

Wiltshire Council

Gambling Act 2005

Statement of Principles

2015 – 2018

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Contents

1.0 Introduction of Wiltshire

2.0 Overview

2.1 Licensing Authority Functions

2.2 Responsible Authorities

2.3 Interested Parties

2.4 Exchange of Information

2.5 Fees

2.6 Declaration

3.0 Licensing Objectives

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

3.2 Ensuring that the gambling is conducted in a fair and open way

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

3.4 Social Responsibilities (Comes into force on 6th April 2016)

3.4 (a) Assessing Local Risk

3.4 (b) Local Risk Assessments

4.0 Premises Licences

4.1 Adult Gaming Centres

4.2 Betting Premises

4.2 (a) Betting Machines

4.2 (b) Tracks

4.2 (c) Conditions on rules being displayed

4.2 (d) Betting Machines and Tracks

4.3 Bingo

4.4 Casinos

4.5 Licensed Family Entertainment Centres

5.0 Permits

5.1 Alcohol Licensed Premises Gaming Machine Permits

5.2 Club Gaming and Club Machines Permits

5.3 Prize Gaming Permits

5.4 Unlicensed Family Entertainment Centre

5.4 (a) Statement of Principles

5.4 (b) Statement of Principles relating to Direct Access between Adult Gaming Centres and Licensed/Unlicensed Family Entertainment Centres

6.0 Small Society Lotteries

6.1 Rules of Small Society Lotteries

6.2 Proceeds and Prizes

6.3 Policy

6.4 Social Responsibility

7.0 Temporary/Occasional Use Notices

7.1 Temporary Use Notices

7.2 Occasional Use Notices

7.3 Travelling Fairs

8.0 Decision Making

8.1 Representations

8.2 Conditions

8.3 Door Supervisors

8.4 Delegated Powers

8.5 Provisional Statements

9.0 Inspection and Enforcement

9.1 Enforcement

9.2 Inspection

9.3 Complaints against Premises

9.4 Reviews

Appendix A – Table of Delegations of Licensing Functions

Appendix B – Responsible Authorities

Appendix C – Useful Contacts

DRAFT

1.0 Introduction to Wiltshire

Wiltshire is a predominantly rural county in the south-west of England with a population of 476,816. Although centrally divided by the large expanse of Salisbury Plain, Wiltshire has many market towns and villages with mixed and vibrant communities. Wiltshire is also home to world-renowned cultural and heritage destinations such as Stonehenge and the internationally established World of Music, Arts and Dance Festival.

Larger populations live within the cathedral city of Salisbury to the south and in other towns such as Trowbridge and Chippenham to the north of Salisbury Plain. The armed forces and their families form a significant population group in Wiltshire, with numbers set to expand significantly in future years as the Ministry of Defence relocates service personnel from overseas locations to Wiltshire in 2015-19.



2.0 Overview

The Gambling Act 2005 provides the regime for licensing and regulation of commercial gambling in the UK and is intended to regulate the provisions of facilities for gambling and the use of premises for gambling. It defines three types of gambling: - gaming, betting, and participating in a lottery. A variety of licences and permits allows these gambling activities to take place. The task of granting these is shared between Licensing Authorities and the Gambling Commission. The Gambling Commission approve operating and personal licences; premises licences and other permissions are approved by the Licensing Authority.

Wiltshire Council Licensing Authority recognises the potential impact of gambling on the communities of Wiltshire. In adopting this policy, this Licensing Authority will seek to work with communities and partners to ensure that it helps to maintain strong and resilient communities. It will address the concerns of the public to maintain safe and high quality environments making Wiltshire an even better place to live, work and visit. It wishes to work together with premises licence operators/holders to assist the thriving and growing local economy whilst seeking to protect vulnerable persons from harm.

Licensing Authorities are required by the Gambling Act 2005 to publish and consult on a statement of the principles which they propose to apply when exercising their functions. This policy statement should also remain responsive to emerging risks and can be reviewed at any time, but must be reviewed at least every three years.

The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:-

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

In reviewing this statement of principles this Licensing Authority consulted widely with all necessary bodies and relevant stakeholders. The consultation process was conducted between May 2015 and August 2015 by way of a direct letter to those identified and also via publication on Wiltshire Council's website - www.wiltshire.gov.uk

A list of those consulted is available from this Licensing Authority on request.

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 Gambling Act 2005.

2.1 Licensing Authority Functions

This Licensing Authority's approach to exercising its functions under the Gambling Act 2005 is set out in this 'Gambling Statement of Principles'. When regulating gambling, this Licensing Authority will take into consideration the interests of the public using guidance from the Gambling Commission and taking into account the three licensing objectives, when carrying out its licensing functions:-

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

The Gambling Act 2005 will not be used by this Licensing Authority to resolve matters that can be dealt with by alternative legislation.

