



## **STATEMENT OF PRINCIPLES 2019 - 2022**

### **GAMBLING ACT 2005**

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## PART A

### 1. THE LEGAL FRAMEWORK AND LICENSING OBJECTIVES

1.1 The Gambling Act 2005 (“the 2005 Act”) places a legal duty on both the Gambling Commission (“Commission”) and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether. Licensing Authorities are required by the 2005 Act to publish a Statement of Principles (commonly known as a policy statement) which they propose to apply when exercising their functions.

1.2 The licensing objectives are:

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

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

1.3 Preston City Council (“Council”) is the licensing authority for the City of Preston. It is aware that it has a duty to aim to permit the use of premises for gambling in so far as it thinks fit:

- In accordance with any relevant code of practice issued by the Commission
- In accordance with any relevant guidance issued by the Commission
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Principles (“Policy”).

1.4 The Commission has provisions within its social responsibility code within the Licence Conditions and Code of Practice (LCCP) which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and

to have policies, procedures and control measures to mitigate those risks. This code intends to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling. Licence holders must also take into account relevant matters included in this Policy.

- 1.5 Licence holders must review (and update as necessary) their local risk assessments:
- To take account of significant changes in local circumstances, including any identified in this Policy
  - When there are significant changes at a licence holders' premises that may affect their mitigation of local risks
  - When applying for a variation of a premises licence and
  - In any case, undertake a local risk assessment when applying for a new premises licence.

## **2. PRESTON PROFILE**

- 2.1 Please refer to the following link to Preston's Local Authority Profile published by Lancashire County Council - <https://www.lancashire.gov.uk/lancashire-insight/area-profiles/local-authority-profiles/preston-district/#Eco>

## **3. POLICY STATEMENT BACKGROUND**

- 3.1 This Policy must be published at least every three years. It must also be reviewed from "time to time" and any amended parts re-consulted upon and then re-published.
- 3.2 This Policy is our mandate for managing local gambling provision and sets out how we view the local risk environment and therefore our expectations in relation to operators with premises in Preston.
- 3.3 Whilst this Council does not currently have a Local Area Profile as referenced in the Commission's Guidance to Local Authorities, nonetheless its clear priority is to ensure that children and vulnerable persons are not harmed by gambling. To this end we expect applicants to research and understand the local environment in which they wish to operate and to demonstrate that they have effective and robust measures in place to promote the licensing objectives and mitigate any risks related to it. We will not hesitate to take appropriate enforcement action where this does not appear to be the case.

3.4 In determining this Policy regard was given to the licensing objectives, the 5<sup>th</sup> edition of the Guidance to Licensing Authorities and any responses received from those consulted on the draft statement.

3.5 The 2005 Act requires that the following parties are to be consulted by licensing authorities:

- Police;
- One or more persons who appear to us to represent the interests of persons carrying on gambling businesses in Preston; and
- One or more persons who appear to us to represent the interests of persons who are likely to be affected by the exercise of our functions under the 2005 Act.

Public consultation was undertaken via the local media, our website and the social network. A list of those consulted is attached at **Appendix 1**.

3.6 The revised Policy was approved at a meeting of the Full Council on 13 December 2018 and became effective on 29 January 2019 following a period of four weeks after it's advertisement via our website and a local newspaper. Copies are available at the Town Hall, Lancaster Road, Preston, PR1 2RL. Should you have any comments as regards this Policy please send them by email or letter to the following contact:

Licensing Services  
Environmental Health Department  
Preston City Council  
Town Hall  
Lancaster Road  
Preston  
PR1 2RL

Email: [licensing@preston.gov.uk](mailto:licensing@preston.gov.uk)

It should be noted that this Policy 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 2005 Act.

## **4. LICENSING AUTHORITY FUNCTIONS**

4.1 The Policy covers the following functions:-

- Granting of Premises Licences for places that provide gambling activities;
- Issuing of Provisional Statements for proposed gambling activity premises;
- Granting of Club Gaming permits and/or Club Machine permits to members' clubs;
- Issuing Club Machine permits to commercial clubs;
- Granting of permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive Notifications from alcohol licensed premises for the use of two or less gaming machines;
- Issue Licensed Premises Gaming machine permits to those alcohol licensed premises who wish to provide more than two gaming machines;
- Register Small Society Lotteries;
- Issue Prize Gaming permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission; and
- Maintain registers of the permits and licences issued under these functions.

4.2 Local licensing authorities are not involved in the regulation remote gambling. This is undertaken by the Commission.

4.3 The provisions of the 2005 Act delegates all decisions relating to Premises Licences, Temporary Use Notices, Occasional Use Notices and the issuing of permits for gaming machines and prize gaming to the Licensing Committee of the Council. This Committee is responsible for the discharge by the Council of the licensing functions under the 2005 Act.

4.4 In order to provide a speedy, efficient and cost effective service and in accordance with the 2005 Act, the Committee has delegated decisions and functions to a number of Sub-Committees to deal with them as detailed in this statement. Further, due to the fact that most decisions and functions are administrative in nature, the grant of non-contentious applications, including those where no representations have been made, are delegated to officers.

