

APPENDIX 4

BOLTON METROPOLITAN BOROUGH COUNCIL

STATEMENT OF PRINCIPLES 2019-2022

GAMBLING ACT 2005

This Statement of Principles was approved by Bolton Council on [date 2019]

Foreword

This is Bolton Council's (the Council) Statement of Principles in relation to the Gambling Act 2005 (the Act) and covers the period from 2019 to 2022.

Section 349 of the Act requires the Council to prepare and publish a Statement of Licensing Principles, that the Council propose to apply in exercising their functions under the Act. The Statement of Principles forms the Council's mandate for managing local gambling provision and sets out how the Council views the local risk environment and therefore its expectations in relation to operators with premises in the locality.

The Statement of Policy acts as the primary vehicle for setting out the Council's approach to regulation having considered local circumstances.

The existence of a clear and robust Statement of Principles provides greater scope for the Council to work in partnership with operators, other local businesses, communities and Responsible Authorities to identify and to proactively mitigate local risks to the licensing objectives.

Partnerships are important to the Council and the Council will be working closely with the Gambling Commission, Police and other Responsible Authorities/interested parties. The Council will also provide guidance and support to the trade, residents and businesses.

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All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published March 2015 and updated September 2016.

PART A

General Principles

1.0 The Licensing Objectives

- 1.1 In exercising most of their functions under the Act, the Council must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 The 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 fit:
- 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 Council’s Statement of Principles.

2.0 Introduction

- 2.1 Bolton is situated to the North West of Manchester, it is one of 10 metropolitan districts of Greater Manchester and covers an area of some 54 square miles. The borough comprises 280,400 residents (2017) within 8 towns, three of which have their own town councils (marked with *):
- Blackrod *
 - Bolton
 - Farnworth
 - Horwich *
 - Kearsley
 - Little Lever
 - South Turton
 - Westhoughton *
- 2.2 There are four main shopping areas within the Borough comprising Bolton town centre, Farnworth, Westhoughton and Horwich. In addition, there is a large ‘out-of-town’ retail and leisure development at Middlebrook.

2.3 The population age structure of the Borough (2017) is as follows:

| | | |
|-----------------------|---------|-------|
| Children (0-15 years) | 60,500 | 21.2% |
| Working age (16-64) | 175,800 | 61.7% |
| Older people (65+) | 48,500 | 17% |

2.4 The Council is required by the Act to publish a Statement of Principles which it proposes to apply when exercising their functions. This Statement of Principles must be published at least every three years. The Statement of Principles must also be reviewed from “time to time” and any amended parts re-consulted upon. The Statement of Principles must be then re-published.

2.5 The Act requires that the following parties are consulted by the Council:

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

2.6 In preparing this Statement of Principles, consultation was undertaken between the following dates 15th January 2019 and 22nd February 2019.

2.7 A list of persons consulted is provided at **Appendix A**. A copy of the draft Statement of Principals was published on the Council website between the dates above and comments invited.

2.8 The consultation was undertaken having regard to HM Government Code of Practice on Consultation (published July 2008), and the Cabinet Office Consultation Principles published March 2018

2.9 The Statement of Principles was approved at a meeting of the Full Council on XXXXXX and was published on the Councils website on XXXXXXXXXX

2.10 It should be noted that this Statement of Principles 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 Act.

3. Government Consultation on Gaming Machines and Social Responsibility Measures

3.1 The Government carried out a consultation exercise (Oct 2017 – Jan 2018) on the link between gaming machines and social responsibility. The consultation aimed to review the measures in place to ensure the right balance between a

sector that could grow and contribute to the economy, and one that is socially responsible and doing all it should to protect consumers and communities from harm. The objective was underpinned by the Governments focus on reducing gambling-related harm, protecting the vulnerable and making sure that those experiences problems are getting the help that they need

