link\)](#).

## 10. Enforcement

- 10.1. Licensing Authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 10.2. The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.
- 10.3. The Council will undertake routine inspections using the premises assessment available at <https://www.gamblingcommission.gov.uk/authorities/guide/premises-assessments-toolkit>.
- 10.4. During proactive or pre-planned compliance visits the Licensing Enforcement Officers will review documentation including:
- Site plan to ensure this reflects the actual layout of the premises.
  - Local area risk assessments.
  - Training policies and training undertaken by staff.
  - Record of refusals to serve or admit on age grounds.
  - The premises approach to managing self-exclusion and the number of persons currently self-excluded.
  - The involvement or impact of any work in local gambling harm reduction schemes.

- The appropriate signage and information is in place.

10.5. Any compliance and enforcement functions by the Council will be guided by the Gambling Commission Regulators Compliance Code, Better Regulation Principles, Primary Authority partnerships schemes and the Public Protection Service Enforcement Policy in that the following guiding principles are applied:

- Proportionality – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised.
- Accountability – regulators must be able to justify decisions, and be subject to public scrutiny.
- Fairness and Consistency – rules and standards must be joined up and implemented fairly.
- Openness & Transparency – regulators should be open, and keep regulations simple and easy to understand.
- Targeted Enforcement – regulation should be focused on the problem and minimise any side effects.

10.6. In line with the Gambling Commissions Guidance the Council will endeavour to avoid duplication with other regulatory regimes as far as reasonably possible.

10.7. The Council will apply inspection based on risk and the following guidance:

- The Licensing Objectives.
- Relevant Codes of Practice.
- Gambling Commissions Guidance in particular Part 36 on Compliance and Enforcement.
- Council Enforcement Policy.
- Statement of Licensing Policy.

10.8. The Councils enforcement and compliance role in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises having regard to the Gambling Commissions guidance part 36.

## **11. Licensing Authority Functions**



11.1. Licensing Authorities have a duty under the Act to:

- Issue premises licences where gambling activities are to take place.
- Issue Provisional Statements where gambling activities are to take place.
- Regulate Member's clubs and Miner's Welfare Institutes who wish to undertake certain gaming activities by issuing gaming permits and/or club machine permits.
- Issue club machine permits to commercial clubs.
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.
- Receive notifications from premises licensed to sell/supply alcohol for consumption on the licensed premises under the Licensing Act 2003, where there are more than two machines on the premises.
- Register small society lotteries below the prescribed thresholds.
- Issue Prize Gaming Permits.
- Receive and endorse Temporary Use Notices.
- Receive Occasional Use Notices.
- Provide information to the Gambling Commission.
- Maintain registers of the permits and licences that are issued.

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

## **12. The Licensing Process**

12.1.A Licensing Committee/Licensing Sub-Committee or Officers acting under delegated authority may carry out the powers of the Licensing Authority under the Act.

12.2. Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are delegated to Licensing Officers.

12.3. The Council will ensure that all Licensing Officers and Members of the Licensing Committee receive adequate training to enable them to undertake their role under the Act.

12.4. Where admissible and relevant representations are received in relation to an application for a premises licence or in relation to the review of a premises licence, a Licensing Sub-Committee is delegated to hear the matter.

## **13. Gambling Prevalence and Social Responsibility**

13.1. Harmful gambling is defined as any type of repetitive gambling that disrupts or damages a person, family or recreational pursuits. It can have many and varied impacts, including on an individual's physical and mental health, relationships, housing and finances and in turn affect a wide range of people, such as families, colleagues and wider local communities and society as a whole.

13.2. Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts.

13.3. Gambling Operators must comply with the Gambling Commissions Licensing Conditions and code of practice (LCCP). The Social Responsibility Code requires gambling operators to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of and seek to identify problem gambling.

13.4. The requirements on gambling premises under the social responsibility code are based upon key areas:

- Provision of information on gambling responsibly – for example the availability of time or monetary limits for players and information on where to get help and advice about gambling.
- Customer interaction – licence holders are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These

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include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.

- Layout of the premises – operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
- Self-exclusion – licence holders must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. In addition to operating their own self-exclusion schemes licence holders must offer the facility for customers to exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

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

## **14. Test Purchasing**

14.1. The results of any under-age testing that is carried out on the Gambling Premises should be shared with Trading Standards and Cumbria Constabulary.

14.2. Any results from Test Purchasing operations should be used to review risk assessments in the local area as outlined in the Social Responsibility Code 3.27.

## **Part B**

### **Premises Licences – Consideration of Applications**

#### **15. General Principles**

15.1. Premises Licences are subject to the requirements set out in the Act and associated regulations as well as specific mandatory and default conditions,

these are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others where it is believed to be appropriate.

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

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

It is appreciated that in line with the Gambling Commission's Guidance – **“moral objections to gambling are not a valid reason to reject applications for premises licences”**.

15.3. Any unmet demand is not criteria for a Licensing Authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its merits without regard to demand.

15.4. **Definition of Premises** – The Council will have regard to the definition of premises as set out in section 152 of the Act to include any place. In addition, that the intention of Section 152 is to prevent more than one premises licence applying to any place.

15.5. 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 track or shopping mall to obtain discrete premises licences where appropriate safeguards are in place. Particular attention will be made to the sub-division of a single building or plot to ensure that mandatory conditions relating to access between premises are observed.

15.6. Multiple Licences – The Council will have regard to the Gambling Commission's Guidance that states in most cases the expectation is that a single building/plot

will be the subject of an application for a licence. 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.

15.7. The Commission does not consider that areas of a building that are artificially or temporarily separated, an example would be by movable partitions or ropes, and therefore would not be considered as separate premises.

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

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

15.10. It will be for the Licensing Authority to determine whether premises are genuinely separate and not artificially created from that which is readily identifiable as a single premise. Prior to making an application, the applicant should be encouraged to discuss with the Licensing Authority their premises configuration or layout and intended applications.

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

15.12. Access to premises: The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.

15.13. The Commissions Guidance at paragraph 7.22 states there is no definition of direct access in the Act or Regulations, but Licensing Authorities may consider that there should be an area separating the premises concerned where the public go to for purposes other than gambling, for there to be no direct access.

15.14. The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises irrespective of whether this area is unlicensed or provides non-gambling facilities, for example ATM's or refreshments.

15.15. Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:

- Premises are configured so that children are not invited to participate in, have accidental access to or closely observe gambling to which they are prohibited from taking part. The licensing objective of the protection of children from harm will also aim to prevent children from being in close proximity to gambling. Premises therefore should not be configured so that

children are not invited to participate in, have accidental access to, or observe gambling.

- 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 cannot drift into a gambling area.
- There should be clear and evident separation between premises. Adequate separation may be obtained by means of screening, walls, clear signage, Passive infra-red alarms.

Customers should be able to participate in the activity named on the premises licence in accordance with the Social Responsibility Code 9 of the Codes of Practice.

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

15.17. The provisions of the Statement of Principles comes into force on the 1st April 2023 and from this date any new application for any type of Gambling Premises Licence will be expected to fully comply with the terms and conditions as set out above. Existing licensed premises may continue to operate under the terms that have been granted by virtue of the licence that they currently hold, provided that the licensing objectives continue to be fully promoted at all times. Any application to vary however will be subject to the full terms as outlined.

