



## **STATEMENT OF PRINCIPLES**

### **GAMBLING ACT 2005**

**2022-2025**

#### **COMMUNITY WELLBEING**

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## **PART A**

### **1. The Licensing Objectives**

In exercising most of its functions under the Gambling Act 2005, Gloucester City Council (“the licensing authority”) must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:-

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

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

Gloucester City Council is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority’s Statement of Licensing Policy

### **2. Introduction**

Licensing authorities are required by the Gambling Act 2005 to publish a Statement of Principles which they propose to apply when exercising their functions. This Statement must be published at least every three years. The Statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement must be then republished.

Gloucester City Council will consult widely upon this Statement before finalising and publishing. A list of those persons who will be consulted is provided in Appendix A. The Gambling Act requires that the following parties are consulted by licensing authorities:-

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

Gloucester City Council recognises that the best means of promoting the Licensing Objectives is through the co-operation and partnership of all the responsible authorities, local businesses and residents.

In developing a Statement of Principles that will deliver the Licensing objectives locally, consultation has taken place in accordance with the revised Code of Practice and the Cabinet Office Guidance on consultations by the public sector.

Our consultation took place between 03<sup>rd</sup> June 2021 and 12<sup>th</sup> August 2021 and we had regard to the HM Government Code of Practice.

The policy was considered for approval at a meeting of the Full Council on 18<sup>th</sup> November 2021 and will be published via our website [www.gloucester.gov.uk](http://www.gloucester.gov.uk) on or by 31st January 2022. A copy will be available by emailing [community.wellbeing@gloucester.gov.uk](mailto:community.wellbeing@gloucester.gov.uk) .

Should you have any comments as regards this Policy Statement please send them via email or letter to the following contact:-

Name: Rebecca Tuck, Community Wellbeing Officer

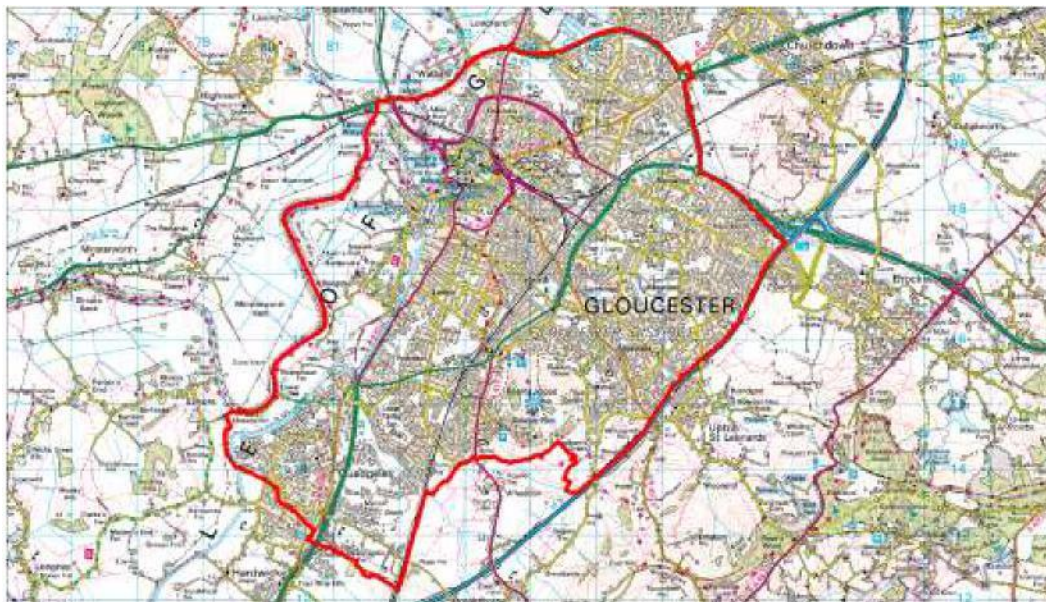
Address: Community Wellbeing Team, Gloucester City Council, Shire Hall, Westgate Street, Gloucester GL1 2TG

Email: [community.wellbeing@gloucester.gov.uk](mailto:community.wellbeing@gloucester.gov.uk)

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

### 3. The City of Gloucester

Gloucester City Council is situated in the County of Gloucestershire which contains 6 district councils in total. The Council area has an estimated population of 129,128 making it the largest urban Authority in the County in terms of population. In terms of area it is one of the smallest covering just 15.64 square miles. The City of Gloucester is the County town for Gloucestershire and its area is mainly urban. It is surrounded by the rural authorities of the County.



