

## Statement of Gambling Licensing Policy (2022-2025) – Gambling act 2005

## Contents

Consultation and Declaration .....	5
Foreword .....	6
Part A. Purpose.....	7
Part B. South Lakeland District Council.....	9
District Demographics.....	9
Part C. Gambling Risk Assessment Policy.....	10
Reasons for Policy C1 .....	11
Part D. Licensing Objectives and Risk Factors. ....	12
I. Preventing Gambling from Being a Source of Crime or Disorder, Being Associated with Crime or Disorder or Being Used to Support Crime.....	12
II. Ensuring that Gambling is Conducted in a Fair and Open Way. ....	15
III. Protecting Children and Other Vulnerable Persons from Being Harmed or Exploited. ....	17
Risk of Vulnerability to Gambling Related Harm. ....	21
Young people.....	21
Unemployed and constrained economic circumstance .....	22
Homeless.....	22
Mental ill health.....	22
Substance abuse/misuse.....	23
Personality Traits/cognitive distortions.....	23
Protecting (Safeguarding) Children.....	23
Protecting (Safeguarding) Vulnerable Adults .....	24
Gambling Operators Duty .....	27
Part E. Premises Licenses and plans.....	28
Meaning of premises.....	29
Plans .....	29
Premises Access Detail. ....	31
Multiple activity premises – layout and access .....	31
Single and combined Licenses .....	32
Premises Licence conditions .....	32
Display of rules .....	32
Application for premises Variation S.187: Material Change.....	32

Notice of application .....	32
Representations to an application .....	33
Exchange of Information .....	35
Inspection and Criminal Proceedings.....	36
Powers of entry .....	38
Licence Fees. ....	38
Review of a premises Licence .....	38
Part F. Adult Gaming Centres .....	39
Variation of a licence.....	41
Advertising of AGC .....	41
Alcohol Consumption .....	41
Part G. (Licensed) Family Entertainment Centres .....	41
Part H. Casino Premises .....	43
Protection of children and young persons.....	43
No Casino resolution.....	44
Casino Premises Licence Applications .....	44
Part I. Bingo Premises.....	45
Prize Bingo .....	45
Gaming Machines at Bingo Premises.....	46
Control of where gaming machines may be played (Bingo) .....	46
Protection of children and young persons.....	46
Age Verification .....	47
Default Conditions.....	47
Bingo in clubs and alcohol-licensed premises .....	47
Part J. Betting Premises.....	47
Gaming Machines .....	48
Self-service betting terminals, SSBT's. ....	48
Controlling where gaming machines may be played.....	48
Protection of children and young persons.....	49
Default conditions attached to betting premises licence: .....	49
Part K. Tracks .....	49
On-course betting .....	50
Off-course betting .....	50

Gaming Machines .....	50
Protection of children and young people .....	51
Display of rules .....	52
Part L .Travelling Fairs .....	52
Part M. Small Society Lottery Licences, .....	53
Operating a Lottery .....	53
Tickets .....	53
Prizes.....	54
Refusal of an application.....	54
Revocation.....	54
Appeals to the decision.....	54
Part N. Permits/Temporary & Occasional Use Notice .....	55
Unlicensed Family Entertainment Centre Gaming Machine Permits.....	55
(Alcohol) Licensed Premises Gaming Machine Permits. ....	56
Prize Gaming Permits.....	57
Club Gaming and Club Machines Permits. ....	58
Temporary Use Notices (TUN).....	59
Occasional Use Notices (OUN).....	63
Part O. Provisional Statements. ....	64
Part P. Rights of appeal and judicial review – Premises Licences. ....	65
Providing reasons for our decisions.....	65
How to appeal.....	66
Who to appeal to.....	66
Determination and appeal outcomes. ....	66
Provisional statements.....	67
Permits.....	67
Temporary use notices. ....	67
Judicial review.....	68
Part Q. Gambling Commission.....	68
Part R. Covid-19 Safety In Gambling Premises. ....	69

## Consultation and Declaration

In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to the Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

This statement of principles was prepared in 2021 and following consultation was agreed by the Council on the XX 2022. This revised statement of principles was published on XXX 2022 and has effect from XXX 2022.

South Lakeland District Council consulted widely upon this statement before finalising and publishing. A list of those persons this authority consulted is provided at Appendix 1.

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

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

All references to the "Guidance" refers to the Gambling Commission's Guidance to Local Authorities Version 5 published on 1st April 2021 and further amended on 13th May 2021

Should you have any queries regarding this policy statement please send them via e-mail or letter to the following contact:

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

## Foreword

Welcome to South Lakeland District Council Statement of Principles under the Gambling Act 2005.

South Lakeland District Council has been responsible for licensing gambling premises since 2007 and this is the xxx edition of our Gambling Policy. In our role as the licensing authority for South Lakeland, we work in partnership with the Gambling Commission and other agencies to regulate gambling in the district. The Commission tends to focus on gambling operators and issues of national or regional importance and we are responsible for regulating gambling premises, permits, notices and registrations in South Lakeland District.

Gambling is a legitimate regulated activity that is enjoyed by a large sector of the population. However, there are a number of people within our society who are at risk of gambling related harm. The Council, as the Licensing Authority under the Gambling Act 2005 has a duty to consider applications which would permit gambling operations in the district to ensure that they meet the fundamental principles of the Act. In doing so the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm.

The Licensing Authority, in carrying out its functions under the Act 2005 will aim to permit the use of premises for gambling in so far as it thinks it:

- (a) in accordance with any relevant code of practice under section 24
- (b) in accordance with any relevant guidance issued by the Gambling Commission under section 25
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
- (d) in accordance with this statement of principles for gambling (subject to (a) to (c) above)

The aim to permit principle provides wide scope for the authority to impose conditions on a premises licence, reject, review, or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant Commission Guidance and this policy statement.

The Council's statement of principles is intended to be reasonably consistent with the three licensing objectives set out in the Act. These objectives are:

- (a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- (b) Ensuring that gambling is conducted in a fair and open way;

- (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority must have regard to these licensing objectives in carrying out its licensing functions under the Gambling Act 2005. They embody concerns that the council acknowledged in exercising its licensing powers under previous legislation.

It has had regard to Gambling Commissions Guidance to Licensing Authorities, dated April 2021 in drawing up this statement of principles for gambling.

The Licensing Authority will always consider the merits of each application.

It may make exceptions to its own policies where it is appropriate to do so in order to promote the licensing objectives and it will give reasons for doing this.

This statement of principles, alongside the Council's commitment to everyone sets out how the Council, as a Licensing Authority, will undertake its duty to promote the licensing objectives and carry out its licensing functions under the Gambling Act 2005.

## Part A. Purpose.

A1.1 This Statement of Gambling Principles is for the use of applicants, residents, businesses and responsible authorities. Applicants need to have regard to the policies within this statement when considering and preparing their application. Residents and businesses should review the Licensing Authority's policies when considering an application that is near to them. Responsible Authorities should use the policy along with their expertise and any evidence must be considered whether an application is likely to impact on the Licensing Objectives and whether it meets the requirements of the policies within this statement. No matter whether you are an applicant, responsible authority, resident, or other interested party the policies within this statement that apply to the application should be considered.

A1.2 The Functions of the Licensing Authority Licensing authorities are required under the Act to

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- issue Provisional Statements
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue Club Machine Permits to Commercial Clubs
- grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres

- receive notifications from alcohol licensed premises (premises licensed to sell/supply Alcohol for consumption on the licensed premises, under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue Licensed Premises Gaming Machine Permits for alcohol licensed premises (premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003) where there are more than two machines
- register small society lotteries below the prescribed thresholds
- issue Prize Gaming Permits
- receive and endorse Temporary Use Notices
- receive Occasional Use Notices for betting at tracks
- provide information to the Gambling Commission regarding details of licences, permits and other permissions issued
- maintain registers of the permits and Licences that are issued under these functions

A1.3 We do not have any powers to deal with the following gambling-related activities: <sup>123</sup>

- (a) remote (online gambling)
- (b) the National Lottery
- (c) operating licences
- (d) personal functional licences
- (e) personal management licences
- (f) gambling software
- (g) football pools
- (h) gaming machine manufacturers
- (i) gaming machine suppliers
- (j) gambling advertisements on television or other media
- (k) the number of gaming machines that can be used on premises
- (l) the value of the stakes or prizes allowed on gaming machines

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<sup>1</sup> [Licence activities - Gambling Commission](#)

<sup>2</sup> [Personal Management Licence \(PML\) - Gambling Commission](#)

<sup>3</sup> [Personal functional licence \(PFL\) - Gambling Commission](#)



## Part B. South Lakeland District Council

B1.1 The Council recognises that good management of its gambling industry, including its impact on residents, amenities, and the local environment, is essential to the continued success of the entire district. The council expects licensed operators to demonstrate best practice by being responsible, open, inclusive and equal operators. It also recognises that there are some people in the district who are vulnerable to gambling-related harm.

B1.2 Overall, the council's approach to gambling and the industry in the district of South Lakeland must strike a delicate balance, advocating for responsible licensed premises and the visitor economy, while also mitigating the possible adverse effects of gambling such as crime and disorder, or the exploitation of vulnerable people. The following policy aims to achieve such a balance.

### District Demographics

B1.3 South Lakeland District Council is situated in the County of Cumbria, which contains six District Councils in total. The Council area has a population of approximately 104,905 and covers 600 square miles (1,534 square kilometres). The population profile percentage for residents in 2020 is illustrated below.<sup>4</sup>

Age distribution 2020:

Age range	Number of people
0 to 9 years	8,794
10 to 19 years	10,833
20 to 29 years	9,029
30 to 39 years	9,469
40 to 49 years	11,793
50 to 59 years	16,785
60 to 69 years	15,494
70 to 79 years	14,250
More than 80 years	8,429

Male, female distribution in 2020:

Sex	Number of people	Percentage of population
Male	51,436	49%
Female	53,469	51%

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<sup>4</sup> [South Lakeland \(District, United Kingdom\) - Population Statistics, Charts, Map and Location \(citypopulation.de\)](https://www.citypopulation.de/en/south-lakeland/)

## Part C. Gambling Risk Assessment Policy

C1.1 The Gambling Risk Assessment Policy applies to all applications. From time to time licence holders will have to review their risk assessment either because of a change in their operation or to ensure it is up to date. This section lays out the expectations of applicants and licence holders to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks.

The Licensing Objective Policies (D1, D2 and D3) apply to all applications. Applicants must be able to demonstrate that they will be reasonably consistent with the licensing objectives. The relevant considerations and criteria that the Licensing Authority will take into account are listed within these policies. Each application will be considered on its own merits having regard to this policy and the Gambling Commission's (which may be issued from time to time).

C1.2 The gambling risk assessment within the application should be used to set out how the proposed premises will operate or what the variation to the licence will do to the current operation of the premises. Applicants should include as much detail as possible in their risk assessment to enable responsible authorities and other parties to understand the operation of the premises. The information provided within the risk assessment should consider the policy requirements contained within this statement. The applicant should demonstrate how the applicant and the operation of the premises will promote the licensing objectives. Similar information should be provided by Applicants for reviews and other types of permissions.

C1.3 Residents, businesses and responsible authorities will have regard to the information contained within the risk assessment and therefore it is important to provide as much information upon application as possible. Applicants that do not provide enough information are more likely to receive representations from residents, businesses or responsible authorities. As well as the specific policies, applicants should pay particular attention to the appendices attached to this gambling policy.

