

# Breckland Council

## Policy (Statement of Principles)

### Gambling Act 2005

DRAFT FOR CONSULTATION

ALL COMMENTS ABOUT THIS DRAFT SHOULD BE EMAILED TO [licensingteam@breckland.gov.uk](mailto:licensingteam@breckland.gov.uk)  
DURING THE CONSULTATION PERIOD

2019

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## Breckland Council - Statement of Principles - Gambling Act 2005

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities.

The Gambling Act 2005 requires every Licensing Authority to publish a Gambling Policy (Statement of Principles), which they propose to apply when exercising their licensing functions.

Whilst all applications will be judged and determined on their individual merits the policy will be the basis of the Licensing Authority's decisions.

This document is the Gambling Policy (Statement of Principles) of Breckland Council. The policy will be reviewed regularly to reflect the needs of the District of Breckland.

# PART A

## 1. The Licensing Objectives

In exercising its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the Gambling Act. The licensing objectives are:

- i. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- ii. ensuring that gambling is conducted in a fair and open way.
- iii. protecting children and other vulnerable persons from being harmed or exploited by gambling.

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

In practice, the objective of protecting children from being harmed or exploited by gambling usually means preventing them from taking part in, or being in close proximity to gambling.

The 2005 Act promotes safe practice at premises where gambling activities take place and this means that licensees and operators have a legal responsibility to 'protect children and other vulnerable person's from being harmed or exploited by gambling'. More information about the signs of problem gambling can be found on the Gamble aware and Gamcare websites. The aforementioned websites also provide general information about gambling, including how to gamble safely and where to get help if somebody or someone you know has problems with their gambling. This Authority would expect licensees and operators to acquaint themselves with the contents of the aforementioned websites.

Further specific information on this Authority's recommendations and expectations, in relation to the protection of children and other vulnerable persons can be found at Appendices 5 and 6.

The Licensing Authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it to be:

- i. in accordance with any relevant Code of Practice issued by the Gambling Commission
- ii. in accordance with any relevant guidance issued by the Gambling Commission
- iii. reasonably consistent with the licensing objectives and
- iv. in accordance with the Authority's Statement of Licensing Policy.

## 2. Introduction

Breckland Council (herein referred to as the Licensing Authority) is responsible for the licensing of premises and issuing of permits and authorisations under the Gambling Act 2005. The Authority's main functions under the Gambling Act 2005 (2005 Act) are:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via the issuing of club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue licensed premises gaming machine permits for premises licences licensed to sell/ supply alcohol (for consumption on licensed premises) under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue prize gaming permits
- Receive and endorse Temporary Use Notices (TUNs)

- Receive Occasional Use Notices (OUNs)
- Provide information to the Gambling Commission regarding details of licences and permits issued (see section in this Policy Statement on 'information exchange')
- Maintain registers of permits and licences that are issued under these functions

This Policy (Statement of Principles) is intended to provide clarity to applicants, interested parties and responsible authorities on how this Licensing Authority will determine applications.

Breckland Council is situated in the County of Norfolk, which contains seven District Councils in total. The Breckland Council area has a population of 138,600. It covers an area of 1,305 sq kilometres and is one of the largest rural districts in England. The Council area has five main market towns which are Attleborough, Dereham, Swaffham, Thetford and Watton. There are also 112 parishes in Breckland but the majority of the population is centred around these five market towns. The Breckland area is shown in the map attached as Appendix 4.

Number of Gambling Authorisations – Current Figures (June 2018)	
Betting Premise Licences	10
Bingo Premises Licences	1
Adult Gaming Centre Premises Licences	5
Family Entertainment Centre Premises Licences	0
Alcohol licensed premises providing two or less gaming machines	71
Alcohol licensed premises providing three or more gaming machines	8
Club Gaming Permits	2
Club Machine Permits	11
Prize Gaming Permits	0

In adopting the Policy (Statement of Principles) the Licensing Authority recognises its duties to consider the impact of all its functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998. The Licensing Authority acknowledges the benefits to the community of properly regulating gambling in the district.

The Licensing Act 2003 provides the delegated and procedural arrangements for the establishment of Licensing Authorities.

Licensing Committees established under Section 6 of the Licensing Act 2003 are also relevant committees for the purpose of gambling functions. Therefore, the same Committee that deals with applications and other issues in relation to the Licensing Act 2003 will also be responsible for Premises Licence applications and other issues (i.e. permits) in relation to gambling under the Gambling Act 2005.

The proceedings of the Licensing Committee are regulated by Section 9 of the 2003 Act (and Regulations made under that Section). Particular provision can be made for proceedings in relation to just the 2003 Act functions or just the 2005 Act functions.

The functions of the Licensing Authority under the Act may be carried out by the Committee of the Licensing Authority, by a Sub-Committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1 of this document.

Licensing Authorities are required by the Gambling Act 2005 to publish a Gambling Policy (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 as required and any amended parts re-consulted upon. The statement must be then re-published.

The Licensing Authority consulted upon this Policy (Statement of Principles) before finalising and publishing. A list of those persons consulted is provided at Appendix 2.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- i. the Chief Officer of Police;
- ii. one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- iii. one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005

The Policy (Statement of Principles) was approved at a meeting of the Licensing Committee and was subsequently submitted for approval at a meeting of the Full Council.

It is also published via the Council's website. Copies of the Statement of Principles are available for inspection from the Council Offices.

Should you have any comments as regards this Policy (Statement of Principles) please send them via e-mail or letter to:

The Licensing Team, Breckland Council, Elizabeth House, Walpole Loke, Dereham, NR19 1EE

E-mail: [licensingteam@breckland.gov.uk](mailto:licensingteam@breckland.gov.uk)  
Telephone: 01362 656870.

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

Planning Permission – The Licensing Authority will only take into account relevant representations related to gambling and the three Licensing Objectives. The existence of a planning permission or building regulation approval for a premises or activity associated with gambling shall not be taken into account by the Licensing Authority in determining a Premises Licence application. Similarly, the existence of a gambling licence shall not prejudice the consideration of any planning or building regulation application related to a gambling activity or premises.

In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention (by way of relevant representations), which

undermine the licensing objectives. Non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to ensure compliance with the licensing objectives.

### 3. Declaration

In producing the Policy (Statement of Principles), the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the Policy (Statement of Principles).

### 4. Responsible Authorities

The Licensing Authority has designated in writing, the body it considers competent to advise the Licensing Authority on the protection of children from harm. The body is:

Norfolk Safeguarding Children Board

The reasons the Licensing Authority has chosen the above as a responsible authority competent to advise it on the protection of children from harm are:

- That this body is answerable to democratically elected persons and is not answerable to a particular vested interest group.
- That this body is responsible for the area covered by the Licensing Authority and this Policy.
- That this body is experienced in dealing with the protection of children.

The contact details of all the Responsible Authorities are available by contacting the Licensing Team.

## 5. Interested Parties

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

For the purposes of this Part a person is an interested party in relation to an application for, or in respect of a Premises Licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

- i. lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- ii. has business interests that might be affected by the authorised activities, or
- iii. represents persons who satisfy paragraph (i) or (ii) e.g. Members of Parliament and ward Councillors.

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

Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament. Other than these however, this Authority will normally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activity/activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team. Where a Councillor represents an interested party, in order to avoid conflict of interests, that Councillor shall not be part of the Licensing Committee dealing with the licence application. If there are any doubts, Councillors will be asked to contact the Council's Member Services to gain further advice.

The Licensing Authority is required by regulations to state the principles that it will apply in exercising its powers under the Gambling Act 2005, to determine whether a person is an interested party. With regard to specific premises, the Licensing Authority will consider whether a person is an interested party on a case-by-case basis, judging each on its own merit. The Authority will not apply a rigid rule to its decision making.

The principles the Licensing Authority will apply when deciding whether or not a person is an interested party are:

- The size of the premises where larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities;
- The nature of the activities being conducted on the premises.