15.18. The Council may consider the following questions as relevant factors in decision making and depending on all circumstances of the case.

- Do the premises have a separate registration for business rates.
- Is the neighbouring premises owned by the same person.
- Can each of the premises be accessed from the street or a public passageway.
- Is the only access from another gambling premises.
- Has a risk assessment identified and adequately controlled any risk.

15.19. The Council will have regard to the Gambling Commissions Guidance on relevant access for each type of premises as follows:-

### **Casinos**

- The principal access entrance to the premises must be from a street.
- No entrance to a Casino can be permitted from a premises that are wholly or partially used by children or young persons.
- A Casino cannot be accessed from another premises that holds a Gambling Licence.

### **Adult Gaming Centre**

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

### **Betting Shops**

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

### **Tracks**

- No customer should be to access the premises directly from a casino or an adult gaming centre.

### **Bingo Premises**

- No customer should be able to access the premises directly from a casino, an adult gaming centre or a betting premises other than a track.

### **Family Entertainment Centre**

- No customer should be able to access the premises directly from a casino, an adult gaming centre or a betting premises other than a track.

## **Provisional Statements**

15.20. The Council will have regard to the Gambling Commissions Guidance that a licence to use premises for gambling should only be issued in relation to premises where the licensing authority can be satisfied that the premises are



going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not complete or if alterations are required or if the applicant does not have a right to occupy at that point, then application for a provisional statement should be made.

15.21. 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:

- Whether the premises should be used for gambling.
- Whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state of completion before gambling can take place.

15.22. The Council is entitled to decide that it is appropriate to grant a licence subject to conditions however the Council is not obliged to grant such a licence and will have regard to the detailed examples of the circumstances in which such a licence may be granted set out in the Gambling Commissions Guidance.

### **Location**

15.23. The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. Particular attention will be given to the protection of children and vulnerable persons from harm.

The Council will have regard to guidance on areas where gambling premises should not be located and any objections received under the licensing objectives. Each application will be decided on its merits with the applicant being able to demonstrate how potential concerns can be overcome.

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

- The proximity of the premises to any school, centre or establishment for the education, training or care of young or vulnerable persons.

- The proximity of the premises to leisure centres used for sporting and similar activities by young or vulnerable persons.
- The proximity of the premises to any youth club or similar establishment.
- The proximity of the premises to any community, ecclesiastical, welfare, health or similar establishments used specifically or to a large extent by young or vulnerable persons.
- The proximity of the premises to pay day loan businesses, pawn shops or other similar premises.
- The proximity of any other area or location where young or vulnerable persons are likely to congregate.

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

### **Relationship with Other Agencies**

15.24. The Council is aware of overlap with planning, building regulations in the granting of a premises licence. In determining applications, the Council will take into consideration all relevant matters and not just matters relating to gambling and the licensing objectives.

When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. The licensing authority also, should not take into account Fire or Health & Safety Risk Assessments and these should not form part of the consideration for the premises licence.

Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building. Planning controls may restrict the provision of gambling activities.

### **Crime & Disorder**

15.25. The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime or being used to support crime

and will pay attention to the proposed location of gambling premises in terms of the licensing objective. Where evidence is submitted that an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who were present be taken into account.

### **Openness**

15.26. The Council notes the Gambling Commissions guidance to protect children and other vulnerable persons from being harmed or exploited by gambling. This objective means preventing children from taking part in gambling and also applying restrictions on the advertisement of gambling products so that it does not become attractive to children. The Council will therefore consider whether specific measures are required at particular premises in regard to the licensing objective. Appropriate measures may include supervision of entrances and machines and the segregation of areas. The Council has taken note of the Gambling Commissions Codes of Practice as regards this licensing objective, in relation to specific premises.

It is recognised that the Gambling Commission does not offer a definition of the term – vulnerable persons but assumes that this group includes people who gamble more than they want to or gamble beyond their means or who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drug addiction.

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

The Council will expect all operators to have a safeguarding policy in relation to children and vulnerable adults. Operators will be expected to provide adequate training for their staff in the following areas:

- Vulnerability risk factors
- Safeguarding
- Record & Report incidents
- Provide information to help staff report matters of concern relating to the safety of children and vulnerable persons and in particular if it relates to child sexual exploitation and trafficking.

### **Licensing Conditions that may be Imposed**

15.27. Under section 153 of the Gambling Act 2005 the aim is to permit the use of premises for gambling. The aim to permit framework provides a wide scope for licensing authorities to impose conditions on a premises licence and reject, review or revoke premises licences where there is conflict with the relevant codes of practice or relevant guidance issued by the Commission or the licensing objectives and also conflict with the Council's statement of policy. Licensing conditions are a useful tool to ensure the mitigation of any risks associated with a particular premises in accordance with the Gambling Commission Guidance to Licensing Authorities 1.25 to 1.30.

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

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

The Council will also expect the licence applicant to offer their own suggestions as to the ways in which the licensing objectives can be met effectively when making their application for example, the use of supervisors, appropriate signage for adults only.

15.28. The Council will consider specific measures which may be required for buildings, which are subject to multiple premises licences. Such measures may

include the supervision of entrances, segregation of any gambling from none gambling areas that could be frequented by children and the supervision of gaming machines in none restricted premises in order to pursue the licensing objectives.

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

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where these machines are located.
- Access to the area where the machines are located is supervised.
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder.
- 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.

15.29. The Council notes that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In line with the Gambling Commissions Guidance the Council will consider the impact upon the licensing objective of protecting children and other vulnerable adults 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 any gambling areas where they are not permitted to enter.

### **Conditions that may not be Imposed**

15.30. The Council will not attach conditions to premises licences which:

- Are impossible to comply with as an operating licence condition.
- Relate to gaming machine categories, numbers, or method of operation.
- Provide that membership of a club required when the Gambling Act 2005 specifically removes the membership requirement.
- Conditions in relation to stakes, fees, winning or prizes.

### **15.31. Door Supervisors**

Where any premises become the subject of disorder or have attempts at unauthorised access by children and young persons, then the entrances to the premises will be controlled by a door supervisor and attach such conditions as may be appropriate to the premises licence.

## 16. Adult Gaming Centres

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

Appropriate licence conditions may cover issues such as:

- Proof of age schemes such as Challenge 25.
- CCTV.
- Door Supervisors.
- Location of entry.
- Notices & signage.
- Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms.
- Provide information leaflets helpline numbers for organisations such as GamCare.
- Self-barring schemes and Multi-Operator Self-Exclusion Schemes (MOSES).
- Specific opening hours.
- Supervision of entrances and machine areas.

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

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

- Visual Observation.

- Relocation of the machines.
- Door buzzers.
- Remote cut-off switches.
- Training provision
- Any other factor that is considered relevant.

16.3. The Council will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to adult gaming centre applications in any decision making.

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

16.5. The following mandatory conditions will be attached to Adult Gaming Centre premises licences:

- A notice must be displayed at all entrances to all entrances stating that no person under the age of 18 years will be admitted to the premises.
- There can be no direct access between an adult gaming centre and any other premises licensed under the Act or premises with a family Entertainment Centre, club gaming, club machine or licensed premises gaming machine permit. There is no definition of direct access in the Act or regulations.
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- The consumption of alcohol in Adult Gaming Centres is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

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

17.1. The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure

that under 18 year olds do not have access to the adult only gaming machine areas that may be present.

