



# South Ribble Borough Council

## Gambling Act 2005

Gambling Licensing Policy Statement



Issued: 2012

**SOUTH RIBBLE BOROUGH COUNCIL POLICY STATEMENT  
GAMBLING ACT 2005**

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## **1. The Licensing Objectives**

1.1 In exercising most of their functions under the Gambling Act 2005, (the Act) licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

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

1.2 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it is:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority’s statement of licensing policy

## **2. Introduction**

2.1 South Ribble is situated at the heart of Central Lancashire covering 44 square miles immediately to the south of the River Ribble.

2.2 South Ribble’s location and the excellent transport links to regional and national road and rail networks, together with the proximity of major airports has made it an attractive location in the region for new housing and commercial development.

2.3 The population in South Ribble is 103,900, which has remained relatively stable over the last decade following a period of rapid growth in the 1970s and 1980s.

2.4 The main townships in the borough are Leyland, Penwortham, Walton-le-Dale, Bamber Bridge and Lostock Hall, which also form the main employment and shopping centres. However, there is a mix of urban and rural landscapes and more than 80% of the borough’s designated as greenbelt. The western parishes and the eastern areas of the borough are largely rural.

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

- 2.6 The first Gambling Policy was published on 13<sup>th</sup> December 2006 and revised on the 13<sup>th</sup> December 2009. This is the second revision to date.
- 2.6 South Ribble Borough Council (the licensing authority) consulted widely upon this policy statement (as per the previous policy) before finalising and publishing. A list of the persons we consulted is provided in Appendix 1. [It should be noted that unsolicited comments were received from other persons but we have not listed all of these.](#)
- 2.7 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 Act.
- 2.8 Our consultation took place between 13 June 2012 and 5 September 2012 and we followed the HM Government Code of Practice on Consultation (published July 2008) which is available at::
- [www.bis.gov.uk/files/file47158.pdf](http://www.bis.gov.uk/files/file47158.pdf)
- 2.9 The full list of comments made and the consideration by the Council of those comments is available by request to:
- Licensing Services,  
South Ribble Borough Council,  
Civic Centre,  
West Paddock,  
Leyland,  
PR25 1DH
- or via the Councils website [www.southribble.gov.uk](http://www.southribble.gov.uk)
- 2.10 The policy was approved at a meeting of the Full Council on 21 November 2012 and was published via our website on 13<sup>th</sup> December 2012. Copies were placed in the public libraries of the area as well as being available in the Civic Centre.
- 2.11 Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:
- Name: Kay Lovelady - Principal Solicitor/Licensing Manager
- Address: South Ribble Borough Council
- E-Mail: [klovelady@southribble.gov.uk](mailto:klovelady@southribble.gov.uk)
- 2.12 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

### **3. Declaration**

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

### **4. Responsible Authorities**

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

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

- 4.2 [In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose.](#)

- 4.3 The contact details of all the Responsible Bodies under the Act are available via the Council's website at: [www.southribble.gov.uk](http://www.southribble.gov.uk).

### **5. Interested Parties**

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

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:-

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

- 5.2 In determining whether someone lives sufficiently close to particular premises so as to be affected the licensing authority will take into account, among other things:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the person making the representation;
- the nature of the complaint;

- the potential impact on the premises
- 5.3 In determining whether a person has a business interest which could be affected the licensing authority will consider, among other things:
- the size of the premises;
  - the catchment area of the premises, and
  - whether the person making the representation has business interest in the catchment area that might be affected.
- 5.4 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
- 5.5 The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Act e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 5.6 Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise Parish Councils likely to be affected will be considered to be interested parties. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorities activities and / or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department of the Licensing Authority

## **6. Exchange of Information**

- 6.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 or 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005



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

## **7. Enforcement**

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

7.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and as per that guidance, it will endeavour to be:

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

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

7.4 This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme based on;

- The licensing objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular Part 36
- The principles set out in this statement of licensing policy

7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operating and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission. This authority also understands that the Gambling Commission will be responsible for compliance as regards unlicensed premises.