For persons living sufficiently close to the premises, the Licensing Authority will take into account the following factors when interpreting 'sufficiently close'.

- Size of the premises
- Nature of the premises
- Distance of the premises from the location of the person making the representation
- Potential impact of the premises, i.e. number of customers, routes likely to be taken by those visiting the establishment
- Circumstances of the complainant, i.e. interests of the complainant that may be relevant to the distance from the premises

The Licensing Authority recognises 'sufficiently close to be likely to be affected' could have a different meaning, for instance, a private resident, a residential school for children with behavioural or other problems and a residential hostel for vulnerable adults and will therefore deal with each representation on its own merit.

Where persons with business interests that could be affected the Licensing Authority will firstly determine whether or not a person is an interested party and secondly whether or not their representation is relevant. Representations by such persons that do not relate to the Licensing Objectives but focus on demand and competition will not be considered as relevant.

The Licensing Authority will need to be satisfied that the relevant business is likely to be affected and shall not take into account representations put forward by a rival operator anywhere in the county, simply because they are in competition within the same gambling sector. The following factors will therefore be relevant:

- Size of premises
- The 'catchment' area of the premises (i.e. how far people travel to visit)
- Whether the person making the representation has business interests in that catchment area that might be affected
- Whether or not the representation is purely based on 'competition' as the Licensing Authority does not consider this to be a relevant representation

Representations will not be considered as relevant where they relate to demand or competition.

The Licensing Authority will decide upon representations from those persons with business interests on an individual basis. The Licensing Authority will consider the Gambling Commission's guidance that 'has business interest' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

With regard to persons representing persons living sufficiently close and/or having business interests that may be affected, the Licensing Authority will take into account trade associations, trade unions, residents and tenants' associations. The Licensing Authority will not, however generally view these bodies as interested parties unless the organisation can demonstrate that they have a member who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Only Responsible Authorities and Interested Parties may make representations. Advice on how to make a representation is available from the Licensing Team. Where there are representations, the Licensing Authority will encourage negotiation between the objector and the applicant as to the possible use of conditions on the licence.

Where there are representations, the Licensing Authority will determine whether or not they will be admissible and will consider carefully whether the representations are relevant. Relevant representations must be relevant to the three Licensing Objectives taking into account the Licensing policy (Statement of Principles), Gambling Commissions Guidance and the Gambling Commissions' Codes of Practice.

Representations are not relevant where they are vexatious or frivolous and before a decision is made as to whether it is relevant or not, the Licensing Authority will consider:

- Who is making the representation and whether there is a history of making representations that are not relevant.
- Whether or not it raises a relevant issue, or
- Whether it raises issues specifically to do with the premises that are the subject of the application.

The Licensing Authority strongly recommends that representations be submitted at the earliest opportunity to allow the maximum time to negotiate an appropriate solution.

## 6. Exchange of Information

In its exchange of information with parties listed in Schedule 6 of the Gambling Act 2005, the Council will have regard to:

- The provisions of the 2005 Act, which include the provisions that data protection law will not be contravened;
- The guidance issued by the Gambling Commission;
- Other relevant legislation and regulations.

In accordance with Section 350 and Schedule 6 of the Gambling Act 2005, the Council may exchange information with the following statutory bodies or individuals:

- A constable or police force;
- An enforcement officer
- Her Majesty's Revenue and Customs;
- The Gambling Appeal First Tier Tribunal;
- The Secretary of State;
- Scottish Ministers; and
- Any other person or body designated by the Secretary of State in accordance with the Act.



The Council may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

Where relevant, information will be protected and confidentiality of those making representations will be maintained. Information will be shared by means of e-mail, telephone or in writing between the Responsible Authorities and the Gambling Commission.

## 7. Enforcement

Decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at Appendix 1. This is aimed at underlining the principles of timely, efficient and effective decision-making.

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licence, other permissions which it authorises and any relevant Codes of Practice. The Gambling Commission will be the enforcement body for the Operator and Personal licences and illegal gambling. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

In order to ensure compliance with the law, the Licensing Authority will prepare a risk based Inspection Programme and will carry out 'routine' programmed inspections, based on risk assessment in the categories High, Medium and Low and will also carry out 'non-routine' inspections as required. Where one off events are taking place under a Temporary Use Notice (TUN) or Occasional Use Notice (OUN), the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.

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

In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:

- i. Article 1, Protocol 1 - peaceful enjoyment of possessions
- ii. Article 6 - right to a fair hearing
- iii. Article 8 - respect for private and family life
- iv. Article 10 - right to freedom of expression

The Licensing Authority may carry out risk based operations with other agencies including the Gambling Commission and the Police to ensure the objectives are being promoted. This includes test purchasing operations to ensure children and the vulnerable are being protected where required. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

As a general rule the Licensing Authority will consider formal action where there is evidence that the Licensing Objectives are being adversely affected.

The Licensing Authority sets out below the principles to be applied in exercising its functions with regard to inspection of premises and enforcement. The Licensing Authority in carrying out its regulation functions will follow the Statutory Code of Practice for Regulators.

- i. proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
- ii. accountable: regulators must be able to justify decisions, and be subject to public scrutiny
- iii. consistent: rules and standards must be joined up and implemented fairly
- iv. transparent: regulators should be open, and keep regulations simple and user friendly; and
- v. targeted: regulation should be focused on the problem, and minimise side effects

As per the Gambling Commission's Guidance to Licensing Authorities, this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible and will keep itself informed of developments as regards the work of the Statutory Code of Practice for Regulators

Premises Licence Holders are advised that where following the receipt of a warning or warnings in relation to a Premises Licence breach or breaches, an operator subsequently breaches the licence conditions, the Licensing Authority will seek to review the Premises Licence.

is regulated by the Gambling Commission via Operating Licences.

This Policy is intended to provide clarity to applicants, interested parties and responsible authorities on how this Licensing Authority will determine applications. Guidance is available to assist applicants: the aforementioned guidance does not form part of this Policy.

## 8. Licensing Authority Functions

Breckland Council, as the Licensing Authority, is responsible for the licensing of premises and the issue of permits and authorisations under the Gambling Act 2005. The Authority's main functions under the 2005 Act are:

- i. be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- ii. issue Provisional Statements
- iii. issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- iv. register small society lotteries below prescribed thresholds
- v. issue Prize Gaming Permits
- vi. receive and endorse Temporary Use Notices
- vii. receive Occasional Use Notices
- viii. provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- ix. maintain registers of the permits and licences that are issued under these functions
- x. issue Club Machine Permits to Commercial Clubs
- xi. grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- xii. receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- xiii. Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which

# PART B

## Premises Licences: Consideration of Applications

### 1. General Principles

Premises Licences authorise the provision of gambling facilities on the following:

- Casino Premises
- Bingo Premises
- Betting Premises (including tracks and premises used by betting intermediaries)
- Adult Gaming Centres (AGCs)
- Family Entertainment Centres (FECs)

Except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be granted to those issued with an Operating Licence by the Gambling Commission.

Other forms of authorisations are as follows:

- Unlicensed Family Entertainment Centres (uFEC) Permits
- Prize Gaming Permits
- Licensed Premises Gaming Machine Permits
- Club Gaming Permits
- Club Gaming Machine Permits

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

#### (a) Decision-making

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

- i. in accordance with any relevant Code of Practice issued by the Gambling Commission;
- ii. in accordance with any relevant guidance issued by the Gambling Commission;
- iii. reasonably consistent with the licensing objectives; and
- iv. in accordance with the authority's Statement of Licensing Policy

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities

“moral objections to gambling are not a valid reason to reject applications for premises licences” and also that unmet demand is not a criterion for a Licensing Authority.

This Licensing Authority also notes Gambling Commission guidance on Appropriate Licensing Environment.

It is not permissible for an operator to offer gaming machines on a premise which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A non-remote betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting' (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D available, is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

#### (b) Definition of 'premises'

Premises is defined in the Act as “any place”. Different Premises Licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of the building can properly be regarded as being separate premises will always be a question of fact.

