

South Ribble Borough Council

Gambling Policy



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1 Purpose and Scope of the Licensing Policy

1.1 Introduction

This Statement of Licensing Policy covers the administrative area of South Ribble and sets out how South Ribble Council intends to exercise its functions under the Gambling Act 2005 and the principles that it intends to apply. This policy takes effect on 16 November 2016 and will remain in force until 31 January 2019. During this period the policy will be subject to periodic review and any proposed changes will be consulted upon.

In preparing this policy, the licensing authority has consulted with the following:

- The Chief Officer of Police for the licensing authority's area;
- One or more persons who appear to the authority to represent the interest of persons carrying on gambling businesses in the authority's area; and
- One or more persons who appear to the licensing authority to represent the interest of persons who are likely to be affected by the exercise of the Licensing Authority's functions under the Gambling Act 2005.

The full list of consultees is attached at Appendix 1.

Details of any responses received during the consultation period is available from:

The Licensing Unit
South Ribble Borough Council
Civic Centre
West Paddock
Leyland
PR25 1DH
licensing@southribble.gov.uk

Nothing in this policy statement will 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.

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

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. It has recently been successful along with partner local authorities in Central Lancashire to secure City Deal funding which is being used to improve the transport network and economic investment in the Borough.

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.

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 areas. However, there is a mix of urban and rural landscapes and more than 80% of the Borough is designated as greenbelt. The western parishes and the eastern areas of the Borough are largely rural.

There are a number of wards within the Borough which fall within the statistics for deprivation. Applications for premises licences falling within these wards will have to satisfy the Licensing Authority that the granting of a licence would not further contribute to existing deprivation levels or otherwise undermine the protection of children and other vulnerable persons from being harmed or exploited by gambling.

1.2 Licensing Authority Functions

Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are taking 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 club machine permits;
- Issue club machine permits to commercial clubs;
- Grant permits for the use of certain lower stakes gaming machines at unlicensed family entertainment centres;
- Receive notifications from alcohol licensed premises for the use of up to two gaming machines;
- Issue licensed premises gaming machine permits to premises licensed to supply alcohol for consumption on the premises where more than two machines are required;
- Register small society lotteries below the prescribed threshold;
- Issue permits for prize gaming;
- Receive temporary use notices; and
- Receive occasional use notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the licences and permits issued under these functions

It should be noted that the licensing authority is not involved in licensing of remote gambling or the national lottery.

1.3 Responsible Authorities

Responsible authorities use their particular area of expertise to help promote the licensing objectives. They are able to make representations about applications and apply for the review of a licence. Responsible authorities will also offer advice and guidance to applicants.

A full list of the responsible authorities and their contact details is available on the Council's website at www.southribble.gov.uk

The licensing authority is required 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

In accordance with the regulations, the Council designates the Local Safeguarding Children Board for this purpose.

1.4 Interested Parties

The Gambling Act defines an interested party as a person who:

- 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 satisfies the bullet points above.

In determining whether someone lives sufficiently close to particular premises so as to be affected, the Licensing Authority will take into account factors including, but not limited to:

- The size of the premises
- The nature of the premises
- The proposed activities at the premises
- The distance from the premises of the person making the representations
- The nature of the complaint

In determining whether a person has a business interest which would qualify them as an interested party, the Licensing Authority will consider factors including, but not limited to:

- The size of the premises;
- The catchment area of the premises; and
- Whether the person making the representation has a business interest in the catchment area that would potentially be affected by the gambling activities under consideration.

The Licensing Authority will not apply a rigid rule to its decision making and every representation will be considered on its own merits. The Licensing Authority will always have regard to the Gambling Commission Guidance to Local Authorities and this policy when determining whether a person is an interested party.

“Business interests” will be given its widest possible meaning and may include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested party will be required as long as the Councillor/MP represents a 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 proposed activities and/or has business interests that might be affected by the proposed activities. A letter from one of these persons requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not a member of the Licensing Committee dealing with the application. If there are any doubts then please contact South Ribble's Licensing Unit.