This Licensing Authority will not take into account demand, need or **moral objections** for gambling when considering applications submitted to them; however layout, size and the location of a premises are factors that will be considered, along with the style of operation. Applications will all be assessed on an individual basis.

Gambling is a complex issue and this Licensing Authority has identified the following points in order to carry out its role accurately. These are:-

- Gambling is defined in the Gambling Act 2005 as either gaming, betting, or taking part in a lottery;
- Gaming means playing a game of chance for a prize;
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not;
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Licensing Authorities are required under the Gambling Act 2005 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 by 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;
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that this Licensing Authority will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

The National Lottery is regulated by the National Lottery Commission.

This Licensing Authority's functions under the Gambling Act 2005 will be carried out by the Licensing Committee, the Licensing Sub-Committee, and/or Officers acting under the delegated authority of the Licensing Committee.

2.2 Responsible Authorities

This Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Gambling Act 2005 to designate, in writing, a body which is competent to advise the Licensing 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 Licensing Authority designates the Children's Services Department of Wiltshire Council for this purpose.

Responsible Authorities will be notified by this Licensing Authority of all premises licence applications. The Responsible Authorities are permitted to make representations in relation to premises applications.

The contact details of all the Responsible Authorities under the Gambling Act 2005 will be available via Wiltshire Council's website - www.wiltshire.gov.uk

2.3 Interested Parties

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

- a) a person or persons who lives sufficiently close to the premises and is likely to be affected by the authorised activities,
- b) a business or businesses whose interests might be affected by the authorised activities, or
- c) an individual or group who represents persons who satisfy paragraph (a) or (b).

This 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 Licensing 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 8.14 and 8.15;
- It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission recommended in its guidance that the Licensing Authority states that Interested Parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This Licensing Authority will not generally view these bodies as Interested Parties unless they can demonstrate they have been requested by one of their members who can be classed as an interested person under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

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 Licensing 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.

Individuals are encouraged to approach the local Councillor or Council to ask them to represent their views.

2.4 Exchange of Information

Licensing Authorities are required to include in their statement of principles how they will exercise their functions under section 29 and 30 of the Gambling Act 2005 with respect to the exchange of information between them and the Gambling Commission.

In addition, under section 350 of the Gambling Act 2005, the exchange of information between the Licensing Authority and other persons is set out in Schedule 6 to the Gambling Act 2005.

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.

This Licensing Authority will have regard to the guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Those wishing to make a representation will be informed that their details will be forwarded to the applicants, in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000, in order to allow negotiation between the parties. If a hearing is held it should be noted that their details will form part of the public document.

The Licensing Authority will work closely with the Gambling Commission, Wiltshire Police and with the other Responsible Authorities where there is a need to exchange information on specific premises.

2.5 Fees

Licence fees are set within the prescribed maximum levels in accordance with 'The Gambling (Premises Licence) Fees (England and Wales) Regulations'. Fees for permits and other services will be as set by the Secretary of State.

Information concerning the fees charged by Wiltshire Council for premises licence applications, permits and other permissions will be made available to the public via Wiltshire Council's website – www.wiltshire.gov.uk

This Licensing Authority considers non-payment of annual fees seriously and, in accordance with Paragraph 193 of the Gambling Act 2005, where the Premises Licence Holder fails to pay the annual fee, this Licensing Authority will revoke the licence. This will be disapplied if the Licensing Officers considers that a failure to pay is attributable to administrative error. In relation to permits, this Licensing Authority will cancel the permit if the permit holder fails to pay the annual fee due.

2.6 Declaration

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

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3.0 Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Gambling Act 2005. 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.

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

The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. This Licensing Authority is aware that it falls to the Gambling Commission to ensure the suitability of an operator before issuing an operating licence. However, this Licensing Authority will bring to the attention of the Gambling Commission any information that is brought to its attention, during the course of processing a premises licence application or at any other time, which could question the appropriateness of an applicant.

Where an area has known high levels of crime this Licensing Authority will consider carefully whether gambling premises are suitable to be located there. If there are concerns over a premises location, in order to prevent that premises from becoming a source of crime, certain conditions could be considered by this Licensing Authority to be attached to the licence. These could include door supervisors or CCTV etc.

3.2 Ensuring the gambling is conducted in a fair and open way

The Gambling Commission is concerned to ensure that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that:-

- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- easily understandable information is made available by operators to players about, for example, the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- the rules are fair;
- advertising is not misleading;
- the results of events and competitions on which commercial gambling takes place are made public;
- machines, equipment and software used to produce the outcome of games meet standards set by the Gambling Commission and operate as advertised.

The Gambling Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This is

because this will usually be concerned with either the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

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

The Gambling Act 2005 is intended to ensure that children and vulnerable persons should not be allowed to gamble and should be prohibited from entering those gambling premises which are adult-only environments.