The location of the premises will clearly be an important consideration and the suitability of the division will be a matter for discussion between the operator and the Authority's Licensing Officer. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated (for example, by ropes or moveable partitions) can be properly regarded as different premises. The Licensing Authority will consider the definition of premises and where there are such concerns the Licensing Authority may address these through licence conditions. The Licensing Authority will, if necessary, respond to any further guidance by the Gambling Commission on this subject by way of a minor variation of this Policy.

The Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that:

Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- i. The third Licensing Objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also
- ii. Preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- iii. Entrances to and exits from parts of a building covered by one or more Premises Licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- iv. Customers should be able to participate in the activity named on the Premises Licence.

The Guidance also gives a list of factors which the Licensing Authority should be aware of, which may include:

- i. Do the premises have a separate registration for business rates?
- ii. Is the premises' neighbouring premises owned by the same person or someone else?
- iii. Can each of the premises be accessed from the street or a public passageway?
- iv. Can the premises only be accessed from any

other gambling premises?

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

### **(c) Premises 'Ready for Gambling'**

The Gambling Commission's Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement can be made instead. This is also the case for a premises requiring significant alteration where that alteration is unlikely to be completed for some considerable period of time.

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

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

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed example of the circumstances in which such a licence may be granted can be found within the Gambling Commissions Guidance to Licensing Authorities.

#### **(d) Location**

The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder

With regard to these objectives, upon receipt of any relevant representations this Authority will look at specific location issues including:

- i. proximity of the premises to schools and vulnerable adults
- ii. the proximity of the premises to residential areas where there may be a high concentration of families with children
- iii. the size of the premises and the nature of the activities taking place
- iv. any levels of organised crime in the area

When considering the location of premises the Licensing Authority may take into consideration any restrictions on access to the premises.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

#### **(e) Duplication with Other Regulatory Regimes**

This Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise. It is for the applicant to ensure that any other statutory requirements are complied with.

#### **Licensing Objectives**

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

#### **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Licensing Authority recognises it is the responsibility of the Gambling Commission when issuing Operating Licences to ensure the operator is a suitable applicant. However, if during the course of considering a Premises Licence application or at any other time, the Licensing Authority receives such information that causes it to question the suitability of the applicant, those concerns will be brought to the immediate attention of the Gambling Commission. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors, CCTV etc.

The Licensing Authority recognises that disorder and nuisance may be focused on premises and therefore recommends an applicant takes such controls as necessary to prevent such disorder and nuisance. Examples may include thought given to the way that gambling is conducted on the premises, siting of large pay out machines and levels of noise from public address systems that should ideally be sited at the back of the premises away from residential areas. Consideration, where relevant, will be given to the placing of appropriate conditions on the licence governing opening hours for betting shops in residential areas and other sensitive areas and in the case of disorder the use of Door Supervisors. Section 178 of the 2005 Act sets out the definition of 'Door Supervisor' and

provides that where a person is employed in such a role is required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence.

Where there are persistent levels of disorder, the Licensing Authority will liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.

As there are no clear lines between nuisance and disorder, the Licensing Authority may seek legal advice when determining what action to take in circumstances in which disorder may be a factor. The Licensing Authority appreciates that disorder is intended to mean activity that is more serious and disruptive than mere nuisance, however, in determining this it will take into account the following factors:

- i. Whether the situation was serious enough to require Police or Ambulance assistance;
- ii. How threatening the behaviour was to those who could see or hear it.

### **Ensuring that gambling is conducted in a fair and open way**

This Licensing Authority has noted that the Gambling Commission states that it generally does not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section. The Licensing Authority, in certain circumstances, may seek to impose conditions to ensure that the environment in which betting takes place is suitable.

The Licensing Authority may wish to know the nature of the venue, have sight of a plan of the track which would include access to the place where gambling is to take place, where the operators will conduct on course betting and whether or not there are any off course betting operators.

### **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

Protecting children and other vulnerable persons from being harmed or exploited by gambling - As children and young persons are prohibited from the great majority of gambling they must be prevented from entering adult only gaming environments. This Licensing Objective intends to prevent children and young persons from taking part in, or being in close proximity to, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at children or advertised in such a way that makes them attractive to children. The Licensing Authority will therefore consider whether or not specific measures are needed to protect children at particular premises. Such measures may include:

- i. staff training (to include training on how to deal with suspected truants and vulnerable persons)
- ii. careful consideration of the siting of ATMs
- iii. additional requirements to provide supervision at entrances
- iv. steps taken to segregate gambling from non- gambling areas frequented by children
- v. the supervision of gaming machines in non- adult gambling specific premises in order to prevent children or vulnerable young persons from being harmed or exploited by gambling
- vi. Minimum staffing levels in adult only gambling premises
- vii. Induction training for new staff and refresher training for existing staff
- viii. Maintenance of a refusals register
- ix. Proof of age schemes (e.g. Think 21)
- x. Third party test purchasing
- xi. Location of entry to adult only gambling premises
- xii. Infra Red Beam positioned across the entrance to the adult only gambling premises
- xiii. provision of CCTV (with images retained for a minimum period of 28 days)

These measures will be particularly relevant on mixed-use premises, and on tracks where children have freedom of movement in betting areas on race days. Other such measures may include:

- i. appropriate signage
- ii. location of gaming machines
- iii. numbers of staff on duty
- iv. not siting child orientated machines or facilities close to the entrance to adult gaming / betting facilities
- v. ensuring there is no accidental access to premises used for adult gambling
- vi. With regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as Gamcare, should be deemed particularly appropriate.

Further specific information on this Authority's recommendations and expectations, in relation to the protection of children and other vulnerable persons, can be found at Appendices 5 and 6 of this policy document.

The above lists are not exhaustive but indicative of examples.

As regards 'vulnerable persons', it is noted that the Gambling Commission has not defined a 'vulnerable person' but states that it will assume that this group will include people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not any measures have been taken to protect such a group. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling; each application will be treated on its own merit.

With this Licensing Objective in mind, the Licensing Authority will take particular care when considering applications for more than one premises licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping malls. Where relevant, applicants will be expected to take measures to ensure young persons, and children are not in close

proximity to gambling. Such measures may include siting machines at the back of a premises so as to ensure young children do not have sight of such machines, not advertising gambling so as to encourage children, not siting child orientated machines or facilities close to the entrance to adult gaming/betting facilities and ensuring there is no accidental access to observe or enter premises used for gambling.

In the absence of a definition of "direct access" between an Adult Gaming Centre and a Licensed Family Entertainment Centre or Unlicensed Family Entertainment Centre in the 2005 Act or Regulations, the Licensing Authority has identified a Statement of Principles within this Policy to be followed in decision-making. Should it be established that these Principles are inconsistent with the legislation (through statute or the Courts), the Licensing Authority reserves the right to amend this Statement of Principles as a minor policy change without further consultation.

The Licensing Authority recommends that measures are taken to ensure entrances and exits from parts of a building covered by one or more premises licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, physically separating Family Entertainment Centres and Adult Gaming Centres, and supervision of entrances.

The Licensing Authority will consider multiple licences carefully and applicants are recommended to configure these buildings carefully if they seek to develop multipurpose developments and in particular consider how they will protect children from being harmed by gambling as well as preventing children from being in close proximity to gambling. Applicants are also requested to consider entrances and exits from parts of the building covered by one or more licences. These exits and entrances should be separate and identifiable to ensure children do not 'drift' into a gambling area.

The Licensing Authority recommends that all staff are suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines. Appropriate measures should be taken to prevent under age use of such machines, including clear and appropriate signage, an approved Proof of Age

scheme (such as a Think 21 scheme) and a requirement for staff to be vigilant and aware at all times.