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The key provided identifies the city's boundaries and wards. The following wards are also noted as areas of deprivation: Westgate and Barton & Tredworth, with the Westgate Ward a focus for regeneration including a new bus station and improvements to the railway station providing enhanced transport links to and from the City. The Docks and Quays area of the City is a focus of a major regeneration and there is a substantial

housing development to the south of the City in an area known as Kingsway situated between the Quedgeley by-pass and the M5 Corridor.

#### **4. Local Area Profile**

This Licensing Authority will continue to work with Gloucestershire County Council's Public Health team to develop a Local Area Profile to assist applicants and licensees with their local area risk assessments. When a local area profile has been produced it will be a separate document to this Statement of Principles and will be made available on the Council's website.

#### **5. Local Area Risk Assessment**

The Gambling Commission has introduced provisions in 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. The national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risk associated with gambling.

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

The LCCP states that licensees must review (and update as necessary) their local risk assessments:-

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's 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.

Local Risk Assessments apply to all Adult Gaming Centres, Family Entertainment Centres, Non-Remote Betting, Non-Remote Bingo, Non-Remote Casinos and Betting Intermediaries (trading room only).

This Licensing Authority requires applicants to provide a risk assessment when applying for a premises licence or when applying for a variation to an existing licence.

This Licensing Authority will expect applicants and operators to consider factors such as:-

- whether the premises are in an area of deprivation (refer to part a, paragraph 3) headed the City of Gloucester);
- whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
- the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries, and other areas where children are likely to gather; and the demographics of the area in relation to vulnerable groups;
- policies and procedures in place at the premises detailing how children and vulnerable people including people with gambling dependencies, are protected. This could include staff training records on how to identify excessive gambling and vulnerable people, and the steps to be taken to mitigate the risk;

- the layout of the premises including the siting of age restricted gaming machines to ensure that staff have an unobstructed view at all times of persons using the premises;
- the location and operation of CCTV at the premises. This licensing authority will expect operators to retain images for a minimum of 31 days, images must be downloadable to disc and made available on request to a delegated officer of any of the responsible authorities named in the Act. If the equipment becomes inoperative the police and the licensing authority must be notified as soon as is reasonably practicable and steps must be taken to repair the system as soon as possible. Staffing levels should be taken into consideration during any period of downtime;
- keeping details of people who have self-excluded;
- keeping details of under-age refusals and the results of any test-purchasing carried out at the premises.

This list is not exhaustive it simply provides examples of matters that may be relevant to the promotion of the licensing objectives.

A significant change in local circumstances that would require an Operator to review their local area risk assessment may include:-

- a substantial building development, residential or otherwise, which could lead to an increase in children or vulnerable persons in the local area, examples may include, homeless hostels, addiction support facilities, hospitals or doctor's surgeries;
- a new or significant change to an educational establishment;
- where an increase in anti-social behaviour or alcohol/drug related behaviour in the local area has been identified;
- any new pay day loan or pawn brokers open in the local area;
- Changes are made to the location and/or timings of public transport in the local area, such as a bus stop used by children going to/from school is moved to a location within the proximity of a gambling premises;
- where there has been a significant change to the layout of a gambling premises that could undermine the promotion of the licensing objectives;

This licensing authority expects that the local area risk assessment is kept at the individual premises and that staff are aware of the content of the risk assessment and can locate it for inspection on request by a Police Officer or an Authorised Officer of Gloucester City Council or the Gambling Commission.

## **6. Plans of the Premises**

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc.

## **7. Public Health and Gambling**

This Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.

Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are, however, significant numbers of people who do experience significant harm as a result of their gambling.

For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.

There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.

Therefore, the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling related harm in its area.