3.2 In March 2018 the Gambling Commission published its advice to the Government as part of the review and made a series of recommendations aimed at reducing the risks that consumers, particularly vulnerable consumers, face from gambling

3.3 On the 17th May 2018 the Government published its review of gaming machines and social responsibility measures which set out a number of measures to be taken forward by both the Government and the Gambling Commission. These are based on the findings of the consultation and will be subject to a parliamentary vote. The proposals include the following

- Reducing the maximum stake on B2 gaming machines (FOBTs- fixed odds betting terminals) from £100 to £2
- Improving player protections on category B1 and B3 machines
- A plan of action to strengthen player protections online
- Further regulatory measures surrounding advertising and the promotion of responsible gambling
- Public Health England will carry out a review of the evidence relating to public health harms of gambling
- Intention to review the age limit for playing national lottery games

A further review of this Statement of Principles may be required following parliamentary approval of the changes highlighted above.

4.0 Declaration

4.1 In producing the Statement of Principles, the Council declares that it has had regard to the licensing objectives of the Act, the Guidance, and any responses from those consulted on the Statement.

5.0 Responsible Authorities

5.1 Responsible Authorities are public bodies that must be notified of applications and are entitled to make representations to the Council in relation to applications for, and in relation to, premises licences.

5.2 Section 157 of the Act identifies the bodies that are to be treated as Responsible Authorities. The contact details of all the Responsible Authorities at the time of writing this document is included at **Appendix B**. An up to date list is available from the Council's Licensing Unit.

- 5.3 The Council 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 Council 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 Council's area
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 5.4 In accordance with the suggestion in the Guidance, the Council designates Bolton's Safeguarding Children Board for this purpose.

6.0 Interested Parties

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

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

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

- 6.2 The Council is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. Those principles are as follows
- Decide each case on its merits
 - Not apply a rigid rule to its decision making
 - Consider the examples of considerations provided in the Guidance at paragraph 8.11 and 8.18
 - Consider the Guidance that interested parties with "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. If in the particular circumstances of the application the Council departs from the Guidance it will explain its reasons for doing so.
- 6.3 The factors that the Council will consider when determining what "sufficiently close to the premises" means (in each case) might include:
- The size of the premises
 - The nature of the premises

- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- The circumstances of the complaint. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises.

6.4 The factors that are likely to be relevant to “persons with business interests” and which the Council will consider include:

- The size of the premises
- The ‘catchment’ area of the premises (i.e. how far people travel to visit)
- Whether the person making the representation has business interests in that catchment area that might be affected.

6.5 The factors that are likely to be relevant to “represents persons” who live sufficiently close or who have business interest and which the Council will consider include:

- Written or verbal evidence submitted by interested parties confirming details of who they wish to represent them
- There is no requirement for representatives to be professionally qualified persons
- 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 Committee dealing with the licence application. Details of membership of the Councils Licensing Committee can be found in Part C of the Councils Constitution which can be accessed via this link:

<https://www.bolton.gov.uk/downloads/file/1551/the-councils-management-structure>

6.6 Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament (MP’s). No specific evidence of being asked to represent an interested person will be required if the Councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be interested parties. Other than these however, the Council 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 enough.

7.0 Exchange of Information

7.1 The Council is required to include in the statement the principles to be applied by the Council 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 the respect to

the exchange of information between it and the other persons listed in Schedule 6 to the Act.

- 7.2 The principle that the Council 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 2018 implementing General Data Protection Regulation (GDPR) will not be contravened. The Council will also 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 Act.
- 7.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

8.0 Enforcement

- 8.1 The Council is required by regulation under the 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.
- 8.2 The Council's principles are that it will be guided by the Guidance and the requirements of the regulators code 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
 - **Targeted:** regulation should be focused on the problem and minimise side effects.
- 8.3 The Council takes a risk-based approach to enforcement under the Act based on:
- The licensing objectives
 - Relevant codes of practice
 - Guidance in particular Part 36
 - The principles set out in this Statement of Principles
 - The enforcement policy, intelligence and complaints.