In relation to amusement arcades the Licensing Authority recognises BACTA's voluntary Code of Social Responsibility and Good Practice for Adult Gaming and Family Entertainment Centres. The Licensing Authority recommends that operators of Adult Gaming and Family Entertainment Centres consider the adoption of any areas of the Code that are not covered by any current mandatory Codes of Practice.

### **Conditions**

Any conditions attached to licences will be proportionate and will be:

- i. relevant to the need to make the proposed building suitable as a gambling facility
- ii. directly related to the premises and the type of licence applied for
- iii. fairly and reasonably related to the scale and type of premises and
- iv. reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors and appropriate signage for adult only areas etc.

This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

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

### **Default Licence Conditions**

Applicants are advised that any applications to amend default licence conditions will not be dealt with by Officers acting under delegated powers. A Licensing Sub-Committee hearing will consider such applications. The Licensing Authority is aware that one issue likely to be raised in relation to default conditions is the hours the premises may be open in order to provide gambling or betting facilities (for example a betting premises). The Authority will only exclude default conditions and replace the same with less rigid conditions when there are clear and identifiable reasons for doing so.

Where an operator breaches the licence conditions, initially a warning will normally be given to correct the breaches. If following such warning or warnings, a breach or breaches occur the Licensing Authority will seek to review the Premises Licence.

### **Door Supervisors**

If there are concerns that premises may attract disorder or be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.

Where door supervisors are imposed as a condition on a Premises Licence (except casino or bingo premises), Section 178 of the 2005 Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority (SIA). There are however exemptions to this requirement i.e. 'in-house' employees working as door supervisors at casino and bingo premises.



It is noted that in-house staff acting as door supervisors at casinos or bingo premises are not required to be licensed by the SIA. However, this Authority recommends that where in-house staff acting as door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a Basic Criminal Records (DBS) Check on potential staff and for such personnel to have attended industry recognised training.

## 2. Adult Gaming Centres

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

The Licensing Authority may consider measures to meet the licensing objectives, such as:

- i. proof of age schemes
- ii. CCTV
- iii. supervision of entrances/machine areas (e.g. use of door supervisors)
- iv. physical separation of areas
- v. location of entry
- vi. Minimum staffing levels
- vii. Induction training for new staff and refresher training for existing staff
- viii. Refusals register
- ix. Proof of age schemes (e.g. Think 21)
- x. Third party test purchasing
- xi. Location of entry to premises
- xii. Infra-Red Beam positioned across the entrance to the premises
- xiii. notices/signage (including the statutory requirement in relation to the display of GamCare stickers)
- xiv. specific opening hours
- xv. self-exclusion schemes
- xvi. Provision of information leaflets/helpline numbers for organisations such as GamCare.

With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes and the provision of information leaflets/helpline numbers for organisations such as GamCare, as appropriate measures.

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

The Licensing Authority will expect applicants to adopt an approved proof of age scheme (such as Challenge 21/25), for staff to be suitably trained and aware of the gambling laws, social responsibility and statutory requirements relating to age restrictions.

## 3. Licensed Family Entertainment Centres

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

The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. However, appropriate measures may cover issues such as:

- i. Proof of Age schemes
- ii. CCTV, specifically sited where the adult machines are to be situated
- iii. Door supervisors
- iv. Controlled supervision of entrance and machine areas
- v. Location of entry
- vi. Statutory requirement in relation to the display of GamCare stickers
- vii. Physical segregation of machines and areas
- viii. Appropriate Notices and signage
- ix. Specific opening hours
- x. Self-exclusion schemes
- xi. Measures/training for staff on how to deal with suspected truant school children on the premises
- xii. Provision of information leaflets/helpline numbers for organisations such as GamCare
- xiii. Minimum staffing levels
- xiv. Induction training for new staff and refresher training for existing staff
- xv. Refusals register
- xvi. Proof of age schemes (e.g. Think 21)
- xvii. Third party test purchasing
- xviii. Location of entry to premises
- xix. Infra-red beam positioned across the

entrance to the premises

- xx. Appropriately trained floor walking staff with regard to the protection of children and vulnerable adults

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

With regard to vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare as appropriate measures.

With regard to segregation of Category C machines in licensed FECs, there is a requirement that there must be clear segregation between the two types of machine so that children do not have access to Category C machines. All Category C machines must be located in an area of the premises separate from the remainder of the premises by a physical barrier, which is effective to prevent access other than through a designated entrance. The Licensing Authority will seek to ensure that:

- i. only adults are admitted to the area where the machines are located;
- ii. access to the area where the machines are located is supervised;
- iii. the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- iv. at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

In most cases the Licensing Authority will be happy to accept a solid waist high barrier (e.g. 1.1 to 1.4 metres in height) in order to designate the adult only Category C gaming machine area. The barrier must be fixed and not something which is transient or easily moveable.

## 4. Casinos

### No Casinos Resolution

This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Policy (Statement of Principles) with details of that resolution. Any such resolution will be made by the Full Council.

## 5. Bingo Premises

Entry to bingo premises is not generally age restricted although entry to certain areas of the premises will be restricted by law if they contain Category C gaming machines. If the bingo premises operator intends not to allow under 18s entry to any part of the premises then this Authority will expect to be advised of the same by the operator/licensee as soon as reasonably possible after that decision has been made.

In accordance with the Gambling Commission's Guidance, the Licensing Authority recognises that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on Category D machines. Where Category C or above machines are available in the bingo premises to which children are admitted, the Licensing Authority will seek to ensure that:

- i. all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- ii. only adults are admitted to the area where the machines are located;
- iii. access to the area where the machines are located is supervised;
- iv. the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- v. at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area

is prohibited to persons under 18.

In most cases the Licensing Authority will be happy to accept a solid waist high barrier (e.g. 1.1 to 1.4 metres in height) in order to designate the adult only Category C gaming machine area. The barrier must be fixed and not something which is transient or easily moveable.

The Gambling Commission has issued Codes of Practice relating to Bingo premises and the Licensing Authority expects all applicants to comply with these codes. The Licensing Authority will not look favourably upon an application where an applicant seeks a Bingo Premises Licence with the sole intention of placing Category B2 Gaming Machines only in the premises with no provision for facilities for bingo, as this is not considered to be in the spirit of the Act. This is also referred to in the Gaming Machines section of this Policy Statement. Applicants and premises licence holders are reminded of the Gambling Commission's operator licence conditions requiring that bingo is provided as the primary activity in any premises that hold or apply for a bingo premises licence.

Where bingo is provided in alcohol-licensed premises and it reaches a certain threshold, it will no longer be authorised as equal chance gaming and a Bingo Operating Licence will need to be obtained from the Gambling Commission. High turnover bingo will require a Bingo Operating Licence. Definitions of low and high turnover bingo are available by referring to the Gambling Commission's website.

The aim of this provision is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

## 6. Betting Premises

The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Children and young persons are not permitted entry to a premise with a Betting Premises Licence. They may, however, be permitted entry to tracks and

special rules will apply. The Licensing Authority recommends that an applicant for gaming machines in betting premises considers carefully the location of betting machines to ensure that they are not in sight of the entrance of the premises.

The Licensing Authority has discretion as to the number, nature and circumstances of use of betting machines at a betting premises. However the Licensing Authority will consider limiting the number of machines only where there is clear evidence that such machines have been, or are likely to be, used in breach of the Licensing Objectives. Where there is such evidence, the Licensing Authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter. When considering whether or not to impose such a condition the Licensing Authority will take into account the following:

- i. The size of the premises;
- ii. The number of counter positions available for person to person transactions; and
- iii. The ability of staff to monitor the use of the machines by children and young or vulnerable persons. In deciding whether to impose conditions to limit the number of betting machines each case will be considered on its own merits and account will be taken of the relevant Codes of Practice and Guidance issued under the Gambling Act 2005.

