



LIVERPOOL CITY COUNCIL
STATEMENT OF PRINCIPLES
GAMBLING ACT 2005

DRAFT

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PART A GENERAL

1. The Licensing Objectives

1.1 The Gambling Act 2005, in section 1 of the Act, sets out the following as licensing objectives:

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

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

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

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of principles

1.3 When considering an application for a premises licence, this licensing authority is expressly prohibited from having regard to the expected demand for the proposed facilities. This is a key difference from previous betting and gaming legislation.

2. Introduction

2.1 The City of Liverpool is situated within the County of Merseyside, which contains five District Councils in total. The Liverpool City Council area has a population of 439,473 (2001 Census) making it the largest in the County in terms of population. The Council area measures 111 square kilometres which is mainly urban in nature. There are currently 4 operating casinos, 10 bingo clubs, 163 licensed betting offices, 103 qualifying members clubs or proprietary clubs registered for jackpot gaming machines, and 14 arcades with gaming machine permits.

A map of the district is contained in Appendix A.

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

2.3 Liverpool City Council as licensing authority will consult widely upon this statement before finalising and publishing. A summary of those persons who will be consulted is provided below. A full list will be contained in Appendix B. It should be noted that unsolicited comments may be received from other persons but we may not list all of these.

2.4 The Gambling Act requires that the following parties are to be consulted by Licensing Authorities:

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

List of persons this authority will consult with are:

- The Police
- Chief Fire Officer
- Social Services
- Representatives of the Gambling Trade
- Representatives of the Licensed Trade
- Trade Union Representing Workers in the Gambling Industry
- Residents Associations
- Community Groups
- Faith Groups
- Representatives of Ethnic and Minority Groups
- Disabled Persons Groups
- City Councillors
- Local Members of Parliament
- Key Council Officers
- Gambling Addiction Charities

As stated in paragraph 2.3, a comprehensive list of those persons consulted will appear in Appendix 'B'

Our consultation will take place between 27 July 2006 and 27 October 2006 and we will follow the Revised Code of Practice on Consultation (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

2.5 The full list of comments made and the consideration by the Council of those comments will be available by request to: *insert contact name or department details*/via the Council's website at (*to be inserted in due course*).

2.6 In determining this Statement of Policy certain factors were taken into account when deciding what weight to give to particular representations, which included:

- Who made the representations and what was their expertise or interest
- What their motivation may be for their views
- How many other people have expressed the same or similar views
- How far the representations relate to matters that the licensing authority should be including in its policy statement

2.7 The policy was approved at a meeting of the Full Council on (date to be inserted) and was published via our website on (date to be inserted). Copies were placed in the public libraries of the area as well as being available at Municipal Buildings, Dale Street, Liverpool, L2 2DH.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

The Licensing Unit, Liverpool City Council
Room 219, Municipal Buildings
Dale Street
Liverpool
L2 2DH

E-mail: licensing@liverpool.gov.uk

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

3. Declaration

In producing the final statement, 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.

4. Responsible Authorities

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

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

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Safeguarding Board of Liverpool City Council) for this purpose.

4.2 The list of Responsible Authorities are:

- Liverpool City Council as Licensing Authority in whose area the premises is wholly/partly situated
- The Gambling Commission
- Merseyside Police
- Merseyside Fire and Rescue Service
- Planning and Building Control, Liverpool City Council
- Environmental Health, Liverpool City Council
- Safeguarding Board of Liverpool City Council
- HM Revenue and Customs
- (in the case of a vessel, a Navigation Authority, the Environment Agency, The British Waterways Board and the Secretary of State)

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at:

http://www.liverpool.gov.uk/Business/Business_and_street_trading_licences/Gambling_act_2005/index.asp

5. Interested Parties

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

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

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 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 has recommended that the licensing authority states that interested parties could include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This authority will not however generally view these bodies as interested parties unless they have a member 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 MP's. 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. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.3 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. If there are any doubts then please contact the licensing department:

The Licensing Unit
Liverpool City Council
Room 219, Municipal Buildings
Dale Street
Liverpool
L2 2DH