This licensing objective refers to protecting children from being ‘harmed or exploited by gambling’; meaning that they should be prevented from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, with the exception of Category D gaming machines.

It does not however seek to disallow particular groups of adults from gambling in the same way that it does children. The Gambling Commission has not sought to define ‘vulnerable persons’, but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.

This Licensing Authority will consider this licensing objective on a case by case basis. In order to protect vulnerable persons, this Licensing Authority will consider whether any special considerations apply to a particular premises. These considerations could include self barring schemes or providing information in the form of leaflets or helpline information from relevant organisations.

3.4 Social Responsibilities (Comes into force on 6th April 2016)

3.4 (a) Assessing Local Risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

- 1** Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority’s statement of licensing policy.
- 2** Licensees must review (and update as necessary) their local risk assessments:
 - a** to take account of significant changes in local circumstances, including those identified in a licensing authority’s statement of licensing policy;
 - b** when there are significant changes at a licensee’s premises that may affect their mitigation of local risks;

- c when applying for a variation of a premises licence; and
- d in any case, undertake a local risk assessment when applying for a new premises licence.

3.4 (b) Sharing Local Risk Assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non- remote general betting (limited) and betting intermediary licences

- 1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

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4.0 Premises Licences

A Premises is defined in the Gambling Act 2005 as “any place”. It is possible for a single building to be subject to more than one premises license, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). There will be specific issues that this Licensing Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Gambling Act 2005. In addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Gambling Act 2005.

This Licensing Authority will take specific 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 applicants should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

The following factors will be taken into consideration by this Licensing Authority when looking at premises licence applications, **the Local Authority will be mindful of the type of gambling application submitted and consider each on a case by case basis:-**

- Premises location including its immediacy to local schools; children’s centres or centre’s used by vulnerable persons; residential areas that have a high populations of children and vulnerable persons; and areas of deprivation where children and vulnerable persons reside;
- Premises layout and design;
- Installation of security features, such as CCTV or location of cash registers and safes;
- Staff training in all areas that are appropriate to the promotion of the licensing objectives;
- Policies and procedures for age verification;
- Possibility of crime and disorder associated with a licence being granted at a given premises.
- **Local Risk Assessment for premises (coming into force April 2016).**

An individual is responsible for their own gambling; however this Licensing Authority wishes to stress that although it acknowledges this, it also recognises that the applicant/operator has a “duty of care” to patrons.

4.1 Adult Gaming Centres

As no one under the age of 18 is permitted to enter an Adult Gaming Centre, this Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect the applicant to satisfy this Licensing Authority that there will be sufficient measures to meet the licensing objectives and comply with all mandatory conditions and the Gambling Commission Codes of Practice, 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. The list below is not mandatory, nor exhaustive, and is merely indicative of example measures:-

- 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;
- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

Where Adult Gaming Centres are located in a Motorway Service Station this Licensing Authority will pay particular attention to entry points and how an operator will control these entry points to safeguard children who are using the site and therefore may be able to gain access to gambling.

4.2 Betting Premises

Betting is defined by the Gambling Act 2005 as the making or accepting of a bet on the outcome of a race, competition or other event or process; the likelihood of anything occurring or not occurring; or whether anything is or is not true.

A transaction may still be a bet despite the fact the race, competition or event has already taken place and one party to the transaction knows the outcome.

The most common form of betting is ‘fixed odds betting’ whereby the customer bets a stake to win a fixed amount calculated by the odds available.

4.2 (a) Betting Machines

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

This Licensing Authority reserves the right to limit the number of machines if there has been evidence to suggest that they have in the past, or are likely to be in the future, used in breach of the licensing objectives.

4.2 (b) Tracks

(Defined as: a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place)

This Licensing Authority is aware that tracks differ greatly from other premises and may be subject to one or more than one premises licence. The Track Operator themselves may not be required to hold an operating licence, this may be due to the fact that the individual bookmakers at the track will be required to hold their own operating licences.

This Licensing Authority will especially consider the impact upon the protection of children and vulnerable persons from being harmed or exploited by gambling. 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 children 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 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 expected from this Licensing Authority that individual applicants will offer measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures:-

- 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;

- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

It may be appropriate for the applicant to provide the following to support an application and to assist this Licensing Authority to fully understand the application they have submitted:-

- Proof that measures are in place to promote the third licensing objective and to guarantee compliance;
- Specify what proposals have been made to administrate betting (it would be recommended that specific areas are set aside for this function)
- Detailed plan of the track and grounds which identify;
 - any fixed betting facilities;
 - areas that will be specifically used by 'on course' operators on race days;
 - the location of any gaming machines;
 - any temporary structures that will offer betting facilities;
 - mobile betting facilities and other proposed gambling facilities that are not already marked.