1.5 Exchange of Information

The Licensing Authority will, in accordance with Sections 29 and 30 of the Act exchange information with the Gambling Commission where the request does not conflict with the Authority's duties under the Data Protection Act 1988.

The Licensing Authority will, in accordance with Section 350 of the Act exchange information with other persons or bodies identified in Schedule 6 of the Act where the request does not conflict with the Authority's duties under the Data Protection Act 1988.

The Authority does not currently have any specific protocols with Schedule 6 bodies; however it will keep this position under review and establish suitable protocols where it is deemed necessary or advantageous to do so.

1.6 Data Protection and Freedom of Information

South Ribble Borough Council will abide by the Data Protection Act and Freedom of Information Act in respect of safeguarding and releasing information or data.

Data Protection Act

This Act requires that data must be:

- Processed fairly and lawfully
- Obtained and used for lawful and specified purposes
- Adequate and relevant for those purposes
- Accurate and where necessary kept up to date
- Kept only for as long as necessary
- Accessible to the data subject
- Kept securely

In the context of the Gambling Act, this means that South Ribble Borough Council will only retain information that relates to the processing of applications for licences, permits, permissions and representations. This information will only be retained for the period of time it is needed for processing.

Applications and representations are documents which are in the public domain and are therefore available on request and may be published on the website as part of the information supplied if a hearing is arranged, or on the public register.

Information will also be shared with other regulators or persons if this is prescribed by the Secretary of State.

Freedom of Information Act

The Freedom of Information Act allows anyone to request access to information. These requests are normally made in writing either by email or letter. In certain circumstances a fee may be required or we may ask for more specific information. Requests will be dealt with within 20 working days and the information will be released if possible. If it is not possible to release the information an explanation will

be provided together with details of how a complaint can be made to the Information Commissioner. The information will be released in the format requested unless it is in the public interest not to do so.

1.7 Human Rights

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)

The Licensing Authority will ensure that it will act in accordance with the Convention when determining any application under the Gambling Act 2005. In particular the Licensing Authority will have regard to the following:

- Article 1 – every person is entitled to the peaceful enjoyment of his or her possessions. A licence is considered a possession in law and people should not be deprived of their possessions unless it is in the public interest;
- Article 6 – the right to a fair hearing
- Article 8 – the right to respect for home and family life
- Article 10 – the right to freedom of expression.

1.8 Equality

The Licensing Authority shall act in accordance with its duties under the Equality Act 2010

1.9 Delegation of functions

The Licensing Committee established by the Licensing Authority to deal with matters arising under the Licensing Act 2003 shall also deal with matters under the Gambling Act 2005.

To facilitate an efficient and cost effective service for all parties involved in the licensing process, it is normal practice in routine, uncontested decisions for the Licensing Authority to authorise a senior officer to deal with the matter on their behalf. Appendix 2 sets out the scheme of delegations under the Gambling Act 2005.

Decisions in respect of contested applications or licence reviews will be made by a Licensing Sub-Committee.

2 The Licensing Objectives

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

The Gambling Commission takes a lead role in preventing gambling from being a source of crime by vetting applicants for personal and operator licences. The Licensing Authority will however look at the location of the proposed premises in terms of this licensing objective. Where an area is known for having high levels of

crime or disorder the Licensing Authority will consider whether the premises are suitable to be located there and whether conditions such as the provision of door supervisors may be required.

There is a distinction between disorder and nuisance. Complaints about nuisance cannot be resolved through the Gambling Act 2005 however it may be possible to address problems of this nature through other types of legislation.

Factors such as whether police assistance was required and how threatening the behaviour was will be considered in determining whether the incident was disorder or nuisance.

Ensuring that gambling is conducted in a fair and open way

The Licensing Authority will not normally be concerned with ensuring that gambling is conducted in a fair and open way as this will ordinarily be addressed by the Gambling Commission through the granting of personal and operating licences.

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

This can mean preventing children from taking part in or being in close proximity to gambling.