This Licensing Authority will, therefore, continue to engage with the local Public Health team in the future development of this Statement of Principles and in developing a Local Area Profile. Public Health at Gloucestershire County Council recognises gambling-related harm and considers it a key issue when assessing risk to the wellbeing of their communities. The Public Health team will be able to help the Licensing Authority:-

- identify and interpret health data and evidence to inform the review of the statement and develop a local area profile;
- make decisions that benefit and protect the health and wellbeing of local communities;
- be clear on issues which they can have regard to when deciding on licences for a wide range of gambling activities.

## **8. Declaration**

In producing this Statement, Gloucester City Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Local Authorities issued by the Gambling Commission, and any responses from those consulted on the draft Statement.

## **9. Responsible Authorities**

Responsible Authorities are public bodies that must be notified of applications and who are entitled to make representations to the licensing authority if they are relevant to the Licensing Objectives.

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

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities this Authority designates the Gloucestershire Safeguarding Children Partnership for this purpose. The Gloucestershire Safeguarding Partnership comprises of Gloucestershire Clinical Commissioning Group, Gloucestershire County Council and Gloucestershire Constabulary. The GSCP Executive will review and delegate its duties as responsible authority to the most suitable safeguarding partner for this purpose every three years setting out its arrangements in its own 'Published Arrangements' document.

The contact details of all Responsible Authorities under the Gambling Act 2005 are attached as Appendix B.



## 10. Interested Parties

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

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

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

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

Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities at 8.11 to 8.19 (*Note: If a licensing authority does not wish to follow the Gambling Commission’s Guidance in any respect it is advised to state this in its Statement. Note though that decisions on premises licences and temporary use notices must be “in accordance” with Gambling Commission Guidance (Section 153)*). It will also consider the Gambling Commission’s Guidance that the term “has business interests” should be given the widest possible interpretation and 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 person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate/relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views, then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Community Wellbeing on 01452 396396 or by email: [community.wellbeing@gloucester.gov.uk](mailto:community.wellbeing@gloucester.gov.uk)

## 11. Exchange of Information

Licensing authorities are required to include in their Statements the principles to be applied by the Authority in exercising the functions under Sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

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

## 12. Enforcement

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

This Licensing Authority's principles are that:-

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:-

Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

Consistent: rules and standards must be joined up and implemented fairly;

Transparent: regulators should be open and keep regulations simple and user friendly; and

Targeted: regulation should be focused on the problem, and minimise side effects.

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

This Licensing Authority has adopted and implemented a risk-based inspection programme based on:-

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Principles

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but should be notified to the Gambling Commission.

The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request to the

Community Wellbeing Team ([email: community.wellbeing@gloucester.gov.uk](mailto:community.wellbeing@gloucester.gov.uk)). Our risk methodology will also be available upon request.

### 13. Licensing Authority Functions

Gloucester City Council has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities. 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular Gloucester City Council will be responsible for:

- The licensing of premises where gambling activities are to take place by issuing *Premises Licences*.
- Issue *Provisional Statements*.
- Regulate *Members' Clubs and Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits to Commercial Clubs*.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'Information Exchange').
- Maintain registers of the permits and licences that are issued under these functions.
- Setting and collecting licence/permit fees.
- Inspection, compliance and enforcement locally in relation to licences, permits and permissions issued under the above functions.

It should be noted that the Gambling Commission regulates remote gambling and issues personal and operating licences for premises

A table outlining how this Authority will delegate its functions under this Act is attached at Appendix C.

#### **14. The Gambling Commission**

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.

In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.

Information about the Gambling Commission can be found at:  
<https://www.gamblingcommission.gov.uk>

## PART B

### PREMISES LICENCES : CONSIDERATION OF APPLICATIONS

#### 1. General Principles

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

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and
- in accordance with the Authority's Statement of Licensing Policy

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a Licensing Authority.

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

The Gambling Commission states in its Guidance to Licensing Authorities Part 7 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 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 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."

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

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises 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 names on the premises licence.

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

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

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

This authority recommends that all holders of Premises Licences sign up to Gloucester City Safe. For further details please contact the Licensing Team on 01452 396396.

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

**Casinos**

- The principal access entrance to the premises must be from a ‘street’ (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage whether a thoroughfare or not)
- 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 hold 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 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 and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

## Tracks

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

## Bingo Premises

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

## Family Entertainment Centre

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

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

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

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

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

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

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

**Location** - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Any revision to the policy in this regard would be justified by evidence and subject to consultation, it should be noted that any such area-specific policy would not preclude any application being made and each application will be decided on its merits and depend to a large extent on the type of gambling that is proposed for the premises.