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

4.2 (c) Conditions on rules being displayed

The Gambling Commission has advised in its Guidance for Local Authorities that "...Licensing Authorities should 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 leaflet form from the track office."

4.2 (d) Betting Machines and Tracks

This Licensing Authority will expect the track operator to ensure that their premises complies with all the legislation set out in the Gambling Act 2005 to prevent children from using machines at tracks. Children are allowed to play Category D machines at tracks; however this Licensing Authority will be looking at the location of any adult gaming machines throughout the track premises, in order to guarantee that they are situated where children would be excluded.

Each application will be decided upon on a case by case basis, as due to the size and nature of a track premises there are significant problems with the potential abundance of machines that could be located. This Licensing Authority may look to moderate the number of machines or change the location of machines in order to meet the licensing objective which protects children from harm.

4.3 Bingo

Bingo does not have a statutory definition in the Gambling Act 2005, however there are two types of bingo most frequently played, cash bingo and prize bingo.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted this Licensing Authority will ensure that:-

- no more than 8 category B3 or B4 machines are provided in the premises;
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The Licensing Authority is aware that there is no restriction on the number of category C or D machines that can be on a premises.

Records may be checked by this Licensing Authority if they suspect a Licensee or Club is exceeding the turnover limit required in a 7-day period. Where appropriate the Gambling Commission will be consulted.

Bingo permitted on Alcohol Licensed Premises needs to be low level bingo. There is an expectation that information issued by the Gambling Commission will be complied with by the applicant; record keeping being a specific area of compliance.

'High level' bingo will require a Bingo Operating Licence.

When looking at the suitability and layout of a bingo premises the Licensing Authority will take into consideration guidance issued by the Gambling Commission.

4.4 Casinos

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.

Casino premises licences will have conditions attached by this Licensing Authority in accordance with the Gambling Commission's Guidance outlined in paragraph 9 and their Licence Conditions and Codes of Practice.

4.5 Licensed Family Entertainment Centres

There are two classes of Family Entertainment Centres (FEC); Licensed and Unlicensed. Licensed Family Entertainment Centres require a premises licence and can provide Category C and D machines. Whereas, Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits (See permit section for further details).

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

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-barring schemes;
- Self exclusion scheme;
- 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;
- Data sharing e.g. the number of self-exclusions and underage attempts to gamble;
- Operators actively participate in safety and security schemes such as Bet Watch.

Clear separation between machines is needed in Licensed Family Entertainment Centres to make certain that children are not permitted access.

This Licensing Authority will refer to the Gambling Commission's website to ensure that up to date conditions are applied in relation to the way in which the area containing the category C machines should be defined. This will include any mandatory or default conditions.

There is an expectation from this Licensing Authority that all applicants of Licensed Family Entertainment Centres will meet the licensing objectives, comply with the Codes of Practice issued by the Gambling Commission as well as all relevant mandatory conditions.

5.0 Permits

The Gambling Act 2005 introduces a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. A Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions.

5.1 Alcohol Licensed Premises Gaming Machine Permits

There is provision in the Gambling Act 2005 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 licence holder is required to notify the Licensing Authority by completing the requisite application form and paying the prescribed fee. A new notification needs to be submitted after every transfer of premises licence holder.

The Designated Premises Supervisor is responsible for the supervision of gaming and there needs to be compliance with the Gambling Commissions code of practice.

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 2005;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 gaming machines, then it needs to apply for a permit and this Licensing Authority must consider each 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 exploited by gambling. It will be expected of the applicant to satisfy this Licensing Authority that there will be sufficient measures put in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy this Licensing Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. The presence of notices and signage may also help. In relation to 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 gambling 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 this 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.

5.2 Club Gaming and Club Machines Permits

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

The 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 Gambling 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 person's;
- (c) an offence under the Gambling Act 2005 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 Gambling Commission or the Police.

There is also a 'fast-track' procedure available under the Gambling Act 2005 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 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 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 the holder must comply with regarding the code of practice concerning the location and operation of gaming machines to ensure that no child uses a category B or C machine on the premises.

Commercial clubs can only apply for Club Machine Permits and are expected to abide by the codes of practice from the Gambling Commission and with the Secretary of State's statutory stakes and prize limits.

5.3 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" which "may, in particular, specify matters that the Licensing Authority proposes 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;
- and that the gaming offered is within the law.

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

Further information may be sought from an applicant who applies for a prize gaming permit, such as:-

- the location of the machines along with any notices that may be positioned throughout the premises on a scaled plan (1:100);
- confirmation that the limits of stakes and prizes comply with the regulations and the law and that staff are knowledgeable of the limits and stakes;
- age verification scheme;
- confirmation that Fire Safety and Health and Safety legislation has been complied with by the applicant;
- information regarding opening times for the premises;
- details of number of staff employed;

- evidence of public liability insurance documents;
- other policies or procedures in place to promote safeguarding of children and vulnerable persons from harm;
- commitment to enable data sharing e.g. the number of self-exclusions and underage attempts to gamble.