4.5 In accordance with the 2005 Act and the Commission's Guidance the Council will:

- Refer adoption of this three year Policy to Full Council
- Exercise any delegated power under Regulations to set fees in consultation with the appropriate Cabinet member
- Delegate any decisions where valid representations are received to premises licence applications to the Licensing Committee
- Invite the Licensing Committee to further delegate decision making to a Licensing Sub-Committee.

4.6 The following table shows how the Council will deal with matters under the 2005 Act:

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>LicensingSub-Committee Hearing</b>	<b>Director of Development</b>
Fee setting			✓
Application for premises licence		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence		If a relevant representation made	If no relevant representation made
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority notice		If a police objection	All other cases
Application to review premises licence		✓	
Decision as Responsible Authority to call for a review of a premises licence			✓
<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee Hearing</b>	<b>Director of Development</b>
Application for club gaming/club machine		If a relevant representation made	If no relevant representation made

permits			
Cancellation of club gaming/club machine permits		If requested by holder	If no request received
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits		If requested by the holder	If no request received
Consideration of a temporary use notice			✓
Decision to give a counter notice to a temporary use notice		If a relevant representation made	If no relevant representation made
Decision on whether a complaint is irrelevant, vexatious, frivolous etc			✓



This symbol is placed in boxes to identify who, or what body, is responsible for carrying out the tasks detailed in the first column above headed "Matter to be dealt with"



## **5. LICENSING PROCESS**

### **5.1 Making an application**

- 5.1.1 The procedure and documentation requirements for making applications is prescribed by the 2005 Act and Regulations and further advice on how to make an application can be found on the Council's website ([www.preston.gov.uk/business/licences/](http://www.preston.gov.uk/business/licences/)) or on request from the Licensing Authority at [licensing@preston.gov.uk](mailto:licensing@preston.gov.uk) or on 01772 906911.
- 5.1.2 This Policy sets out the Council's expectations with regard to applications in a number of licensing statements. Whilst applicants are not obliged to meet these expectations in full it is more likely that responsible authorities and other persons will make representations if they are not.
- 5.1.3 The Council recognises that licensed premises vary considerably in terms of what activities they provide; their size; and their location and, therefore, there is no definitive list of control measures that can be applied to all licensed premises.
- 5.1.4 Applicants are encouraged to seek advice from the Council and appropriate responsible authorities prior to submitting an application for a premises licence.

### **5.2 Responsible Authorities and Interested Parties**

- 5.2.1 The 2005 Act sets out two categories of organizations and individuals namely *responsible authorities* and *interested parties* who may make representations about premises licence applications, or apply for a review of an existing premises licence.
- 5.2.2 The Council has designated the Lancashire Safeguarding Children Board as the competent body to advise it about the protection of children from harm.
- 5.2.3 The contact details of the responsible authorities can be found on the Council's website at [www.preston.gov.uk/business/licences/](http://www.preston.gov.uk/business/licences/)
- 5.2.4 Interested parties can make representations about licence applications or apply for a review of an existing licence. Section 158 of the 2005 Act defines interested parties as persons who, in our opinion:-

- a) Live sufficiently close to the premises to be likely affected by the authorised activities
- b) Have business interests that might be affected by the authorised activities
- c) Represent persons who satisfy a) or b) above.

5.2.5 In deciding whether a person is an interested party with regard to a particular premises, will be on a case by case basis and factors such as the size of the premises and the nature of the activities taking place will be relevant considerations.

5.2.6 In respect of those persons living sufficiently close to premises to be affected by it or have business interests, that may be affected by it, the Council will accept the inclusion of trade associations, trade unions, residents' and tenants associations and in respect of business interests the addition of partnerships, charities, faith groups and medical practices.

5.2.7 Interested parties can also 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 or MP represents the ward or constituency likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these, however, this Council will generally require written evidence that a person/body represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

5.2.8 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 Sub-Committee dealing with the licence application.

5.2.9 It is important to note that in order for a representation to be considered as relevant, interested parties are required to demonstrate that granting a licence would undermine one or more of the three licensing objectives under the Gambling Act 2005.

### **5.3 Exchange of Information**

5.3.1 In respect of the exchange of information between ourselves and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between ourselves and other persons listed in Schedule 6 to the Act we will conform to the requirements of Data Protection and Freedom of Information legislation in line with the Council's existing policies.

5.3.2 We will have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the 2005 Act.

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

## **5.4 Enforcement**

5.4.1 We are required by regulation under the 2005 Act to state the principles to be applied by the Council 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. These are outlined in the following paragraphs of this section.

5.4.2 We will work closely with the responsible authorities with the aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

5.4.3 In carrying out our enforcement duties with regards to the inspection of premises and the power to institute criminal proceedings in respect of specified offences under the 2005 Act, we will be guided by the Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: the Council will intervene when it is deemed necessary, and remedies will be appropriate having regard to the risk posed: costs will be identified and minimised.
- Accountable: the Council will ensure that it can justify decisions, and be subject to public scrutiny.
- Consistent: the Council will endeavour to ensure that rules and standards are 'joined up' and implemented fairly.
- Transparent: the Council will be open, and will endeavour to present regulations in a simple and user friendly way.
- Targeted: the Council will endeavour to focus on the problem, and minimise side effects.

5.4.4 As recommended by the Commission's Guidance to Licensing Authorities we will endeavour to avoid duplication with other regulatory regimes as far as possible.