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

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

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

**Duplication with other regulatory regimes** - This Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

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

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

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

**Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regards to tracks which is explained in more detail in the 'tracks' section below - page 15.



**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted the Gambling Commission's Guidance for local authorities states that 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). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrance/machines, segregation of areas etc.

This Licensing Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". This Licensing Authority will consider this licensing objective on a case by case basis. A list of organisations set up to give help and advice about problem gambling is attached as Appendix D.

**Conditions** - Any conditions attached to licences will be proportionate and will be:-

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to 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 entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:-

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;

- the area where these machines are located is arranged so that it can be observed by the staff of the licence holder; and
- 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.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

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

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:-

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

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

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

## 2. Adult Gaming Centres

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

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

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.

- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

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

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

- CCTV.
- 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.
- Measures/training for staff on how to deal with suspected truant school children on the premises and how to identify and report safeguarding and child sexual exploitation (CSE) concerns.

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

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

#### **4. Casinos**

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

*Licence considerations/conditions* –This Licensing Authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance, bearing in mind the mandatory conditions listed in the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

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

#### **5. Bingo Premises**

This Licensing Authority notes that the Gambling Commission's Guidance states:-

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

A holder of a Bingo Premises Licence may make available for use, a number of Category B machines not exceeding 20% of the total number of gaming machines which are available for use.

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.

#### **6. Betting Premises**

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

#### **7. Tracks**

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

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

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

- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry.
- Notices/signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

*Betting machines* – This Licensing Authority will, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### **Applications and plans**

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

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

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

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or

races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates 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 track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

## **8. Travelling Fairs**

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

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

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

## **9. Provisional Statements**

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

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

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

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

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

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

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

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

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

## 10. Reviews

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

- in accordance with any relevant Code of Practice issued by the 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 request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

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

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

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

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

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

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:-

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and  
Her Majesty's Commissioners for Review and Customs

## **11. Complaints**

This Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about a licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a mediation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to participate in a mediation meeting.



## **PART C**

### **PERMITS/REGISTRATIONS AND TEMPORARY AND OCCASIONAL USE NOTICE**

#### **1. Unlicensed Family Entertainment Centre Gaming Machine Permits**

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

“ ... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application ... licensing authorities might wish to consider asking applications to demonstrate:-

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

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

This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:-

- appropriate measures/training for staff as regards suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises;
- measures/training for staff on how to identify and report safeguarding and child sexual exploitation (CSE) concerns.

The Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed fecs;
- that the applicant has no relevant convictions (those that are set out in schedule 7 of the act);
- staff are trained to have a full understanding of the maximum stakes and prizes:

#### **2. (Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 4(1))**

##### **Automatic entitlement: 2 machines**

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

Licensing Authority can remove the automatic authorisation in respect of any particular premises if:-

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

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

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant*”.

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

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

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

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

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

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

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

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law;

- clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.

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

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

#### **4. Club Gaming and Club Machines permits**

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit (CGP) . The Club Gaming Permit will enable the premises to provide up to three gaming machines in total of categories (B3A, B4, C or D but by agreement, only one machine can be of category B3A), equal chance gaming such as poker and bingo and games of chance as prescribed in regulations (pontoon and chemin de fer only).

A Club Machine Permit (CMP) will enable the premises to provide up to three gaming machines in total of categories (B3A, B4, C or D but by agreement, only one machine can be of category B3A).

Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.

A Club Gaming Permit or Club Machine Permit lasts for 10 years unless it ceases to have effect because it is surrendered or lapses. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

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

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

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

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

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

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

## **5. Small Society Lotteries**

### Introduction

Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence issued by the Gambling Commission or, is an exempt lottery. This Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:-

- Licensed Lotteries (requiring an operating licence from the Gambling Commission);
- Exempt Lotteries (including small society lotteries registered with Gloucester City Council).

Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:-

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lotteries;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

The Licensing Authority defines 'society' as the society or any separate branch of such a society on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

Section 19 of the Act defines a society as such if it is established and conducted:-

- for charitable purposes, as defined in s2 of the Charities Act 2006;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than that of private gain.