It should be noted that there are mandatory requirements in the Gambling Act 2005 which the permit holder must comply with. The Licensing Authority cannot attach conditions. The conditions in the Gambling Act 2005 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.

If this Licensing Authority intends to refuse an application for a prize gaming permit they will inform the applicant in writing and allow the applicant to make a representation against the decision.

5.4 Unlicensed Family Entertainment Centre

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to this 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.

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications.

Safeguarding children will be a principal concern to this Licensing Authority when dealing with Unlicensed Family Entertainment Centres. Before granting a permit to an applicant for an Unlicensed Family Entertainment Centre this Licensing Authority will need to be satisfied that the premises will be used as such.

Applicants wishing to apply for a permit will need to show:-

- 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 (these that are set out in Schedule 7 of the Gambling Act 2005; and

- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

5.4 (a) Statement of Principles

Additional information will be requested from this Licensing Authority when a permit is applied for by an applicant, such as:-

- the location of any cash machines and category D machines along with any notices that may be positioned throughout the premises on a scaled plan (1:100);
- information regarding the number of category D machines (space between machines needs to be considered for public safety);
- confirmation that applicants are aware of the limits of stakes and prizes that comply with the regulations and the law;
- proof of staff training that will be undertaken and records kept, covering how staff would deal with unsupervised young children being on the premises or children causing perceived problems on or around the premises or suspected truant school children on the premises;
- demonstrate that policies or procedures in place to promote safeguarding of children from harm, in this instance the harm does not refer solely to harm from gambling but also to include harm from any child protection issues;
- confirmation that Fire Safety and Health and Safety legislation has been complied with by the applicant;
- information regarding opening times for the premises and the appearance of the premises externally;
- details of the number of staff employed;
- evidence of public liability insurance documents,
- commitment to data sharing e.g. the number of self-exclusions etc.

Renewals of Unlicensed Family Entertainment Centres are not subject to this statement of principles.

An application may be refused by this Licensing Authority if the applicant is unable to meet the requirements. If it is the intention of this Licensing Authority to refuse the application the applicant will be notified in writing setting out the reasons why.

Should the application be refused applicants have the right to appeal against the Licensing Authority's decision of refusal.

Refusals of a renewal application will occur if the premises has refused access to an Authorised Authority Officer without reasonable excuse; or by in renewing the permit it would have a detriment to the licensing objectives, principally non-compliance issues.

Unless a permit lapses or is surrendered it can remain for 10 years.

5.4 (b) Statement of Principles relating to Direct Access between Adult Gaming Centres and Un/Licensed Family Entertainment Centres

Applicants must consider the protection of children and other vulnerable persons from being harmed or exploited by gambling; therefore they must ensure that children do not have 'direct access' to adult premises and are not attracted to adult only areas.

There is no definition of 'direct access' therefore this Licensing Authority will look at each application on a case by case basis with regards to access. It may be preferable that there is an area that separates the premises from other areas that the public use for purposes other than gambling, so there is no direct access.

The principles below can be applied:-

- Partitions should be permanently fixed between premises and should not be transparent;
- A gaming/skills with prizes machine or any other machine should not form the partition or any part of the partition;
- Minimum height for partitions should be 1.75 metres and a maximum of 0.15 metres from the floor.

If legislation offers further definitions of either 'direct access' or 'separation' this Licensing Authority will recognise that.

6.0 Small Society Lotteries

It is illegal to run a Lottery that does not fit into one of the categories permitted by the law contained in the Gambling Act 2005. There are two categories that they can fall into; Licensed Lotteries that require an operating licence from the Gambling Commission and Exempt Lotteries which require registration with the Licensing Authority. There are further Exempt Lotteries that do not require registration with the Licensing Authority, but are still subject to regulations laid out in the Gambling Act 2005.

A Lottery is a form of gambling that has three essential elements; a payment is required to participate; one or more prizes are awarded; and those prizes are awarded by chance.

Small Society Lotteries are Lotteries promoted for the benefit of a Non-Commercial Society. Such Societies are organisations that have distinct aims and objectives and meet the definition of a Non-Commercial Society set out in the Gambling Act 2005.

For a Society to be Non-Commercial it needs to be established and conducted:-

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics, or a cultural activity;
- and for any other Non-Commercial purpose other than that of private gain.

Types of Lottery that **require** permission:-

- Small Society Lotteries – the Society in question must be set up for Non-Commercial purposes. There is a top limit of £20,000 in tickets sales.
- Large Society Lotteries – similar to the Small Society Lottery, but there is a minimum of £20,000 in ticket sales.
- Licensing Authority Lotteries – run by the Licensing Authority, to help with any expenditure it normally incurs.