5.4.5 It is our intention to implement a revised risk-based inspection programme, based on:-

- the licensing objectives
- relevant codes of practice

- the Commission's 'Guidance to licensing authorities', in particular Part 36
- the principles set out in this Policy
- Government's Enforcement Concordat and Compliance Code

5.4.6 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the 2005 Act. When undertaking test purchasing activities, this Council will liaise with the Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

5.4.7 The main enforcement and compliance role for us as the licensing authority in terms of the 2005 Act is to ensure compliance with the premises licences and other permissions which we authorise. The Commission is the enforcement body for operating and personal licences. Concerns about the manufacture, supply or repair of gaming machines are not dealt with by ourselves but should be notified to the Commission

5.4.8. We will keep ourselves informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

## **PART B**

### **PREMISES LICENCES**

#### **1. General Principles**

- 1.1 Premises licences are subject to the requirements set out in the 2005 Act including specific mandatory and default conditions which are detailed in Regulations issued by the Secretary of State. We are able to exclude default conditions and also attach others, where it is believed to be appropriate.

#### **2. Location**

- 2.1 This Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. This Council 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. In deciding whether a licence for a particular premises should be granted, each case will be decided on its merits.

#### **3. Local Risk Assessment**

- 3.1 Gambling operators are required by the Commissions Licence Conditions Code of Practice to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises.
- 3.2 In order to assist gambling operators in Preston the Council has published a guide which can be used by gambling operators when undertaking and preparing their local risk assessments. This can be accessed from the Council's website.
- 3.3 In addition to new applications and variations to existing gambling premises licences a local risk assessment is also required to take account of significant changes in local circumstances. The Commission has not set out what a "significant change in local circumstance" is but this Council expects the following as a minimum:
- Educational facilities/Community Centre increase in the local area
  - The local area is defined as a crime hotspot by the Police and/or Council

- Any vulnerable group or venues relating to Homeless or rough sleeper shelters and care/support facilities, hospitals, mental health or gambling care providers, Alcohol or drug support facilities and religious establishments
  - Any new pay day loan or pawn brokers open in the local area
- 3.4 The Council may inform gambling operators when it feels a significant change has occurred in the local area to enable them to take any necessary steps in reviewing their risk assessments.
- 3.5 From time to time gambling operators will undertake a refresh of the premises layout and décor which, on its own, is unlikely to prompt a review of the risk assessment of that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then a gambling operator must review its risk assessment and, if necessary, update it. Gambling operators are responsible for identifying when a significant change to the premises has occurred but the Council has provided a list of examples of what could be classified as a significant change to the premises:
- Any building work or premises refit where gambling facilities are relocated within the premises
  - The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous operator
  - Any changes to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes
  - The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are relocated from egress to ingress, or vice versa
  - New gambling facilities are made available on the premises which were not provided previously, for example bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided
  - The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol.
- 3.6 Where concerns do exist, the Council advises that the licence holder considers consulting the most appropriate Responsible Authority for guidance before submitting an application for a licence or a variation of a licence, or where it is believed there has been a significant change in local circumstances.

- 3.7 When the Licensing Authority officers undertake an inspection of a premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is, therefore, recommended that a copy of the Local Risk Assessment is kept at the premises.
- 3.8 As a matter of best practice the Licensing Authority recommends that operators establish a regular review regime. This review programme would ensure that these assessments are considered at regular intervals and up-dated if necessary.

#### **4. Decision-making**

- 4.1 This Council is aware that in making decisions about premises licences it shall aim to permit the use of premises for gambling in so far as we think it is:-
- In accordance with any relevant code of practice issued by the Commission;
  - In accordance with any relevant guidance issued by the Commission;
  - Reasonably consistent with the licensing objectives; and
  - In accordance with this Policy.
- 4.2 It is appreciated that as per the Commission's Guidance to Licensing Authorities moral objections to gambling are not a valid reason to reject an application for premises licences and that unmet demand is not a criterion for a Council.

#### **5. Definition of premises**

- 5.1 In the 2005 Act, 'premises' is defined as including "any place". Section 152 of the 2005 Act prevents more than one premises licence applying to any place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. 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, particular attention will be paid where there are issues about sub-divisions of a single building or plot to ensure that mandatory conditions relating to access between premises are observed.

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

5.3 We will 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 we will be aware of the following:

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

5.4 The Licensing Authority will consider the above points and other relevant factors in making its decision, depending on all the circumstances of the case.

5.5 The Gambling Commission's 'Guidance to Licensing Authorities' contains further guidance on this issue for each premises type and is reproduced below:

#### **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 other premises with a betting premises licence.
- no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensing betting shop.

### **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

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

## **6. Premises "ready for gambling"**

6.1 The Guidance states that a licence to use a 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.

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

- first, whether the premises ought to be permitted to be used for gambling; and

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

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

## **7. Provisional Statements**

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

7.2 Section 204 of the 2005 Act provides for a person to make an application to the licensing Authority for a provisional statement in respect of a premises that they either expect to be constructed or altered or acquire the right to occupy.

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

7.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an Operating Licence from the Gambling Commission and they do not have a right to occupy the premises in respect of which their provisional statement is made.