There is no definition of the term “vulnerable person” but this could include people who are gambling beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment or to the use of alcohol and/or drugs.

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

3 Premises Licences

3.1 Introduction

A premises licence is required from the licensing authority where an individual or company with a valid operator’s licence, issued by the Gambling Commission, wishes to offer gambling at premises located within the local authority’s area.

A premises licence may only authorise one primary gambling activity. The types of gambling premises licences which will be considered by the licensing authority are:

- a. Casino
- b. Bingo
- c. Betting

- d. Adult Gaming Centre
- e. Family Entertainment Centre

The Licensing Authority's primary obligation is to permit the use of premises in so far it thinks that it is

- In accordance with the relevant codes of practice issued by the Gambling Commission;
- In accordance with the guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Licensing Policy

Premises licences are subject to the permissions/restrictions set out in the Gambling Act 2005, associated regulations and mandatory and default conditions. Licensing authorities are able to exclude default conditions and attach other conditions if it is believed that they are necessary and proportionate.

Each application will be considered on its own merits. Demand or need for premises of a particular type is not something which the licensing authority can take into account. Other factors that cannot be taken into account are moral/ethical objections, a general dislike of gambling, nuisance issues or the likelihood of planning/building regulation approval.

3.2 Local Risk Assessments

From 6th April 2016 it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that all premises licence holders assess local risks to the licensing objectives posed by the provision of gambling facilities at their premises. Premises licence holders must also have procedures and control measures in place to mitigate these risks. When undertaking a risk assessment the operator must take into account relevant matters identified in this licensing policy.

A risk assessment must be completed when applying for a new premises licence and should be reviewed and updated:

- To take account of significant changes in local circumstances, including those identified in this policy;
- When there are significant changes at the premises that may affect the mitigation of local risks;
- When applying for a variation of the premises licence.

As a minimum the risk assessment should include:

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The ethnic profile of the area;
- The demographics of the area with reference to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.

3.3 Multiple licences

“Premises” is defined in the Act as “any place” and whilst section 152 of the Act prevents more than one premises licence being in force for any place, it does not prohibit a single building being subject to more than one premises licence.

Before the licensing authority will grant multiple licences for a single building it must be satisfied that the places subject to the applications can reasonably be regarded as separate premises. In determining this the licensing authority will consider all information which is relevant which will include but is not limited to:

- The postal address of the premises;
- The means of access to the premises i.e. directly from the street;
- The occupancy and ownership rights of the applicants;
- The means of assessment for business rates payable for each “premises” and who is liable for such payments;
- The permanency of any structures used or proposed to be used to separate the premises;
- Whether other areas within the building are being used for non-gambling activities and their proximity to the proposed premises. This is particularly persuasive when the non-licensed areas might reasonably be frequented by children or vulnerable people;
- Whether access to one licensed premises may be gained directly from another licensed premises

3.4 Specific Types of Licence

The licensing authority will consider access provisions for individual types of licensed premises in line with the latest guidance from the Gambling Commission:

Casinos

- The principal access to the premises must be from the 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.

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

The licensing authority will consider applications for a premises licence in respect of premises if it is satisfied that that it is going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before they can be brought into use.

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

When deciding if a premises licence can be granted in respect of premises that require construction or alteration the licensing authority will apply a two stage consideration process:

- Whether the premises ought to be permitted to be used for gambling; and
- 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

3.5 Location

The licensing authority will not consider demand issues when determining an application however it will pay particular attention to the need to protect children and vulnerable persons from being harmed or exploited by gambling when considering the location of the proposed premises.

It will also consider whether there is evidence that the locality suffers from incidents of crime and disorder and in these circumstances the licensing authority may consider it appropriate to grant a licence subject to conditions in accordance with Section 169 of the Act.

3.6 Planning

The licensing authority will not consider whether the applicant has or is likely to obtain planning permission or building regulations approval for their proposal.