C1.4 Applicants should also take into account reasons for specific policies and the unique characteristics surrounding the area in which the venue is located to draft a risk assessment that would address the concerns of responsible authorities and other parties. Specific reference should be made to issues raised in the Local Area Profile.(Appendix xxx)

C1.5 Applicants may also wish to provide supporting documents to the risk assessment. If additional documentation is to be provided, then it should be submitted when the application is made. Applicants should engage with the local community as much as possible on the proposed application before submitting it to the Licensing Authority.

In some cases, pre-engagement with local residents, businesses and responsible authorities can significantly reduce representations to the application and therefore could prevent the need for the application to be determined at a public hearing of the Licensing Authority.

C1.6 Applications for provisional statements or new gambling premises or to vary an existing licence must be accompanied by a suitable and sufficient gambling risk assessment.

C1.7 The gambling risk assessment referred to in C1.6 must include;

1. An assessment of the local area risks, identified by the gambling operator and those identified within the Local Authority's area.
2. An Assessment of the gambling operational risks associated with the new premises or the proposed variation of an existing licence.
3. An Assessment of the premises design risks associated with the proposed or existing interior and exterior layout and design of the premises and;
4. An assessment of the relevant control measures based on systems, design and physical measures that will eliminate or mitigate the risk to one or more of the licensing objectives.

## Reasons for Policy C1

C1.8 The Gambling Commission (the Commission) introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives, posed by the provision of gambling facilities at each of their premises, and to have policies, procedures, and control measures to mitigate those risks. This change in national policy was intended to provide a well-evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

C1.9 Ordinary code provision 10.1.2. Sharing local risk Assessments, states licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises or otherwise on request.

C1.10 The risk-based approach provides a better understanding of, and enables a proportionate response to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case, it is the risk of the impact on the licensing objectives.

C1.11 Since the introduction of these code provisions within the LCCP, this Licensing Authority has found a significant variation in the detail and sufficiency of the risk assessments that were submitted along with applications for new or variation applications. Applicants appeared to be treating the requirement for risk assessments as a tick box exercise. Gambling risk assessments are often generic and lacking in relevant local considerations. This approach has meant that risk assessments are often not suitable or sufficient to establish how the applicant has taken account of their operation, design of the premises and the location where the premises are located. Therefore, the Licensing Authority has included its expectations for the risk assessment process within this policy.

Applicants will be expected to meet the requirements of the Gambling Risk Assessment Policy when submitting applications.

C1.12 The Licensing Authority's policy approach within this Statement of Principles is the gambling risk assessment will be the key document that the authority will scrutinize when determining an application. Therefore, applicants must ensure that their risk assessment considers the key elements of the policies within this statement and how it will operate, having regard to the location where the premises will be or is situated. Applicants that provide an inadequate risk assessment are likely to receive representations from the Licensing Authority and other responsible authorities.

## Part D. Licensing Objectives and Risk Factors.

### I. Preventing Gambling from Being a Source of Crime or Disorder, Being Associated with Crime or Disorder or Being Used to Support Crime.

D1.1 This Licensing Authority will not grant an application for a provisional statement or new gambling premises licence or vary an existing licence that is not reasonably consistent with the objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

D1.2 When considering *D1.1*, the Licensing Authority will examine the below criteria and take into account any relevant considerations. As set out below in addition to other relevant policies within this statement

D1.3 Criteria:

1. Whether the premises make or will make a contribution to the levels of crime and disorder in the area.
2. Whether the premises will operate in such a way that will be reasonably consistent with the crime and disorder objective.
3. Whether the applicant has met the requirements of policy C1 and provided a suitable and sufficient gambling risk assessment demonstrating how they will implement sufficient mitigation to prevent gambling from being a source of and/or associated with crime or disorder or being used to support crime if the application is granted.

D1.4 Considerations

1. The levels of crime and disorder in and around the venue.
2. The proposed operation of the premises and the types of gambling activities that will be provided.

3. The staffing levels that will be provided during the time when the premises provide facilities for gambling
4. Whether there is a history of crime and disorder associated with the premises, the operator or similar gambling premises uses.
5. Whether the premises operator or similar gambling premises uses have been used by those involved in crime to associate, carryout other criminal activities or dispose of the proceeds of crime.
6. Whether the premises have been designed and considered so as to minimize opportunities for crime and disorder.
7. Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
8. Whether the Gambling Commission Codes of Practise have been complied with.

## Reasons for Policy D1.

D1.5 Applicants for premises licences will have to hold an operator's licence from the Commission (except occupiers of tracks who do not propose to offer gambling themselves). Generally, the licensing authority will not (unless evidence to the contrary comes to light) have to ascertain if the applicant is suitable to hold a premises licence. A gambling operator must meet the Commission's requirements to obtain and hold an operator's licence, whilst the Licensing Authority's concerns are focused on the premises and how the operation of the premises will affect the licensing objectives.

D1.6 This Licensing Authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's guidance, codes of practice and this statement of principles

D1.7 The licensing authority will expect the applicant to consider the measures that they feel are necessary to ensure that the operation of their gambling premises is reasonably consistent with the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

D1.8 The Gambling Commission's guidance does envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. If an application is made in an area known to have high levels of crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there, considering such factors as, levels of recorded crime; the type of that crime and levels of anti-social behaviour-related complaints

D1.9 Applicants must have an understanding of the local area in which they either operate, or intend to operate, gambling premises. The applicant will have to provide evidence that they meet the criteria set out in this policy and demonstrate that in operating the premises they will be reasonably consistent with this objective. Operators need to be aware of how

the operation of their premises may impact on this objective. The council will expect the applicants to provide details as to their crime prevention measures within their gambling risk assessment.

D1.10 Gambling premises can become a source of crime or disorder. This may not necessarily mean that there are significant numbers of incidents or crime reported within the premises. The presence of gambling premises can provide a location for people to gather who may be involved in criminality in or around that premises or congregate with associates who then perpetrate criminal activity away from the premises.

D1.11 The Licensing Authority, when considering any applications that have been identified by the police as having a problems with criminality, gangs, prostitution, or anti-social behaviour, particularly involving groups who loiter will expect applicants or licensees to demonstrate that they have sufficient measures in place to prevent or deter people involved in unlawful activities from using their premises to support crime or to avoid apprehension. In some locations within the district, the preventative measures put forward by applicants or existing operators may not be sufficient in meeting the licensing objectives because of the risk associated with the premises adding to or being associated with crime and disorder. In those circumstances the Licensing Authority, having had regard to the applicants' submissions and any evidence or views from the police may impose restrictions above that put forward by the applicant or refuse the application.

D1.12 If a licensed premises becomes associated with crime or disorder or supports crime it is likely that action will be taken against the licensee if they are not taking the appropriate action to prevent crime and disorder at the premises. If criminality or disorder takes place inside or outside the premises, either because it is being used by criminals to commit crime in the area or crime is taking place within the premises the Licensing Authority and Police are likely to take immediate steps to address those problems.

D1.13 Depending on the severity of the association with crime and disorder or crime taking place on or around the premises the Police and/or Licensing Authority may seek to review the premises licence which could result in the imposition of additional conditions and/or the modification of existing conditions.

D1.14 There is a distinction between disorder and nuisance. In order to make the distinction, whether a disturbance was serious enough to constitute disorder, the Licensing Authority will consider factors such as whether police assistance was required, how threatening the behaviour was to those who could see or hear it, how frequently it is reported, prevalence of persons loitering outside, the times of day when disorder is reported and the impact on residents.

## II. Ensuring that Gambling is Conducted in a Fair and Open Way.

D2.1 This Licensing Authority will not grant an application for a provisional statement or new gambling premises licences or vary an existing licence that is not reasonably consistent with the objective of ensuring that gambling is conducted in a fair and open way.

D2.2 When considering Clause *D2.1*, the Licensing Authority will apply the criteria and take into account any relevant considerations as set out below in addition to other relevant policies within this policy.

D2.3 Criteria:

1. Whether the premises will operate in such a way that will be reasonably consistent with the fair and open licensing objective.
2. Whether the applicant has met the requirements of Policy C1 and provided a suitable and sufficient gambling risk assessment demonstrating how they will implement sufficient mitigation to ensure that gambling is conducted in a fair and open way.

D2.4 Considerations:

1. Whether the premises have been designed so as to ensure gambling is conducted in a fair and open way.
2. Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
3. Whether the management and operation of the premises is open and transparent.
4. Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
5. Whether the Gambling Commissions Codes of Practice have been complied with.

### Reasons for Policy D2

D2.5 To achieve the aim of this licensing objective there is a direct link with the successful achievement of the crime and disorder objective. The intention of the Act and the Crime and Disorder objective is to restrict and prohibit criminals from gambling premises and providing facilities for gambling. Reducing or eliminating the risk of cheating, fraud and oppressive behavior will have support the extent of the achievement of this licensing objective.

D2.6 The Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of ensuring that gambling is conducted in a fair and open way. The Gambling Commission is the body primarily concerned with ensuring that each operator conducts gambling activities in a fair and open way, however, the Licensing Authority will scrutinize the venues operation, design, layout and location to ensure that the application meets this objective

D2.7 The approach taken by the Gambling Commission to ensure gambling is conducted in a fair and open way is that:

1. it expects that not only is gambling fair in the way it is played but that the rules are transparent to players and they know what to expect.
2. it will ensure that the rules are fair, and that easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning and the rules and conditions on which business is conducted;
3. it will ensure that operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
4. it will ensure that appropriate advertising codes continue to be in place to prevent consumers from being misled;
5. it will ensure that the licences it issues, together with the licence conditions it imposes and the codes of practice it publishes, set appropriate standards of conduct for licence holders (for example, in respect of terms on which gambling is offered and the transparency of such terms) and appropriate technical standards for gaming machines and other equipment used in connection with any licensed activity;
6. in the event of non-compliance, it will ensure that sanctions are imposed, or other appropriate steps taken, which among other things, deter future non-compliance on the part of the relevant licence holder and other licence holders more generally;
7. it will ensure that the investigation and prosecution of offences under the Act – including the offence of cheating under section 42 of the Act – are prioritised by reference to the level of risk posed to the Licensing objectives.

D2.8 The Licensing Authority fully supports the Gambling Commission's approach associated with ensuring gambling is conducted in a fair and open way. The Licensing Authority will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules

D2.9 Where there are allegations or suspected unfair practices and un-transparent gambling practices are being conducted the Licensing Authority, along with the Gambling Commission will investigate and take the appropriate action necessary to ensure compliance with this Licensing objective.

D2.10 Applicants must ensure that the relevant rules and terms and conditions of play are readily available. This can be either on the premises, with posters or leaflets or via the operator's website. Staff must be conversant with the relevant rules and gameplay associated with the gambling products that are offered. A mechanism for grievances or complaints should be provided to all customers who feel that a gambling product or game is unfair or un-transparent.



D2.11 The Licensing Authority will consider each application on its own merits and will look closely at applications for types of premises that can be run by an operator where there is no requirement to hold an operator's licence. Track owners do not necessarily require an operator's licence and any application made by such an unlicensed operator will be scrutinised to ensure that this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. In the case of premises that do not hold an operating licence, such as tracks, additional conditions may be required dependent on the risks outlined in the application.

### III. Protecting Children and Other Vulnerable Persons from Being Harmed or Exploited.

D3.1 This Licensing Authority will not grant an application for a provisional statement or new gambling premises licences or vary an existing licence that is not reasonably consistent with the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

D3.2 When considering clause *D3.1* the Licensing Authority will consider the following criteria associated with protecting children from being harmed or exploited by gambling, taking into account any relevant considerations.