Telephone: 0151 233 3015
Fax: 0151 225 3493
Email: licensing@liverpool.gov.uk

6. Representations

- 6.1 The licensing authority must determine whether or not representations are admissible. A representation is inadmissible if it is not made by a responsible authority or an interested party. After that, the authority must then determine its relevance.
- 6.2 The only representations that are likely to be relevant are those that relate to the licensing objectives, or that raise issues under the licensing policy statement, or the Commission's guidance or codes of practice (i.e. those matters mentioned in section 153 of the Act).
- 6.3 The Secretary of State will be making regulations under section 160 of the Act that, amongst other things, require applicants for premises licences to give notice of their application to the responsible authorities and possibly other persons. These regulations may require different types of notification to

be given to different responsible authorities. Such authorities will have a legitimate interest in the development of the premises, because of the functions that they will need to carry out in relation to them. But licensing authorities must take care to ensure that the concerns that responsible authorities may have in relation to their own functions are not taken into account if they are not relevant to the application for a premises licence under the Act. Thus, for example, the following examples of possible representations would not be likely to be relevant:

- that there are already too many gambling premises in the locality (although it may be relevant if it points, as a result, to rising problems in crime, disorder, underage gambling or problem gambling);
- that the proposed premises are likely to be a fire risk;
- that the location of the premises is likely to lead to traffic congestion; or
- that the premises will cause crowds of people to congregate in one area, which will be noisy and a nuisance.

This list is by no means exhaustive, and each case will be decided on the facts.

6.4 Linked to this is the question of what is a ‘frivolous’ or ‘vexatious’ representation. Again, this is a question of fact. However, matters that the licensing authority will want to look at are likely to include:

- who is making the representation, and whether there is a history of making representations that are not relevant;
- whether it raises a ‘relevant’ issue; or
- whether it raises issues specifically to do with the premises that are the subject
- of the application.

7. Exchange of Information

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

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

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

7.2 Contact details of those persons making representations and details of the representations will generally be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representation or applying for a review of a premises licence who wishes their personal details to be restricted must make this clear when making their representation.

8. Inspection and Enforcement

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

8.2 This licensing authority's principles are that:
It will be guided by the Gambling Commission's Guidance for local authorities will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

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

8.3 This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible as at the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice. However, it is likely that the criteria will be based on the licensing objectives.

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

8.5 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8.6 The City Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and the Licensing Authority will abide by its own Licensing Enforcement Policy.

The Enforcement Concordat is based on the principles that businesses should

- receive clear explanations from enforcers of what they need to do and by when;
- have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
- receive an explanation of their rights of appeal.

This Licensing Enforcement Policy is freely available from the City Council, as are this Policy and details of the Council's corporate complaints' procedures.

9. Licensing Authority Functions

Licensing Authorities are 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, permits and registrations issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

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

10. Allocation of Decision Making Responsibilities

10.1 The licensing authority will be involved in a wide range of licensing decisions and functions which will be administered by the Licensing and Gambling Committee and sub-committees thereof.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, will be delegated to Council Officers.

10.2 The Table shown at Appendix 'C' sets out the agreed delegation of decisions and functions to Licensing and Gambling Committee, sub-committees and Officers.

This form of delegation is without prejudice to Officers referring an application to a sub-committee, or a sub-committee to Full Committee, or Committee to Full Council, if considered appropriate in the circumstances of any particular case.

PART B PREMISES LICENCES

1. General Principles

1.1 Premises Licences can authorise the provision of facilities on:

- Adult gaming centres
- (Licensed) Family Entertainment Centres
- Casinos
- Bingo premises
- Betting premises, including tracks and premises used by betting intermediaries

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

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

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 10) and also that unmet demand is not a criterion for a licensing authority.

- 1.4 **Definition of “premises”** - Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo hall on week days and a betting shop at weekends.

However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

- 1.5 This licensing authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that:
- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware 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.
 - licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should 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 Act. But, 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 Act.
 - With the exception of bingo clubs, the non-gambling area of the regional casino, tracks on race-days and licensed family entertainment centres, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose developments.