The Licensing Authority will not look favourably upon an application where an applicant seeks a Betting Premises Licence with the sole intention of placing Category B2 Gaming Machines only in the premises with no provision for facilities for betting, as this is not considered to be in the spirit of the Act. This is also referred to in the Gaming Machines section of this Policy Statement. Applicants and premises licence holders are reminded of the Gambling Commission's operator licence conditions requiring that counter betting facilities are provided as the primary activity in any premises that hold or apply for a betting premises licence.

The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. In determining whether an application meets

the aforementioned criteria the Licensing Authority may give consideration as to whether appropriate measures are or will be in place to address the matters listed below:

- i. Minimum staffing levels
- ii. Induction training for new staff and refresher training for existing staff

This list is not exhaustive and is merely indicative of example measures. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives.

## 7. Tracks

Note there are currently no tracks operating in the district. However, this Statement of Principles contains provision for the event of such a premise.

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

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

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

- i. proof of age schemes
- ii. CCTV
- iii. supervision of entrances/machine areas
- iv. physical separation of areas
- v. location of entry

- vi. notices/signage (including the statutory requirement for GamCare stickers)
- vii. specific opening hours
- viii. self-exclusion schemes
- ix. provision of information leaflets/helpline numbers for organisations such as GamCare

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

### **Gaming Machines**

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

### **Betting Machines**

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

## 8. Travelling Fairs

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

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

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

## 9. Provisional Statements

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

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

- i. expects to be constructed;
- ii. expects to be altered; or
- iii. expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.

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

The holder of the 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:

- i. they concern matters which could not have been addressed at the provisional statement stage, or
- ii. they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- i. which could not have been raised by objectors at the provisional statement stage;
- ii. which in the authority's opinion reflect a change in the operator's circumstances;
- iii. where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

## 10. Reviews

Requests for a review of a premises licence can be made by the Licensing Authority itself, interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the Authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous requests for review:

The review will be:

- i. in accordance with any relevant Code of Practice issued by the Gambling Commission;
- ii. in accordance with any relevant guidance issued by the Gambling Commission;
- iii. reasonably consistent with the licensing objectives; and
- iv. in accordance with the Authority's Statement of Principles.

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

## 11. Appeals

There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to the Magistrates' Court.

## 12. Think 21 Policy

The Licensing Authority strongly supports campaigns to reduce the illegal access of underage persons to adult only gambling and encourages the use of a Think 21 policy within premises providing adult only gambling facilities. Under the scheme, premises providing adult only gambling facilities should seek proof of age from anybody who appears to be under the age of 21. The policy should create a culture of expectation that in premises providing adult only gaming facilities, proof of age should either be offered or produced on demand and that this should be the norm as far as access to over 18 gambling is concerned.

Whilst supporting the Think 21 Scheme the Licensing Authority recognises that some premises may wish to go a step further by introducing a Think 25 Scheme.

## 13. Test Purchasing

This Authority may undertake covert test purchasing exercises in order to check compliance with the requirement that under 18s do not access 'adult only' gambling facilities. This exercise would be in response to concerns about underage gambling vulnerabilities in particular sub-sectors of the gambling industry. Under the terms of the Gambling Commission's Licence Conditions and Codes of Practice operators must monitor the effectiveness of their policies and procedures for preventing underage access to gambling premises and products. At the time of the drafting of this policy certain sub-sectors of the gambling industry had not provided the Gambling Commission with any assurances that this was happening. Those sub-sectors are, broadly, the small and medium-sized Betting Premises, Adult Gaming Centres and Family Entertainment Centres.

There are also no assurances in relation to Category C gaming machines in alcohol licensed premises to which under 18s have access. With this in mind this Authority intends to include Alcohol Licensed Premises with Category C gaming machines as being appropriate for test purchasing – this being in order to monitor the effectiveness of their policies and procedures for preventing underage access to gambling products.

There are a number of steps which this Authority would recommend to operators in order to prevent underage access and monitor the effectiveness of their policies. These steps include the adoption of a Think 21 Policy and the use of third party test purchasing in order to test the effectiveness of the Think 21 Policy. Further recommended steps can be found in the Premises Sections and the Safeguarding Children Section of this policy document.

## 14. Credit Facilities

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATMs) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

## 15. Local Risk Assessments

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy document.

The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- i. to take account of significant changes in local circumstance, including those identified in this policy;
- ii. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- iii. when applying for a variation of a premises licence.

In addition, operators must undertake a Local Risk Assessment when applying for a new premises licence.

The Local Risk Assessment should indicate the provision of gambling facilities at each individual premises, and set out the policies, procedures and control measures that the operator has in place to mitigate those risks.

This Authority will expect that the manager of the gambling premises in question (and wherever possible the local staff) are involved in the formulation of the local risk assessment. It is also expected that a copy of the finalised local risk assessment will be kept at the gambling premises in question and be made available to staff (and inspecting officers) at all times.

This Authority will expect the local risk assessment to consider as a minimum:

- i. whether the premises is in an area of deprivation;
- ii. whether the premises is in an area subject to high levels of crime and/or disorder;
- iii. the demographics of the area in relation to vulnerable groups;
- iv. the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;

- v. significant presence of young children, both residents and visitors;
- vi. high unemployment area;
- vii. nearby homeless hostels;
- viii. nearby gambling, alcohol, drug or mental health support facilities;
- ix. the area has a high number of rough sleepers/homeless people;
- x. the area has a specific ethnic population;
- xi. pawn broker/pay day loan businesses in the vicinity;
- xii. other gambling premises in the vicinity.

The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- i. The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- ii. Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- iii. The layout of the premises so that staff have an unobstructed view of persons using the premises.
- iv. The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- v. Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by, etc.
- vi. The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- vii. Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the Licensing Authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its own merits, with the onus being upon the applicant to show how the concerns can be overcome.

A copy of the Local Risk Assessment should be submitted to the Licensing Authority when an operator applies for a new gambling premises licence or a variation to an existing premises licence. The Local Risk Assessment should also be presented at such other time as the Licensing Authority may require (e.g. during the annual premises compliance check).

Other than at the time of applications and annual compliance checks, this Authority may also require risk assessments to be submitted (or revisited) when there has been a significant change in local circumstances or at a particular premise that might affect the mitigation of local risk.

welfare groups and safety partnerships and organisations.

The aim of the Local Area Profile will be to increase awareness of local risk. An area will be identified as high risk, for example, because of its proximity to a school, youth centre, hostel or rehabilitation centre.

## 16. Local Area Profile

The Gambling Commission Guidance to Licensing Authorities includes a recommendation for Local Authorities to produce a Local Area Profile. The purpose of a Local Area Profile being a means of “mapping out” local areas of concern surrounding the licensing objectives under the Gambling Act 2005.

There is no legal requirement upon Licensing Authorities to prepare a Local Area Profile, but the Gambling Commission is strongly encouraging Authorities along this route. Where an Authority does prepare a Local Area Profile, gambling operators will need to take it into account in preparing their own Local Risk Assessments for their gambling premises.

This Authority is currently working towards producing a Local Area Profile. Our aim is that the Local Area Profile will take account of a wide range of factors, data and information available to the Authority and its partner agencies, such as the Police, public health, housing and education bodies, community



## PART C

### Permits/Temporary and Occasional Use Notices

Note for information: The Gambling Act 2005 introduced a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises.

The permits regulate gambling and the use of gaming machines in a specific premises. The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications. Where a permit is granted, the Licensing Authority will issue the permit as soon as is reasonably practicable.

#### 1. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Schedule 10, Para 7

Where premises do not hold a premises licence but wishes to provide Category D gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use

The Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief

Officer of Police has been consulted on the application. Licensing Authorities might wish to consider asking applicants to demonstrate:

- i. a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- ii. That staff are trained to have a full understanding of the maximum stakes and prizes.
- iii. The applicant's previous history and experience of running similar premises.

- iv. Applicants must produce a Basic Disclosure and Barring Service (DBS) check dated within one calendar month of the date of the application being submitted to the Licensing Authority. The Disclosure will reveal the existence and content of any criminal record (not spent under the terms of the Rehabilitation of Offenders Act) held in the name of the applicant.

Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.

When considering any convictions revealed in an application the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and 'spent' convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

#### Statement of Principles

As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:

- i. A scaled plan of the premises indicating the location of Category D machines, Automated Teller Machines and any appropriate notices that are to be displayed;
- ii. The approximate number of Category D machines that will be provided;
- iii. Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible;
- iv. Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;

- v. A Basic Disclosure and Barring Service (DBS) check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current Operator's Licence issued by the Gambling Commission);
- vi. Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
- vii. Training for staff as regards dealing with suspected truant school children on the premises;
- viii. Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations (including safeguarding issues). The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems in or around the premises;
- ix. The amount of space around gaming machines to prevent jostling of players or intimidation;
- x. Details of opening hours;
- xi. Approximate numbers of staff employed.

Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is reason for such a refusal, the Licensing Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing or both and will have a right of appeal against any decision made.

With regard to renewal applications, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.

Where the Permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the Regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed. Applicants and permit holders are reminded that there is no provision within the Gambling Act 2005 and associated regulations which enable the transfer of a permit from one person to another. The Licensing Authority recommends that applicants for unlicensed FEC Permits consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in 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.

## 2. (Alcohol) Licensing Premises Gaming Machine Permits and Notifications (Schedule 13, Paragraph 4(1))

### **Automatic Entitlement: Two machines**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority and pay the prescribed fee.

The Licensing Authority however, can remove the automatic authorisation in respect of any particular premises if:

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

- iv. an offence under the Gambling Act has been committed on the premises

**Permits: Three or more machines**

If a premises wishes to have more than two machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant”. The Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

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

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

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine. Gaming in alcohol-licensed premises - The Licensing Authority recognises that low level gaming may take place in alcohol-licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of

State. A nominated gaming supervisor should therefore supervise gaming in alcohol-licensed premises, (i.e. the Designated Premises Supervisor (DPS)) and all gaming should comply with the Codes of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Licensing Authority expects the applicant to be aware of and adopt these Codes of Practice and to ensure that all gaming in such premises is suitably managed.

### 3. Prize Gaming Permits

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

The Licensing Authority will require detailed information when an applicant applies for this Permit, as follows:

- i. A scaled plan of the premises indicating the location of the machines, other prize gaming facilities, etc., and any appropriate notices that are to be displayed;
- ii. Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible;
- iii. that they understand the limits to stakes and prizes that are set out in Regulations;
- iv. and that the gaming offered is within the law.
- v. Clear policies that outline steps to be taken to protect children from harm.
- vi. A Basic Disclosure and Barring Service (DBS) check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current Operator’s Licence issued by the Gambling Commission);
- vii. Evidence of staff training by way of a Premises Log Book which should be signed and dated by staff to prove that training has been undertaken and understood;
- viii. The amount of space around gaming machines to prevent jostling of players or

- intimidation;
- ix. Details of opening hours;
- x. Approximate numbers of staff employed.

Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.

When considering any convictions revealed in an application the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors, which may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and 'spent' convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 8 to the Gambling Act 2005.

In making its decision on an application for this permit, the Licensing Authority does not need to have regard to the Licensing Objectives and will take into account, after consultation, any objections that the Police may wish to make whether relevant to the Licensing Objectives. The grounds for decision making as regards renewals are the same as for initial applications.

Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and offering the applicant an opportunity to make representations orally or in writing or both.

Where an application is granted the Licensing Authority will issue it as soon as is reasonably practicable.

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

- i. the limits on participation fees, as set out in Regulations, must be complied with;
- ii. all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on

- the day that it is played;
- iii. the prize for which the game is played must not exceed the amount set out in Regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- iv. participation in the gaming must not entitle the player to take part in any other gambling.

## 4. Club Gaming and Club Machine Permits

Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit (Commercial Clubs cannot apply for a Club Gaming Permit). The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set out in Regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (three machines of categories B, C or D).

Gambling Commission guidance states:

Members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate Regulations. The Secretary of State has made such Regulations and these cover bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

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

- i. for a club gaming permit: the applicant is not a members' club or miners' welfare institute
- ii. for a club machine permit: the applicant is not a members' club, miners' welfare institute or commercial club
- iii. the premises are used by children and/or young persons
- iv. an offence or a breach of a permit has been committed by an applicant

- v. a permit held by the applicant has been cancelled in the previous ten years
- vi. an objection has been lodged by the Gambling Commission or the police.

The Licensing Authority recognises that there is a 'fast track' procedure for premises holding a Club Premises Certificate under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which the Licensing Authority can refuse a permit are reduced.

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

- i. that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;

that in addition to the prescribed gaming, the

- ii. applicant provides facilities for other gaming; or
- iii. that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

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

Licensing Act 2003: Review of a Club Premises Certificate or a Premises Licence for a Commercial Club – Where the Licensing Authority is considering the review of a Club Premises Certificate or a Premises Licence, and that club holds a Club Gaming or Club Machine Permit, the Licensing Authority may, where appropriate, at the same time decide to review the status of the permit.

## 5. Temporary Use Notices

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

The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

There are a number of statutory limits as regards Temporary Use Notices.

Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' prevents one large premise from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. The Licensing Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site.

In considering whether a place falls within the definition of a 'set of premises' the Licensing Authority will look at the ownership/occupation and control of the premises and the Licensing Authority will consider whether different units are in fact different 'sets of premises'. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as one premise and would not be granted a temporary use notice for each of its exhibition halls.

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

## 6. Occasional Use Notices

An Occasional Use Notice may be used where

there is betting on a track on 8 days or less in a calendar year. The OUN dispenses with the need for a Betting Premises Licence for a track and the Licensing Authority will maintain a register of all applications.

Tracks are normally thought of as permanent race courses, but the meaning of track not only covers horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place. Although the track need not be a permanent fixture, land used temporarily as a track providing races or sporting events may qualify. The Licensing Authority will, however, consider what constitutes a 'track' on a case-by-case basis and will ensure that the statutory limit of 8 days in a calendar year is not exceeded.

## 7. Small Society Lotteries

The Licensing Authority registers and deals with Small Society Lotteries. Promoting or facilitating a lottery falls within one of the following categories:

- i. Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
- ii. Small Society Lotteries (registered with the Licensing Authority); and
- iii. Exempt Lotteries

Lotteries permitted to be conducted without a licence from the Gambling Commission and these are:

- i. Small Society Lotteries (registered with the Licensing Authority);
- ii. Incidental Non-Commercial Lotteries;
- iii. Private Lotteries: (Private Society Lottery, Work Lottery, Residents' Lottery);
- iv. Customer Lotteries

Societies may organise lotteries if they are licensed by the Gambling Commission, registered with the Licensing Authority or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all lotteries, limits placed on small society lotteries and information setting out financial limits is available by referring to the Gambling

Commission website:  
[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

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

The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration.

The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society and in particular may require a copy of the Society's constitution.

Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.

The Licensing Authority may revoke the registered status of a Society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the Society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

With regards to where Small Society Lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all Small Society Lotteries it registers:

- i. tickets should not be sold in a street. Street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
- ii. tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence conditions imposed by the Gambling Commission upon operators of large lotteries.

## 8. Review

This Policy (Statement of Principles) will remain in existence for a period of three years. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

Delegated Powers - Decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at Appendix 1. This is aimed at underlining the principles of timely, efficient and effective decision-making.

Inspection and Enforcement - In respect of compliance the Licensing Authority will take the lead in ensuring compliance with the licence and any relevant Codes of Practice. The Gambling Commission will be the enforcement body for the Operator and Personal Licences and illegal gambling. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but information will be passed on to the Gambling Commission where such concerns are found.

In order to ensure compliance with the law, the Licensing Authority will prepare a risk based Inspection Programme and will carry out regular 'routine' programmed inspections, based on risk assessment in the categories High, Medium and Low and may also carry out 'non routine' inspections.