Applicants are advised that when the Council, as the local Planning Authority, considers its position under planning or building legislation it will not be prejudiced by any decision of the licensing authority to grant a premises licence, or otherwise be prevented from taking appropriate action under those areas of legislation.

3.7 Duplication with other regulatory regimes

The licensing authority will not concern itself with matters already provided for in other statutory or regulatory regimes. It will however consider any concerns that gambling conditions are not able to be met by licence holders due to planning restrictions should the situation arise.

Applicants are expected to comply with their duties under the Fire Safety Regulatory Reform Order, which requires that any premises that is subject of a licence must have a documented fire risk assessment.

3.8 The Licensing Objectives

When considering applications the licensing authority must aim to permit the use of premises for gambling in so far as it is, amongst other things, reasonably consistent with the licensing objectives.

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

If there is evidence that the premises is in a locality which suffers from problems with organized crime or general crime and disorder, the licensing authority will consider firstly whether it is appropriate to grant a licence in that location. If it is satisfied that it is, it will then consider whether in the circumstances it should attach conditions to the licence in accordance with Section 169 of the Act.

Ensuring that gambling is conducted in a fair and open way

The licensing authority expects that premises licence holders will ensure that all gambling is conducted in a fair and open way. Concerns or complaints that arise under this objective will be referred to the Gambling Commission in their role as the regulators of both operator and personal licences.

In the case of tracks, where a premises licence holder is not required to have an operator licence, the licensing authority will consider whether conditions are required on the premises licence to ensure that the environment in which betting takes place is suitable.

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

In relation to children this requirement is explicitly to protect them from being harmed or exploited by gambling. In practice that means not just preventing them from taking part in gambling, but restricting 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 consider whether specific measures are required with regard to this objective. Appropriate measures may include supervision of entrances or gaming machines and the segregation of areas.

3.9 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;
- Fair and reasonable in relation to the scale and type of premises; and
- Reasonable in all other respects.

Decisions on individual conditions will be made on a case by case basis. Although there are a number of measures that the licensing authority will consider imposing in appropriate cases, for example the use of supervisors and signage, the authority does expect that the applicant will offer their own suggestions as to the way in which the licensing objectives can be met effectively.

The 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 specific premises, the supervision of entrances, and segregation of gambling from non-gambling areas in order to pursue the licensing objectives.

Where Category C machines are on offer in premises to which children are admitted, the licensing authority will expect to see measures in place to ensure:

- 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 areas where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by 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.

The following conditions may not be attached to premises licences:

- Any condition which would make it impossible to comply with an operating licence condition;
- Any condition relating to gaming machine categories, numbers or method of operation;
- Any condition which provides that membership of a club or body be required; and
- Any condition in relation to stakes, fees, winnings or prizes

Door Supervisors

In some cases there may be a need for door supervisors in terms of the protection of children or preventing a premises becoming a source of crime. The licensing authority however cannot impose a condition requiring door supervisors at casino or bingo premises to be licensed by the Security Industry Authority (SIA). For premises other than casinos or bingo premises, door supervisors may be required to be registered with the SIA however it will not automatically be assumed that they need to be.

Whilst there is no evidence to demonstrate that the operation of betting offices ordinarily requires the use of door supervisors to protect the public a condition requiring such supervision may be imposed where there is clear evidence from the

history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

3.9.1 Adult Gaming Centres

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures in place to ensure that those under the age of 18 years do not have access to the premises. Appropriate measures/licence conditions may include:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances/machine areas
- Location of entry
- Notices/signage
- Staff training on how to deal with suspected truants
- Self-exclusion schemes
- Provision of information leaflets/numbers for organisations such as Gam Care

This list is not mandatory or exhaustive and is merely indicative of example measures.

3.9.2 Licensed Family Entertainment Centres

The licensing authority will specifically have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. The applicant will be expected to satisfy the authority that there will be sufficient measures in place to ensure that those under the age of 18 years do not have access to adult only gaming machine areas. Appropriate measures/licence conditions may include:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances/machine areas
- Location of entry
- Notices/signage
- ***Staff training on how to deal with suspected truants***
- **Self-exclusion schemes**
- Provision of information leaflets/numbers for organisations such as Gam Care

This list is not mandatory or exhaustive and is merely indicative of example measures.