D3.3 Protection of vulnerable persons are set out at D3.10 to D3.16. In addition to other relevant policies within this statement:

D3.4 Criteria (General):

1. Whether the premises will operate in such a way that will be reasonably consistent with the protection of children and other vulnerable persons from being harmed or exploited licensing objective.
2. Whether the applicant has met the requirements of Policy C1 and provided a suitable and sufficient gambling risk assessment demonstrating how they will implement sufficient mitigation to protect children and other vulnerable persons from being harmed or exploited by gambling.

D3.5 Considerations;

1. Has the operator a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to be reasonably consistent with this objective to exclude them from the premises or parts of the premises.
2. If the premises intend to or already operates as an adult only environment has the operator taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.

3. Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
4. Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
5. Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.

## Child/Young Person Safe Guarding

D3.6 The Licensing Authority will expect applicants to demonstrate that they will have systems and processes in place to adequately safeguard children as set out within the criteria below:

### D3.7 Criteria (safeguarding of children)

1. Whether the applicant has met the requirements of Policy C1 and provided a suitable and sufficient gambling risk assessment demonstrating how they will implement sufficient mitigation to protect children from being harmed or exploited by gambling.

D3.8 In operating and managing a licensed gambling premises the applicant has designated one or more senior staff members within the organisation with the following responsibilities in relation to safeguarding children and protecting them from harm.

1. Ensuring safeguarding children, including child sexual exploitation (CSE) training is provided to all staff.
2. Monitoring and recording whether all staff have received the minimum (initial and refresher) safeguarding children training.
3. Ensuring all staff have read and know where to find the organisations safeguarding of children policy and where they can access additional information on safeguarding from, e.g. Government Guidance "What to do if you're worried a child is being abused".
4. Provide advice and support to staff when they have a concern about safeguarding a child.
5. Have a system in place to record all concerns and actions taken associated with the safeguarding of children by staff.
6. Be the contact person for the council's Children's Services Department and the police in relation to all incidents or concerns related to the safeguarding of children on or linked to the operation of the gambling premises
7. Ensure all staff are made aware that if the person who they suspect may be harming children is senior to them in the organization hierarchy that they can contact the council's Children services, or Police.

D3.9 The applicant has or intends to implement safeguarding training to ensure that their staff have a basic awareness of child protection issues. This includes:

1. Being alert to the possibility of child abuse, CSE and neglect.
2. A knowledge of the signs of an abusive or potentially abusive event or set of circumstance
3. Knowing who in the organisation to raise safeguarding concerns.
4. Being competent in taking the appropriate immediate or emergency action to protect a child where there are safeguarding concerns.
5. Knowing how to refer a safeguarding concern to the council's Children's Services Department and/or police.

## Other Vulnerable Persons (Adult)

D3.10 This Licensing Authority will consider the following criteria when assessing the proposed and existing measures associated with protecting other vulnerable persons (adults) from being harmed or exploited by gambling.

D3.11 Criteria (Other Vulnerable Persons (Adults))

1. Whether the applicant has provided a suitable and sufficient gambling risk assessment as required by policy C1 to reduce or eliminate the risk to other vulnerable persons from being harmed or exploited by gambling.
2. The applicant has sufficient policies, procedures and mitigation associated with the following risks to other vulnerable persons being harmed or exploited by gambling:
  - i. The cognitive capacity of the person to make informed decisions relating to their gambling
  - ii. Establishing the means to which a person can afford to gamble to the extent and frequency of their gambling activity
  - iii. The approach to active and passive intervention for customers who show signs of at-risk behaviour, gambling beyond their means or are likely to be problem gamblers.
  - iv. The approach to managing and helping customers who appear to have addictive gambling tendencies and/or has self-excluded themselves from gambling from the premises or gambling operator and continues to attempt to gamble.
  - v. How vulnerable people can gain access to support, information on appropriate gambling treatment

D3.12 The applicant has or intends to implement training to ensure that all staff, who interact with customers are aware and can demonstrate their understanding of the relevant organisational policies and procedures.

D3.13 The Licensing Authority will expect applicants to demonstrate that they will have systems and processes in place to adequately safeguard other vulnerable persons (adults) as set out within the criteria below:

D3.14 Considerations (Other Vulnerable Persons (Adults))

1. Whether the applicant has met the requirements of Policy C1 and provided a suitable and sufficient gambling risk assessment demonstrating how they will implement sufficient mitigation to safeguard other vulnerable persons (Adults) from being harmed or exploited by gambling.
2. In operating and managing a licensed gambling premises the applicant has designated one or more senior staff members within the organisation with the following responsibilities in relation to safeguarding vulnerable adults and protecting them from harm.
3. The applicant has or intends to implement safeguarding training to ensure that their staff have a basic awareness of protecting vulnerable persons. This includes:
  - I. Ensuring safeguarding of adults training is provided to all staff
  - II. Monitoring and recording whether all staff have received the minimum (initial and refresher) safeguarding adults training.
  - III. Ensuring all staff have read and know where to find the organisations safeguarding of adult's policy and where they can access additional information on safeguarding adults from, e.g. Government or other agency, charity guidance.
  - IV. Provide advice and support to staff when they have a concern about safeguarding a at risk adults
  - V. Have a system in place to record all concerns and actions taken associated with the safeguarding of adults by staff
  - VI. Be the contact person for the council's Adult Services Department, the police or other agency in relation to all incidents or concerns related to the safeguarding of at-risk adults on or linked to the operation of the gambling premises.
  - VII. Ensure all staff are made aware that if the person who they suspect may be harming a vulnerable adult is senior to them in the organisation hierarchy that they can contact the council's Adult's Services Department and the police directly.

D3.15 For the purposes of this policy any reference to “children” or “child” will include any person who meets the definition of a child and young person within section 45 of the Gambling Act 2005, therefore such references will apply to anyone under the age of 18.

## Reasons for Policy

D3.16 This Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

D3.17 The Licensing Authority believes that this licensing policy places a significant responsibility on the applicant when apply for a licence and then operating their gambling premises. Whilst gambling operators will focus on the obvious protections associated with this licensing objective, such as restricting access to gambling by children or providing information to customers who may be problem gamblers the Licensing Authority believes that operators must consider other risks to children and vulnerable adults associated with their operation or their customers.

D3.18 It is noted that the Act and Commissions Guidance does not define the term vulnerable persons. The Commission states, “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. This is the definition of vulnerable persons the council will use in its consideration of applications.

D3.19 The Licensing Authority have approached this policy in two parts. The first part relates to protecting children from harm or being exploited by gambling. The second part focuses on adults and the risk of harm or exploitation that they may face associated with gambling. The Licensing Authority has indicated within in its Local Area Profile (LAP) and within other policies within this statement that some locations and gambling operations may generate a greater risk of gambling harm due to the resident populations, age, social and economic backgrounds, etc. These are key factors when considering the local risks associated with the application.

D3.20 This Licensing Authority will expect applications to take on their statutory duty within the Act to be reasonably consistent with this licensing objective. However, operators also have a wider moral duty to protect and support their customers or those in the community that may interact with their premises or staff.

## Risk of Vulnerability to Gambling Related Harm.

### Young people.

D3.21 Rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with impacts of harm. These age

groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour.

## Unemployed and constrained economic circumstance

D3.22 Generally, those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability.

D3.23 There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers. The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.

## Homeless

D3.24 The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.

## Mental ill health.

D3.25 There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit, hyperactivity disorder, post-traumatic stress disorder harmful and hazardous levels of alcohol consumption and drug addiction. Overall, three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.

D3.26 Being a problem or at-risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm the conclusion that the relationship between problem gambling and mental ill health may be cyclical.

## Substance abuse/misuse.

D3.27 The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys have shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders. There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time.

## Personality Traits/cognitive distortions.

D3.28 There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling. However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

## Protecting (Safeguarding) Children.

D3.29 A child and young person are defined as any person who is less than 16 years old and a young person is defined as a person who is not a child but who is less than 18 years old. For the purposes of this policy and the interpretation of this licensing objective the Licensing Authority, when referring to a child or children will mean anyone under the age of 18 years of age.

D3.30 The location of the premises may be a significant factor if for example the premises are located near a school, hostel or other sensitive premises. Other policies specifically deal with location although the applicant will have to demonstrate that there are suitable control measures to be reasonably consistent with this objective.

D3.31 Persons under 18 cannot be admitted to many types of gambling premises. New gambling premises or variations to existing premises that are in close proximity to schools or main routes to schools will expect the applicant to have carefully considered their operation and any potential for exposing children and young people to gambling. Operators should demonstrate policies and procedures that will prevent children and young people from entering premises or partaking in gambling activities.

D3.32 Whilst some gambling premises may restrict access to children, other types of premises can permit access to children. Bingo premises and Family Entertainment Centres

are gambling premises which permit access to the premises by children. However, some areas within these premises may have restricted access to children, such as where adult only gaming machines are located. Applicants and licensees must ensure that children do not gain access to these areas and age verification is conducted to ensure compliance.

D3.33 The Licensing Authority views underage access to age-restricted areas extremely seriously and the onus is placed firmly on the licence holder to ensure that appropriate checks are in place to prevent and deter opportunities for children and young people to gain access to category B or C gaming machine areas. Underage access to category B or C gaming machine areas in licensed Bingo and Family Entertainment Centres is an offence and the display of notices prohibiting underage access is a requirement of the mandatory conditions attached to all licences.

D3.34 It is the Licensing Authority's view that preventing underage access should be a major consideration for any applicant or operator and effective measures such as age verification checks are a simple solution to this issue. Therefore, failure to implement effective measures and enforce this requirement by operators will be dealt with strictly by the Licensing Authority. Operators can expect serious or repeated breaches of these requirements to be dealt with by review proceedings.

D3.35 Gambling operators can use procedures, processes, and control measures to monitor and prevent children accesses adult gambling content in premises. These may include:

1. challenge/think 21 schemes, with limitations on the types of recognised proof of age accepted which are operated at the door of the premises, at the entrance points to age restricted areas within the premises and in any bars within the premises selling alcohol products.
2. security and CCTV is operated at the door or within the premises to identify and prevent access by children amongst the other role of detecting and preventing crime.
3. signage prominently displayed regarding the prohibition of under 18s at the entrance points to the premises, adult only areas, and bars within the premises and on age restricted gambling products, such as gaming machines.

## Protecting (Safeguarding) Vulnerable Adults

D3.36 The Care Act 2014 imposes a requirement on the Authority to "make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it".

D3.37 The Authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this Part or



otherwise) and, if so, what and by whom. “Abuse” includes financial abuse; and for that purpose, “financial abuse” includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.

D3.38 All adults have the right to be protected from abuse and poor practice. This is regardless of their:

- age
- ability or disability
- gender
- race
- religion
- ethnic origin
- sexual orientation
- marital status
- transgender status

D3.39 It is the Licensing Authority’s view that best practice in safeguarding means committing to both a legal and moral responsibility to all staff and customers.

D3.40 When looking at the risks of harm to vulnerable adults in and around the gambling environment it is important that gambling operators consider the wider harms that may be identifiable in their customers and staff. These may include one, more or a combination of the following:

### Self-neglect

This covers a wide range of behaviour, but it can be broadly defined as neglecting to care for one’s personal hygiene, health, or surroundings. An example of self-neglect is behaviour such as hoarding.

### Modern Slavery

This encompasses slavery, human trafficking, forced labour, and domestic servitude.