The Council's Regulatory Services has in place an enforcement policy which sets out the Council's commitment to the principles of good enforcement. A copy of the policy is available from the Council's Licensing Unit.

- 8.4 As per the Guidance the Council will endeavour to avoid duplication with other

regulatory regimes so far as possible.

- 8.5 The main enforcement and compliance role for the Council in terms of the Act is to ensure compliance with the premise's licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Council but should be notified to the Gambling Commission.
- 8.6 The Council keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of the Council.
- 8.7 Bearing in mind the principle of transparency, the Council's enforcement/compliance protocols/written agreements are available, on the Council's website.
- 8.8 The Council will take account of the Gambling Commissions document "Approach to Test Purchasing" when considering making test purchases at gambling premises.
- 8.9 Where there is a primary authority scheme in place, the Council will seek guidance from the primary authority before taking any enforcement action.

9.0 Licensing Authority Functions

- 9.1 The Council is required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing *premises licences*
 - Issue *provisional statements*
 - Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing *club gaming permits* and/or *club machine permits*
 - Issue *club machine permits* to *commercial clubs*
 - Grant permits for the use of certain lower stake gaming machines at *unlicensed family entertainment centres*
 - Receive notifications from alcohol licensed premises (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

- 9.2 These functions will be carried out in accordance with the Council's Scheme of Delegation at **Appendix C**, and any authorisations provided under that Scheme of Delegation.
- 9.3 It should be noted that the Council is not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.
- 9.4 The functions shall be carried out with full regard to legislation and relevant guidance, and each case will be determined on its merit.

PART B

Premises Licences

10.0 General Principles

10.1 Premises licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The Council can exclude default conditions and attach others, where it is believed to be appropriate.

10.2 **Decision making** – the Council 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
- Reasonably consistent with the licensing objectives
- In accordance with this Statement of Principles.

10.3 It is appreciated that as per the Guidance "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 - page 13) and that unmet demand is not a criterion for the Council.

10.4 The licence conditions and code of practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on code 10, the social responsibility code. The Council will have regard to this code when considering applications. This is covered in more detail in paragraph 27 of this statement.

10.5 **Definition 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, the Council should pay 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.

10.6 The Gambling Commission states in the fifth edition of its Guidance at paragraphs 7.6 and 7.7 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.”

10.7 The Council takes note of the Guidance 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. 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 named on the premises licence.

10.8 The Guidance also gives a list of factors which the Council 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?

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

10.10 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 (as defined at 7.21 of the Guidance)*

- *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 (as per para 7.21 Guidance) 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 premise 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*

10.11 Part 7 of the Guidance contains further direction on this issue, The Council will take this into account in its decision-making.

10.12 **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.

10.13 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 (see section 17.0) should be made instead.

- 10.14 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premise, the Council 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.
- 10.15 Applicants should note that the Council 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.
- 10.16 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.56-7.65 of the Guidance.
- 10.17 **Location** – the Council is aware that demand issues cannot be considered regarding the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Guidance, the Council will pay 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 future policy which may be adopted does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 10.18 **Planning** - the Guidance states:
- 7.58 *In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.*
- 10.19 The Council will not consider irrelevant matters as per the above Guidance. In addition, the Council notes the following excerpt from the Guidance:
- 7.65 *When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the 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.

- 10.20 **Duplication with other regulatory regimes** – the Council seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Council 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 are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 10.21 When dealing with a premises licence application for finished buildings, the Council will not consider whether those buildings must comply with the necessary planning or buildings consents. Fire or health and safety risks will not be considered, 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.
- 10.22 **Licensing objectives** - premises licences granted must be reasonably consistent with the licensing objectives. Regarding these objectives, the Council has considered the Guidance 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** – the Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Guidance does however envisage that the Council 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 the Council 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. The Council is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.
 - **Ensuring that gambling is conducted in a fair and open way** – the Council has noted that the Gambling Commission states that it generally does not expect the Council to be 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 regarding tracks which is explained in more detail in section 16.0 of this policy Tracks.
 - **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – the Council has noted the Guidance 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 Council will therefore consider, as suggested in the Guidance, whether specific measures are required at premises, regarding this licensing objective. Appropriate measures may include supervision of

entrances/machines, segregation of gaming areas etc.