Where one off events are taking place under a Temporary Use Notice (TUN) or Occasional Use Notice (OUN), the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted.

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

## 9. Glossary

A glossary of terms is attached at Appendix 3.

# PART D

## Appendices

### Appendix 1 Summary of Licensing Authority Delegations Permitted Under the Gambling Act

#### **Gambling Act 2005 - Scheme of Delegations**

1. The power of the Licensing Authority
    - i. as a responsible authority, to make representations in respect of premises licences under Part 8 of the Act;
    - ii. to propose to attach a condition to a premises licence in accordance with Section 169(1)(a) of the Act in addition to the mandatory or default conditions;
    - iii. to propose the exclusion of a default condition from a premises licence under S169(1)(b) of the Act;
    - iv. as a Responsible Authority, to request a review of a premises licence under sections 197 or 200 of the Act;
    - v. to give a notice of objection to a temporary use notice under S221 of the Act;
    - vi. to serve notification of intended refusal of any of the following:
      - a. Family Entertainment Centre Gaming Machine Permit (Sch 10 Para 10)
      - b. Prize Gaming Permits (Sch 14 Para 11)
      - c. Licensed Premises Gaming Machine Permits (Sch 13 Para 6)
      - d. And also, in the latter case, notice of intention to grant the application but for a smaller number of machines than specified and/or a different category of machines from that specified in the application.
    - vii. Serve notification of lapse of a Family Entertainment Centre Gaming Machine Permit (Sch 10 Para 14 and 15 (1)(b));
- i. Serve notice of intention to cancel or vary any of the following:
    - a. Club Gaming permit or Club Gaming Machine permit (Sch 12 Para 21)
    - b. Licensed Premises Gaming Machine permits (Sch 13 Para 16)
  - ii. create and amend the Authority's application procedures in relation to applications for the following in accordance with any relevant legislation:
    - a. Family Entertainment Centre Gaming Machine Permits (sch10 paras 5 and 7)
    - b. Licensed Premises Gaming Machine Permits (Sch 13 Para 2)
    - c. Prize Gaming Permits (Sch 14 paras 6 and 8); and
  - iii. to appoint authorised persons under s 304 of the Act
  - iv. determine that any representations received under Part 8 of the Act are vexatious, frivolous, or certainly will not influence the Authority's determination of an application; and
  - v. reject all or part of any application for a review of a premises licence in accordance with Section 198 of the Act
2. In relation to the following matters in the attached table the Authority will, in the majority of cases, adhere to the table of delegated functions set out below. This table indicates the lowest level of the Authority which will normally exercise the Delegation though the Authority reserves the right, where appropriate, for any particular matter to be dealt with at a higher level whilst having due regard to statutory requirements. For example, an Officer may choose not to exercise their delegated power and refer the matter to the Sub-Committee or the Sub-Committee itself may choose to refer the matter to the Full Committee.

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Authorised Officer of the Council
Final approval of three year Licensing Statement of Principles	X		



Breckland Council Policy (Statement of Principles) - **Gambling Act 2005**

Statement of Principles not to permit casinos	<b>X</b>		
Fee setting (when appropriate)			<b>X</b>
Application for premises licenses (including application for reinstatement under S195)		<p>Where representations have been received and not withdrawn (S154 (4)(a))</p> <p>and/or</p> <p>Where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under section 169 (1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary</p>	<p>Where no representations received/ representations have been withdrawn</p> <p>The only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application</p>
Application for a variation to a licence		<p>Where representations have been received and not withdrawn (S154 (4)(b))</p> <p>and/or</p> <p>Where the Licensing Authority considers that a condition should be added to the licence under S169 (1)(a) or a default condition should be excluded under S169 (1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary (S187(3))</p> <p>If the application for a variation is to remove a default condition and there are no reps and there are no proposals by the Authority to otherwise alter the conditions this could be dealt with at officer level without a hearing</p>	<p>Where no representations received/ representations have been withdrawn</p> <p>The only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application</p>
Application for a transfer of a licence		<p>Where representations have been received from the Commission S154 (4)(c)</p> <p>Representations made and not withdrawn under S161</p>	<p>Where no representations received from the Commission</p> <p>Including cases where the only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application</p>
Application for a provisional statement		<p>Where representations have been received and not withdrawn S154 (4)(d)</p> <p>and/or</p> <p>Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under S169(1)(b)</p>	<p>Where no representations received/ representations have been withdrawn</p>
Revocation of a premises licence due to non-payment of an annual fee S193			<b>X</b>

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Authorised Officer of the Council
Review of a premises licence		<b>X</b>	
Application for club gaming/club machine permits, renewals and variations (including those leading to cancellation of permit) under Sch12 para 15		Where objections have been made and not withdrawn (Sch 12 Para 28(2)) Refusal of permit proposed on the grounds listed in Sch12 para 6(1)(a)-(d), or para 10(3) as applicable unless Authority and all relevant parties agree that a hearing is unnecessary (Sch 12 para 7)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits Sch12 para 21		<b>X</b>	
Applications for other permits, registrations and notifications		Where the officer serves notice of intention of refusal and representations are received or proposals to grant for lesser number of machines than applied for	<b>X</b>
Cancellation of licensed premises gaming machine permits Sch 13 para 16			<b>X</b>
Cancellation of licensed premises gaming machine permits for non-payment of fee			<b>X</b>
Consideration of Temporary Use Notice (including notices modified under S223)		Where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary All cases where a counter notice may be required (S232(3))	<b>X</b>
Decision to give a counter notice to a Temporary Use Notice		<b>X</b>	
Registration of small society lotteries		Where officers believe there is a reason to refuse the application for registration	<b>X</b>
Cancellation of a small society lottery due to nonpayment of annual fee			<b>X</b>

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

## Appendix 2 Breckland Council Statement of Gambling Statement of Principles – Gambling Act 2005 Responsible Authorities and Consultees

### Persons consulted:

- Parish Councils
- Norfolk Police
- Norfolk Trading Standards
- Norfolk Fire and Rescue
- Norfolk Safeguarding Children Board
- Breckland Planning Department
- MP
- Alcoholics Anonymous
- Gamblers Anonymous
- Gamcare
- Citizens Advice Bureaux
- Shine Mental Health Services
- Mencap
- MIND (Mental Health Charity)
- BACTA (British Amusement Catering Trade Association)
- Bingo Association
- British Bookmakers
- British Beer & Pub Association
- British Institute of Innkeeping
- Other Norfolk District Councils
- Breckland Council Environmental Health
- Adult Gaming Centre, Family Entertainment Centre and Bingo premises licence holders within Breckland
- Gambling Commission

In addition a copy of the consultation document was placed on the Council's website during the consultation period

## Appendix 3 Glossary of Terms Under the Gambling Act 2005

Council	Breckland Council	Centre	category B, C and D gaming machines and require an operating licence and a premises licence
Applications	Applications for licences and permits as stated in the Statement of Principles		
Notification	Notifications of Temporary and Occasional Use Notices	Gaming machine	A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act
Act	The Gambling Act 2005		
Regulation	Regulations made under the Gambling Act 2005		
Premises	Any place, including a vehicle, vessel or moveable structure	Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize as defined in Regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009. Maximum stake 10p and the maximum prize must be no more than £5
Premises Licence	Issued by the Licensing Authority to authorize premises to be used for the activities as defined by Section 150 of the Gambling Act		
Operator Licence	Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Gambling Act	Non-money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize as defined in Regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009. For non-money prize machines in general, the maximum stake (charge for use) must be no more than 30 pence, and the maximum prize value must be no more than £8.
Personal Licence	Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Gambling Act		
	The Act creates two classes of Family Entertainment Centres –		
Family Entertainment Centre	Licensed: which provide category C and D gaming machines and require a premises licence.  Unlicensed: which provide category D gaming machines in reliance on a Gaming Machine Permit.	Crane grab machine	A crane grab machine is defined as a non-money prize machine in respect of which two conditions are satisfied. The first is that every prize which can be won as a result of using the machine consists of an individual physical object (such as a stuffed toy).  The second is that whether or not a person using the machine wins a prize is determined by the person's success or failure in manipulating a device forming part of the machine so as to separate and keep separate one
Adult Gaming	Premises which provide		