The licensing authority will refer to the Gambling 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 and will also make itself aware of any mandatory or default conditions on these premises licences where they have been published.

3.9.3 Casinos

The licensing authority has not passed a “no casino” resolution under Section 166 of the Act. Should the licensing authority decide in the future to pass such a resolution this policy will be updated.

Conditions will be attached according to the principles set out in the Gambling Commission’s guidance.

Betting machines – the authority will 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 machines by children and young persons, or by vulnerable people when considering the number, nature and circumstances of betting machines that an operator may wish to offer.

3.9.4 Bingo Premises

The licensing authority must be satisfied that bingo will be played in any bingo premises before 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.

Where a pre-existing premises is split into two or more adjacent premises, Gambling Commission guidance is that the gaming machines must remain within the licensed area covered by the premises licence.

It is important that if children are allowed into premises licensed for bingo that they do not participate in gambling, other than on Category D machines. Where Category c or above machines are available on premises to which children are admitted the licensing authority will expect to see measures in place to ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under the age of 18.

3.9.5 Betting Premises

Betting machines - the authority will 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 machines by children and young persons, or by vulnerable people when considering the number, nature and circumstances of betting machines that an operator may wish to offer.

3.9.6 Tracks

Tracks are sites where races or other sporting events take place.

All tracks will require a primary “general betting” premises licence that the track operator will hold. Track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various gambling operators offering betting at the track will each hold an operating licence.

Tracks may be subject to one or more premises licences, provided each licence relates to a specific area of the track. This may be preferable for self-contained premises providing off-course betting facilities. The licensing authority will assess each individual case on its merits before deciding if this is necessary.

Children and young persons will be permitted to enter track areas where facilities for betting are provided although they are still prohibited from entering areas where gaming and betting machines (other than Category D machines) are provided.

Appropriate measures/licence conditions may include:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances/machine areas
- Location of entry
- Notices/signage
- Staff training on how to deal with suspected truants
- Self-exclusion schemes
- Provision of information leaflets/numbers for organisations such as Gam Care

This list is not mandatory or exhaustive and is merely indicative of example measures.

3.10 Travelling Fairs

Where Category D machines and/or equal chance prize gaming without a permit are to be made available for use at a travelling fair, it will be for the licensing authority to decide whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

It is noted that the 27 day statutory maximum for 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 fair occupying the land. The licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

3.11 Provisional Statements

A provisional statement application is a process which allows a developer to discover whether a building which he expects to be constructed, altered, to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence but it does give some form of guarantee that a licence would be granted.

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

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

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. At this stage no representations can be taken into account from responsible authorities or interested parties 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.

The authority may refuse a 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 licence stage; or
- Which in the authority's opinion, reflect a change in the operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan submitted with the application

When determining an application for a provisional statement the licensing authority will not have regard to issues relating to planning consent or building regulations, for example the likelihood that planning consent will be granted.

3.12 Enforcement and compliance

When exercising its functions under Part 15 of the Act in respect of the inspection of premises and its powers under section 346 of the Act to institute criminal proceedings in respect of offences, the Licensing Authority will act in accordance with the following principles:

Consistency - to ensure that similar issues are dealt with in the same way whilst taking into account:

- The attitude and actions of management;
- The history of previous incidents or breaches;
- The likely effectiveness of the action taken.

Fairness – to ensure a fair and even handed approach that promotes decisions which are not influenced by gender, ethnic origin, religious or political beliefs or sexual preferences or by contractual or other relationships to the Licensing Authority, its Members, or Officers.

Transparency – to ensure that any enforcement action taken by the Licensing Authority is easily understood by individuals and that clear distinctions are made between legal requirements and that which is desirable.