7.5 The holder of a provisional statement may then apply for a premises licence once the premises have been constructed, altered or acquired. We are then constrained in the matters we can consider when determining the premises licence application and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless:

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

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

- which could not have been raised by objectors at the provisional statement stage;
- which in our 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 provisional statement application. This must be a substantial change to the plan and this Authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **8. Relationship between Planning and Building Control**

- 8.1 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, in effect those matters not related to gambling and the licensing objectives. An example of an irrelevant matter would be the likelihood of the applicant of the application obtaining planning permission or building regulation approval. Such matters are for consideration under the relevant planning and building control legislation, and must not form part of the consideration for a premises licence.
- 8.2 Indeed, section 210 of the 2005 Act prohibits a licensing authority from having regard to whether or not a proposal by an applicant is likely to be permitted in accordance with the law relating to planning or building. Equally, the grant of a premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

## **9. The Licensing Objectives**

- 9.1 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 Licensing Authorities and some comments are made below.
- 9.2 ***Licensing Objective: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.***

The licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that we should pay attention to the proposed location of gambling premises in terms of this licensing objective. So where an area is known to have high levels of organised crime we 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 such as whether police assistance would be required and how threatening the behaviour would be to those who could see it, so as to make that distinction.

9.3 ***Licensing Objective: Ensuring that gambling is conducted in a fair and open way.***

The licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed by the Gambling Commission through the issue of operating and personal licences.

9.4 ***Licensing Objective: Protecting children and other vulnerable persons from being harmed or exploited by gambling.***

This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).

9.5 The Licensing Authority is aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

9.6 The 2005 Act does not seek to define the term “vulnerable persons”. Neither does the Gambling Commission but in its “Guidance to Licensing Authorities” 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 mental health needs, learning disability or substance misuse relating to alcohol or drugs’. The licensing authority will consider this licensing objective on a case by case basis.

## **10. Conditions**

10.1 Licences are normally granted subject only to mandatory and default conditions as these are expected to ensure that operators are reasonably consistent with the licensing objectives.

10.2 Decisions on whether to impose additional conditions on a premises licence will be taken on a case by case basis. The licensing authority will only seek to impose conditions on premises licences that are

proportionate and necessary to the circumstance which it is seeking to address, 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.

10.3 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 entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

10.4 In accordance with the mandatory and default conditions, where Category C or above machines are available for use in premises to which children are admitted the Licensing authority will ensure that:

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

10.5 The licensing authority is precluded from imposing conditions on a premises licence which:-

- makes it impossible to comply with an operating licence condition;
- relates to gaming machine categories, numbers, or method of operation;
- provide that membership of a club or body is required; and
- relates to stakes, fees, winning or prizes.

## **11. Door Supervisors**

11.1 If we are concerned that a premises may attract disorder or be subject to attempts of unauthorised access (for example by children and young persons) then it may require that the entrances to the premises be supervised, and impose a condition on the premises licence to that effect.

11.2 Where it is decided that supervision of entrances/machines is appropriate, a consideration of whether these need to be Security Industry Authority (SIA) licensed or not will be necessary. Where contract staff are employed as door supervisors at casino and bingo premises, such staff

will need to be licensed by the SIA. However, in-house employees working as door supervisors at casino and bingo premises are exempt from these requirements.

## **12. Adult Gaming Centres**

- 12.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy us that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 12.2 Where certain measures are not already addressed by the mandatory and default conditions or the Gambling Commission Codes of Practice or by the applicant, the Licensing Authority may consider including licence conditions to address such issues to meet the licensing objectives.

## **13. Licensed Family Entertainment Centres**

- 13.1 A Licensed Family Entertainment Centre (FEC) is classified as a premises, and only premises that are wholly or mainly used for making gaming machines available may hold a FEC premises licence. As a result, it is generally not permissible for such premises to relate to an entire shopping centre, airport, motorway service station or similar. Typically the machines would be located in a designated, enclosed area.
- 13.2 The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Children and young persons are permitted to enter a FEC and use category D machines. They are not permitted to use category C machines. The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures in place to support this licensing objective, for example there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 13.3 Where certain measures are not already addressed by mandatory and default conditions or the Gambling Commission Codes of Practice or by the applicant, the Licensing Authority may consider including licence conditions to address such issues to meet the licensing objectives.

## **14. Casinos**

- 14.1 **No Casinos resolution** – The Licensing Authority has not passed a ‘no casino’ resolution under Section 166 of the 2005 Act, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.
- 14.2 This Authority currently has no casinos.

## **15. Bingo Premises**

- 15.1 The Gambling Commission’s Guidance provides that we need to be satisfied that bingo can be played in any bingo premises for which we have issued a premises licence. Should an operator apply for multiple new premises licences, with the aim of creating separate premises in that area we will need to consider whether bingo can be played at each of those new premises.
- 15.2 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. Licence holders must ensure that their policies and procedures take into account the structure and layout of their gambling premises in order to prevent underage gambling.
- 15.3 We will have regard to the conditions that apply to operating licences dealing with preventing access to the area containing the category C machines by under 18’s. Applicants must satisfy the requirements set out within paragraph 10.2 above.
- 15.4 Where certain measures are not already addressed by mandatory and default conditions or the Gambling Commission Codes of Practice or by the applicant, the Licensing Authority may consider including licence conditions to address such issues to meet the licensing objectives.