### Domestic Abuse

This includes psychological, physical, sexual, financial, and emotional abuse perpetrated by anyone within a person’s family. It also includes so-called “honour” based violence.

### Discriminatory

Discrimination is abuse that centre on a difference or perceived difference, particularly with respect to race, gender, disability, or any of the protected characteristics of the Equality Act.

## Physical

This includes hitting, slapping, pushing, kicking, restraint, and misuse of medication. It can also include inappropriate sanctions.

## Sexual

This includes rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault, or sexual acts to which the adult has not consented or was pressured into consenting.

## Financial or Material

This includes theft, fraud, internet scamming, and coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance, or financial transactions. It can also include the misuse or misappropriation of property, possessions, or benefits.

## Neglect and Acts of Omission

This includes ignoring medical or physical care needs and failing to provide access to appropriate health social care or educational services. It also includes the withdrawing of the necessities of life, including medication, adequate nutrition, and heating.

## Emotional or Psychological

This includes threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation, or withdrawal from services or supportive networks.

## Mate Crime

A 'mate crime' is when vulnerable people are befriended by members of the community who go on to exploit and take advantage of them. A mate crime is carried out by someone the adult knows, and it often happens in private. In recent years there have been a number of Serious Care Reviews relating to people with a learning disability who were seriously harmed, or even murdered, by people who purported to be their friend.

## Radicalisation

The aim of radicalisation is to inspire new recruits, embed extreme views and persuade vulnerable individuals to the legitimacy of a cause. This may be direct through a relationship, or through social media.

## Gambling Operators Duty

D3.41 The Licensing Authority believes that gambling operators have a responsibility to protect adults who may or may not be partaking in a gambling activity provided at the premises. Staff working in gambling premises, on the door providing security, taking bets in a betting shop, floor walker or croupier in a casino need to be able to identify adults who are vulnerable.

D3.42 Gambling operators have a duty of care to protect (safeguard) children and other vulnerable people under the Act. Individuals who work for the gambling operator need to be informed to a sufficient level to ensure that complaints and concerns about children and adults at risk are properly identified and acted upon. Gambling operators that fail to assess the risk and implement poor and ineffective processes in this area are likely to fail to meet this policy, the licensing objective under the Act and their wider social responsibility and duty of care, which at worst could leave adults or children at risk to harm.

D3.43 Gambling operators are expected to review the risk and at the very least implement a Safeguarding Adults Policy and Procedure document that should be separate from any Safeguarding Children Policy and Procedure document. The Safeguarding Adults Policy and Procedure Document should be focused on ensuring that processes are put in place to keep adults safe. An appropriate referral model should be developed that offers direction to staff on how to respond, what they should record, and when they should report internally and externally to statutory agencies.

D3.44 As part of the Safeguarding Adults Policy and Procedures put in place by a gambling operator; they will also need to ensure that staff are suitably trained and that someone in the organisation can act as the point of contact for staff concerns on adult safeguarding.

D3.45 Several organisations provide training and advice to businesses on how to safeguard adults. A directory of organisations and useful contacts for support and information on safeguarding adults is available at Appendix xxxx.

### GamCare Accreditation

D3.46 GamCare is a charity and leading provider of free information, advice, and support for anyone affected by problem gambling. Part of their goal is to work with the gambling industry to support customers and prevent people from experiencing gambling – related harm.

D3.47 GamCare has established the Safer Gambling Standard. This is an independent quality standard that assesses the measures gambling businesses have put in place to protect people from experiencing gambling-related harm. The Standard offers four levels of award from Base Level to Advanced Level 3.

D3.48 Businesses are required to meet 10 areas which are the foundation to building a

safer gambling approach. The assessment looks at 73 criteria, 52 of which are expected of businesses to meet the Base Level Standard, with the remaining Advanced Level criteria measuring the degree to which businesses exceed the Base Level. Three of the Advanced Level criteria are mandatory for any businesses wishing to achieve Advanced Levels. The 10 areas are:

1. Corporate Governance and Risk Management
2. Collaboration and Sharing Best Practice
3. Safer Gambling Spend and Contribution to RET
4. Protection of Children, Young Adults and Vulnerable Customers
5. Customer Information, Profiling, and Interaction
6. Production Design and Innovation in Safer Gambling Tools
7. Self-Exclusion
8. Advertising and Promotion
9. Staff Training and Development
10. Addressing Problem Gambling Amongst Staff

D3.49 Please visit the GamCare website to find out more about the GamCare Safer Gambling Standard - <https://www.gamcare.org.uk/>

## Part E. Premises Licenses and plans.

E1.1 Where an individual or company uses premises, or causes or permits premises to be used, to offer gambling, they will need to apply for a premises licence.

E1.2 persons may only make an application for a premises licence (which includes companies or partnerships):

- who are aged 18 or over and
- who have the right to occupy the premises and
- who have an operating licence which allows them to carry out the proposed activity.
- who have applied for an operating licence to allow them to carry out the proposed activity. The premises licence cannot be determined until an operating licence has been issued.

E1.3 In accordance with s.150 of the Act, premises licences can authorise the provision of facilities for;

- casino premises,
- bingo premises,
- betting premises including tracks and premises used by betting intermediaries,
- adult gaming centre premises, or
- family entertainment centre premises.

E1.4 By distinguishing between premises types, the act makes it clear that the gambling activity of the premises should be linked to the premises described. The Act does not permit premises to be licensed for more than one of the above activities.

## Meaning of premises

E1.5 In the Act, 'premises' are defined as including 'any place'. S.152 therefore prevents more than one premises licence applying to any place. However there is no reason in principle why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises.

E1.6 In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority.

## Plans

E1.7 Regulation 4 of The Gambling Act 2005<sup>5</sup> requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Authority to plan future premises inspection activity. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. Provisional statements are covered at point N1.1

E1.8 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 states that a plan should detail.

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

E1.9 It is the Licensing Authority's policy that it will expect applicants for new premises licences and variations to provide a plan showing the indicative layout of the plan. The

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<sup>5</sup> [Gambling Act 2005 \(Premises Licences and Provisional Statements\) Regulation 2007](#)

Gambling Commission whilst not prescriptive on premises plans themselves, advice that 'The plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'

E1.10 The Licensing Authority will consider proposed premises plans to be appropriate, in conjunction with the premises' Gambling Risk Assessment, to effectively assess the provision of gambling facilities at the premises. Where this information is not provided, it is more likely that a representation will be made in order to enable the Licensing Authority to accurately assess the likely effect of granting the application relative to the Licence conditions and Gambling Commissions Licence Conditions and Code of Practice and licensing objectives.

E1.11 The premises plan in itself is only one means by which this Licensing Authority may seek reassurance that the requirements will be met. An additional factor to the proposed plan may be the conditions attached to the premises licence application regarding lines of sight between the counter and the gaming machines, staffing arrangements or security devices.

## Vessels

E1.12 The Act permits premises licences to be granted for passenger vessels. Separate application forms are prescribed for vessels under the Premises Licences and Provisional Statements Regulations (SI 2007/459 or SSI 2007/196). The definition of a vessel in s.353(1) of the Act is:

- Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water
- A hovercraft
- Anything, or part of any place, situated on or in water.

E1.13 The Act allows pleasure boats to apply for premises licences. As with multi-purpose buildings, the part of the vessel where gambling takes place will be licensed and the usual restrictions on access for children will apply. The Act applies in relation to a vessel that is not permanently moored or berthed, as if it were premises situated in a place where it is usually moored or berthed. The licensing authority will consider an application for a premises licence in respect of a vessel where it is usually moored or berthed.

## Vehicles

E1.14 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles, other than a hovercraft) may not be the subject of a premises licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain.

## Premises Access Detail.

Type of premises	Access provision
Casinos	<ul style="list-style-type: none"> <li>The principal entrance to the premises must be from a 'Street'</li> <li>No entrance to a casino must be from premises that are wholly or mainly accessible by children and/or young persons</li> <li>No entrance must be able to enter a casino directly from any other premises which holds a gambling premises licence.</li> </ul>
AGC's	<ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from any other licensed gambling premises</li> </ul>
Betting Shops	<ul style="list-style-type: none"> <li>Access must be from a street or from other premises with a betting licence</li> <li>No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.</li> </ul>
Tracks	<ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from a casino or AGC</li> </ul>
Bingo Premises	<ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from a casino an AGC or a betting premises other than a track.</li> </ul>
FEC's	<ul style="list-style-type: none"> <li>No customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track</li> </ul>

## Multiple activity premises – layout and access

E1.16 With the exception of bingo clubs, tracks on race-days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.

E1.17 The Licensing authorities will take particular care in considering applications for multiple premises 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:

1. The third licensing objective seeks to protect children from being harmed or exploited by gambling and premises should be configured so that children are prohibited from participating in gambling, such that they are not invited to participate in, have accidental access to, or closely observe gambling.
2. 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.
3. Customers should be able to participate in the activity named on the premises licence.

## Single and combined Licenses

E1.18 Only one premises licence may be issued for any particular premises at any time although, in some circumstances, the licence may authorise more than one type of gambling. For example, a bingo licence will also authorise the provision of gaming machines. Details of the gambling permissible under each type of licence are set out in the Act and in the premises specific parts of this guidance.

E1.19 The exception to this relates to tracks, that is a horse racing course, dog track or other premises where races or sporting events take place, which may be subject to more than one premises licence, provided each licence relates to a specified area of the track.

## Premises Licence conditions

E1.20 Conditions on premises licences should relate only to gambling, as considered appropriate in the light of the principles to be applied by licensing authorities under S.153. Accordingly, if the Commission's Licence conditions and codes of practice (LCCP) or other legislation places particular responsibilities or restrictions on an employer or the operator of premises, it would not be appropriate to impose the same conditions on a premises licence.

E1.21 Conditions will sometimes be general in nature attaching to all licences or all licences of a particular class, or they may be specific to a particular licence.

## Display of rules

E1.22 It is a mandatory condition of premises licences that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks.

## Application for premises Variation S.187: Material Change.

E1.23 Guidance from the Commission has been that an application for a variation will only be required where there are material changes to the layout of the premises. What constitutes a material change will be a matter for the Licensing Authority to decide on a case by case basis, however a common sense approach will be adopted, when considering an application for variations, the Licensing Authority will have regard to the principles to be applied as set out in s.153 of the Act.

## Notice of application

E1.24 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 require the applicant to publish a notice of their application and to notify responsible authorities and other persons about the application. These also apply, with one



or two modifications, in relation to applications for provisional statements and applications that can be made in relation to a premises licences.

- The Notice must be served in three ways:
- A notice placed outside the premises for 28 consecutive days in a place where it can be read conveniently
- In a newspaper or newsletter of local relevance, on at least one occasion within ten days of the application being made
- To all responsible authorities, which includes the Commission, within seven days of the application being made.

A licence application, and any licence subsequently issued, is not valid if the relevant notifications have not been made.

## Representations to an application

E1.25 In dealing with an application, the Licensing Authorities is obliged to consider representations from two categories of person, referred to in the Act as 'responsible authorities' and 'interested parties'. Representations from other parties are inadmissible.

E1.26 Having determined that the representation is admissible, the Licensing Authority must consider its relevance. Only representations that relate to the licensing objectives, or that raise issues under this licensing policy statement, or the Commission's guidance or codes of practice, are likely to be relevant.

E1.27 The Licensing Authority will not take into account representations that are:

- repetitive, vexatious or frivolous
- from a rival gambling business highlighting unwanted competition
- moral objections to gambling
- concerned with expected demand for gambling,
- anonymous

E1.28 Details of applications and representations referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available and placed on the Council's website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will however be removed from representations in the final website version of reports.