17.2. The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures and conditions may cover such issues as:

- Proof of age schemes such as Challenge 25.
- CCTV.
- Door supervisors.
- Location of entry.
- Measures and training for staff on how to deal with suspected persons under 18 on the premises.
- Notices & signage.
- Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms.
- Provision of information leaflets and help line numbers for organisations such as GamCare.
- Self-barring schemes and Multi-Operator Self-Exclusion Schemes (MOSES).
- Specific opening hours.
- Supervision of entrances and machine areas.

This list is not mandatory and is to be used only as an example.

17.3. The following are mandatory conditions to be attached to a Family Entertainment Centre premises licence:

- The summary of the terms and conditions of the premises licence issued by the Licensing Authority under section 164(1) (c) of the Act must be displayed in a prominent place within the premises.
- The layout of the premises must be maintained in accordance with the plan.
- The premises must not be used for the sale of tickets in a private lottery or customer lottery or the National Lottery.
- No customer shall enter the premises directly from a casino, an adult gaming centre or betting premises other than a track. There is no definition of direct access in the Act or regulations.
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- Over-18 areas within Family Entertainment Centres that admit under 18's must be separated by a barrier with prominently displayed notices at the entrance stating that under 18's are not allowed in that area and there must



be adequate supervision in place to ensure that children and young persons are not able to access these areas or the Category C machines. Supervision may be done by either placing the terminals within the line of sight of an official of the operator or via monitored CCTV.

- The consumption of alcohol in licensed Family Entertainment Centres is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

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

## **18. Casinos**

18.1. Local Policy: The Council has not passed a no casino resolution under Section 166 of the Gaming Act 2005, but it 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 policy with details of the resolution. Any such decision will be made by Full Council. On a similar note a resolution will not affect the ability of casinos with preserved entitlements from the Gaming Act 1968 from continuing to operate as casinos.

18.2. The Council will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance, bearing in mind the mandatory conditions listed, and the licence conditions and codes of practice published by the Gambling Commission.

18.3. New casino premises licences issued under the Act will fall into one of two categories namely large casino premises licence or small casino premises

licence. These are subject to separate regulations involving a two stage application process.

18.4. There is a third category of casino that is permitted through transitional arrangements under Schedule 18 of the Act, which may be referred to as the 1968 Act converted casinos. Most of these casinos fall below the size thresholds of the other two categories. Such casinos may operate as card clubs without offering casino games.

18.5. The gaming machines permitted to be made available in new casinos are related to the number of gaming tables available for use:

- No more than eight large casino premises licences will be permitted. Large casinos will have a minimum total customer area of 1500m<sup>2</sup>. This category of casino will be able to offer casino games, bingo and/or betting and up to 150 gaming machines in any combination of categories B1 to D (except B3A lottery machines) provided that a maximum ratio of 5:1 gaming machines to gaming tables is met.
- No more than eight small casino premises licences will be permitted. Small casinos will have a minimum total customer area of 750m<sup>2</sup>. A small casino will be able to offer casino games, betting and up to 80 gaming machines in any combination of categories B1 to D (except B3A lottery machines) provided that a maximum ratio of 2:1 gaming machines to gaming tables is met.

18.6. Section 7(1) of the Act states that a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games. Casino games are defined by the Act to mean a game of chance, which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank and where the chances are equally favourable to all participants.

## **19. Bingo Premises**

19.1. The Council will specifically have regard to the need to protect children and vulnerable adults 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 any adult only gaming machines that may be present.

19.2. The Council will expect applicants for Bingo premises to offer their own measures to meet the licensing objectives however appropriate measures and conditions may cover the following:

- Proof of age schemes such as Challenge 25.
- CCTV.
- Door Supervisors.
- Location of entry.
- Measures and training for staff on how to deal with suspected children on the premises.
- Notices & signage.
- Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms.
- Provision of information leaflets helpline numbers for organisations such as GamCare.
- Self-barring schemes and Multi-Operator Self-Exclusion Schemes (MOSES).
- Opening hours.
- Supervision of entrances and machine areas.

This list is not mandatory and is to be used only as an example.

19.3. The Council notes the Gambling Commissions Guidance, that it should take steps to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its licensed area and then applies for a new premises licence or multiple licences for those excluded areas.

19.4. Licence Premises holders must also ensure that the function along with the internal or external appearance of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities. (Gambling Commission Social Responsibility Code Provision 9.12)

19.5. The Council will consider it an unusual circumstance in which the splitting of pre-existing premises into two adjacent premises might be permitted. In these cases, this Licensing Authority will have particular regard to the Gambling Commission Guidance on the meaning of premises and compliance with the social responsibility code 9.

19.6. 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.

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

19.8. The following mandatory conditions must be attached to a bingo premises licence:

- A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
  - No customer shall be able to enter bingo premises directly from a casino, an adult gaming centre or betting premises other than a track.
  - Over 18 areas within Bingo Halls that admit under 18's must be separated by a barrier with prominently displayed notices stating that under 18's are not allowed in that area and there must be adequate supervision in place to ensure that children and young people are not able to access these areas or the Category B or C machines. Supervision may be carried out by placing terminals in the line of sight of an official of the operator or monitored directly by CCTV.
  - A mandatory condition requires that no customer must be able to enter the casino from any other premise holding a casino, bingo, Adult Gaming
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Centre, Family Entertainment Centre or Betting Premises Licence or from a premise where a Family Entertainment Centre, Club Gaming and Club Machine or Licensed Premises gaming machine permit has effect.

- There should be no access to a casino from premises wholly or mainly used by children and young persons.
- No other gambling equipment may be situated within two metres of any ordinary gaming table. For the purpose of these conditions an ordinary gaming table means one which is not wholly or partially automated.
- A maximum of 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.
- All casinos must display the rules of each type of casino game that can be played on the premises in a prominent place within both the tables gaming area and other gambling areas to which customers have unrestricted access. Premises Licence holders may do this by displaying clear and legible signs or by making available to customers leaflets or other written material setting out the rules.
- ATM's must be positioned so that customers must cease to gamble at tables or gaming machines in order to use them.
- The default opening hours of all casinos are noon to 6am.

## **20. Betting Premises**

20.1. The Council recognises that the design and layout of betting premises will vary.

The Council will take into account the size of the premises, the number of counter positions available for in person transactions and the ability of staff to prevent the use of machines by children and young persons or by vulnerable adults when considering the betting machines an operator wants to offer. The Council reserve the right to request that gaming machines are re-positioned or reduce the number where circumstances demonstrate that it is appropriate to do so. Factors that should be taken into consideration will include the following:

- Proof of age schemes such as Challenge 25.
- CCTV.
- Visual observation free from obstruction.
- Re-locating machines.
- Remote cut-off switches.
- Training provision.
- Self-barring schemes and Multi Operator Self-Exclusion Schemes (MOSES).

- Opening hours.
- Any other factor that may be considered relevant.

This list is not mandatory and is to be used only as an example.