## **16. Betting Premises**

- 16.1 Section 235 of the 2005 Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. We are aware that Section 181 contains an express power for licensing authorities to restrict the number of self-service betting terminal’s, their

nature and circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of these machines in a particular premises, we will, amongst other matters, 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.

- 16.2 Licence holders must ensure that their policies and procedures take into account the structure and layout of their gambling premises in order to prevent underage gambling.
- 16.3 Where certain measures are not already addressed by mandatory and default conditions or the Gambling Commission Codes of Practice or by the applicant, the Licensing Authority may consider including licence conditions to address such issues to meet the licensing objectives.
- 16.4 The Authority notes that the 2005 Act prescribes the number and category of gaming machines in betting premises and it has no power to set different limits or to expand or restrict the categories of permitted gaming machines. However, the Authority wishes to consider the possibility of developing a planning policy restricting the numbers of betting premises and details of frontages once developments through the Betting Commission are known.

## **17. Tracks**

- 17.1 A track is defined under the 2005 Act as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
- 17.2 Premises Licences in relation to tracks differ from other types of premises licences in a number of ways, most importantly the applicant for the licence need not hold an operator's licence from the Gambling Commission.
- 17.3 We are aware that tracks may be subject to more than one premises licence, provided each licence relates to a specific area of the track. We will especially consider the impact upon the licensing objective regarding 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.



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

17.5 We will 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
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for
- organisations such as GamCare

#### 17.6 **Gaming machines**

A track premises licence does not itself entitle the licence holder to provide gaming machines, as this type of Premises Licence can be held without any corresponding operating licence. However, track owners holding both a track premises licence and a pool betting operating licence issued by the Gambling Commission may site up to four gaming machines within categories B2 to D on the track. Children and young persons can play category D machines on a track, but must be excluded from the areas in which other categories of machines are located.

#### 17.7 **Self Service Betting Terminals (SSBT's)**

Section 235 of the 2005 Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Licensed Operators may install SSBT's on tracks. When considering whether to impose a condition to restrict the number of these in particular premises, we will take into account the size of the premises, the number of counter positions available for person to person transactions, the ability of staff to monitor the use of the machines and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

#### 17.8 **Applications and plans**

Section 151 of the 2005 Act requires applicants to submit plans of the premises with their application to assist us in making an informed

judgement about whether the premises are fit for gambling. 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.

- 17.9 We appreciate that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on the track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.

## **18. Travelling Fairs**

- 18.1 The 2005 Act defines a travelling fair as wholly or principally providing amusements and they must be on a site that has been used for fairs no more than 27 days per calendar year.
- 18.2 Travelling fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates.
- 18.3 Higher stake category B and C machines are not permitted. Fairground operators must source their machines from a gambling Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

## **19. Reviews**

- 19.1 A premises licence may be reviewed by the licensing Authority of its own volition or following the receipt of an application requesting a review from a Responsible Authority or an Interested Party.
- 19.2 We may initiate a review of a particular premises licence or a particular class of premises licence if:
- it has reason to suspect that premises licence conditions are not being observed
  - the premises is operating outside of the principles set out in this policy statement
  - there is evidence to suggest that compliance with the licensing objectives is at risk

- for any other reason which gives us cause to believe that a review may be appropriate, such as a complaint from a third party.

In relation to a class of premises, we may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions.

- 19.3 When a request for a review of a premise licence is received from a Responsible Authority or an Interested Party it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with this policy statement.
- 19.4 We may reject an application for a review of a premises licence if in our opinion the grounds on which the review is being sought:-
- are frivolous;
  - are vexatious;
  - will certainly not cause this Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence;
  - are substantially the same grounds cited in a previous application for a review relating to the same premises; or
  - is substantially the same as representations made at the time the application was considered.
- 19.5 The purpose of the review will be to determine whether we should take any action in relation to the licence, namely
- add, remove or amend a condition imposed by the Licensing Authority;
  - exclude a default condition imposed by the Secretary of State (eg opening hours) or remove or amend such an exclusion;
  - suspend the premises licence for a specified period not exceeding three months;
  - revoke the premises licence.
- 19.6 We may also take the above action on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them. Equally, the premises licence holder must offer the type of gambling that they are permitted to.

- 19.7 The Licensing Authority must hold a hearing, unless the applicant and any person who has made representations consent to the review being conducted without one. In determining what action, if any, should be taken following a review the Licensing Authority must have regard to any relevant representations and the principles set out in section 153 of the 2005 Act.
- 19.8 Once the review has been completed the Licensing Authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant (if any)
  - the Gambling Commission
  - any person who made representations
  - police
  - HM Revenue and Customs

## **20. Appeals**

- 20.1 Where a premises licence application is refused the applicant may appeal the decision of the Licensing Authority. In such cases where a Premises Licence is granted an applicant and any person who made relevant representations can appeal to the Magistrates' Court within 21 days of receipt of the decision notice.
- 20.2 Following a review application, either a licensee, a person who made representations in relation to the review, the person (if any) who applied for the review and the Gambling Commission have a right of appeal to the Magistrates' Court within 21 days of receipt of the decision notice.
- 20.3 In relation to a decision to take action or make a determination in relation to a transfer application the licensee and the applicant for transfer have a right of appeal to the Magistrates' Court within 21 days of receipt of the decision notice.
- 20.4 In relation to an application for a Temporary Use Notice either the applicant or person entitled to receive a copy of such notice has a right of appeal to the Magistrates' Court within 14 days beginning with the day on which the appellant receives notice of the action against which the appeal is brought.