It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

### Applications to Register

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

Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all the necessary supporting documents required by the Licensing Authority to determine the application.

If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:-

- A list of the members of the society;
- the society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements;
- a written declaration from the applicant stating that they represent a bona fide non-commercial society.

The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application:-

- an operating licence held by the applicant for registration has been revoked under section 119(1) of the act, or
- an application for an operating licence made by the applicant for registration has been refused.

The Licensing Authority may refuse an application for registration if they think 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 in or with the application for registration is false or misleading.

The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:-

- Whether allowing the registration of the society would be consistent with the Act;
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives;
- Whether allowing the registration of the society would be consistent with any relevant code of practice issued by the Gambling Commission.

Any decision made at a hearing may be appealed to the Magistrates' Court within 21 days of receiving notice of the decision.

#### Promoting a small society lottery

Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

As the minimum age for participation in a lottery is 16, this Licensing Authority expects those societies that it registers to have written procedures and policies in place to help prevent and deal with lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets;
- taking action where there are unlawful attempts to purchase tickets.

Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society;
- the price of the ticket, which must be the same for all tickets;
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is an external lottery manager (elm);
- the date of the draw, or information which enables the date to be determined.

The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

With regards to where small society lottery tickets may be sold, this Licensing Authority applies the following criteria to all small society lottery operators:-

Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Where the annual fee is not paid by the due date this Licensing Authority will cancel the small society registration. This is subject to the discretion of the Community Wellbeing Manager who shall determine whether cancellation shall apply on a case by case basis. The onus is firmly placed on the Society to ensure they pay the annual fee by the due date.

## Financial Returns

As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society;
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000;
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed.

The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

The following information must be submitted:-

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover;
- the total proceeds of the lottery;
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers;
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery;
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds);
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

The Act also requires that returns must;

- be sent to the licensing authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratchcards) within three months of the last date on which tickets were on sale;
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

This Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority's website.

Where societies run more than one lottery in a calendar year, this Licensing Authority must monitor the cumulative total of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

This Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

#### Revocation of a registration

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

Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- whether allowing the registration of the society to continue would be consistent with the act;
- whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives;
- whether allowing the registration of the society to continue would be consistent with any relevant code of practice issued by the gambling commission.

Any decision made at a hearing may be appealed to the Magistrates' Court within 21 days of receiving notice of the decision.

## **6. Temporary Use Notices**

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

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

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

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

In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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



## **7. 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. This Licensing Authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

This Authority will notify the Gambling Commission of any notices made under this provision and share with them any relevant information.

**CONSULTEES**

The Authority intends to consult the following on the content of this Statement of Principles:-

- Betting and Gaming Council
- British Amusement Catering Association (BACTA)
- The Bingo Association
- Association of British Bookmakers Ltd (ABB)
- The British Association of Leisure Parks, Piers & Attractions Ltd (BALPPA)
- Chief Officer of Police
- Elected Members of Gloucester City Council
- Richard Graham MP
- Citizens Advice Bureau
- GamCare
- Gamblers Anonymous
- Holders of existing licences, permits and registrations who will be affected by the provisions of the Act
- Licensed Victuallers Association
- Lotteries Council
- Responsible Authorities
- Quedgeley Town Council
- Responsibility in Gambling Trust
- Elected Members of Gloucestershire County Council

## CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

### LICENSING AUTHORITY

Gloucester City Council  
Community Wellbeing  
PO Box 2017  
Pershore  
WR10 9BJ

Telephone: 01452 396396

Email: [community.wellbeing@gloucester.gov.uk](mailto:community.wellbeing@gloucester.gov.uk)

### LOCAL PLANNING AUTHORITY

Development Control Service Manager  
Gloucester City Council  
PO Box 2017  
Pershore  
WR10 9BJ

Telephone: 01452 396 396

Email: [business.support@gloucester.gov.uk](mailto:business.support@gloucester.gov.uk)

### THE GAMBLING COMMISSION

Victoria Square House  
Victoria Square  
BIRMINGHAM  
B2 4BP

Telephone: 0121 230 6500

Fax: 0121 233 1096

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

### GLOUCESTERSHIRE CONSTABULARY

Licensing Unit  
Community Engagement Dept.  
Police HQ  
No1 Waterwells  
Quedgeley  
Gloucester  
GL2 2AN

Telephone: 01452 754482

Email: [licensing@gloucestershire.pnn.police.uk](mailto:licensing@gloucestershire.pnn.police.uk)

The main Police switchboard number is 0845 090 1234.