Targeted – to ensure that any enforcement action taken is focused primarily on those activities which give rise to the most serious risk or where the risks are considered to be inadequately controlled.

Proportionality – any actions taken will reflect that seen as necessary to achieve compliance with legislation and relate directly to the actual or potential risk to the consumer or business. Enforcement activities will be focused on those businesses or activities where:

- Intelligence indicate concerns, and/or
- Evidence is found indicating deliberate breaches of the law and/or attempts to mislead officers.

Helpfulness – enforcement officers will be courteous and identify themselves by name and if requested will provide a contact telephone number. In most circumstances officers will seek to help businesses and those adversely affected by licensable activities through education in terms of regulatory requirements and procedures.

Accountable – the Licensing Authority has responsibility to the public for its actions and will provide clear, accessible policies and a fair and efficient complaints procedure.

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible, however, it will work in partnership with other regulators when issues with licensed premises are identified, to deliver a multi-agency approach to audit and compliance.

The Licensing Authority will adopt a risk-based inspection programme based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy
- Any identified local risks.

3.13 Reviews

Requests for the review of a premises licence can be made by responsible authorities or interested parties; however it is for the licensing authority to decide whether the review should 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

The licensing authority will also consider whether such a request for a review is frivolous, vexatious, or whether it is substantially the same as previous representation or requests for a review or where it will certainly not cause the authority to wish to alter, revoke or suspend the licence.

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

Once a valid application for a review has been received by the licensing authority, representations may be made by responsible authorities and interested parties during a 28 day consultation period. The licensing authority will carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review is to determine whether the licensing authority should take any action in relation to the licence. If action is deemed necessary, the options available to the licensing authority are:

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

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

The licensing authority may initiate a review of a premises licence on the grounds that the premises licence holder has not provided facilities for gambling at the premises. This is intended to prevent people from applying for licences in a speculative manner without intending to use them.

4 Statement of Principles on Permits

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

The sections below detail the matters that the licensing authority will have regard to when considering applications for permits.

4.1 Unlicensed Family Entertainment Centre Gaming Machine Permit

The licensing authority will consider applications for an unlicensed family entertainment centre gaming machine permit where the applicant does not hold a premises licence but wishes to provide gaming machines. The applicant must be able to show that the premises will wholly or mainly be used for making gaming machines available for use.

When determining the suitability of an applicant for a permit the licensing authority will have regard to the licensing objectives, any relevant guidance issued by the Gambling Commission and any comments made by Lancashire Constabulary.

The licensing authority expects that an applicant will be able to demonstrate:

- That they have suitable and sufficient 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 be considered on their merits;

- That there are appropriate measures and staff training in place to deal with suspected truanting school children on the premises;
- That there are suitable measures and staff training in place on how to deal with children causing perceived problems on/around premises;
- That the applicant and all staff have an understanding of the maximum stakes and prizes that may be offered at the premises
- That the applicant has no relevant convictions.

As part of the application process, the applicant will be required to submit a scale plan of the premises.

The licensing authority may refuse to renew a permit if an authorised local authority officer has been refused access to the premises without reasonable excuse or where renewal would not be reasonably consistent with the licensing objectives.

4.2 Licensed Premises Gaming Machine Permits

4.2.1 Automatic Entitlement

There is provision in the Act for the holder of a premises licence authorizing the sale of alcohol for consumption on the premises to be entitled, on giving notification and paying the relevant fee, to provide 2 gaming machines of Categories C or D. This automatic entitlement ceases when the holder of the premises licence gives up their interest in the licence. Subsequent holders of the premises licence are required to notify the licensing authority of their intention to make gaming machines available for use and pay the prescribed fee.