- 10.23 The Council is also aware of the Gambling Commission codes of practice as regards this licensing objective, in relation to specific types of premises.
- 10.24 Section 7 of the Guidance sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises. The licence conditions and codes of practice (LCCP) issued in 2015 and updated April 2018 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed. Operators must ensure that:
- All staff are trained
 - That all customers are supervised when on gambling premises
 - They have procedures for identifying customers who are at risk of gambling related harm.
- 10.25 The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.
- 10.26 Further provisions regarding self-exclusion and marketing are included in the social responsibility code. The Council will take all conditions and codes into account when considering applications or performing enforcement activities. See Part D of this policy statement for further details on the Council's requirements in relation to the LCCP.
- 10.27 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek 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
 - Gambling beyond their means
 - May not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs

The Council will consider this licensing objective on a case by case basis.

- 10.28 **Conditions** – any additional conditions attached to licences will only be imposed where there is evidence of a risk to the licensing objectives. All conditions must 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
 - Reasonable in all other respects
 - Consistent with those attached to operator licences

Conditions in addition to the mandatory and default conditions will only be

imposed where relevant.

- 10.29 Decisions upon individual conditions will be made on a case by case basis, although there will be several measures the Council 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. The Council will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 10.30 The Council 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 Guidance.
- 10.31 The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are 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 or the licence holder
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

- 10.32 The Council 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 Guidance, the Council 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.
- 10.33 It is noted that there are conditions which the Council 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 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)

- Conditions in relation to stakes, fees, winning or prizes.

- 10.34 All premises licences shall by virtue of Section 183 of the Act be subject to the condition that premises shall not be used to provide facilities for gambling on Christmas Day.
- 10.35 **Door Supervisors** - the Gambling Commission advises in its Guidance that if the Council 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 to this effect.
- 10.36 Where it is decided that supervision of entrances/machines is appropriate for cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33). However only staff directly employed by casinos and bingo clubs have an exemption from SIA registration.

11.0 Adult Gaming Centres

- 11.1 Adult gaming centres (AGCs) are premises able to make category B, C and D gaming machines available to their customers. Persons operating an AGC must hold a gaming machines general operating licence from the Gambling Commission as well as a premises licence from The Council.
- 11.2 The Council 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.
- 11.3 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.
- 11.4 The Council 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.

- 11.5 The number and type of machines that can be made available is detailed in paragraph 21.4 to 21.6 of the Guidance, the number and type of machine permitted varies dependent upon whether the licence was granted before or after 13 July 2011.
- 11.6 The Council will apply the conditions as detailed in Section 21 of the Guidance.

12.0 (Licensed) Family Entertainment Centres

- 12.1 The Act creates two classes of family entertainment centre (FEC). Licensed FEC's provide category C and D machines and require a premises licence. Unlicensed FEC's provide category D machines only and are regulated through uFEC gaming machine permits (see part C of this statement).
- 12.2 The Council 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 Council, 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.
- 12.3 The Council 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.

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

- 12.4 The Council will, as per the 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. The Council will also make itself aware of any mandatory or default conditions on these premises' licences, when they have been published.
- 12.5 The Council will apply the conditions as detailed in Section 22 of the Guidance.