20.2. The following mandatory conditions will be attached to a betting premises licence (other than track premises licences) as stated within parts 1 and 2 to schedule 5 of the Act:

- A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- Access to the premises shall be from a street or from other premises with a betting premises licence.
- There shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
- Subject to anything permitted by virtue of the Act the premises shall not be used for any other purpose other than providing facilities for betting.
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine in order to do so.
- No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises with the exception of apparatus used for the following purposes. Communicating of information about or coverage of sporting events including information relating to betting on such an event and any other matter on information including an advertisement which is incidental to such an event. Communicating information relating to betting on any event in connection with which betting transactions may be or have been affected on the premises.
- No publications other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.
- No music, dancing or other entertainment shall be provided or permitted on the premises.
- The consumption of alcohol shall not be permitted on the premises at any time during which facilities for gambling are being provided on the premises. A notice stating this condition shall be displayed in a prominent place at every entrance to the premises.
- A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises.

## 21. Tracks

21.1. The Council is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commissions Guidance, the impact on the protection of children and vulnerable adults from being harmed or exploited by gambling, the need to ensure that entrances to each type of premises are distinct, that children are excluded from areas associated with any gambling where they are not permitted to enter are considered.

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

21.3. The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures and licensing conditions may cover the following issues:

- Proof of age schemes such as Challenge 25.
- CCTV.
- Location of entry.
- Notices & signage.
- Physical separation of areas for example by use of screening walls, clear signage, PIR alarms.
- Measures and training for staff on how to deal with suspected children on the premises.
- Provision of information leaflets and helpline numbers for organisations such as GamCare.
- Self-barring schemes and Multi-Operator Self Exclusion Schemes (MOSES).
- Specific opening hours.
- Supervision of entrances and machine areas.

This list is not mandatory and is to be used only as an example.

## **Gaming Machines**

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

Applicants are advised to consult the Gambling Commissions Guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example supervision of machines and preventing children from playing them.

The Council will in line with the Gambling Commissions Guidance consider the location of gaming machines at tracks.

## **Betting Machines**

21.5. The Council will have regard to Part 6 of the Gambling Commissions Guidance, to take account of the size of the premises and the ability of staff to prevent the use of the machines by children and young persons or by any vulnerable persons when considering the number, nature, circumstances of betting machines an operator has to offer.

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

21.6. The following are examples of Tracks:

- A horse racecourse.
- A greyhound track.
- A point-to-point meeting.
- Football, cricket and rugby grounds.
- An athletics stadium.
- A golf course.
- Venues hosting darts, bowls or snooker tournaments.



- A premises staging boxing matches.
- A section of river hosting a fishing competition.
- A motor racing event.

21.7. The on-course betting operator is one who comes onto the track, temporarily, while races or sporting events are taking place. On-course betting operators tend to offer betting only on the events taking place on the track that day.

21.8. Off-course betting operators are typically those who provide betting facilities from betting premises such as those found on any high street. In addition to such premises, betting operators may operate self-contained betting premises or designated areas such as a row of betting kiosks within the track premises.

21.9. A condition will normally be attached to track premises licences requiring the track operator to ensure that the rules relating to tracks which are contained in the Act 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.

## **22. Applications & Plans**

22.1. The Gambling Act 2005 (Premises Licences & Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:

- The extent of the boundary or perimeter of the premises.
- Where the premises consist of more than one building, the location of any external or internal walls of each building.
- Where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises.
- Where the premises are a vessel or part of a vessel, the location of any external or internal walls of the building which are included in the premises.
- The location of each point of entry and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads to.

22.2. If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would need to make a new

application under section 159 or seek an amendment to the licence under section 187 of the Gambling Act 2005. If the changes are substantial, this may in the opinion of the Licensing Authority render the premises different to those to which the licence was granted. In such cases, variation of the licence under section 187 would not be possible and therefore a new application would be required under section 159 of the Gambling Act 2005.

22.3. The Council will require a full premises licence variation application where premises are intending to use privacy screening and/or booths to any machines. The Council will expect any application proposing the use of customer privacy screens or booths to clearly identify how these areas can be adequately supervised. A copy of the updated local risk assessment must also be included within the application to evidence that any risks presented have been recognised and mitigated.

22.4. The Licensing Authority expects all applicants for Gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons, individuals gambling beyond limits they have set for themselves, persons who may be involved in crime, persons who may be prone to anti-social behaviour, persons who are drinking alcohol where it is prohibited and persons who are showing signs of distress in respect of their gambling.

22.5. Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority will expect applicants to provide conditions that staff will walk the floor or CCTV will be provided for the counter staff to view all areas on CCTV from their work stations.

22.6. Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting persons who are for example self-excluded,

vulnerable or under-age. This will include risk assessments, staff training and ensuring there are sufficient numbers of staff to deal with any problems.

22.7. Staff should be in a position to monitor entrances and gaming machines and any challenges required to be made should happen at the earliest opportunity.

22.8. Where access to premises is restricted, the Licensing Authority expects applicants to have a Proof of Age Scheme in place such as Challenge 25 and to train staff in recognising acceptable forms of identification. Posters should be displayed stating that the relevant policy is in place and that users may be challenged.

22.9. Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been barred by the operator and any instances of crime and disorder that occurs on, or in association with, the licensed premises. Applicants should demonstrate how they will identify self-excluded persons.

22.10. The Act requires applicants to submit plans of the premises with their application in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The information will be used to plan future premises inspection activity. Plans for tracks do not need to be in a particular scale but should be sufficiently detailed to include the information required by regulations.

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

22.12. 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.

22.13. The Council understands that there are times where the precise location of betting areas on tracks are difficult to define and therefore the precise location is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the five times rule must be indicated on the plan.

## **23. Travelling Fairs**

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

23.2. The Council will also consider whether the applicant falls within the statutory definition of a travelling fair. The Council notes that the 27 day statutory maximum for land being used as a fair, applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different fairs occupying the land. The Council will work with neighbouring authorities to ensure that any land which crosses boundaries is monitored so that the statutory limits are not exceeded.

## **24. Provisional Statements**

24.1. Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises

licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

24.2. Section 204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- Expects to be constructed.
- Expects to be altered.
- Expects to acquire a right to occupy.

24.3. The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may take representations and there are rights of appeal.

24.4. In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (with exception to a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

24.5. The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- They concern matters which could not have been addressed at the provisional statement stage.
- They reflect a change in the applicant's circumstances.

24.6. In addition the authority may refuse the premises licence only in reference to the following matters:

- Which could not have been raised by objections at the provisional statement stage.
- Which in the authority's opinion reflect a change in the operator's circumstances.

- Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority makes note that it can discuss any concerns it has with the applicant before making a decision.

24.7. Once an operator has completed a building, the licensing authority will be able to consider the premises licence application. The requirement for the building to be completed ensures that the authority can carry out a full inspection, this will also include other Responsible Authorities being given the opportunity to inspect the premises under Part 15 of the Act. Inspection allows authorities to check the gambling facilities comply with all necessary legal requirements, for example that Category C & D machines in a licensed family entertainment centre are situated so that persons under the age of 18, do not have access to the Category C machines. The physical location of the machines will be an important part of this and inspection will allow this authority to check that the layout complies with the operator's proposals and all legal requirements.

## **25. Reviews**

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

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- In accordance with this Licensing Authority's Statement of Principles.

25.2. The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, repetitious or whether it will not cause this authority to alter, suspend or revoke the licence.

25.3. The Council can also initiate a review of a premises licence or a particular class of premises licence on the basis of any reason which it thinks appropriate.

25.4. Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28- day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

25.5. The Council may carry out the review as soon as possible after the 28-day period for making representations has passed.