E1.29 Names and addresses of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is specifically asked to do so.

## Responsible Authorities

E1.30 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The

principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group

E1.31 This authority has consulted with both the Cumbria Safeguarding Children Board and Cumbria County Council Children's Services. This Authority considers that Cumbria County Council Children's Services is best able to fulfil the role of advising the Authority about the protection of children from harm for the purposes of Section 157(b) of the Act.

E1.32 The Responsible Authorities are:

- The Council's Licensing Service (as licensing authority)
- The Gambling Commission
- The Chief Officer of Police
- The Fire & Rescue authority
- The Council's Planning Department (as planning authority)
- The Council's Environmental Health Consultation Team (as the authority minimising or preventing the risk of environmental pollution and/or harm to human health)
- H.M. Revenue and Customs.

E1.33 The Secretary of State has not prescribed any further Responsible Authorities.

E1.34 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: [www.southlakeland.gov.uk](http://www.southlakeland.gov.uk)

## Interested Parties

E1.35 Interested parties can make representations about licence applications, or apply for a review of an existing licence.

E1.36 These parties are defined under S.158 Gambling Act 2005 as follows: "For the purposes of this part a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person.

- lives sufficiently close to the premises to be likely to be affected by the authorised activities
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy paragraph (a) or (b)"

E1.37 When determining whether a person is an interested party for the purposes of the act the Licensing Authority will not apply rigid rules but will apply the principle that 'each case will be decided upon its merits.

E1.38 In determining whether a person or organisation "has business interests" the Licensing Authority will adopt the widest possible interpretation and include residents' and tenants' associations, trade associations, trades unions, partnerships, charities, faith groups and medical practices, as appropriate.

E1.39 The Licensing Authority will regard bodies such as trade associations, trade unions, residents' and tenants' associations, and professional advisors such as solicitors, barristers and consultants, as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The Licensing Authority will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.

E1.40 In principle, the Licensing Authority will allow any person to represent an interested party, but we may seek to have it confirmed that the person genuinely represents the interested party. The Licensing Authority will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' someone. If persons representing interested parties are Councillors or Members of Parliament, then no specific evidence of being asked to represent an interested person will be required as long as they represent the area likely to be affected.

E1.41 If individuals wish to approach their Ward Councillor to ask them to represent their views, then those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts, then either interested parties or Councillors should contact the Licensing Service for advice.

## Person living close to the premises

E1.42 There are a number of factors that licensing authorities should take into account when determining whether a person 'lives sufficiently close to the premises'. These might include:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises

## Exchange of Information

E1.43 The Licensing Authority are required to set out the principles we will apply when exchanging information with the Gambling Commission and other organisations.

E1.44 The Commission can require the council to provide specific information if it forms part of our licensing register or if we hold it in connection with our licensing functions under the 2005 Act. Currently the Commission requires the authority to submit a return at the end of each financial year, which is subsequently included in the Department for Communities and Local Government Single Data List. We will therefore continue to provide the following details to the Commission:

- a) permits issued
- b) temporary use notices issued
- c) occasional use notices issued
- d) premises inspections conducted
- e) reasons for and outcomes of reviews

E1.45 When the Licensing Authority exchange information with the Commission and other persons or bodies, the Licensing Authority will act in accordance with the provisions of the 2005 Act and the Data Protection Act 1998. The Licensing Authority will also have regard to any guidance issued by the Commission or Information Commissioner, in addition to any relevant regulations issued by the Secretary of State under powers provided in the 2005 Act.

E1.46 The Licensing Authority may also exchange information with other persons or bodies listed below for use in the exercise of functions under the 2005 Act.

- a) a constable or police force
- b) an enforcement officer
- c) a licensing authority
- d) HMRC
- e) the First Tier Tribunal
- f) the Secretary of State

E1.47 If the Licensing Authority establish protocols with any of these bodies relating to the exchange of information, we will make them available on our website.

## Inspection and Criminal Proceedings

E1.48 One of the main concerns for the Licensing Authority is to ensure compliance with the venue premises licence and other permissions which the council grants. The Gambling Commission will be the enforcement body for operating licences and personal licences.

However the Licensing Authority will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises. (Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority.) The Licensing Authority will approach the Commission with a view to taking a multi-agency approach.

E1.49 The Licensing Authority will achieve compliance through encouraging a sense of community, improved communication and proactive work with licensee's and businesses. Such proactive work may include training, giving advice and information, and initiatives that

educate, inform and encourage partners and stakeholders to work together efficiently and effectively.

E1.50 The Licensing Authority operates a risk-based approach to compliance. In carrying out its inspection function. The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998.

It will have regard to the Commissions Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly,
- Targeted: regulation should be focused on the problem, and minimise side effects.

E1.51 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. This council has adopted and implemented a risk-based inspection programme, based on,

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36.6
- The principles set out in this statement of licensing policy

E1.52 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority must 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.

E1.53 The principles to be applied by the council in exercising its functions are under Part 15 of the Act with respect to the inspection of premises; and under section 346 of the Act to institute criminal proceedings. The council will also consider its powers under the Licensing Act 2003 to review Club and Premises licences, which gives the council the ability to suspend, amend or revoke either licence in circumstances where it sees fit.

## Powers of entry

E1.54 The Gambling Act 2005 states that authorized persons constables and enforcement officers may enter premises if they reasonably suspect that facilities for gambling are being, are about to be, or have been provided on the premises. This would include a private club but does not apply if the suspected gambling is private or non-commercial gaming or betting.

## Licence Fees.

E1.55 We will calculate and collect fees from gambling operators to meet the costs of carrying out our licensing functions under the 2005 Act. The intention of the government is that fees will cover our costs for administration (including hearings and appeals), inspection and enforcement of the licensing regime. The current fees are detailed on our website.

## Review of a premises Licence

E1.56 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Commission Gambling;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- In accordance with this authority's statement of licensing policy.

The request for a review will also be subject to the consideration by the licensing authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review

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 is appropriate.

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

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

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

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

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in s153 of the Act, as well as any relevant representations.

In particular, the licensing authority may initiate a review of the premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them. Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- The licence holder;
- The applicant for review (if any);
- The Gambling Commission;
- Any person who made representations;
- The Chief Officer of Police or Chief Constable;
- Her Majesty's Commissioners for Revenues and Customs.

In determining what action, if any, we should take following a review, we will have regard to any relevant representations and the 'Aim to Permit' principle.

## Part F. Adult Gaming Centres

F1.1 Persons operating an Adult Gaming Centre (AGC) must hold a gaming machines general operating licence (Adult Gaming Centre) from the Commission and must seek a premises licence from the licensing authority. A premises licence for an Adult Gaming Centre enables the holder to make an unlimited number of gaming machines available for use. Of the total number, up to 20% of the gaming machines can be category B3 or B4 gaming machines and the remainder are limited to category C or D gaming machines. If the premises held an Adult Gaming Centre premises licence prior to 13 July 2011, the holder

can provide either up to four B3 or B4 gaming machines or up to 20% of the total number of gaming machines, whichever number is greater.

F1.2 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. The location, layout and management of gaming machines is also of high significance. Operators should consider appropriate locations of the following when designing the layout of the premises to minimise the opportunity for under 18's to gain access.

- All Entrances
- ATM machines located on the premises
- Entry control points
- Higher category gaming machines
- Cashier points
- CCTV
- Security personal

F1.3 Applications for Adult Gaming Centres must provide the minimum requirements as set out in the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007. Application forms only allow for a limited amount of information to be provided. The Licensing Authority would recommend, where appropriate, that applications include the following additional information:

- (a) policies and procedures
- (b) operating manual
- (c) staff training measures
- (d) security provisions
- (e) Gambling risk assessment
- (f) proof of age scheme
- (g) CCTV measures including the location of CCTV coverage on plans
- (h) details of entry control systems
- (i) supervision of entrances and machine areas
- (j) location of entrances
- (k) any notices and signage to be displayed



(l) self-exclusion schemes

(m) provision of information leaflets / helpline numbers for Organisations, (e.g. GamCare)

F1.4 Adult Gaming Centres are subject to the Licence Conditions and Codes of Practice which is set by the Gambling Commission. As such, these are issues that the Licensing Authority will not need to consider in determining applications and, in the interests of avoiding duplication of regulation, will focus on premises specific issues.

F1.5 Adult Gaming Centres are the subject of mandatory and default conditions under the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.

## Variation of a licence

F1.6 The Licensing Authority recommends that any application to vary an Adult Gaming Centre premises licence includes a full and detailed description of the proposed variation:

(a) where an application is made to vary the layout of the premises, a detailed description of the proposed changes;

(b) where an application is made to add, change or remove a condition on the premises licence, an explanation as to why the amendment is required and appropriate;

(c) where the application can have a bearing on the licensing objectives, the Licensing Authority will expect a revised risk assessment to be provided with the application detailing what measures are in place to mitigate any potential risks.

## Advertising of AGC

F1.7 Applicants will be expected to assess the associated risk with advertising the Adult Gaming Centre, the entertainment and/or any gambling activities that are visible from the exterior of the premises, advertised in the local area or advertised to a wider geographical area beyond or the local area. The operator must ensure that advertisements are not placed on or near locations such as schools, community centres, religious or places of worship, homelessness hostels or addiction clinics.

## Alcohol Consumption

F1.8 The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises.

## Part G. (Licensed) Family Entertainment Centres

G1.1 The Act creates two classes of Family Entertainment Centres (FEC). This section of the policy concerns licenced FECs. Persons operating a licensed FEC must hold a gaming machine general operating licence (Family Entertainment Centre) from the Commission and must seek a premises licence from the Licensing Authority. They will be able to make

category C and D gaming machines available to their customers. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits (see Section N of this policy).

G1.2 This Licensing Authority will specifically have regard to the need to protect children and young persons. Children and young persons will be permitted to enter an FEC and may play on the category D machines. They are not permitted to play on a category C machines, and it is a requirement that there must be clear segregation between the two types of machines, so that children do not have access to category C machines.

G1.3 This licensing authority will refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. It will normally impose conditions on granting licences which accord with the above. This licensing authority will also make itself aware of and impose any mandatory or default conditions on these premises licences.

G1.4 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV – this should be of sufficient quality that it will be of use in evidence
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises

G1.5 Licensed Family Entertainment Centres are also the subject of Mandatory Conditions under the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.

## Part H. Casino Premises

H1.1 Under the Act, licensing authorities in England and Wales have the role of issuing premises licences for casinos and monitoring those licences. Casino's as with all gambling premises, are subject of dual regulation by the gambling commission, via personal and operating licences and the Licensing Authority, via premises licences. Casinos are subject to the Licence Conditions and Codes of Practice (LCCP) which are set by the gambling commission.

H1.2 New casino premises licences issued under the Act will fall into one of two categories namely large casino premises licence or small casino premises licence. These are subject to separate regulations, involving a two-stage application process, detailed below.

H1.3 There is a third category of casino that is permitted through transitional arrangements under Schedule 18 of the Act, which may be referred to as 1968 Act converted casinos. Most of these casinos fall below the size thresholds of the other two categories. Such casinos may operate as card clubs without offering casino games.

H1.4 The gaming machines permitted to be made available in new casinos are related to the number of gaming tables available for use (SI 2009/1970 The Gambling Act 2005 (Gaming Tables in Casinos) (Definitions) Regulations 2009 ).