13.0 Casinos

- 13.1 Section 7 (1) of the Act states that “a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games”. Casino games are a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.
- 13.2 *No Casinos resolution* – the Council 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 the Council decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution. Any such decision will be made by the Full Council.
- 13.3 *Licence considerations /conditions* – the Council will attach conditions to casino premises licences according to the principles set out in the Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the licence conditions and codes of practice published by the Gambling Commission.
- 13.4 The Council 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 premises. There should also be a door supervisor at every entrance to a casino to ensure this restriction is enforced.
- 13.5 *Betting machines* – the Council will, as per the 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.

14.0 Bingo Premises

- 14.1 The Act does not contain a definition of bingo. It is to have its ordinary and natural meaning and the Act does stipulate that “bingo” means any version of that game, irrespective of how it is described. Two types of bingo may be offered:
- Cash bingo, where the stakes made up the cash prize that’s won
 - Prize bingo, where various forms of prizes are won, not directly relating to the stakes panel.

Under the Act, the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. Therefore, a premise with a bingo premises licence, or a casino premises licence (where the operator holds bingo as well as a casino operating licence) will be able to offer bingo in all its forms.

- 14.2 The Council notes that the Guidance states:

18.5 *Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.*

14.3 Subject to the rules of individual operators, 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. The LCCP (SR) code 3.2.5 (3) states that licensees must ensure that their premises and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling. The Guidance outlines provisions at paragraph 18.6 regarding the employment of young persons (up to the age of 18) and children (under 16) at premises where gaming and/or gaming machines are provided.

15.0 Betting Premises

15.1 The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises which require licensing, for instance – off course betting (i.e.: licensed betting offices) and betting offices on tracks.

15.2 The Council 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 premises.

15.3 *Betting machines* – the Council will, as per the 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.

16.0 Tracks

16.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (i.e.: “totalisator” or “tote”) and general betting (i.e.: “fixed odds” betting).

16.2 The Council 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 Guidance, the Council 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.

- 16.3 The Council 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.
- 16.4 The Council 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.

- 16.5 *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 in areas from which children are excluded.
- 16.6 *Betting machines* – the Council will, as per Part 6 of the Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 16.7 *Condition on rules being displayed* – the Council will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in a leaflet from the track office.
- 16.8 *Applications and plans* - the Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Council 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 Council to plan

future premises inspection activity. (See Guidance paragraph 20.43).

- 16.9 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. (See Guidance paragraph 20.44).
- 16.10 The Council 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 the difficulties associated with pinpointing exact locations for some types of track. The Council will satisfy its self that the plan provides sufficient information to enable them to assess the application (See Guidance paragraph 20.46).

17.0 Travelling Fairs

- 17.1 The Act defines a travelling fair as “wholly or principally” providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.
- 17.2 The Council 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.
- 17.3 The Council will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 17.4 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

18.0 Provisional Statements

- 18.1 Developers may wish to apply to the Council for a provisional statement, before entering into a contract to buy or lease property or land, to judge whether a development is worth taking forward, in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 18.2 S204 of the Act provides for a person to make an application to the Council for a provisional statement in respect of premises that he or she:
- Expects to be constructed
 - Expects to be altered
 - Expects to acquire a right to occupy.
- 18.3 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.

- 18.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 18.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council 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 considered unless:
- They concern matters which could not have been addressed at the provisional statement stage
 - They reflect a change in the applicant's circumstances.
- 18.6 In addition, the Council 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 Council's opinion reflect a change in the operator's circumstances
 - Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the Council notes that it can discuss any concerns it has with the applicant before deciding.

19.0 Reviews

- 19.1 Requests for a review of a premises licence can be made by interested parties or Responsible Authorities; however, it is for the Council to decide whether the review is to be carried-out. This will be based on 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
 - In accordance with the Council's Statement of Principles.
- 19.2 The request for the review will also be subject to the consideration by the Council as to whether the request is frivolous, vexatious, or whether it will certainly not