## PART C

### PERMITS, TEMPORARY & OCCASIONAL USE NOTICES AND SMALL SOCIETY LOTTERY REGISTRATIONS

#### 1. **Unlicensed Family Entertainment Centre gaming machine permits**

- 1.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to the licensing Authority for an unlicensed family entertainment centre gaming machine permit (uFEC).
- 1.2 Only premises that are wholly or mainly used for making gaming machines available for use may hold an uFEC gaming machine permit. An uFEC is classified as 'premises'. It is generally not permissible for such premises to relate to an entire shopping centre, airport, motorway service station or similar. The machines would need to be in a designated, enclosed area. The Gambling Commission considers that it is not permissible and is highly undesirable for uFEC's to be granted for entire venues in that it exposes the public and young people in particular to the 'ambient gambling' that the 2005 Act was designed to prevent.
- 1.3 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, they must be aged 18 or over.
- 1.4 An application for a permit may be granted only if we are satisfied that the premises will be used as an unlicensed FEC and, if the Police has been consulted on the application.
- 1.5 In considering applications we shall have regard to the Guidance to Local Authorities and to the licensing objectives. In particular applicants will be expected to show that they have 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. Applications and the efficiency of such policies and procedures will each be considered on its merits. The licensing Authority will require applicants to demonstrate amongst other things:
  - 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 (set out in Schedule 7 of the 2005 Act)
  - That staff are suitably trained and have a full understanding of the maximum stakes and prizes (see Guidance to local Authorities)
  - That the applicant has in place a policy regarding the suitability of staff, taking into account convictions

- Appropriate measures/training for staff as regards suspected truant school children on the premises
  - Measures/training covering how staff would deal with unsupervised young children being on the premises
  - Children causing perceived problems on/around the premises
  - Measures/training covering how staff would deal with vulnerable persons on the premises
- 1.6 Applicants must complete an application for an uFEC gaming machine permit and provide all of the requested information and documentation.
- 1.7 It should be noted that licensing Authorities are unable to attach conditions to this type of permit.
- 1.8 A permit lapses if the Licensing Authority informs the permit holder that the premises are not being used an uFEC.
- 1.9 If the permit holder is convicted of a relevant offence the court may order the forfeiture of the permit.

## **2. Alcohol Licensed premises gaming machine permits**

- 2.1 There is provision in the 2005 Act for premises licensed to sell alcohol for consumption on the premises without a requirement that the alcohol is served only with food to automatically have two gaming machines, of categories C and/or D. The premises merely needs to notify the Licensing Authority and pay the prescribed fee.
- 2.2 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the gaming 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 2005 Act;
  - the premises are mainly used for gaming; or
  - an offence under the 2005 Act has been committed on the premises.
- 2.3 If a premises wishes to have **more than two gaming machines**, then it will need to apply for a permit and the Licensing Authority will consider the application having regard to the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the 2005 Act, and such other matters that it considers relevant to the application.
- 2.4 The licensing authority considers that “such other 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 being harmed or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.

- 2.5 Measures which may satisfy us that children and young persons are prevented from using the adult only gaming machines may include the machines being in sight of the bar or in the sight of staff who can monitor their use. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.
- 2.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of gaming machines and/or a different category of gaming machines than that applied for. Conditions (other than these) cannot be attached.
- 2.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

### **3. Prize Gaming Permits**

- 3.1 Section 288 of the 2005 Act defines gaming as 'prize gaming' if the nature and size of the prize is not determined by the number of the people playing or the amount paid for or raised by the gaming.
- 3.2 A prize gaming permit issued by the Licensing Authority authorises the provision of facilities for gaming with prizes on specified premises.
- 3.3 An application for a permit can only be made by a person who occupies or plans to occupy the premises and, if the applicant is an individual, they must be aged 18 or over. An application cannot be made if a premises licence or club gaming permit is in effect for the same premises.
- 3.4 Applicants must complete an application form for a prize gaming permit and provide all of the requested information and documentation.
- 3.5 We may only grant a permit if we have consulted with the Police about the application. We will take into account any objections that the police may wish to make which are relevant to the licensing objectives. Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to

operate prize gaming, and the suitability of the premises in relation to their location and any issues concerning disorder.

3.6 In considering applications the Licensing Authority will have regard to the Guidance to Local Authorities and to the licensing objectives. In particular applicants will be expected to show that they have 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. Applications and the efficiency of such policies and procedures will each be considered on their merits. We will require applicants to demonstrate amongst other things:

- that they understand the limits to stakes and prizes that are set out in Regulations
- that the gaming offered is within the law
- that the applicant has no relevant convictions
- that staff are suitably trained and have a full understanding of the maximum stakes and prizes
- that the applicant has in place a policy regarding the suitability of staff, taking into account any convictions
- appropriate measures/training for staff as regards suspected truant school children on the premises
- measures/training covering how staff would deal with unsupervised young children being on the premises
- children causing perceived problems on/around the premises
- measures/training covering how staff would deal with vulnerable persons on the premises.