25.6. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority.
- Exclude a default condition imposed by the Secretary of State or remove, amend such an exclusion.
- Suspend the premises licence for a period not exceeding three months.
- Revoke the premises licence.

25.7. In determining what action if any, should be taken following a review the Council will have regard to the principles set out in Section 153 of the Act, as well as any other relevant representations. In particular, a review of a premises licence may be initiated on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

25.8. Once the review has been completed, the licensing authority will as soon as possible notify its decision to:

- The licence holder.
- The applicant for review.
- The Commission.
- Any person who made representations.
- The Chief Officer of Police.
- His Majesty's Commissioners for Revenue & Customs.

## 26. Local Area Gambling Risk Assessments

26.1. The Gambling Commission's Social Responsibility Code (Licence Conditions & Codes of Practice 10.1.1) requires operators to consider local risks. The Gambling Commission's Social Responsibility Code requires premises licence holders to assess any local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks.

26.2. The local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They must be specific to the premises, the area and the local community and must be owned by the premises managers to ensure they are site specific. A local risk assessment of gambling premises should be carried out through a step by step approach. This will involve the following:

- Assessing the local area
- Identifying the relevant risk factors.
- Assessing the gambling operation.
- Assess the internal and external premises design.

Once the risk factors have been identified the appropriate control measures to mitigate the risks can be considered. These control measures may either already be in place or will need to be implemented.

26.3. The risk based approach provides a better understanding of and enables a proportionate response to risk. This approach includes looking at future risks and thinking about the probability of an event occurring and the likely impact of that event and how it will impact on the licensing objectives.

26.4. It will be the responsibility of the gambling operator to assign an assessor to look at local risk for their premises. The person assigned as the assessor must be competent to undertake the role and understand how the premises operates or will operate and where it is located. The assessor will also need to understand the local area and the impact of gambling premises in that area.



26.5. It will be the responsibility of the gambling operator to ensure that a local risk assessment is provided and regularly reviewed and must have regard to the following circumstances:

- When applying for a new or a variation of a premises licence, including a Temporary Use Notice.
- To take account of significant changes in local circumstances, including those identified in this policy.
- When there are significant changes at a premises that may affect the level of risk or the mitigation of those risks on request of the Council.

26.6. The following lists set out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- The local area is classified or de-classified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors.
- Any pay day loan or pawn broker shops open in the local area.
- Changes are made to the provision, location and timings of public transport in the local area such as a bus stop which is used by children to attend school or where a significant change is made to an existing establishment.
- The local area is identified as having elevated crime by the local chief of police or by the Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises.
- A new gambling premises opens in the local area.

This is not an exhaustive list of significant changes in local circumstances. Operators must consider what is happening in their local areas and identify when these changes may be considered as significant.

26.7. The following lists sets out examples of what this Licensing Authority consider to be significant changes in licensed premises which may result in the requirement for a variation to existing premises licence.

- Any building work or premises refit where gambling facilities are relocated within the premises.

- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licence holder.
- Any changes to the operator's internal policies which as a result requires additional or changes to existing control measures that would result in retraining of staff.
- The entrance(s) to the premises are changed.
- New Gambling facilities are made available on the premises which were not provided previously an example would be bet in play, handheld gaming devices for customers, self-service betting terminals or if a different category of gaming machine is provided.
- Changes to staffing levels or opening times.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example to permit the sale of alcohol or to provide sexual entertainment on the premises.

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

26.9. Operators must establish a regular review regime in respect of their local risk assessments. This should be at least annually and can be carried out alongside other reviews on Health & Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the events listed at para 12.7 have occurred, these risk assessments are considered at regular intervals.

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

26.11. The local risk assessment must be kept on the premises and be available for inspection by the Licensing Authority. Whilst there are no plans to request that licensed premises share their risk assessments on a periodic basis, where any concerns exist, the Licensing Authority is likely to request that a licence holder share a copy of their risk assessment.

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

**Matters to be included when carrying out a local risk assessment:**

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

26.14. The following list is an example of some of the risk factors that may be present in an area where gambling premises are located:

- The types of premises and their operation in the local area surrounding these premises.
- The footfall in the local area - for example, does it predominantly consist of residents, workers or visitors and is it a family orientated area.
- The socio-economic makeup of the area.
- Prevalence of dependent or addictive gambling in an area, including information from self-exclusion data.
- Transport links and parking facilities.
- Educational facilities.
- Community Centres.
- Hospitals, mental health or gambling care providers.
- Homeless or rough sleeper shelters, hostels and support services.
- The ethnicity, age, economic makeup of the local communities.
- Significant presence of children.
- Crime rates and types of crime committed.
- Unemployment rates.

- Presence of alcohol or drug support facilities.
- Presence of a pawn broker or pay day loan provider in the vicinity.
- Presence of other gambling facilities in the vicinity.

### **The Gambling Operation:**

26.15. In assessing the risk factors associated with a gambling operation the assessor should consider how that gambling operation may affect risk. The assessor as a minimum must consider:

- How the operator conducts its business.
- What gambling products it provides in the premises.
- The facilities to enable gambling within the premises.
- The staffing levels within the premises throughout different times of the day.
- The level and requirement for staff training.
- Whether loyalty or account cards are used or not.
- The policies and procedures it has in place in relation to regulatory requirements of the Act.
- The security and crime prevention measures it has in place.
- How advertisement is carried out locally and on the premises.
- Any marketing material within the premises.
- The display and provision of information on the premises.
- The opening hours of the premises and the interaction of the premises within the night time economy.
- Support and early intervention engagement with customers.
- Issues of lone working and staff working with closely with children.
- The internal and external design of the premises.

26.16. The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. The design both internal and external should be considered and specific risk factors identified and noted. Examples are:

- The ability to view all parts of the gambling area and entrances, whether directly or by mirrors or CCTV.
- The ability for children and young people to look into the premises and observe gambling taking place.
- Nature and number of advertising materials present, particularly those viewable externally.
- Position of various gambling facilities.
- The ability to be able to segregate various gambling facilities.

## **Control measures and monitoring**

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

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

## **Completed Assessment**

26.18. The control measures must be implemented on the premises and if applicable, staff on the premises should be trained in their use or trained on any new policies or procedures.

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

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

# PART C

## Permits/Temporary and Occasional Use Notices

### 27. Unlicensed Family Entertainment Centres (Gaming Machine Permits)

27.1. Unlicensed Family Entertainment Centre is referred to in the Act as premises which provide Category D gaming machines along with various other amusements such as computer games and “prize every time” machines. The premises is unlicensed in that it does not require a permit to be able to provide its Category D gaming machines and therefore should not be confused with a Licensed Family Entertainment Centre which does require a premises licence because it contains both Category C and D gaming machines.

27.2. Unlicensed Family Entertainment Centres will be mostly located at seaside resorts, shopping centres, airports, motorway service stations that will cater for families including unaccompanied children and young persons. Only premises that are wholly or mainly used for making gaming machines available may hold an Unlicensed Family Entertainment Centre gaming machine permit or a Family Entertainment Centre premises licence under section 238 of the Act. Both a licensed Family Entertainment Centre and an unlicensed Family Entertainment Centre are classified as premises. It is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar and the machines would be in a designated enclosed area.

27.3. The Council will only grant an unlicensed Family Entertainment Centre gaming machine permit where it is satisfied that the premises will be operated as a bona fide Unlicensed Family Entertainment Centre.