cause the Council to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- 19.3 The Council can also initiate a review of a premises licence, or a class of premises licence on the basis of any reason which it thinks is appropriate.
- 19.4 Once a valid application for a review has been received by the Council, 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 Council, who will publish notice of the application within 7 days of receipt.
- 19.5 The Council must carry out the review as soon as possible after the 28-day period for making representations has passed.
- 19.6 The purpose of the review will be to determine and whether the Council should take any action in relation to the licence. If action is justified, the options open to the Council are: -
- add, remove or amend a licence condition imposed by the Council
 - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion
 - suspend the premises licence for a period not exceeding three months
 - revoke the premises licence.
- 19.7 In determining what action, if any, should be taken following a review, the Council must have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 19.8 In particular, the Council 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.
- 19.9 Once the review has been completed, the Council must, as soon as possible, notify its decision to:
- The licence holder
 - The applicant for review (if any)
 - The Gambling Commission
 - Any person who made representations
 - The Chief Officer of Police or Chief Constable
 - Her Majesty's Commissioners for Revenue and Customs

PART C

Permits/Temporary & Occasional Use Notice

20.0 **Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

20.1 Unlicensed family entertainment centres (FEC's) will perhaps be most commonly located at places such as seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. Unlicensed FEC's will be able to offer only category D machines in reliance on a gaming machine permit.

20.2 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Council for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

20.3 The Guidance states at paragraph 24.8:

“In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group. Licensing authorities are also encouraged to also specify in their statement of policy that a plan for the uFEC must be submitted”.

20.4 **Statement of Principles** – the Council 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. The Council will also expect 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); and that staff are trained to have a full understanding of the maximum stakes and prizes.

20.5 Guidance also states: “...an application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application.

Licensing authorities might wish to consider asking applications to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act
- That staff are trained to have a full understanding of the maximum stakes and prizes. (24.9).

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

21.0 Gaming Machine Permits (Alcohol Licensed Premises) - (Schedule 13 Paragraph 4(1))

21.1 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 Council and pay the prescribed fee.

21.2 The Council can remove the automatic authorisation in respect of any premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act (i.e. that written notice has been provided to the Council, 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
- an offence under the Act has been committed on the premises.

It is important that operators are aware of rules concerning exempt gaming on their premises. Please see the Gambling Commissions code of practice for equal chance gaming.

21.3 Permits 3 or more machines - if a premise wishes to have more than 2 machines, then it needs to apply for a permit and the Council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “*such matters as they think relevant.*”

21.4 The Council 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 harmed or being exploited by gambling and will expect the applicant to satisfy the Council 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 Council 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 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.

- 21.5 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.
- 21.6 It should be noted that the Council 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.
- 21.7 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 machine.

22.0 Prize Gaming Permits

- 22.1 A prize gaming permit is a permit issued by the Council to authorise the provision of facilities for gaming with prizes on specified premises.
- 22.2 The Act states that a licensing authority may “prepare a Statement of Principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 22.3 The Council 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.
- 22.4 In making its decision on an application for this permit the Council does not need to (but may) have regard to the licensing objectives but must have regard to any guidance issued under Section 25 of The Act.
- 22.5 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the Council 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

- 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)
- Participation in the gaming must not entitle the player to take part in any other gambling.

23.0 Club Gaming and Club Machines Permits

23.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

23.2 Members clubs and miner's welfare institutes – and commercial clubs – may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB commercial clubs may not site category B3A gaming machines offering lottery games in their club.

23.3 The Council notes that the Guidance states:

25.46 The licensing authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. It is suggested that applicants for permits should be asked to supply sufficient information and documents to enable the licensing authority to take account of the matters discussed in paragraphs 25.45 to 25.46, at the time they submit their applications to the licensing authority. Licensing authorities should be particularly aware that club gaming permits may be misused for illegal poker clubs

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

23.5 The Guidance also notes that the Council may only refuse an application on the grounds that:

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

- 23.6 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). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Guidance states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

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

- 23.7 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.