**GLOUCESTERSHIRE FIRE AND RESCUE**

Chief Fire Officer  
Fire Service Headquarters  
Waterwells Drive  
Quedgeley  
Gloucester  
GL2 2AX

Telephone: 01452 753333  
Fax: 01452 753304  
Email: [fire@glosfire.gov.uk](mailto:fire@glosfire.gov.uk)

**GLOUCESTERSHIRE GSCP**

Gloucestershire Safeguarding Children Partnership (refer to paragraph 9 of Part A for partnership details)

Email: [licensing@gloucestershire.pnn.police.uk](mailto:licensing@gloucestershire.pnn.police.uk)

**HM REVENUE & CUSTOMS**

Excise Processing Teams  
BX9 1GL  
United Kingdom

Telephone 0300 322 7072 Option 7  
Email [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

**For relevant premises e.g. vessels, the following may also be Responsible Authorities:**

**SOUTH WALES AND BRITISH WATERWAYS**

Canal & River Trust  
The Dock Office  
Commercial Road  
Gloucester  
GL1 2EB

E-mail [enquiries.southwalessevern@canalrivertrust.org.uk](mailto:enquiries.southwalessevern@canalrivertrust.org.uk)

**ENVIRONMENT AGENCY**

Riversmeet House  
Newtown Industrial Estate  
Northway Lane  
Tewkesbury  
Gloucestershire  
GL20 8JG

**SECRETARY OF STATE** (Note in practice, the Secretary of State for Transport who acts through the Maritime and Coastguard Agency)

DCMS  
2-4 Cockspur Street  
London  
SW1Y 5DH

Telephone: 020 7211 6200  
email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)

## TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

**LIST OF ORGANISATIONS THAT GIVE HELP AND ADVICE ABOUT PROBLEM GAMBLING**

The following organisations are working to tackle problem gambling and may be able to help individuals and/or organisations.

Responsibility in Gambling Trust (RIGT)  
10 Brick Street  
London  
W1J 7HQ  
Tel: 0207 518 0023  
Fax: 0207 518 0174  
Email: [enquiries@rigt.org.uk](mailto:enquiries@rigt.org.uk)

Citizens Advice  
Gloucester and District Citizens Advice Bureau  
Messenger House  
35 St Michaels Square  
Gloucester  
GL1 1HX  
Tel: 01452 527202

Gam Anon  
PO Box 5382  
London  
W1A 6SA  
National Help Line: 08700 5088 80  
Midlands 0121 233 1335

Gamblers Anonymous (UK)  
Birmingham 0121 233 1335

Gam Care  
2nd Floor  
7-11 St John's Hill  
London  
SW11 1TR  
Tel: 020 7801 7000  
Fax: 020 7801 7033  
Email: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)

Gordon House Association  
43-47 Maughan Street  
Dudley  
West Midlands  
DY1 2BA  
Tel: 01384 241 292  
Email: [help@gordonhouse.org.uk](mailto:help@gordonhouse.org.uk)

NCH Children's  
Charity 85 Highbury  
Park London N5  
1UD  
Tel: 020 7704 9037  
Fax: 020 7704 7134

NHC South West  
Horner Court  
637 Gloucester Road  
Horfield  
Bristol  
BA7 0BJ  
Tel: 01179 354 440  
Fax: 01179 512 470

National Debt Line  
Tel: 0808 808 4000

## APPENDIX E

Category of Machine	Maximum Stake	Maximum Prize
A	No category A gaming Machines	Are currently permitted
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D	10p money prize 30p non-money prize	£5 money prize £8 non-money prize
D	10p combined money and non-money prize (other than a coin pusher or penny falls machine)	£8 (of which no more than £5 may be a money prize)
D	20p Combined money and non-money prize (coin pusher or penny falls machine)	£20 (of which no more than £10 may be a money prize)

\*with option of maximum £20,000 linked progressive jackpot on premises basis only