	<p>or more physical objects from a group of such objects. The maximum stake may be anything up to and including £1, and the maximum prize value may be anything up to and including £50</p>		<p>Radio, or Any other type of electronic or other technology as defined by Section 4(2) of the Gambling Act.</p>
<p>Coin pusher or penny fall machine</p>	<p>These machines are commonly found in seaside arcades and are defined in Regulation 2(3) of the Categories of Gaming Machine Regulations 2007 with the additional requirement that the machine be neither a money-prize nor a non-money prize machine. The maximum stake may be anything up to and including 20 pence, and the maximum prize value may be anything up to and including £20 (of which no more than £10 may be a money prize).</p>	<p>Travelling fair</p>	<p>A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and on a site used for fairs for no more than 27 days per calendar year</p> <p>As defined by Section 286 of the Gambling Act</p>
		<p>Code of Practice</p>	<p>Means any relevant Code of Practice under Section 24 of the Gambling Act 2005</p>
<p>Categories of gaming machine</p>	<p>A Maximum Stake: unlimited Maximum Prize: unlimited</p> <p>B1 Maximum Stake: £5 Maximum Prize: £10,000</p> <p>B2 Maximum Stake: £100 Maximum Prize: £500</p> <p>B3 Maximum Stake: £2 Maximum Prize: £500</p> <p>B4 Maximum Stake: £2 Maximum Prize: £400</p> <p>C Maximum Stake: £1 Maximum Prize: £100</p> <p>D Maximum Stake: 10p or 30p when non-monetary prize Maximum Prize: £5 cash or £8 non-monetary prize</p>	<p>Responsible Authority</p>	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ul style="list-style-type: none"> <li>i. The Licensing Authority in whose area the premises are wholly or mainly situated (Breckland District Council);</li> <li>ii. The Gambling Commission;</li> <li>iii. Breckland Police;</li> <li>iv. Breckland Fire and Rescue;</li> <li>v. Planning Department, Breckland Council;</li> <li>vi. Public Protection Manager, Breckland Council</li> <li>vii. Norfolk Safeguarding Children Board, Norfolk County Council;</li> <li>viii. HM Revenue and Customs.</li> <li>ix. Any other person/body prescribed by Regulations.</li> </ul>
<p>Betting machine remote</p>	<p>A machine designed or adapted for use to bet on future real events as defined by Section 235(2) (c) of the Gambling Act</p>		
<p>Gambling remote</p>	<p>Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act</p>		
<p>Communication</p>	<p>Communication using - The internet Telephone Television</p>		

For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

- Interested party
- i. Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - ii. Has business interests that might be affected by the authorised activities;
  - iii. Represents persons who satisfy i) or ii) above.

Vulnerable persons

Whilst there is no statutory definition this authority considers that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

Disorder

An angry, possibly violent, expression of dissatisfaction by an individual(s) or crowd of people. Linked with the crime and disorder licensing objective.

Nuisance

An activity or event which causes annoyance or disturbance to an affected individual(s).

Self-barring

A scheme to enable individuals to request exclusion from premises licensed for gambling activities.

Appendix 4  
Map of Breckland District



## Appendix 5 Safeguarding Children

### What are the risks to Children?

The risks will vary, depending on the type of gambling activities taking place at the premises. For example, at Adult Gaming Centres, Off-Course (High Street) Betting Premises or Casinos, safeguarding systems should be in place to prevent young people gaining access to the premises.

If children are permitted access to adult gambling activities, they may be at risk of being:

- i. exposed to information or advertisements encouraging them to gamble
- ii. allowed, or invited, to gamble or bet in a commercial setting
- iii. allowed to purchase and consume alcohol (casino premises)
- iv. financially exploited.

They may also witness, or be involved in, other dangerous or threatening behaviour.

### Managing the risks

To prevent children and young people accessing adult gambling activities, stringent safeguarding measures should be in place, examples of such measures could include:

- i. the Challenge 25 scheme operated by all door and bar staff and only recognised proof of age accepted (for example photo driving licence or passport; PASS cards)
- ii. all points of entry monitored by security staff/CCTV
- iii. signage prominently displayed at all points of entry regarding the prohibition of under 18's
- iv. signage displayed on machines highlighting age restrictions
- v. signage prominently displayed in bar areas regarding the law and the sale of alcohol
- vi. operating a membership scheme
- vii. all staff being trained to be vigilant and respond if a child gains illegal access to premises.

If a premises offers a range of gambling activities (for example, a licensed Family Entertainment Centre or Bingo Premises) premises must operate systems to ensure that under 18's are prevented from accessing areas where adult activities (such as betting or high stakes gambling) take place; or where adult gaming machines are located.

The measures set out above should be used to help the public clearly identify from which areas children are prohibited.

If a premise offers a variety of activities, it may be necessary to operate the following systems:

- i. designated family-friendly areas using physical barriers/cordons to segregate these from restricted areas
- ii. points of access/egress located for easy supervision by staff and regularly monitored
- iii. signage displayed to indicate access rules
- iv. signage to remind parents/adults of their responsibilities
- v. use of screens
- vi. use of the Challenge 25 scheme
- vii. assigning at least one member of staff as a 'Children's Safeguarding Lead'
- viii. Premises should ensure that the environment to which they allow children access is safe and suitable.

Action should be taken if adults demonstrate irresponsible behaviour, such as showing signs of intoxication, using strong or offensive language, threatening behaviour, or violence towards others or towards machinery.

Adults accompanying children should be encouraged to supervise them, to minimise the risk of children being exposed to inappropriate or dangerous behaviour or gaining access to prohibited areas of the premises.

### The employment of children and young people

The Gambling Act 2005 does not prohibit the employment of children and young people at some premises.

However, it does restrict the type of tasks and areas to which children and young people may have access and it is important that premises comply with these restrictions, as failure to do so may result in committing an offence; for example, it is an offence to employ children and young people to provide facilities for gambling, or to perform a function in relation to a gaming machine, at any time.

Children should not be exposed to gambling as they carry out their employment functions.



## Appendix 6 Safeguarding Vulnerable Adults

The Gambling Commission puts a high priority on the social responsibilities operators have to protect vulnerable adults from the harm associated with gambling; and policies must be in place to support the protection of vulnerable adults.

### Who is a vulnerable adult?

Adults may be vulnerable if, for example, they are taking certain types of prescribed medication which may impair their judgement or prevent them making informed, balanced decisions about gambling; or if they are intoxicated from misusing drugs or alcohol.

If an adult has mental health issues, a mental impairment or problems with addiction, they may also be vulnerable as they may have difficulty controlling their activities or behaviour, or understanding the players' guides to games.

### What are the risks to vulnerable adults?

If vulnerable adults are not supported within the gambling environment they may be at risk of:

- i. gambling beyond their financial means
- ii. problems with addiction
- iii. financial exploitation
- iv. causing, or being a victim of dangerous, abusive or threatening behavior
- v. physical, emotional or accidental harm.

These difficulties may have a serious impact upon the person's relationships, home life or employment.

### Managing the risks and being socially responsible

Premises should consider the following steps:

- i. Designate a member of staff to lead on problem gambling issues.
- ii. Train staff on how to recognise and respond to indicators of concern.
- iii. Staff should be trained to recognise the signs of persons becoming aggressive and how to deal with such situations whilst maintaining their own safety.

- iv. Information should be made readily/discreetly available to customers on how to gamble responsibly and seek help in respect of problem gambling.
- v. Offer a self-exclusion, or self-limit scheme, enabling individuals to restrict the amount of time or money they spend.
- vi. When offering membership schemes, the details of a contactable person should be required in the event of an emergency.

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