Types of Lottery that **do not require** permission;

- Private Society Lotteries – any group or Society except those set up for gambling. The proceeds of the Lottery must go to the purposes of the Society.
- Work Lotteries – these can only be run and played by colleagues at a particular place of work. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.
- Residents' Lotteries – these can only be run and played by people living at a particular address. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.
- Customer Lotteries – these can only be run by a business, at its own premises and for its own customers. No prize can be more than £50 in value. This type of Lottery cannot make a profit, and so is unsuitable for fundraising.

- Incidental Non-Commercial Lotteries – these are held at Non-Commercial events, such as school fetes etc. All the sales and the draw must take place during the main event, which may last more than a single day. Prizes cannot total more than £500.

These limits and definitions are correct as of the date of publication of this document, however they may be subject to change in the future by Government Legislation and any amendments to these definitions or limits will be corrected in the appendices of this policy.

Those wishing to run a Lottery may wish to seek independent legal advice to clarify which type of Lottery category their Lottery will fall into.

6.1 Rules of Small Society Lotteries

For a Society to run a Small Society Lottery, no more than £20,000 worth of tickets can be put on sale for each Lottery and the accumulative total in proceeds from the lotteries cannot surpass £250,000 in a year. The Society must register with the Licensing Authority. If the Society is approaching its yearly limit and believes that it will be exceeded by the end of the year it is responsible for applying to the Gambling Commission for a licence before it exceeds the limit.

If a Society has registered with the Licensing Authority and wishes to sell tickets for a lottery by means of remote communication (internet, telephone etc.) the Gambling Commission does not require them to hold a remote gambling licence.

Even those Small Societies who's Lotteries fall below the staking and prize levels that would require them to have an operating licence are still required to register with the Licensing Authority.

This Licensing Authority will take into consideration the Guidance set out by the Gambling Commission when exercising its functions with regard to Small Society and Exempt Lotteries.

Participants of a Lottery should be a minimum of 16 years of age, it would be an offence if anyone younger was permitted to enter a Lottery; therefore those Societies whom are licensed need to have written policies and procedures that state how they are going to manage their Lotteries and therefore prevent cases of under-age play.

6.2 Proceeds and Prizes

There is no maximum price for a lottery ticket.

Rollovers are allowed providing the maximum single prize limit is not breached.

A Small Society Lottery must apply a minimum of 20% of the gross proceeds of each Lottery directly to the purposes of the Society. Up to a maximum of 80% of the gross proceeds of each Lottery may be divided between prizes and the expenses of the Lottery. The maximum prize in a single Lottery is £25,000 in the case of a Small Society Lottery.

6.3 Policy

This Licensing Authority will keep a register of all applications for Small Society Lotteries and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority.

An application will be refused by this Licensing Authority if:-

- an applicant has held an operating licence that has been revoked in the preceding 5 years;
- or they have applied for registration of an operating licence in the preceding 5 years that has been refused.

This Licensing Authority will seek advice from the Gambling Commission if they are unsure about a refusal of an application.

Applications may also be refused by this Licensing Authority if they are of the opinion 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.
- Previous lottery returns have not been provided as required.

When applicants apply to this Licensing Authority, they will need to inform the Licensing Authority the purpose in which the Society was originally established and the Society will need to declare that they represent a bona fide Non-Commercial Society and have no relevant convictions. Further information may be sought from a Society by this Licensing Authority.

When an application is going to be refused the Society will have an opportunity to make a representation against the decision. This Licensing Authority will notify the Society of the reasons for the refusal in writing.

If this Licensing Authority is of the opinion that the Lottery registration of a Society needs to be revoked, due to a reason that they would refuse the application if it were being made at the time, they will inform the Society in writing. They will outline the evidence that has led to the decision being reached to allow the Society the opportunity to make a representation.

6.4 Social Responsibility

Lotteries are a form of gambling and therefore it is the responsibility of the Society running the Lottery to make sure that children and vulnerable people are not exploited by their Lottery.

7.0 Temporary/Occasional Use Notices

7.1 Temporary Use Notices

Under Part 9 of the Gambling Act 2005 a Temporary Use Notice allows the use of a 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.

A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence and there are a number of statutory limits as regards Temporary Use Notices. Regulations state that Temporary Use Notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

Section 218 of the Gambling Act 2005 refers to a 'set of premises' and provides that a set of premises is the subject of a Temporary Use Notice if 'any part' of the premises is the subject of a notice. This is not the same as the references to 'premises' in Part 8 of the Gambling Act 2005. The reference to 'a set of premises' prevents one large premises from having a Temporary Use Notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock.

In considering whether a place falls within the definition of 'a set of premises', Licensing Authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

The maximum period by which a "set of premises" may be the subject of a Temporary Use Notice is 21 days within a period of 12 months. A set of premises may be the subject of more than one Temporary Use Notice in a period of twelve months provided the maximum aggregate for which the Temporary Use Notices have effect does not exceed 21 days.