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

27.5. Where an establishment does not hold a premises licence but wishes to provide gaming machines, it may to the Licensing Authority for this permit. It will be required that the applicant can show that the premises will be wholly or mainly used for making gaming machines available for use under section 238 of the Act.

27.6. This Council notes that the Gambling Commission's Guidance states that an application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre and if the Chief Officer of Police has been consulted on the application and will consider asking the applicant to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres.
- That the applicant has no relevant convictions as set out in Schedule 7 of the Act.
- That staff are trained or will be trained to have a full understanding of the maximum stakes and prizes.

27.7. The Council will not attach conditions to this type of permit.

27.8. The Statement of Licensing Policy clarifies the measures it will expect applicants to demonstrate when applying for a permit for an Unlicensed Family Entertainment Centre and therefore allows this Licensing Authority to better determine the suitability of the applicant and the premises for a permit.

27.9. Within the process applicants must be able to demonstrate that:

- They are a fit and proper person to hold the permit.
- They have considered and are proposing suitable measures to promote the licensing objectives.
- The applicant has a legal right to occupy the premises to which the permit is sought.
- The measures suggested in this Statement of Licensing Policy will be applied although the Licensing Authority will consider any alternative

measures suggested by the applicant and may substitute measures as appropriate.

27.10. The Council will require the following supporting documents to be served with all Unlicensed Family Entertainment Centre gaming machine permit applications:

- Proof of age – certified copy of a birth certificate or driving licence or passport. All applicants must be over 18.
- Proof that the applicant has the right to occupy the premises, acceptable evidence would be a copy of the lease, property deeds or a similar type document.
- A standard disclosure and barring service check issued within the last 28 days. This will only be used to check that the applicant has no relevant convictions as defined in Schedule 7 of the Act.
- Evidence that the machines to be installed are or were supplied by a legitimate gambling machine supplier or manufacturer whom holds a valid gaming machine technical operating licence issued by the Gambling Commission.
- Suitable and sufficient gambling local risk assessments where the Unlicensed Family Entertainment Centre is located adjacent to an AGC.
- Suitable and sufficient safeguarding policy.

27.11. A plan of the premises for which the permit is sought will also be required and must show the following items:

- The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways.
- Where Category D gaming machines are positioned and the particular type of machines are to be provided for example – slot machines, penny falls or cranes.
- The positioning and types of any other amusement machines on the premises.
- The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area.
- The location of any ATM cash machines or change machines.
- The location of any fixed or temporary structures such as pillars or columns.
- The location and height of any stages, steps, stairs, elevators, lifts or balconies in the premises.
- The location of any public toilets in the building.

The plan should be drawn to a standard scale of 1:100 with a key showing the items above unless otherwise agreed with the Licensing Authority.



27.12. The Council also encourages premises to restrict under 18's from playing Category D cash fruit machines within their venues.

27.13. Harm is not only restricted to the harm from gambling itself but there are also wider protection considerations. The Council will consider all policies and procedures on their merits but should include appropriate measures and training for staff to have regard to the following:

- Maintain contact details for any local schools and the education authority so that any truant children can be reported.
- Employ policies to address problems associated with truant children who may attempt to gain access to the premises and to gamble when they should be at school.
- Employ policies to address any problems that may arise when there is an increased likelihood that children may frequent the premises in greater numbers such as school holidays.
- Safeguarding policies in place to both protect children and vulnerable adults but also staff training in relation to the identification and onward alerting of safeguarding concerns.
- Display posters with the Child Line phone number in discreet locations throughout the premises.
- Maintain a register of any incidents that arise on and around the premises related to children. The register can be used to detect any particular trends which require action by the management of the premises.
- Take steps to ensure that all young children are accompanied by a responsible adult.
- Maintain policies to deal with any young children who enter the premises unaccompanied.
- Undertake satisfactory disclosure checks for all staff who will be working with children.
- Clear signage that identifies gaming machines and skill machines.
- Any prizes displayed must be capable of being won.
- Staff training that covers all of the controls in place.
- Any supporting evidence such as training documents or records should also be attached to the application.

27.14. The Council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. The Council will assess the submitted policies and procedures on their merits but they all should include appropriate measures and training for staff relating to the following:

- Display GamCare helpline stickers on all gaming machines.

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- Display GamCare posters in prominent locations on the premises.
- Training staff to build on their awareness of how much customers are gambling as part of measures to detect persons who are vulnerable or may become vulnerable.
- Consider the appropriate positioning of ATM and change machines, including the display of GamCare stickers on any such machines.
- Customer self-exclusion systems.
- Any supporting evidence of the above measures such as training manuals and records should be attached to the application.

27.15. The applicant should also have regard to the following control measures to minimise crime and disorder and the possibility of public nuisance:

- Maintain an effective CCTV system to monitor the interior and exterior of the premises.
- Keep the exterior of the premises clean and tidy.
- Ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises.
- Consider the design and layout of the outside of the premises to deter the congregation of children and youths.
- Any supporting evidence of the above measures such as training manuals and records should be attached to the application.

## **Licensed Premises (Alcohol) Gaming Machine Permits**

### **28. Automatic Entitlement of 2 Machines**

28.1. There is a provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority will consider removing an automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives.
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act.
- The premises are mainly used for gaming.

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- An offence under the Act has been committed on the premises.

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

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

### **Permit 3 or More Machines**

28.2. If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25, codes issued under section 24 of the Act and other **such matters** that the Licensing Authority think is relevant.

28.3. The Council considers that **such matters** will be decided on their own merit as long as there is regard to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by persons under the age of 18. Challenge notices and signs will also be useful.

28.4. With regard to the protection of vulnerable persons, applicants may wish to consider information being provided for organisations such as GamCare.

28.5. 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 machines. Reference should be made to Advice on gaming in clubs and premises with an alcohol licence: Gambling Act 2005.

[www.gamblingcommission.gov.uk/PDF/Advice-on-gaming-in-pubs-and-alcohol-licensed-premises.pdf](http://www.gamblingcommission.gov.uk/PDF/Advice-on-gaming-in-pubs-and-alcohol-licensed-premises.pdf)

and

[www.gamblingcommission.gov.uk/pdf/code-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf](http://www.gamblingcommission.gov.uk/pdf/code-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf)

28.6. All gaming machines must be located in a place within the premises so that their use can be adequately supervised, either by staff whose duties include such supervision or by other means such as CCTV.

28.7. A plan must accompany applications indicating where and what type of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the Premises Licence issued under the Licensing Act 2003.

28.8. Applicants should be aware that only those premises which have a bar at which alcohol is sold for consumption on the premises will be eligible for a machine in the bar area of the premises. This means that premises such as restaurants, which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food will no longer automatically qualify for two machines. Any gaming machines must be obtained from a licensed supplier.

## **29. Prize Gaming Permits**

29.1. The Act states that a Licensing Authority must prepare a Statement of Licensing Policy that they propose to apply in exercising their functions under this Schedule which may in particular specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit.

29.2. The Council will expect the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations.
- That the gaming offered is within the Law.
- Clear policies that outline the steps to be taken to protect children from harm.

29.3. In making its decision on an application the Council may have regard to the licensing objectives but must have regard to any Gambling Commission's Guidance.