7.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 Bearing in mind the principle of transparency, this licensing authority's enforcement / compliance protocols / written agreements will be available

upon request to the licensing department. Our risk methodology will also be available upon request.

## **8. Licensing Authority Functions**

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' club* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and / or Club Machine Permits
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell / supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

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

## **9. Human Rights**

9.1 Section 6 of the Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights ("the Convention").

9.2 The licensing authority shall ensure that they will act in accordance with the Convention when determining any application pursuant to the Act. In particular they shall have regard to the following:-

- Article 6 – that in the determination of civil rights and obligations everyone is entitled to a fair public hearing within a reasonable time by an

independent and impartial tribunal established by law;

- Article 8 – that everyone has the right to respect for his home and family life;
- Article 10 – right to freedom of expression;
- Article 1 of the First Protocol to the Convention – that every person is entitled to the peaceful enjoyment of his or her possessions.

## **10. Race Equality**

- 10.1 The licensing authority is fully aware of its duties under the Race Relations Act 1976, as amended by the Race Relations Act (Amendment) Act 2000. In particular it notes that a legal obligation is placed on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.
- 10.2 When exercising its duties under the Act the licensing authority shall ensure that it acts in accordance with those duties referred to in the preceding paragraph.

## **11. Disability Discrimination Act 1995**

- 11.1 The licensing authority reminds applicants that they must be clear of their Responsibilities under the Disability Discrimination Act 1995.

## **12. Administration, Exercise and Delegation of Functions**

- 12.1 The Licensing Committee that was established by the licensing authority for dealing with applications under the Licensing Act 2003 shall also deal with applications under the Act.
- 12.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the delegation of decisions and functions will be as set out in the table set out in Appendix 2.
- 12.3 The scheme of delegation set out is without prejudice to officers referring an application to the Licensing Committee, if it is considered appropriate in the circumstances of any particular case.
- 12.4 Decisions in respect of individual applications will be made by a properly appointed Licensing sub committee.

## **Premises Licences**

### **13. General Principles**

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

### **Decision Making**

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

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

- 13.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections" to gambling are not a valid reason to reject an application for a premises licence (except as regards any "no casino resolution" – see section on Casinos) and also that unmet demand is not a relevant criterion.

### **Definition of "Premises"**

- 13.4 Premises is defined in the Act as "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, Licensing Authorities should play particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between the premises are observed.

The Gambling Commission states in the fourth edition of its Guidance to Local Authorities that: "In most cases the expectation is that a single building/plot will be subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licence for the basement and the ground floor, if they are configured acceptably. Whether different parts of the building can properly be regarded as being separate premises will depend on the circumstances". The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises".

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

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

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

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

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

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

13.6:

#### **Casinos**

- The principal access entrance to the premises must be from a street
- No entrance to a Casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

#### **Adult Gaming Centre**

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

#### **Betting Shops**

- Access must be from a street or from another premises with a betting premises licence
- No direct access from betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not

have a betting shop at the back of a café – the whole area would have to be licensed.

### **Tracks**

- No customer should be able to access the premises directly from:
  - A casino
  - An adult gaming centre

### **Bingo Premises**

- No customer must be able to access the premises directly from:
  - A casino
  - An adult gaming centre
  - A betting premises, other than a track

### **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - A casino
  - An adult gaming centre
  - A betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision making.

### **Premises “ready for gambling”**

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

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

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

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

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60 – 7.67 of the Guidance.