- no more than eight large casino premises licences will be permitted. Large casinos will have a minimum total customer area of 1,500m<sup>2</sup>. This category of casino will be able to offer casino games, bingo and/or betting and up to 150 gaming machines in any combination of categories B1 to D (except B3A lottery machines) provided that a maximum ratio of 5:1 gaming machines to gaming tables is met.
- no more than eight small casino premises licences will be permitted. Small casinos will have a minimum total customer area of 750m<sup>2</sup>. A small casino will be able to offer casino games, betting and up to 80 gaming machines in any combination of categories B1 to D (except B3A lottery machines) provided that a maximum ratio of 2:1 gaming machines to gaming tables is met.

H1.5 Section 7(1) of the Act states that 'a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games'. Casinos games are defined by the Act to mean a game of chance, which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favorable to all participants.

### Protection of children and young persons

H1.6 No-one under the age of 18 is permitted to enter a casino and operators are required to display notices to this effect at all entrances to a casino. Children and young persons are not allowed to be employed at premises with a casino premises licence.

## No Casino resolution

H1.7 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

## Casino Premises Licence Applications.

H1.8 The Licensing Authority does not qualify to issue new Casino Premises Licences and does not have any existing venues. The Secretary of State decided the Local Authority areas to be licensed in January 2007 following a lengthy consultation with the Casino Advisory Panel. The final report can be examined here [Casino Advisory Panel](#).

H1.9 Should this Licensing Authority be authorized by the Secretary of State to issue a Casino Premises Licence we may invite applications for a premises licence. The governance of inviting applications is set out at ; [The Gambling \(Inviting Competing Applications for Large and Small Casino Premises Licences\) Regulations 2008](#). The applications may be in the form of an application for a full grant or for the application of a provisional statement. An application for a provisional statement will be treated in the same way as an application for a casino premises licence and may be included in a two stage determination process. If an application for a provisional statement is successful in the process, then it is not necessary for a further two-stage licensing process to be held when a casino premises licence application is eventually made by the operator to whom the statement has been issued.

H1.10 If the Local Authority were to receive more applications than available licences, the act lays down a framework for a two-stage process for considering applications.

### Stage one

H1.11 If more applications are received than the number of available licences, this Licensing authority will determine each application on an unlimited availability basis. Each application must be considered separately and no reference made to the other applications received. During this first process each of the other applicants will be classed as an 'Interested Party' and may make representations

H1.12 Stage one will be completed by the provisional grant of the premises licence, which will be disclosed to the applicant and any other parties who made any representations. The provisional decision of the licensing Authority may be appealed.

### Stage two

H1.13 Stage two will only apply when the number of provisional grants made under stage one exceeds the number of available casino premises licences. If this is the case the

Licensing authority will grant the applications which in our opinion offers the greatest benefit to the area. There is no right of appeal at stage two.

H1.13 There are mandatory conditions relating to small casinos, large casinos, and converted casinos premises licence which are detailed in section 17 of the guidance.

H1.14 The council in considering any applications would consider whether any potential application would meet the Licensing Objectives policies and any other relevant guidance within this policy.

## Part I. Bingo Premises.

I1.1 There are two types of 'Bingo' which have no statutory definition in the act.

- Cash Bingo - Linked directly to the stakes paid in
- Prize Bingo – Various prizes not linked to stakes paid in.

I1.2 Cash Bingo is the main type of bingo played in commercial premises with Bingo as a whole classed as equal chance gaming.

I1.3 Bingo premises, as with all gambling premises, is the subject of dual regulation by the Gambling Commission, via personal and operating licences, and the Licensing Authority, via premises licences. The Gambling Commission, in considering, issuing and maintaining personal and operating licences, considers the operator's suitability and ensures the operator has policies and procedures in place to cover various issues such as anti-money laundering and reporting procedures. Bingo premises are subject to the Licence Conditions and Codes of Practice which are set by the Gambling Commission. As such, these are issues that this Licensing Authority will not need to consider in determining applications and, in the interests of avoiding duplication of regulation, will focus on premises specific issues.

### Prize Bingo

I1.4 As well as commercial bingo premises, bingo can be found in other gambling premises. Prize bingo is traditionally a game played in arcades, especially seaside amusement arcades. Operators wishing to offer prize Bingo will be subject to allowances for prize gaming in the act regarding participation fees and prizes. Adult Gaming Centres, licensed and unlicensed Family Entertainment Centres, travelling fairs, (or any premises with a prize gaming permit) are able to offer prize gaming, which includes prize bingo.

I1.5 In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming.

## Gaming Machines at Bingo Premises

11.6 A Bingo premises licence permits the holder to make an unlimited number of gaming machines available for use. Of the total number, up to 20% of the gaming machines can be category B3 or B4 gaming machines and the remainder are limited to category C or D gaming machines. If the premises held a Bingo premises licence prior to 13 July 2011, the holder can provide either up to eight B3 or B4 gaming machines or up to 20% of the total number of gaming machines, whichever number is greater.

11.7 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licenced premises) is not permissible for all the gaming machines to which each of the licence brings an entitlement to be grouped together within one of the licensed premises.

## Control of where gaming machines may be played (Bingo)

11.8 Unless a bingo premises operator offers substantive facilities for non-remote Bingo it should not make gaming machines available for use on the premises. The current regulations prescribes that all category B gaming machines may only be made available in licensed gambling premises and not in locations which may prompt more ambient gambling such as pubs. Clear gambling venue identity allows individuals to make a clear choice if they wish to enter.

11.9 This Licensing Authority will take a high regard to the relevant codes of practice on 'controlling where gaming machines may be played under section 153 of the Gambling Act 2005. We will not operate a 'one size fits all' when regarding how a Bingo premises should look and function, ensuring the premises licensed for Bingo is actually functioning as such and not illegally offering higher stake and prize gaming machines.

## Protection of children and young persons.

11.10 Bingo premises can employ 16 and 17 year olds at the premises provided their duties are not connected with the gaming or gaming machines. Operators will need to demonstrate in any application how they will adhere to the third licensing objective of protecting children from gambling-related harm. Such measures should form part of the risk assessment.

11.11 Children can access bingo premises but are not permitted to participate in bingo games or access areas containing category B or C gaming machines. Operators will need to demonstrate policies and procedures at the premises which ensure that the operation will not impact upon the third licensing objective of protecting children from being harmed or exploited by gambling.

## Age Verification

i1.12 Premises licence applicants at a minimum must demonstrate that they have an age verification policy in place for the premises, that meets the Licensing Objective and any guidance in this policy. Operators should consider age verifications schemes and methods of recording any refusals.

## Default Conditions.

I1.13 Bingo premises are also the subject of mandatory and default conditions under the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007.

Bingo facilities in Bingo premises may not be offered between the hours of midnight and 09:00hours. However, there are no hourly restrictions on access to gaming machines in Bingo premises. Default conditions can be removed and or varied

## Bingo in clubs and alcohol-licensed premises

I1.14 As mentioned Bingo is a classed as equal chance gaming permitted on alcohol-licensed premises, clubs, miners and welfare institutes, under the allowances for exempt gaming in Part 12 of the Act, there are regulations setting controls on this form of gaming, to ensure that it remains low stakes and prize activity.

I1.15 Where the level of bingo played in these premises reaches £2,000 in any seven day period either in money or prizes awarded in an annual period, there is a legal duty on the Licensee or club to inform the Commission as soon as is reasonably practicable. Stakes or prizes above that limit will require bingo operators' licence and corresponding personal and premises licence. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

## Part J. Betting Premises

J1.1 The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing. Betting Premises allow for gambling which can take place other than at a race track. (Please note there are betting offices on tracks which will have a separate licence to the track.)

J1.2 The Act also permits betting intermediaries to operate from premises. S.13 of the Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. A betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

## Gaming Machines

J1.3 Betting premises will be able to provide up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines.

### Self-service betting terminals, SSBT's.

J1.4 S.235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These SSBTs are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine.

J1.5 However, where a machine is made available to take bets on virtual races (that is, results and/or images generated by computer to resemble races or other events) that machine is a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

J1.6 The Gambling Commission's current view is that SSBT's is a form of remote communication and that an operator will have to apply for a remote licence, if SSBT's are used to facilitate the making or accepting of bets by others.

J1.7 Applicants should be aware of section 181 of the act which contains an express power for any licensing authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence.

### Controlling where gaming machines may be played.

J1.8 Gambling Operators should be mindful of the following,

- non-remote gambling should be confined to dedicated gambling premises
- the distinctions between different types of licensed gambling premises are maintained
- gambling activities are supervised appropriately
- within casino, bingo and betting premises, gaming machines are only made available in combination with the named non-remote activity of the operating licence

J1.9 Category B gaming machines may only be made available in licensed gambling premises and not in locations which may prompt more ambient gambling such as pubs.



## Protection of children and young persons

J1.10 Children and young persons are not permitted to enter premises with a betting premises licence, although exemptions apply to tracks.

### Default conditions attached to betting premises licence:

The full set of conditions are contained within parts 1 and 2 of Schedule 5 of the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007.

## Part K. Tracks

K1.1 S.353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

K1.2 Applications for a provisional statement or new betting track premises licence or to vary an existing betting track licence will generally be granted subject to:

- The application and proposed operation meeting the requirements of the Gambling Commissions Licence Conditions and Codes of Practice and Guidance to Licensing Authorities.
- Premises plan to a scale with sufficient detail. (discussed at point E1.7)
- The application and proposed operation meet the criteria and considerations within this policy at points D1, D2 and D3.
- The applicant having undertaken an assessment of the local area risks as defined within Risk Assessment Policy C1..
- The applicant meeting the requirements of the other relevant policies within this section.

K1.3 Only one premises licence can be issued for any particular premises at any time unless the premises are a 'track'. A track is a site or venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities.

Examples of a track include:

- A horse racecourse (racecourses)
- A greyhound track
- A point-to-point horserace meeting
- Football, cricket and rugby grounds
- An athletics stadium
- A golf course
- Venues hosting darts, bowls, or snooker tournaments
- A premises staging boxing matches
- A section of river hosting a fishing competition
- A motor racing event

K1.4 The list is not exhaustive as in theory, betting could take place at any venue where a sporting or competitive event is occurring. While many of these venues are not commonly understood to be 'tracks', they fall within the definition of 'track' in the Act.

K1.5 All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

K1.6 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track.

K1.7 A track premises licence permits the premises to be used for the provision of facilities for betting, but does not permit the licence holder to provide casino, bingo or other types of gambling on tracks, as these activities must be the subject of separate premises licences.

## On-course betting

K1.8 The on-course betting operator is one who comes onto the track, temporarily, while races or sporting events are taking place. On-course betting operators tend to offer betting only on the events taking place on the track, that day.

## Off-course betting

K1.9 Off-course betting operators are typically those who provide betting facilities from betting premises such as those found on the high street. In addition to such premises, betting operators may operate self-contained betting premises or designated areas such as a row of betting kiosks within the track premises.

## Gaming Machines

K1.10 A track premises licence does not of itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operating licence.

K1.11 However, by virtue of s.172(9) of the Act, track owners holding both a track premises licence and a pool betting operating licence issued by the Commission (currently only greyhound tracks), may site up to four gaming machines within categories B2 to D on the track.

K1.12 The provision of off-course betting facilities is generally conducted in reliance on the track premises licence held by the occupier of the track and consequently the off-course operator is prohibited from making any gaming machines available for use unless they hold a separate betting premises licence in relation to part of the track.