29.4. It should be noted that there are conditions in the Act by which the permit holder must comply, but the Licensing Authority cannot attach conditions. Conditions in the Act are as follows:

- The limits on participation fees as set out in regulations, must be complied with.
- All chances to participate in the gaming is taking place and on one day, the game must be played and completed on the day the chances are allocated, 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 or the prescribed value if a non-monetary prize.
- Participation in the gaming must not entitle the player to take part in any other gambling.

## **30. Club Gaming and Club Machine Permits**

30.1. Members Clubs may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. A Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A or B4, C or D), equal chance gaming and games of chance, as set out in regulations i.e. Pontoon. This is in addition to the exempt gaming authorised under section 269 of the Act.

30.2. Alternatively, a member's club can apply for a Club Gaming Machine Permit which will enable the premises to provide only gaming machines (3 machines of categories B3A or B4, C or D).

30.3. Commercial Clubs are not permitted to provide non-machine gaming which means they should only apply for a Club Gaming Machine Permit but would not be permitted to site category B3A gaming machines offering lottery games in their club.

30.4. Gambling Commission Guidance states: Member clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A member's club must be permanent in nature and not established to make a commercial profit, it must also be controlled equally by its members.

30.5. The Council will take steps to ensure that a club is a bona fide club within the terms set out in the Act and therefore reserve the right to request evidence that confirms the status of the club. The Council may request information on the following factors for consideration in the Council's decision making:

- Are there 25 or more members in the club.
- Evidence of committee members and their election to the committee.
- Minutes of previous meetings.
- Is the primary activity of the club something other than gaming.
- Are the club's profits retained solely for the benefit of the club members.
- Are the addresses of club members genuine domestic addresses and live reasonably locally to the club.
- Do members participate in the activities of the club through the internet.
- Do guest arrangements link each guest to a member.
- Is the 48 - hour rule being applied for new members before being granted admission to the club.
- Are there annual club accounts available for more than one year.
- How is the club advertised and listed in directories and on the inter-net.
- Are children permitted in the club.
- Does the club have a constitution and can it provide evidence of approval by members of the club.

- Submission of a plan of the premises for which the permit is sought showing boundaries and positions of machines.

30.6. The Commissions Guidance also notes that Licensing Authorities may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a member's, commercial club or miner's welfare institute and therefore is not entitled to receive the type of permit for which it has applied.
- The applicant's premises are used wholly or mainly by children and/or young persons.
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.
- A permit held by the applicant has been cancelled in the previous ten years.
- An objection has been lodged by the Commission or by the police.

30.7. There is also a fast track procedure available under the Act for premises, which hold a Club Premises Certificate under section 72 of the Licensing Act 2003 are exempt from the stricter vetting process that applies to applications for Club Gaming and Club Gaming Machine Permits. As the Gambling Commission's Guidance to Licensing Authorities states: Under the fast track procedure there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which an Authority can refuse a permit are reduced and therefore the grounds on which an application under the process may be refused are:

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

30.8. 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.

30.9. All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff or by suitable other means.

## **31. Temporary Use Notices**

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

31.2. The Council will only grant a temporary use notice to a person or company holding a relevant 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, the relevant regulations state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming where it is intended to produce a single winner, which in practice means a poker tournament.

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

In considering whether a place falls within the definition of a set of premises, the Licensing Authority needs to look at, ownership/occupation and control of the premises.

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



## 32. Small Society Lotteries

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

- Licensed lotteries which require an operating licence issued by the Gambling Commission.
- Exempt lotteries which include small society lotteries registered with Westmorland and Furness Council.

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

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

Advice regarding definitions of these examples is available from the Gambling Commission Guidance at:

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/sectors/sector/lotteries>

## 33. Occasional Use Notices

33.1. The Council's main function with regard to occasional use notices to ensure 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.

- 33.2. The Council will consider any guidance issued by the Gambling Commission or any other statutory agency regarding non-commercial betting and race nights of how their activities can be regulated within the Act.
- 33.3. The intention behind Occasional Use Notices is to permit licensed betting operators to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. The Occasional Use Notice dispenses with the need for a betting premises licence for the track.
- 33.4. This Licensing Authority keeps a record of the number of notices served in relation to each track.
- 33.5. A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The notice should be served to the Licensing Authority and the Chief Officer of Police in the locality where the track is situated should also be copied in. The notice must specify the day on which it has effect. Notices must be given in relation to consecutive days so long as the overall limit of eight days is not exceeded in the calendar year.
- 33.6. Provided that the notice will not result in betting facilities being available for more than eight days in a calendar year, there is no provision for counter-notices or objections to be submitted.
- 33.7. The Act does not require the applicant or the Licensing Authority to notify the Commission that an Occasional Use Notice has been given.
- 33.8. It should be noted that betting operators cannot provide gaming machines at tracks by virtue of an Occasional Use Notice. Gaming machines may be made available by betting operators and this is reliant on a betting premises licence, which refers to a specific licensed area where the operator cannot site any gaming machines outside of this specified area.

## **34. Vessels**

34.1. The Council when considering applications for premises licences in respect of vessels will give consideration to any views of the Maritime and Coastguard Agency in respect of promoting the licensing objectives. Where in the opinion of the Licensing Authority any of the three objectives are undermined, and cannot be resolved through the imposition of conditions, the application will be refused.

34.2. Where a premises licence is sought in connection with a vessel which will be navigated whilst licensable activities take place, the Licensing Authority will be concerned following the receipt of relevant representations, with the promotion of the licensing objectives on-board the vessel.

34.3. The Licensing Authority will not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers or emergency provisions all of which are subject to regulations that must be met before any vessel is issued with a Passenger Certificate and Management Safety Certificate.

34.4. It will be expected that if the Maritime and Coastguard Agency is satisfied that the vessel complies with Merchant Shipping standards for a passenger ship the premises will normally be accepted as meeting the public safety objectives.

34.5. In respect of other public safety aspects, any representation made to the Licensing Authority by the Maritime and Coastguard Agency will be given particular consideration.

## **35. Disclaimer**

Westmorland and Furness Council wish to make clear that the Gambling Commission's Guidance to Local Authorities published on 1<sup>st</sup> April 2021 was the most recent information available at the time of producing this Statement of Policy and can

be subject of change within the period that this Policy will be in force. This Licensing Authority will therefore have regard to changes in legislation and any updated guidance issued by the Gambling Commission where appropriate and will make any necessary amendments to the Statement of Gambling Policy.