### **Location**

13.7 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of

children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

## **Planning**

- 13.8 The Gambling Commission Guidance to Licensing Authorities states:  
7.60 In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters i.e those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

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

7.67 – When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulations powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

## **Duplication with other regulatory regimes**

- 13.9 This authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

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

The Council would ask applicants to take into account the RR) (Fire Safety) Order (Article 11) as amended, which requires that any premises that is subject of a Licence must have a documented Fire Risk Assessment

## **Licensing Objectives**

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

- 13.10 ***Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*** – This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling being a source of crime. The Gambling Commission’s Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.
- 13.11 ***Ensuring that gambling is conducted in a fair and open way*** – This licensing authority has noted that the Gambling Commission in its Guidance for local authorities has stated that “Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence”. This licensing authority also notes, however, that the Gambling Commission also states “in relating to the licensing of tracks the licensing authorities’ role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable”. This licensing authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.
- 13.12 ***Protecting children and other vulnerable persons from being harmed or exploited by gambling*** – This licensing authority has noted that the Gambling Commission’s Guidance objective talks of protecting children from being “harmed or exploited by gambling.” In practice that means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. The licensing authority will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.
- 13.13 This licensing authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. It is understood that a Code for casinos must:
- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino do not enter the gambling area;
  - amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person (“the supervisor”) who is responsible for compliance with the code of practice; and



- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.
- 13.14 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. This licensing authority will consider this licensing objective on a case by case basis.
- 13.15 **Conditions** – Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
  - directly related to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale and type of premises; and
  - reasonable in all other respects.
- 13.16 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 13.17 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objective. These matters are in accordance with the Gambling Commission’s Guidance.

The Licensing Authority will ensure that where category C or above machines are on offer in premises to which children are admitted:

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

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

(For the sake of clarity these considerations will apply to premises including buildings where multiple premises licences are applicable)

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

13.19 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

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

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

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per Part 33 Guidance)

## 14. Adult Gaming Centres

14.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling

and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Measures/training for staff on how to deal with suspected truant school children on the premises
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as Gam Care

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

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

15.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self exclusion schemes

- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

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

## **16. Casinos**

- 16.1 *No Casinos resolution* – This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

- 16.2 *Licence considerations/conditions* - The licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 26 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission

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

## **17. Bingo Premises**

- 17.1 This licensing authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the splitting of a pre-existing premises into two or more adjacent premises. In such circumstances the gaming machines must remain within the licensed area covered by the premises licence. So for example where two separate bingo premises have been created by genuinely splitting a pre-existing premises into two adjacent premises (where bingo can be played in both), it is not permissible to locate sixteen category B3 Gaming Machines in one of the resulting premises (with none in the other one) as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into bingo premises: however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

## **18. Betting Premises**

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

18.2 The licensing authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

## **19. Tracks**

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

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

19.3 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage

- Specific opening hours
- The location of gaming machines
- Self Exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

- 19.4 *Gaming machines* – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 19.6 *Betting machines* – This licensing authority will, as per Part 6 of the Gambling Commission’s Guidance take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### **Applications and plans**

- 19.9 The Gambling Act (S51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority had the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale , but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

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

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

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

## **20. Travelling Fairs**

- 20.1 It will fall to this licensing authority to decide 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.
- 20.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 20.3 It has been noted that the 27 day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **21. Provisional Statements**

- 21.1 This licensing authority considers that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence.
- 21.2 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement
- 21.3 S204 of the Gambling Act 2005 provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy

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

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

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

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

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

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

## **22. Reviews**

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

- in accordance with any relevant Code of Practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives: and
- in accordance with the authority's statement of principles

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

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

23 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.

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

- a. add, remove or amend a licence condition imposed by the licensing authority;



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

25 In determining what action, if any should be taken following a review, the licensing authority must have regard to the principles set out in Section 153 of the Gambling Act 2005, as well as any relevant representations.

26 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that 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

27 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

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

## **Part C**

### **Permits / Temporary and Occasional Use Notice**

#### **23. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Schedule 10 Paragraph 7)**

23.1 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 (Section 238).

23.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and / or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits..., licensing authorities will want to give weight to child protection issues."

23.3 The Guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, 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 FEC's
- 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

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

23.5 *Statement of Principles* – 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, or children causing perceived problems on/around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's ; that the applicant has no relevant convictions (those that are set out in Schedule 7 if the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes

23.6 With regard to renewals of these permits, a licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

**24. (Alcohol) Licensed Premises Gaming Machine Permits – (Schedule 13 Paragraph 4(1)) Automatic entitlement: 2 machines**

24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on premises (public houses), to automatically have 2 gaming machines, of categories C and / or D. The premises merely need to notify the licensing authority and pay the prescribed fee.