K1.13 Some tracks will also hold an alcohol licence and as such they will be automatically entitled under s.282 of the Act to two gaming machines of category C or D. This permission is activated by notifying the licensing authority and paying the required fee

K1.14 Applications for licensed premises gaming machine permits to allow more than two gaming machines are not permitted where the gambling premises are, or are part of, premises already covered by a premises licence including a betting premises licence in respect of a track

K1.15 Children and young persons can play category D gaming machines on a track, but are not allowed to play other categories of machine.

## Protection of children and young people

K1.16 Persons under 18 years old are not permitted to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the 'betting ring', where betting takes place.

K1.17 The exemption allowing children access to betting areas on tracks does not extend to areas within a track where category C or above machines are provided, or other premises to which under 18 year olds are specifically not permitted access.

K1.18 As under-18s are permitted to enter betting areas on track event days, The Commission has attached a condition to all pool betting operating licences that the operator must:

- Have and put into effect policies and procedures designed to prevent underage gambling
- Monitor the effectiveness of these.

K1.19 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. This licensing Authority will place an emphasis on the third Licensing Objective '*The Protection of Children and Vulnerable Persons from being Harmed or Exploited*'.

K1.20 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

## Display of rules

K1.21 It is a mandatory condition of premises licences that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks. The rules should be made available at suitable central locations. The track premises licence holder should make the necessary arrangements to ensure that betting rules are accessible to all customers, regardless of which area of the track they are in.

K1.22 This authority appreciates it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on the track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan (See Guidance, para 20.46).

## Part L. Travelling Fairs

L1.1 This licensing authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

L1.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair:

For the purposes of this Act –

“fair” means a fair consisting wholly or principally of the provision of amusements, and

a fair held on a day in a calendar year is a “travelling fair” if provided - wholly or principally by persons who travel from place to place for the purpose of providing fairs, and

At a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year. It is noted that the 27-day statutory maximum for the land being used as a fair, applies on a 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. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## Part M. Small Society Lottery Licences,

M1.1 Any raffles where the tickets are sold on the same day and the same event where the draw is made would be considered to be incidental non-commercial lotteries and exempt from this process.

### Operating a Lottery

M1.2 The purpose of a small society lottery is to raise money for causes that are non-commercial. These causes must be related to the purpose of the charity.

M1.3 The Gambling Act 2005 (the Act) requires that a minimum proportion of the money raised by the lottery is channeled to the goals of the society that promoted the lottery. The limits placed on small society lotteries are as follows:

- a) 20% of the proceeds must go to the purposes of the society.
- b) The maximum prize is £25,000.
- c) The proceeds of each lottery are under £20,000
- d) The aggregate of the proceeds each calendar year is under £250,000.
- e) Rollovers are only permitted where every lottery affected is a small society lottery promoted by the same society and the maximum single prize is £25,000.

### Tickets

M1.4 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being nonphysical, such as an email or a text). When a person purchases a ticket, he must also receive a document which:

- (a) Clearly identifies the promoting society;
- (b) states the price of the ticket;
- (c) states the name and address of the promoter, or external lottery manager; and
- (d) either states the date of the draw, or enable the date of the draw to be determined.

M1.5 This information could be printed on the ticket, or the rear of the ticket, or sent electronically in such a way as the person can save the information or print it out.

M1.6 The price payable for each ticket must be the same and must be paid to the promoter before the person is given the ticket. Membership into a small lottery must not be dependent on making any payment other than the price of the ticket. There is no limit on the price of the ticket.

M1.7 The Act Requires that lottery tickets may only be sold by persons that are aged 16 years or over to another person who must also be over the age of 16 years of age.

M1.8 Lottery tickets must not be sold to another person in the street. Tickets may however be sold in the street from a solid structure such as a kiosk. Tickets may be sold door to door.

## Prizes

M1.9 Prizes can be awarded as cash or as a non-monetary fund.

## Refusal of an application

M1.10 An application for a Small society Lottery Licence maybe refused for any of the following reasons'

- An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years.
- The society in question cannot be deemed non-commercial.
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act.
- Information provided in or with the application for registration is found to be false or misleading.

M1.11 In the event of an application being rejected, the applicant will be invited to make representations within 28 days from the date the notice was issued. The Licensing Authority will also give notice to the gambling commission inviting them to make representation within 14 days from the date the notice was given. If representations are received all parties will be invited to attend a Licensing Sub-Committee hearing.

## Revocation.

M1.12 This Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The Society will be allowed to make representations.

## Appeals to the decision.

M1.13 Following the conclusion of any hearings and receipt of representations, paragraph 51 of Schedule 11 of the Act then requires this authority to notify the applicant or the society as soon as possible if their registration is still to be revoked, or if their application for registration has still been rejected.

M1.14 The applicant or society may decide to make an appeal against the decision, and has 21 days following receipt of the notice of the decision to lodge an appeal, which must be made directly to the local Magistrates.

## Part N. Permits/Temporary & Occasional Use Notice

### Unlicensed Family Entertainment Centre Gaming Machine Permits.

N1.1 Family Entertainment Centres (FECs) are commonly located at seaside resorts, in airports and motorway service stations, and cater for families, including unaccompanied children and young persons. The machines must be in a designated area.

N1.2 Unlicensed FECs are able to offer only category D machines in reliance on gaming machine permit. Any number of category D machines can be made available with such permit subject to other considerations, such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles.

N1.3 If the operator of a Family Entertainment Centre wants to make category C machines available in addition to category D machines, the operator will need to apply for a gaming machine general operating licence (Family Entertainment Centre) from the Commission and a premises licence from the Licensing Authority.

N1.4 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (s238 of the Act).

N1.5 The Act states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 24. The Gambling Commission's Guidance also states "In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications of permits. In particular it may want to set out the matters that will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group." (para, 24.6). A plan for unlicensed FEC's will be submitted.

N1.6 The Guidance states: "... An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing Authorities might wish to consider asking applications to demonstrate:

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

N1.7 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

N1.8 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

N1.9 This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (Schedule. 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

## (Alcohol) Licensed Premises Gaming Machine Permits.

N1.10 Automatic entitlement: up to 2 machines - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The operator of the premises merely needs to notify the Licensing Authority and pay the prescribed fee. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

N1.11 Permit: 3 or more machines - If the operator of alcohol licensed premises wishes to have more than 2 machines, then an application must be made for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any



guidance and code of practice issued by the Gambling Commission issued under Section 24 & 25 of the Gambling Act 2005, and “such matters as they think relevant.”

N1.12 This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

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 that will monitor that the machines are not being used by those under 18. Notices and signage may also be a help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

N1.13 This Licensing Authority recognises that some operators of 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.

N1.14 The Licensing Authority may 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.

N1.15 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.

## Prize Gaming Permits.

N1.16 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 proposes to consider in determining the suitability of the applicant for a permit”.

N1.17 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should demonstrate:

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

N1.18 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in Adult Gaming Centres and licensed Family Entertainment Centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing that none of the gambling facilities at the fair

amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

N1.19 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Schedule. 14 para. 8(3) of the Act).

N1.20 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

## Club Gaming and Club Machines Permits.

N1.21 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance.

N1.22 Members Clubs and Miner's Welfare Institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine Permit will enable the premises to provide gaming machines (up to 3 machines of categories B, C or D). N.B. Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

This licensing authority notes that the Gambling Commission's guidance which states:

*25.44 The licensing authority has to satisfy itself that the club meets the requirements of the Act to obtain a Club Gaming Permit. In doing so it will take account of a number of matters outlined in sections 25.45-25.47 of the Gambling Commission's guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".*

*The club must be conducted 'wholly or mainly' for the purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.*

N1.23 The Guidance also states that licensing authorities may only refuse an application on the grounds that:

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

N1.24 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule. 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

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

N1.25 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.

## Temporary Use Notices (TUN)

N1.26 The Gambling Act 2005 enables the holder of an operating licence to give a Temporary Use Notice in respect of premises to a Local Authority. They are often used to run poker tournaments for example. The TUN authorises the premises to lawfully be used for short periods to provide facilities for gambling without the appropriate premises licence, normally expected.

## Restrictions.

N1.27 The Act under sets out restrictions on the type of gambling to be offered under a TUN. These restrictions are:

- It can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both
- Gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises
- It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
- Gaming machines may not be made available under a TUN.

## Procedure

N1.28 The holder of the operating licence must give notice to the Licensing Authority in whose area the premises are situated. The Secretary of State has prescribed the form of the notice which must specify information including:

- The type of gaming to be carried on
- The premises where it will take place
- The dates and times the gaming will take place
- Any periods during the previous 12 months that a TUN has had effect for the same premises.
- The date on which the notice is given
- The nature of the event itself.

N1.29 A TUN must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin. The application, fee and counter- notices are specified by the Secretary of State. The application must be copied to:

- The Commission
- The Police
- HM Commissioners for Revenue and Customs
- If applicable, any other Licensing Authority in whose area the premises are situated.

## Objections.

N1.30 If no objections are made within 14 days of the date of the notice, the Licensing Authority must endorse the notice as valid and return it to the person who gave it. If the endorsed copy of the notice is lost, stolen or damaged, the person who gave the notice may request a new endorsed copy from the Licensing Authority, subject to a payment of a fee.

N1.31 The Licensing Authority and other responsible authorities must have regard to the Licensing objectives and if they consider that the gambling should not take place, or if only with modifications, they must give notice of an objection to the person who applied for the TUN. Such a notice must be copied to the Licensing Authority (unless it is given by the Licensing Authority).

N1.32 The Licensing Authority will give a notice of objection within 14 days of the date of the TUN. This Licensing Authority will adhere to the Gambling Act procedures to ensure that such notices are considered without delay so that, where appropriate, the opportunity to lodge an objection is not missed.

N1.33 Where the Licensing Authority receives an objection notice, it must send a written acknowledgement as soon as reasonably practicable to the applicant. A written acknowledgement may include one sent by electronic mail.

N1.34 An objection may be withdrawn by giving written notice to those to whom the notice of objection was sent and copied.

N1.35 Where the premises are situated in the area covered by more than one authority, the person giving an objection notice must send the notice to one authority and copy to the other(s).

N1.36 As notices may be given by different operators in respect of the same premises, the Licensing Authority will always check whether a counter-notice is appropriate.

## Counter notices.

N1.37 If the premises have been the subject of one or more TUN for more than a total of 21 days in the past 12 months, the Licensing Authority will issue a counter-notice that has the effect of stopping the TUN coming into effect. Failure to comply with the counter-notice will be an offence. The Licensing Authority may issue a counter-notice which limits the number of days that the TUN comes into effect, bringing it within the 21-day limit. Such counter-notices require consultation with the applicant to ensure that the restrictions they impose do not result in an unworkable event.

N1.38 If the Licensing Authority gives a counter-notice, it must give reasons for doing so and must copy the counter-notice to all those who receive copies of the TUN.

N1.39 If the Licensing Authority decides not to issue a counter-notice, the TUN will take effect. The Authority must give notice of its decision to the person who gave the TUN and others to whom it was copied.

## Modification

N1.40 Those who raise objections may offer modifications to the notice that will alleviate their concerns. Remedies may include a reduction in the number of days when gambling occurs or a restriction on the type of gambling is permitted. If the modifications are accepted by the applicant, a new TUN must be prepared and the original notice withdrawn. The three-month time limit and fee will not apply to the new notice. The person who made the original objection and proposed the modification may not object to the new notice, but others whom it is copied may object. If there are no new objections, there will be no need for a hearing.

## Where a Temporary User Notice May be Held.

N1.41 The same set of premises may not be the subject of a TUN for more than 21 days in any 12 month period, but may be the subject of several notices provided that the total does not exceed 21 days.