24.0 Temporary Use Notices

- 24.1 Temporary use notices allow the use of premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 24.2 The Council can only grant a temporary use notice to a person or company holding a relevant operating licence.
- 24.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement of Principles 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 for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 24.4 There are several statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the 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 Council needs to look at, amongst other things, the ownership/occupation and control of the premises.

- 24.5 The Council 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 Guidance.

25.0 Occasional Use Notices

- 25.1 The intention behind occasional use notices is to permit licensed betting operators (with appropriate permission from the Gambling Commission) to use tracks for short periods for conducting betting where the event upon which the betting is to take place is of a temporary, infrequent nature. The occasional use notice dispenses with the need for betting premises licences for the track in these circumstances.
- 25.2 The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. The Council will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

26.0 Small Society Lotteries

- 26.1 These are lotteries operated by none commercial societies i.e. societies that are established and conducted:
- For charitable purposes
 - For the purpose of enabling participation in or in support of sport, athletics or a cultural activity or
 - For any other none commercial purpose other than private gain
- 26.2 The promotor of a small society lottery must be registered with the Council. This must be in the area where the promoters principal office is located.
- 26.3 The Council will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. The Council considers that the following list, although not exclusive, could affect the risk status of the operator:
- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
 - Submission of incomplete or incorrect returns
 - Breaches of the limits for small society lotteries
- 26.4 Charities and community groups should contact the Council's Licensing Unit for further advice.

PART D

Licence Conditions & Codes of Practice (LCCP)

27.0 The Code

- 27.1 The Gambling Commission released an LCCP in February 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at: www.gamblingcommission.gov.uk
- 27.2 The code requires operators:
- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm
 - With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work
 - To have a range of measures regarding marketing to ensure social responsibility that are transparent and not misleading
 - To assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises
 - To have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.
 - The risk assessments must consider relevant matters from this document
 - To share their risk assessments with the Council

28.0. Risk Assessments

- 28.1 Such risk assessments are required from new applicants and from existing premises licensees seeking to vary a licence and are to be presented to the Council upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.
- 28.2 Operators are required by the SR code to make the risk assessment available to the Council when an application is submitted either for a new premises licence or a variation of a premises licence, or otherwise on request, and this will form part of the Council's inspection regime and may be requested when officers are investigating complaints. **A copy of the risk assessment is required to be kept at the licensed premise.**
- 28.3 The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and the Council suggests the following matters could be considered by operators when making their risk assessment:
- Information held by the licensee regarding self-exclusions and incidences of underage gambling

- Gaming trends that may reflect benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

28.4 The Council also suggests the following matters could be considered by operators when making their risk assessment:

Matters relating to children and young persons, including:

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, places of worship and entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- Areas which are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

Matters relating to vulnerable adults, including:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

This list is not exhaustive and other factors not in this list that are identified can be taken into consideration.

29.0 Local Area Profile

The Council has considered the local area profile and feels the main issues will be covered by the risk assessments required under the LCCP and by implementing the Statement of Principles above.

A link to statistics and data relating to the wards within Bolton can be accessed via the following link:

<http://www.bolton.gov.uk/website/Pages/Statisticsanddata.aspx>

APPENDIX A

Consultees:

Association of British Bookmakers
Astley Bridge Bowling Green Company Ltd
BACTA
Beacon Counselling Trust
Beaumont Arms
Bee Hive
Betfred
Betfred
Bolton at Home
Bolton Citizens Advice Bureau
Bolton CVS
Bolton Interfaith Council
Booker Cash & Carry
Bowling Green
Brightmet United Football Club
Bridge Inn
British Beer & Pub Association
British Holiday and Home Parks Association
Cashino
Church Ward Conservative Club
Club and Institute Union
Coral
Cotton Kier
Council officers
Councillors
Crown Hotel
Daisy Hill Cricket Sports and Social Club
Doffcocker Inn
Dragonfly
Dunscar Golf Club
Ellesmere Road Recreation Club
Farnworth & Kearsley Labour Club
Farnworth Cricket and Bowling Club
Fire Safety Manager
Gamble Aware
Gamblers Anonymous
Gambling commission
Gambling Commission
Gamcare
Gamestec Leisure Ltd
Greater Manchester Fire
Greater Manchester Police
Grosvenor G Casino