If this Licensing Authority feels that Temporary Use Notices are resulting in allowing regular gambling to take place in a place that could be described as one set of premises, it will object.

Acknowledgement to the applicant will be made by this Licensing Authority when they are in receipt of a Temporary Use Notice.

7.2 Occasional Use Notices

Section 39 of the Gambling Act 2005 provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a full premises licence. Licensing Authorities and track operators and occupiers should note that the processes set out in the Gambling Act 2005 for applying for an Occasional Use Notice are different to those for Temporary Use Notices.

While tracks are normally thought of as permanent racecourses, this Licensing Authority would note that the meaning of ‘track’ in the Gambling Act 2005 covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place.

This means that land which has a number of uses, one of which fulfils the definition of track, can qualify for the Occasional Use Notice provisions (for example agricultural land upon which a point-to-point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

This Licensing Authority will, however, consider what constitutes a ‘track’ on a case-by-case basis and will keep a record of the number of notices served to ensure that the statutory limit of 8 days in a calendar year is not exceeded.

7.3 Travelling Fairs

The Gambling Act 2005 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. Travelling fairs do not require a permit to provide gaming machines, but must comply with the legal requirements about the way the machine operates.

It will fall to this Licensing Authority to decide:

- whether the applicant falls within the statutory definition of a travelling fair
- whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met
- and whether category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs in this county.

It should be 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.

8.0 Decision Making

8.1 Representations

Licensing Authority Officers will make the decision as to whether representations received for applications are irrelevant, frivolous or vexatious. For a representation to be relevant it needs to relate to one of the three licensing objectives and be made by a Responsible Authority or Interested Party.

Representations made in relation to demand or competition will not be accepted as relevant, moral objections to gambling will also not be accepted. Representations will not be considered relevant if the issues raised can be dealt with by other legislation.

If it is the case that a representation is rejected then the person who made the representation will be informed in writing that it will not be considered.

Those wishing to make a representation against an application are encouraged to do so as soon as possible in order to allow time for both parties to mediate and come to an amicable resolution. This could involve the voluntary agreement of the applicant to place conditions on their licence.

The decision of the Licensing Authority Officer that the representation is not accepted cannot be appealed against.

8.2 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. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as a way in which the licensing objectives can be met effectively.

If there is a breach of licence conditions these will be dealt with by enforcement action (see Inspection and Enforcement section for further details).

8.3 Door Supervisors

The Gambling Commission advises in its Guidance for Local Authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. Where operators and Licensing Authorities decide that supervision of entrances/machines is appropriate for particular cases, it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

8.4 Delegated Powers

Licensing Authority Officers will be responsible for issuing licences and permits for applications where no representations were received; and when representations were received but it was agreed upon by all parties that it would be unnecessary for a hearing to take place. Licensing Authority Officers will also be responsible for determining whether a Licensing Sub-Committee is needed to decide upon applications and representations for reviews of premises licences or permits.

For those instances where representations have been made by an Interested Party and/or a Responsible Authority a hearing will be arranged and a Licensing Sub-Committee will sit to determine the outcome of the application. The Licensing Sub-Committee will be made up of three Councillors. Councillors from the same area as the application will not be able to sit on that Licensing Sub-Committee for that hearing.

The decision of the Licensing Sub-Committee will be sent to the applicant and all of those who had made a relevant representation. The decision will be clear, concise and include the reasons for the decision.

8.5 Provisional Statements

Section 204 of the Gambling Act 2005 provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:-

- Expects to be constructed
- Expects to be altered; or
- Expects to acquire a right to occupy

Provisional statements are dealt with in the same way as premises licence applications. Representations may be made by Responsible Authorities and Interested Parties, and there is a right to appeal.

An application for a provisional statement differs from an application for a premises licence in as much as those applying for a provisional statement do not have to fulfil the same criteria as those applying for a premises licence. In order to apply for a premises licence the applicant must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have

the right to occupy the premises. These criteria do not have to be in place at the time of submitting a provisional statement application.

As a provisional statement can be applied for without the applicant having the right to occupy the premises this Licensing Authority can accept more than one provisional statement for a premises.

When a provisional statement has been granted, this Licensing Authority is restricted by what it can consider when the premises licence application is submitted for the same premises. In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, this Local 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 licence stage; or
- which, in the authority's opinion, reflect a change in the operator's circumstances;
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and this Licensing Authority will discuss any concerns they have with the applicant before making a decision.

9.0 Inspection and Enforcement

9.1 Enforcement

The Gambling Commission will be the enforcement body for operating and personal licences along with illegal gambling. The Licensing Authority will take the lead in ensuring compliance with licences/permits and any relevant Gambling Commission Codes of Practice.