3.7 The Licensing Authority can grant or refuse an application for a permit but cannot add conditions.

3.8 It should be noted that there are four statutory conditions with which permit holders must comply with which are:

- the limits on participation fees, as set out in Regulations, must be complied with;
- all chances to participate in a particular game must be acquired or allocated on one day and in the place where the game is played; the game must be played entirely on that day; and the result of the game must be made public in the place where the game is played and as soon as is reasonably practicable after the game ends, and in any event on the day on which it is played;
- the prize or the aggregate of prizes for which a game is played, must not exceed the prescribed amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the game does not entitle the player or anyone else to participate in any other gambling.



3.9 If the permit holder is convicted of a relevant offence the court may order the forfeiture of the permit.

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

4.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply to the licensing authority for a **Club Gaming Permit** which will enable the premises to provide gaming machines (no more than three machines of categories B3A (only one of this category), B4, C or D), equal chance gaming and games of chance as set out in Regulations.

4.2 Members clubs, miners' welfare institutes and also commercial clubs may apply to the licensing authority for a **Club Machine Permit** which will enable the premises to provide gaming machines (no more than three machines of categories B3A (only one of this category), B4, C or D). It should be noted that commercial clubs may not site category B3A gaming machines offering lottery games in their club.

4.3 Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted in Regulations, (currently bridge and whist). A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

4.4 A Commercial club is a club established for commercial gain, whether or not they actually make a commercial gain.

4.5 When determining whether a club is able to apply for and be issued with a permit, we will consider whether the club is a genuine members' club or a commercial club as defined by the 2005 Act and be satisfied that all the requirements of the legislation are being complied with. In order to determine this issue we will have regard to the matters set out in the Guidance to Local Authorities.

4.6 The Licenising Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;

- an offence under the Act or a breach of a permit has been committed by the applicant in the course of gaming activities carried on by the applicant;
- a permit held by the applicant has been cancelled during the previous ten years; or
- an objection has been made by the Gambling Commission or the police.

4.7 There is a 'fast-track' procedure available for premises holding a club premises certificate under the Licensing Act 2003 to apply for either a club gaming permit or a club machine permit. Under the 'fast-track' procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the Authority will grant the application unless:

- the club is established primarily for gaming, other than gaming of a prescribed kind;
- 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.

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

## **5. Temporary Use Notices**

5.1 A Temporary Use Notice allows the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

5.2 The Licensing Authority can only grant a Temporary Use Notice (TUN) to a person or company holding a relevant operating licence.

5.3 The Secretary of State has the power to determine what form of gambling can be authorised by TUN's and currently the relevant regulations state that they can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, eg poker tournaments.

5.4 Section 218 of the 2005 Act refers to a 'set of premises' and provides that a set of premises is the subject of a TUN if 'any part' of the premises is the subject of a notice. The reference to a set of premises prevents one large premises from having a TUN in effect of more than 21 days in a year. The

definition of 'set of premises' will be a question of fact in the particular circumstances of each notice that is given.

- 5.5 In considering whether a place falls within the definition of a 'set of premises' we will look at, amongst other things, the ownership/occupation and control of the premises.
- 5.6 We expect 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 Guidance to local Authorities.
- 5.7 The applicant must give the TUN to the Licensing Authority not less than three months and one day before the day on which the gambling event will begin. A fee is payable to the Licensing Authority to whom the notification is sent. The TUN must be copied to:
  - The Gambling Commission
  - Police
  - HM Revenues and Customs; and if applicable
  - Any other Licensing Authority in whose area the premises are situated.
- 5.8 The person who is giving the TUN must ensure that the notice and copies are with the recipients within seven days of the date of the notice otherwise the event will be unlawful.
- 5.9 If there are no objections the Licensing Authority must endorse the Notice whereupon it will become valid.
- 5.10 Within 14 days of being given a TUN the Licensing Authority and the authorities to which the notice has been copied can give a notice of objection, if they think that having regard to the licensing objectives the notice shall not have effect, or should have effect only with modification. Any notice of objection (not given by the Licensing Authority) is copied to the Licensing Authority. Upon receipt of any notice of objection there will be a hearing before the Licensing Sub-Committee (unless all relevant parties agree in writing that a hearing is unnecessary). Following consideration of the objections, the Licensing Authority may either give a counter notice that a TUN should not have effect, or should have effect only with specified modifications or dismiss the objections. If the objections are dismissed the Licensing Authority will endorse the TUN.

## **6. Occasional Use Notices**

- 6.1 An Occasional Use Notice (OUN) permits betting on a track venue for eight days or less in a calendar year without the need for a premises licence.
- 6.2 A “track” does not just include a horserace course or a dog track, but also any other premises on any part of which a race or any other sporting event takes place, or is intended to take place.
- 6.3 Any notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The notice must be served on the Licensing Authority and copied to the police for the area in which the track is wholly or partially located. The notice must specify the day on which it has effect. Notices may be given in relation to consecutive days, so long as the overall limit of 8 days is not exceeded.
- 6.4 It should be noted that betting operators cannot provide gaming machines at tracks by virtue of an OUN.