The licensing authority may remove the automatic entitlement in respect of a premises where:

- The provision of such machines is not reasonably consistent with the licence objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act;
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises

4.2.2 Three or more machines

Where a premises wishes to have more than 2 machines an application for a licensed premises gaming machine permit is required. The licensing authority must consider such an application based on the licensing objectives, any relevant guidance issued by the Gambling Commission and “such other matters as it thinks relevant”

“Such matters” will be considered on a case by case basis but there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and the applicant will be expected to satisfy the licensing authority that there will be sufficient measure in place to ensure that under 18s year olds do not have access to the adult only gaming machines. Measures may include the Category C machines being placed in sight of the bar or in the sight of staff that will monitor the use of the machines. The applicant may also wish to consider the provision of information leaflets/helpline numbers for organisations such as Gamcare.

Where an applicant can demonstrate compliance with the Gambling Commission

Code of Practice on Gaming Machines, granting of the application will be the normal course as long as the number of machines requested can be shown to be reasonable in relation to the size of the premises.

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

4.3 Prize Gaming Permit

The licensing authority is concerned that premises with the benefit of a prize gaming permit will particularly appeal to children and young persons. When considering an application the licensing authority will give significant weight to child protection issues and will need to be satisfied that the granting of a permit will not place children and young persons at risk as a consequence.

The applicant should set out the types of gaming that they intend to offer and they should also be able to demonstrate:

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

In determining an application for a Prize Gaming Permit the licensing authority will have regard to any relevant Gambling Commission guidance and may have regard to the licensing objectives.

4.4 Club Gaming and Club Machine Permit

Members Clubs and Miner's Welfare Institutes (but not Commercial Clubs) may apply for a club gaming permit or a club gaming machine permit.

A club gaming permit enables the premises to provide no more than 3 gaming machines from Category B3A (only one machine may be of this category), B4, C or D, equal chance gaming and games of chance as set out in the Regulations.

A Club machine permit will enable the premise to provide up to 3 gaming machines from Categories B3A, B4, C or D.

Before granting either a club gaming or club gaming machine permit, the licensing authority must be satisfied that the club meets the requirements of the Act. A members club must have at least 25 members and must be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations (this is the case for bridge and whist clubs)

The licensing authority will only refuse an application where:

- The applicant does not fulfil the requirements for a members' club, 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 people;
- 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.

A “fast-track” procedure is available for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under this procedure there is no opportunity for the Gambling Commission or the Police to object to the application and the only grounds on which an application may be refused are:

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

4.5 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

The licensing authority will only grant a temporary use notice to a person or company holding a relevant operating licence.

The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 set out what form of gambling can be authorised by a temporary use notice. In summary they may only be used to authorise:

- Gambling that is authorised by the applicant’s operating licence
- Gambling for a maximum of 21 days in any 12 month period for any/all of the named set of premises
- Facilities for equal chance gaming where the gaming in each tournament is intended to produce a single overall winner.

A temporary use notice may not be used to authorise the provision of gaming machines.

In considering whether a place falls within the definition of “a set of premises” the licensing authority will consider amongst other things, the ownership, occupation and control of the premises.

The licensing authority may 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.

4.6 Occasional Use Notices

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 however consider the definition of a “track” and whether the applicant is permitted to avail themselves of this notice.

Appendix 1 – List of Consultees

Gambling Commission
Lancashire Constabulary
Lancashire Fire and Rescue
Central Lancashire Business Club
Planning
Public Health & Housing
HMRC
North West Lancashire Chamber of
Commerce
British Beer & Pub Association
Association of British Bookmakers
Holders of all gambling premises licences
Lancashire Safeguarding Board
Parish/Town Councils in the area

Appendix 2 – Scheme of Delegations

Application	Full Council	Licensing Panel	Officer
Three year licensing policy	X		
No casino resolution	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for variation of licence		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Application for transfer of licence		Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for provisional statement		Where representations have been received and not withdrawn	Where no representations have been received/representations withdrawn
Review of premises licence		X	
Application for club gaming/club machine permit		Where objections have been received and not withdrawn	Where no objections have been received/objections withdrawn
Cancellation of club gaming/club machine permit		X	
Application for other permits			X
Cancellation of licensed premises gaming machine permit			X
Consideration of a temporary use notice (TUN)			X
Decision to give a counter notice to a TUN		X	