N1.42 A notice may not be given in respect of a vehicle. A notice may be given in respect of a vessel, but only if it is a passenger vessel or a vessel that is situated at a fixed place. A vessel at a fixed place would include a structure on water that is not intended to be able to move (such as an oil rig, or an artificially constructed island in the middle of a lake).

N1.43 It is an offence not to produce the notice endorsed by the authority when request to do so by a constable, an officer of HM Revenue and Customs, an enforcement officer, or an authorised local authority officer.

## Hearings to determine.

N1.44 If objections are received, the Licensing Authority must hold a hearing to listen to representations from the person who gave the TUN, all the objectors and any person who was entitled to receive a copy of the notice. If all the participants agree that a hearing is unnecessary, it may be dispensed with.

N1.45 If the Licensing Authority, after a hearing has taken place or has been dispensed with, considers that the TUN should not have effect, it must issue a counter-notice which may:

- Prevent the TUN from taking effect
- Limit the activities that are permitted
- Limit the time period of gambling
- Allow the activity to take place subject to a specified condition.

## Appeal process.

N1.46 An appeal against the Licensing Authority's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrate's Court within 21 days of receiving notice of the Licensing Authority's decision. There is a further right of appeal to the High Court on a point of law. Appeals are discussed in further detail in chapter P.

## Right to withdraw TUN application

N1.47 The person who gives a TUN may notify the authority that it is withdrawn at any time up to and during the time it has effect. In those circumstances the notice will have no effect, and any un-lapsed period of time will not count towards the 21-day maximum for a TUN having effect on the premises. While the gambling is taking place, a copy of the TUN must be displayed prominently on the premises.

## Occasional Use Notices (OUN).

N1.48 Section 38 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an OUN without the need for a full premises licence.

N1.49 While tracks are normally thought of as permanent racecourses, it should be noted that the meaning of 'track' in the Act covers not just 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 (section 353(1)).

N1.50 This means that land which as a number of uses, one of which fulfils the definition of track, can qualify for the OUN provisions (for example agricultural land upon which a point-to – point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

N1.51 The intention behind OUN is to permit licensed betting operators (with appropriate permission from the Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. The OUN dispenses with the need for a betting premises licence for the track in these circumstances.

N1.52 OUN may not be relied upon for more than eight days in a calendar year. Note that the requirement relates to a calendar year (starting 1 January) and not to any period of 12 months. The Secretary of State has the power to increase or decrease the number of OUN that are permitted, but there are currently no plans to use this power.

N1.53 This Licensing Authority keeps a record of the number of notices served in relation to each track.

N1.54 A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The notice be served on the Licensing Authority and copied to the Chief Officer of Police for the area in which the track is located. The notice must specify the day on which it has effect. Notices may be given in relation to consecutive days, so long as the overall limit of eight days is not exceeded in the calendar year.

N1.55 Provided that the notice will not result in betting facilities being available for more than eight days in a calendar year, there is no provision for counter-notices or objections to be submitted.

N1.56 The Act does not require the applicant or the Licensing Authority to notify the Commission that an OUN has been given. However the Commission does require Licensing Authorities to submit returns showing how OUN may were received during each quarter.

N1.57 It should be noted that betting operators cannot provide gaming machines at tracks by virtue of an OUN. Gaming machines may be made available by betting operators and this is reliant on a betting premises licence, which refers to a specific licensed area, but does not enable the operator to site gaming machines outside of that area.

## Part O. Provisional Statements.

O1.1 Developers may wish to apply to this authority for provisional statement 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.

O1.2 S204 of the Act provides for a person to make application to the licensing authority for a provisional statement in respect of premises that he or she:

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

O1.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

O1.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

O1.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they:

- concern matters which could not have been raised by objectors at the provisional licence stage; or
- Reflect a change in the operator's circumstances

O1.6 In addition the licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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



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

## Part P. Rights of appeal and judicial review – Premises Licences.

P1.1 This section deals only with appeals relating to premises licensing and other decisions by the Licensing Authority.

### Providing reasons for our decisions.

P1.2 In many cases, it is a requirement of the Act that Licensing Authority gives clear and comprehensive reasons for rejection of an application. For clarity and transparency the Licensing Authority must give reasons for all its decisions (see section 165 of the act, which also applies in relation to other applications under Part 8 of the Act). A failure to give reasons may compel a person to appeal, and may suggest that the Licensing Authority did not make its decision with regard to all the information that it should have regard to, and in line with its obligation under section 153 of the act.

P1.3 The avenues of appeal against decisions the Licensing Authority are set out in sections 206 & 209 in Act. The below table identifies who can appeal different types of premise licence decisions.

Type of decision	Section of act	Who may appeal
Decision to reject an application for a premises licence or to vary a premises licence, or an application for a provisional statement.	s.165, s.187 & s.188	The applicant
Decision to grant an application for a premises licence or to vary a premises licence, or an application for a provisional statement.	s.165, s.187 & s.188	The applicant. Any Person who made representations on the application
Decision to take action or to take no action following a review	s.202	The applicant. Any Person who made representations on the application. The person, if any, who applied for the review. The commission.

Type of decision	Section of act	Who may appeal
A decision to take action or make a determination in relation to a transfer application	s.188(4) or (5)	The Licencee. The applicant for transfer.

P1.4 It does not automatically follow that the person who made the representations will be appellant. It could be the licensee who is appealing, because he or she considers conditions attached to the licence too onerous. Similar arrangements will apply in appeals against a decision not to take action following a review, and in relation to the grant of temporary use notices. The Licensing Authority will choose who it has as its witness.

## How to appeal.

P1.5 To begin the process the appellant must give notice of their appeal within 21 days of their having received notice of the relevant decision. During that period, and until any appeal that has been brought has been finally determined, a determination or other action by the Licensing Authority under Part 8 of the Act will not have effect unless the authority so directs (see section 208 of the Act).

## Who to appeal to.

P1.6 Any appeal against the Licensing Authority is made to the Magistrates court. Your local Magistrates Court can be found at <https://courtribunalfinder.service.gov.uk/search/>

P1.7 An appeal has to be commenced by giving of a notice of appeal by the appellant to the local magistrate's court within a period of 21 days, beginning with the day on which the appellant was notified by the Licensing Authority of the decision being appealed.

P1.8 It should be noted that unless he or she is the appellant, the licence holder or a person who has made an application for:

- A licence
- The transfer or reinstatement of a licence
- A provisional statement.

Is a respondent in any appeal, in addition to the Licensing Authority.

## Determination and appeal outcomes.

P1.9 On determining an appeal, the court may:

- Dismiss the appeal
- Substitute the decision appealed against with any other decision that could have been made by the Licensing Authority

- Remit the case to the Licensing Authority to dispose of the appeal in accordance with the direction of the court.

## Provisional statements.

P1.10 A provisional statement can be refused on exactly the same grounds as a premises licence. The applicant may appeal against the rejection of an application of a provisional statement under section 206(1); and a person who made representations or the applicant may appeal against the grant of an application.

## Permits.

P1.11 The process of appeals in respect of permits is different to that for premises licences and is set out in the following Schedules of the Act:

- Schedule 10 – Family entertainment centre gaming machine permits (further explained in paragraphs 12.16 – 12.17 of the guidance).
- Schedule 11 (Parts 4 and 5) – Small society lotteries (further explained in paragraphs 12.18 – 12.19 of the guidance).
- Schedule 12 – Club gaming permits and club machine permits (further explained in paragraphs 12.20 – 12.26 of the guidance).
- Schedule 13 – Licensed premises gaming machine permits (further explained in paragraphs 12.27 – 12.28 of the guidance).
- Schedule 14 – Prize gaming permits (further explained in paragraphs 12.29 – 12.30 of the guidance).

## Temporary use notices.

P1.12 Appeals in relation to temporary use notices are detailed with in section 226 of the Act. This section grants the right to appeal to the magistrates' court to both the applicant and any person entitled to receive a copy of the notice (that is the Commission, local chief of police and HM Revenue and Customs). Appeals must be made within 21 days of receiving the notice of the Licensing Authority's decision. If the appeal is against the decision of the authority not to issue a counter-notice, then the person giving notice must be joined with the Licensing Authority as a respondent in the case.

P1.13 The magistrates' court may take the following action: dismiss the appeal, direct the authority to take specified action, remit it back to the authority to decide in accordance with a decision of the court, and make an order for costs. It should be noted that if the decision is remitted to the authority, the same rights of appeal will apply as for the original decision.

P1.14 There is no stay of proceedings in relation to temporary use notices (as there are in relation to applications under Part 8 of the Act). However, the time limits are such that the

Commission would expect proceedings on appeal to be heard before the temporary use notice would otherwise take effect.

## Judicial review.

P1.15 Any party to a decision may apply for judicial review if they believe that the decision taken by the Licensing Authority is:

- Illegal – that is beyond the powers available to the Licensing Authority
- Subject to procedural impropriety or unfairness – which is failure in the process of reaching the decision, such as not observing the ‘rules of natural justice’
- Irrational – where a decision is so unreasonable that no sensible person could have reached it (in effect ‘perverse’ or ‘Wednesbury’ unreasonable).

P1.16 For an application to succeed, the application must show that:

- The applicant has sufficient standing to make that claim
- The actions of the reviewed Licensing Authority give grounds for review.

P1.17 But the remedy is a discretionary one and the Court may decline judicial review if, for example, it considers that the applicant has an alternative remedy which is more appropriate to pursue, such as right of appeal, or has a private law claim against the defendant.

P1.18 The applicant can ask the Court to grant a number of orders. A mandatory order compels the reviewed body to do something; a prohibitory order compels it to refrain from doing something; a ‘declaration’ sets out the court’s view on the legality of particular course of action, the applicant can seek an injunction which is, in practice, similar to a mandatory or prohibitory order.

## Part Q. Gambling Commission.

Q1.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the matter in which gambling is carried out, the effects of gambling and the regulations of gambling generally.

Q1.2 The Commission has issued guidance under Section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.

Q1.3 The Commission has also issued Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at: Gambling Commission  
Victoria Square House Victoria Square Birmingham  
B2 4BP  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

## Part R. Covid-19 Safety In Gambling Premises.

The Gambling Commission has set out three clear strategies that it expects all operators and businesses to adhere to in the light of the Covid-19 Pandemic. This authority fully supports those strategies and will work with the Commission on every occasion when a risk to the Licensing Objectives is identified.

### R1.1 Consumer protection must be paramount:

- A strong expectation that you will act responsibly, especially around individual customer affordability checks and increased social responsibility interactions
- Be very mindful that customers may be vulnerable and experiencing financial uncertainty, whilst others may be experiencing other effects of being isolated including, for example, feelings of anxiety, loneliness or boredom
- Get to know your customers and step in if they are showing signs that they are experiencing or at risk of harm.

### R1.2 Marketing must be conducted responsibly.

- You must on-board new customers in a socially responsible way
- You must not exploit the current situation for marketing purposes and should be very cautious when seeking to cross-sell online gaming products to customers who signed up with you in order to bet
- We expect you to ensure that your affiliates are conducting themselves appropriately.

### R1.3 Compliance with licence conditions and codes of practice

- We expect you to act in a way that minimises the risks to the licensing objectives
- Treat consumers fairly and communicate with them in a clear way that allows them to make a properly informed judgment about whether to gamble.
- Work with the Commission in an open and co-operative way and act in accordance with both the letter or the spirit of the regulatory framework we have set

R1.4 If you have information or concerns about the behaviour of an operator then call our Confidential Intelligence Hotline .