## **7. Small Society Lotteries**

- 7.1 A lottery is illegal under the 2005 Act unless it is either a licensed lottery run in accordance with an Operating Licence issued by the Gambling Commission or it is an “exempt” lottery as defined by the 2005 Act. (The 2005 Act does not apply to the National Lottery which is governed separately under the National Lottery Act 1993).
- 7.2 One of the exemptions provided by the 2005 Act is in respect of “Small Society Lotteries”. Societies running such lotteries are required to be registered with the Local Authority in whose area their principal office is situated.
- 7.3 In determining lottery registration applications and other matters involving lotteries the Licensing Authority will have regard to the 2005 Act, the licensing objectives, Guidance issued by the Gambling Commission, any Code of Practice issued by the Gambling Commission and this Statement of Licensing Principles.
- 7.4 To qualify for registration a Society must be “non-commercial”. To be considered non-commercial the Society must be established and conducted for:
  - Charitable purposes; or

- The purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
  - Any other non-commercial purpose other than that of private gain.
- 7.5 If the total value of tickets that a Society puts on sale in any one lottery exceeds £20,000, or the tickets in separate lotteries in one calendar year are to exceed £250,000 in aggregate, the lottery is a large lottery and the Society will require an Operating Licence from the Gambling Commission.
- 7.6 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a licensing authority.
- 7.7 The Licensing Authority may ask new applicants for a copy of their terms and conditions or their constitution to establish that they are a non-commercial society. It may also request applicants to provide a declaration, stating that they represent a bona-fide non-commercial society.
- 7.8 An application by a Society to register a small lottery must be refused if in the period of 5 years ending with the date of application;
- An Operating Licence held by the applicant for registration has been revoked under section 119(1); or
  - An application for an Operating Licence made by the applicant has been refused.
- 7.9 The Licensing Authority may refuse an application for registration if it considers that:
- The applicant is not a non-commercial society;
  - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
  - Information provided with or in the application for registration is false or misleading.
- 7.10 The Authority may revoke the registration if it considers that it would be obliged or able to refuse an application for registration if it were being made anew.
- 7.11 An application for registration of a small lottery which is refused, or where revocation takes place, has a right of appeal to the Magistrates' Court within 21 days of the decision.
- 7.12 The Licensing Authority will maintain a register of small society lotteries that it has registered and will notify the Gambling Commission as soon as practicable of certain prescribed information about the society and the lottery.

- 7.13 Within three months of any small lottery draw, the promoting Society must send to the Authority a return signed by two members of the Society providing the prescribed information set out in the 2005 Act. If after receipt it is apparent that the ticket sales are above the permitted limits for a small society lottery we will notify the Gambling Commission. A copy of that notification will be provided to the Society.
- 7.14 In addition to small society lotteries, there are three other types of lottery ” – an incidental non-commercial lottery, a private lottery and a customer lottery. Organisations providing these “exempt” lotteries do not need to register with their local authority.

## **APPENDIX 1**

### **LIST OF CONSULTEES**

Association of British Bookmakers  
Bingo Association  
British Amusement Catering Trade Association  
British Association of Leisure Parks, Piers & Attractions Ltd  
British Beer and Pub Association  
Environmental Health  
Gambling Commission  
GAMCARE  
Gordon Moody Association  
Lancashire Constabulary  
Lancashire County Council Public Health & Wellbeing  
Lancashire Fire & Rescue Service  
Local Planning Authority  
Local Safeguarding Children Board  
Preston BID  
Preston Premises Licence Holders

## APPENDIX 2

### Summary of Gaming Machine Category and Entitlements

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
<b>A</b>	Unlimited	Unlimited	Regional Casino
<b>B1</b>	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
<b>B2</b>	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
<b>B3</b>	£2	£500	Bingo premises, Adult gaming centre and all of the above
<b>B3A</b>	£2	£500	Members' club or Miners' welfare institute only
<b>B4</b>	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
<b>C</b>	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional



<b>Machine category</b>	<b>Maximum stake (from January 2014)</b>	<b>Maximum prize (from January 2014)</b>	<b>Allowed premises</b>
			gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.
<b>D money prize</b>	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
<b>D non-money prize (other than crane grab machine)</b>	30p	£8	All of the above.
<b>D non-money prize (crane grab machine)</b>	£1	£50	All of the above.
<b>D combined money and non- money prize (other than coin pusher or penny falls machines)</b>	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
<b>D combined money and non- money prize (coin pusher or penny falls</b>	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
machine)			

## APPENDIX 3

### Entitlement of each Premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
<b>Betting premises and tracks occupied by pool betting</b>		Maximum of 4 machines categories B2 to D (except B3A machines)					
<b>Bingo premises 1</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
<b>Adult gaming centre 2</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
<b>Licenced Family entertainment centre 3</b>						No limit on category C or D machines	
<b>Family Entertainment Centre</b> (with permit) 3						No limit on category D machines	
<b>Clubs or miners' welfare institute</b> (with permits) 4&5				Maximum of 3 machines in categories B3A or B4 to D*			
<b>Qualifying alcohol licensed premises</b>				1 or 2 machines of category C or D automatic upon notification			
<b>Qualifying alcohol licensed premises</b> (with licensed premises)			Number of category C-D machines as specified on permit				

gaming machine permit)							
<b>Travelling fair</b>							No limit on category D machines

<sup>1</sup>Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight<sup>107</sup> category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

<sup>107</sup> The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009

<sup>2</sup>Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

<sup>3</sup>Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

<sup>4</sup>Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

<sup>5</sup>Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.