GVC Holdings
Heaton Cricket Club
Henry Wallis Amusements
HM Revenue and Customs
Hollywood Bowl
Hollywood Road Sports & Social Club
Horwich Park Inn
Horwich Reform Club
Horwich RMI Club
Kearsley Cricket Club
Ladbrokes
Little Lever Working Mens Club
Lotteries Council
Mecca Bingo Club
National Casino Forum
NHS
Nobles Amusements
Oasis Club
Our Lady of Lourdes Social Club
Punch Taverns
Quicksilver
Red Lion
Remote Gambling Association
Royal British Legion
Shaws Amusements
SIA
SIBA
Southfields
Spinning Mule
Stan James
Stanley Racing Ltd
The Bingo Association
The Railway Club
The Rank Group Plc
Three Pigeons
Tonge & Brightmet Conservative Club
Tonge Cricket Club
Victory Reform Club
Welcome Inn
Westhoughton Conservative Club
Westhoughton Sports & Social Club
William Hill
William Hill PLC

APPENDIX B

Responsible Authorities

The following are the contact details of the various Responsible Authorities defined in the Act:

| | |
|------------------------------|---|
| 1. The licensing authority: | Bolton Council Licensing Unit One Stop Shop Bolton Council Town Hall Bolton BL1 1RU Telephone: (01204) 333333 e-mail: licensing.unit@bolton.gov.uk |
| 2. The Gambling Commission: | Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP Telephone: 0121 230 6666 Email: info@gamblingcommission.gov.uk Fax: 0121 230 6720 |
| 3. Chief Officer of Police: | Bolton Partnership Team Scholey Street Police Station Scholey Street Bolton BL2 1HD 0161 856 7901 Boltonpartnershipteam@gmp.police.uk |
| 4. Fire and Rescue Authority | The Fire Safety Manager Greater Manchester Fire and Rescue Service Fire Service Headquarters 146 Bolton Road Swinton M27 8US Telephone: (01204) 902111 firesafetyadmin@manchesterfire.gov.uk |
| 5. Planning Authority: | Planning Control Section Bolton Council Town Hall Bolton BL1 1RU Telephone: (01204) 333333 e-mail: planning.control@bolton.gov.uk |
| 6. Safeguarding Children: | Child Protection Unit Children Services Department, Bolton Council, Westhoughton Town Hall |

| | |
|---|---|
| | <p>Market Street, Westhoughton Bolton, BL5 3AW Telephone: 01204 337469 e-mail: area.cpc@bolton.gov.uk</p> |
| 7. Pollution to the environment/Protecting human health: | <p>Environmental Health Service Bolton Council Ellesmere House Mayor Street, Bolton, BL3 5DT Telephone: 01204 336500 e-mail: environmental.health@bolton.gov.uk</p> |
| 8. HM Customs: | <p>HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom Telephone 0300 322 7072 Option 7. e-mail: NRUBetting&Gaming@hmrc.gsi.gov.uk</p> |
| 9. Any other person prescribed by the purposes of this section by Regulations made by the Secretary of State. | |

APPENDIX C

Scheme of Delegation

| Matter to be dealt with | Full Council | Gambling Act Committee | Officers |
|---|--------------|--|---|
| Final approval of Statement of Principles | X | | |
| Fee setting (when appropriate) | | | Approved by GAC |
| Application for premises licences | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received from the Commission | Where no representations received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Review of a premises licence | | X | |
| Application for club gaming/club machine permits | | Where objections have been made (and not withdrawn) | Where no objections made/objections have been withdrawn |
| Cancellation of club gaming/club machine permits | | X | |
| Application 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 | |