## Appendix A – List of Consultees

Age UK Barrow & District Officers, Lakeland House, Abbey Road, Barrow-in-Furness LA14 1XE <a href="mailto:info@ageukbarrow.ord.uk">info@ageukbarrow.ord.uk</a>	CADAS 52 Paradise Street, Barrow-in-Furness, LA14 1JG <a href="mailto:info@cadass.co.uk">info@cadass.co.uk</a>
Association of British Bookmakers Ground Floor, Warwick House, 25 Buckingham Palace Road, London SW1W 0PP <a href="mailto:mail@abb.uk.com">mail@abb.uk.com</a>	Citizens Advice Abbey Road, Barrow-in-Furness, Cumbria CA23 6WZ
BACTA 134 Buckingham Palace Road, London SW1 W9SA <a href="mailto:info@bacta.org.uk">info@bacta.org.uk</a>	Cumbria Disability Network Equality Cumbria, PO Box 252, Carlisle CA23 6WZ
Berwin, Leghton Paisner Adelaide House, London Bridge, London, <a href="mailto:press@blplaw.com">press@blplaw.com</a>	Cumbria Volunteer Bureau 6 Hobson Court, Gillian Way, Penrith CA11 9GQ <a href="mailto:info@cumbriacvs.org.uk">info@cumbriacvs.org.uk</a>
Bingo Association Lexham House, 75 High Street North, Dunstable <a href="mailto:info@bingo-association.co.uk">info@bingo-association.co.uk</a>	Cumbria Chamber of Commerce. <a href="mailto:info@cumbriachamber.co.uk">info@cumbriachamber.co.uk</a>
British Association of Leisure Parks, Piers & Attractions Ltd Queens House, 55-56 Lincoln's Inn Field, London WC2A 3BH <a href="mailto:info@balppa.org">info@balppa.org</a>	Done Bros. Spectrum Arena, 56-58 Benson Road, Warrington WA3 7PQ
British Beer & Pub Association Ground Floor, Brewers' Hall, Aldermanbury Square, London EC2V 7HR <a href="mailto:contact@beerandpub.com">contact@beerandpub.com</a>	Enterprise Inns Ei Group Plc, 3 Monkspath Hall Road, Solihull, West Midlands B90 4SJ Tel: 0121 733 7700
British Holiday and Home Park Assoc. Great Western Road, Gloucester GL1 3ND <a href="mailto:enquiries@bhppa.org.uk">enquiries@bhppa.org.uk</a>	The Gambling Commission <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
British Institute of Innkeeping Infor House, 1 Lakeside Road, Farnborough GU14 6XP Tel: 01276 684449 <a href="mailto:enquiries@bii.org">enquiries@bii.org</a>	Gamestec Leisure Limited Low Lane, Leeds, LS18 4ER, <a href="mailto:info@gamestec.co.uk">info@gamestec.co.uk</a>
British Transport Police	Greyhound Board of Great Britain 6 New Bridge Street, London EC4V 6AB Tel: 020 7822 0900 Megan Fellows <a href="mailto:Megan.Fellows@gbgb.org.uk">Megan.Fellows@gbgb.org.uk</a>

Citadel Station, Carlisle, Cumbria CA1 1QZ  
Tel: 01228 405000  
[First\\_contact@btp.pnn.police.uk](mailto:First_contact@btp.pnn.police.uk)

Business in Sports & Leisure  
17a Chartfield Avenue, Putney, London  
SW15 6DX  
[Brigid.simmonds@btconnect.com](mailto:Brigid.simmonds@btconnect.com)

HM Revenue and Customs, PO Box 29997  
Glasgow G70 5AB

Ladbrokes Coral Group  
Newcastle House, Castle Boulevard,  
Nottingham, NG7 1FT  
Tel: 0115 948 5000  
[Ladbrokes.media@ladbrokescoral.com](mailto:Ladbrokes.media@ladbrokescoral.com)  
[Coral.media@ladbrokescoral.com](mailto:Coral.media@ladbrokescoral.com)

Law Society  
North West, Central Admin Unit, 5<sup>th</sup> Floor,  
Capital Tower, Greyfriars Road, Cardiff  
CF10 3AG  
Regional Manager Joanne McLead  
[Joanne.mclead@lawsociety.org.uk](mailto:Joanne.mclead@lawsociety.org.uk)

National Casino Forum  
Carlyle House, 235-237 Vauxhall Bridge Road,  
London SW1V 1EJ  
[info@nationalcasinoforum.co.uk](mailto:info@nationalcasinoforum.co.uk)

NSPCC, 7 Chatsworth Square, Carlisle

NHS Cumbria Trust HQ  
Lonsdale Unit, Penrith Hospital, Bridge Lane,  
Penrith  
[Communications.helpdesk@cumbria.nhs.uk](mailto:Communications.helpdesk@cumbria.nhs.uk)

Hammonds Solicitors,  
Rutland House, 148 Edmund Street,  
Birmingham  
[Michelle.adams@squirepd.com](mailto:Michelle.adams@squirepd.com)

Health & Safety Executive  
2 Victoria Place, Carlisle, CA1 1ER

Poppleston Allen  
Licensing Solicitors, The Lace Market,  
Nottingham, NG 1LS  
Richard Bardley email:  
[R.Bradley@popall.co.uk](mailto:R.Bradley@popall.co.uk)

Prize Coin Equipment  
Central Avenue, Gretna  
[derekpce@aol.com](mailto:derekpce@aol.com)

Punch Taverns  
Jubilee House, Second Ave, Burton on  
Trent  
DE14 2WF  
[enquiries@punchtaverns.com](mailto:enquiries@punchtaverns.com)

Racecourse Association Ltd, Winkfield  
Road,  
Ascot, Berkshire SL5 7HX  
[info@racecourseassociation.co.uk](mailto:info@racecourseassociation.co.uk)

South Cumbria Community Safety  
Partnership  
Email: [S.Bylth@southlakeland.gov.uk](mailto:S.Bylth@southlakeland.gov.uk)

The Well, Barrow-in-Furness  
[info@thewell2.co.uk](mailto:info@thewell2.co.uk)

William Hill Plc  
Greenside House, 50 Station Road, Wood  
Green, London, N22 7TP  
Email: [support@willhill.com](mailto:support@willhill.com)

All Pubwatch Groups within Westmorland & Furness Council

All holders of Premises Licences/Permits within Westmorland & Furness Council

All Council Members within Westmorland & Furness Council

All Town & Parish Councils meeting within Westmorland & Furness Council

Westmorland and Furness Council Gambling Policy

## **Appendix B – List of Responsible Authorities**

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## Appendix C – Categories of Gaming Machines

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D no money prize	30p	£8
D none money prize (crane grab machine only)	£1	£50
D combined money and none money prize	10p	£8 (no more than £5 in a money prize)
D combined money and none money prize (coin pusher or penny falls machine)	20p	£20 (no more than £10 in a money prize)

**\* With option of maximum £20,000 linked progressive jackpot on premises basis only.**

	Machine Category						
Premises Type	A	B1	B2	B3	B4	C	D

Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines		
		Any combination of machines on categories B to D (except B3A machines) within the total of 150 (subject to machine/table ratio)		
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines		
		Any combination of machines in categories B to D(except B3A machines) within the total limit of 80 (subject to machine/table ratio)		
Pre-2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead		
Betting premises and tracks occupied by Pool Betting		Maximum of 4 machines categories B2 to D (except B3A Machines)		
Bingo Premises <sup>1</sup>			Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on C or D machines
Adult gaming centres <sup>2</sup>			Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on C or D machines
Licensed Family entertainment centre <sup>3</sup>				No limit on category C or D machines
Family entertainment centre (with permit) <sup>3</sup>				No limit on category D Machines
Clubs or miners' welfare institutes (with permits) <sup>4</sup>			Maximum of 3 machines in categories B3A or B4 to D	
Qualifying alcohol licensed premises				1 or 2 machines of category C or D automatic upon notification



Qualifying alcohol licensed premises (with licensed premises gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

## Appendix D - Delegation of Functions

Matter to be dealt with	Full Council	Licensing Committee or Sub-committee	Officers
Final approval of three-year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
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 objections have been made (and not withdrawn)	Where no objections made / objections 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	

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

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