If the person ceases to be the holder of the on-premises alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence would also need to notify the licensing authority of their intention to make the gaming machines available for use 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 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 Act has been committed on the premises.

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

24.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “*such matters as they think relevant*”.

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

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

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

24.5 It should also be noted that the holder of a permit to must comply with any Code of Practice issued by the Gambling Commission or the Gambling Commission Guidance about the number, category, location and operation of the machine.

### **25. Prize Gaming Permits**

25.1 The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

25.2.1 This licensing authority has prepared a Statement of Principles. This is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should also be able to demonstrate:

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

25.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

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

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

## **26. Club Gaming and Club Machines Permits**

26.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

26.2 The licensing authority notes that the Gambling Commission's Guidance states:

25.46 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 into account a number of matters as outlined in sections 25.47 – 25.49 of the Gambling Commission Guidance. These include the constitution of the club, the frequency of gaming and ensuring that there are more than 25 members.

The club must be conducted "wholly or mainly" for 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

26.3 The Guidance also makes it clear that "Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18".

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

- a. the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

- b. the applicant's premises are used wholly or mainly by children and / or young persons;
- c. an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d. a permit held by the applicant has been cancelled in the previous ten years; or
- e. an objection has been lodged by the Commission or the police.

26.5 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003.

Commercial Clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast track procedure.

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 ground upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- a. that the club is established primarily for gaming, other than gaming prescribed by regulation under section 266 of the Act;
- b. that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c. that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled".

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

The factors this authority will take into account when granting a club gaming permit can be found in Section 25 of the Gambling Commission Guidance.

The Gambling Commission has issued a Code of Practice under S24 of the Act in respect of exempt equal chance gaming the provisions which should be followed to ensure good practice measures are adopted for the provision of gaming.

## **27. Temporary Use Notices**

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

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

27.1.3 The Secretary of state has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments

27.1.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with “premises”, the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”

27.1.5 In considering whether a place falls within the definition of “a set of premises”, the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

## **28. Occasional use Notices**

28.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will though need to consider the definition of a ‘track’ and whether the applicant is permitted to avail him / herself of the notice. This licensing authority will also ensure that no more than 8 OUN’s are issued in one calendar year in respect of any venue.**29. Small Society Lotteries**

The licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw is held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- By, or on behalf of a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities
- Charities and community groups should contact this licensing authority for further advice.

## APPENDIX 1

### List of Consultees

- Lancashire Constabulary -
- Lancashire Fire and Rescue Services -
- Community Safety Partnership -
- South Ribble Borough Council Public Health and Housing -
- South Ribble Borough Council Highways -
- South Ribble Borough Council Planning -
- All South Ribble Area Committees-
- All Town Councils/Parish Councils in the South Ribble area -
- Citizen's Panel Focus Group -
- Local Safeguarding Children Board –
- HM Customs and Excise-
- Chorley and South Ribble Business Club -
- Federation of Licensed Victuallers Associations -
- North and West Lancashire Chamber of Commerce -
- All betting shops and amusement centres in the borough -
- Gambling Commission -
- Other bodies requesting consultation -

In addition:

This policy can be found on the website at [www.southribble.gov.uk/licensing](http://www.southribble.gov.uk/licensing) . In addition the policy will also be placed on deposit in the Civic Centre, Leyland and at public libraries throughout the borough.

## APPENDIX 2

### Summary of licensing authority delegations permitted under the Gambling Act.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a premises licence		X	
Application for club gaming / club machine permits		Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn
Cancellation of club gaming / club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	



### APPENDIX 3

#### Category of Gaming Machines

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3	£2	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D (non money prize (other than crane grab machine)	30p	£8
D non money prize (crane grab machine)	£1	£50
D money prize	10p	£5
D combined money and non money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 be a money prize)
D combined money and non money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

**NB** The figures quoted above may periodically be changed by secondary legislation by central government.