This Licensing Authority will be guided by the Gambling Commission's Guidance for Local Authorities when it comes to enforcement action they will take against premises. The action will be:-

- **Proportionate:** regulators should only intervene when necessary and 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.

9.2 Inspection

This Licensing Authority aims to inspect premises on a risk based approach to secure compliance with the Gambling Act 2005, the Gambling Commissions Code of Practice and the licensing objectives.

Authorised Officers will have the discretion as to the frequency of inspections and which premises require an inspection while gambling activities are taking place. Where appropriate joint visits will take place encompassing a number of relevant agencies.

Inspections may be carried out on Temporary Use Notices and Occasional Use Notices to ensure that the licensing objectives are being promoted.

This Licensing Authority will inspect those premises that are a higher risk or have a history of complaints more frequently than those premises with lower perceived risks.

9.3 Complaints

Wiltshire Council as the Licensing Authority will investigate all complaints received related to gambling activities and will have regard for the licensing objectives when addressing any complaints. Licensing Authority Officers will refer complaints to or liaise with other relevant agencies/council services as appropriate in order to get complaints addressed.

9.4 Reviews

The Gambling Act 2005 sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted.

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 application for review is accepted. Consideration will be made as to whether the request:-

- is frivolous, vexatious or
- will certainly not cause this authority to wish alter/revoke/suspend the licence, or
- whether it is substantially the same as previous representations or requests for review.
-

This will be on the basis of whether the request for the review is relevant to the matters listed below:-

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

When a valid representation against a premises or a valid application for a licence to be reviewed has been received by this Licensing Authority from an Interested Party; this Licensing Authority may arrange for a meeting between the Interested Party and Licence Holder in order to try to reach an appeasement in relation to the issues raised. This may not always be appropriate and therefore the Licensing Officer may deem a hearing by the Licensing Sub-Committee necessary.

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

In a hearing to determine an application for a licence or consider a review application, the overriding principle adopted by this Licensing Authority is that each application will be considered on its own individual merits. Licence conditions applied at such a hearing will be tailored to the individual premises and activities and only those necessary to meet the licensing objectives will be applied.

Upon review of a premises licence, this Licensing Authority must, having regard to the application for review and any relevant representations, take such steps as it considers necessary for the promotion of the licensing objectives. Such steps might be:-

- the modification of the conditions of the licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor;
- the suspension of the licence for a period not exceeding three months;
- the revocation of the licence.

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Appendix A – Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee or Licensing Sub Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where 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	
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as whether a representation is frivolous, vexatious or repetitive			X

Appendix B – Responsible Authorities

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- Gambling Commission
- Police
- Fire Service
- Local Planning Authority
- Environmental Health
- HM Revenue and Customs

In relation to a vessel;

- a Navigation Authority,
- the Environment Agency,
- the British Waterways Board,
- the Secretary of State.

A Licensing Authority in whose area the premises is situated that is, the Council itself and also any adjoining Council where premises straddle the boundaries between the two.

A body designated in writing that is competent to advise the Authority in matters relating to the protection of children from harm: Wiltshire Children's Services Department.

Appendix C – Useful Contacts

Gamble Aware
www.gambleaware.co.uk

GamCare
Head Office
2nd Floor
7-11 St John's Hill
London
SW11 1TR

Main switchboard: 020 7801 7000
Fax: 020 7801 7033
Email: info@gamcare.org.uk

Freephone: 0808 8020 133

<http://www.gamcare.org.uk/about-us>

Domestic Abuse
<https://www.victimsupport.org.uk/help-victims/ive-been-affected/domestic-abuse>

Womens Aid
<http://www.womensaid.org.uk/>

Gamblers Anonymous UK
<http://www.gamblersanonymous.org.uk/>

Samaritans
<http://www.samaritans.org/>

Debt Advice

Step Change
<http://www.stepchange.org/Howwecanhelpyou/Debtadvice.aspx>

Citizens Advice Beareu
http://www.adviceguide.org.uk/wales/debt_w/debt_help_with_debt_e.htm

National Debt Line
<https://www.nationaldebtline.org/>

Gov.uk
<https://www.gov.uk/options-for-paying-off-your-debts/overview>

Money Advice Service
<https://www.moneyadviceservice.org.uk/en/tools/debt-advice-locator>

Further Information

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Fax: 0121 230 6720

Telephone: 0121 230 6666

Email: info@gamblingcommission.gov.uk

Business opening hours: 9am to 5pm, Monday to Friday

<http://www.gamblingcommission.gov.uk/Home.aspx>

The Licensing Authority
Wiltshire Council
Monkton Park
Chippenham
Wiltshire
SN15 1ER

publicprotectionnorth@wiltshire.gov.uk

www.wiltshire.gov.uk

Department for Culture, Media and Sport

<https://www.gov.uk/government/organisations/department-for-culture-media-sport/about>