- 1.6 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus

a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

- 1.7 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles other than a hovercraft) may not be the subject of a premises licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain. Certain allowances are made for private and non-commercial gaming or betting to take place in a vehicle, but these are subject to a number of stringent requirements. These ensure that at no point can the gambling become a commercial activity.
- 1.8 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. It is the licensing authority's policy that premises licences should not generally be located in proximity to schools. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy 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.
- 1.9 **Duplication with other regulatory regimes** - This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.10 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 1.11 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully

whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

1.12 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below – page 11).

1.13 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - The Act contains the objective of “protecting children and other vulnerable persons from being harmed or exploited by gambling”. Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:

- Casinos cannot admit anyone under 18 and regional casinos will not be allowed to permit under 18s into the gambling area.
- Betting shops cannot admit anyone under 18.
- Bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines.
- Adult gaming centres cannot admit those under 18.
- Family entertainment centres and premises with a liquor licence (e.g. pubs) can admit under 18s, but they must not play category C machines, which are restricted to those over 18.
- Clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines.
- Horse and dog tracks can admit under 18s, and they may have access to gambling areas on race days only. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

1.14 This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

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

1.16 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

1.17 **Conditions**

1.17.1 The Licensing Authority will aim to permit the use of premises for gambling and will not attach conditions that limit the use of premises for gambling except where that is necessary as a result of the requirement to act:

- in accordance with this guidance, the Gambling Commission codes of practice or the licensing policy statement; or in a way that is reasonably consistent with the licensing objectives.

Conversely, the Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

1.17.2 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.

1.17.3 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

1.17.4 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

1.17.7 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

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

1.18 **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. It is noted though that the door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). This licensing authority does not at present have specific requirements for door supervisors working at casinos or bingo premises. In the event that the authority does introduce such requirements these will be posted on the authority's website.

For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases but 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.

2. Gaming Machines

2.1 The term “gaming machine” covers all types of gambling activity which can take place on a machine, including betting on virtual events. However, the following should be noted:

- there remains a distinction between skill machines and gaming machines. Skill machines are unregulated. A skill machine is one on which the winning of a prize is determined only by the player’s skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes. Other examples include racing games, such as F1 simulators, and shooting games. Many family entertainment centres have games that give prizes by redemption of tickets accumulated. Providing these machines give prizes according to the skill of the player e.g. getting a high score shooting basketball, these will be exempt.
- section 235 of the Act contains important exemptions for equipment that is not to be considered a gaming machine, even when gambling can be performed on it. For example, a home PC is not to be classed as a gaming machine, even though someone can access remote gambling on it.

2.2 The Act prescribes the number and category of gaming machines that are permitted in each type of gambling premises licensed by the licensing authority. Neither the Commission nor licensing authorities have the power to set different limits or further expand or restrict the categories of machine that are permitted. In addition, limits are set separately in the Act for certain types of permit issued by authorities.

2.3 The Act provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C and D, with category B to be further divided into sub-categories. The regulations will define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. The regulations may also define the classes according to the nature of the gambling for which the machine may be used and the premises where a machine may be used.

2.4 The table below sets out the current proposals for the different categories with the maximum stakes and prizes that apply. This could be subject to change, and this guidance will be updated in due course.

Machine Category	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 monetary prize

- 2.5 There is a minimum age of 18 for all players for all category A, B and C machines. There is no minimum age for players of category D machines; however, the Secretary of State has a reserve power to set a minimum age for playing category D machines with an associated power to exempt certain machines like cranes and penny pushers. The holder of a permit or premises licence will have to ensure that he complies with the codes of practice issued by the Commission on the location of and access to such machines by children and young persons, and their separation from category C and B machines where those are also located on the same premises.
- 2.6 The maximum number of machines permitted, and in the case of casinos the ratios between tables and machines, is summarised in the table below. This includes premises with permit entitlements, as well as licensed premises:

Premises	Machine Categories						
	A	B1	B2	B3	B4	C	D
Regional Casino 25 machines per 1 table max.	Maximum of 1250 machines. Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large Casino 5 machines per 1 table maximum	Maximum of 150 machines. Any combination of machines in categories B to D, within the total limit of 150 (subject to table ratio)						
Small Casino 2 machines per 1 table maximum	Maximum of 80 machines. Any combination of machines in categories B to D, within the total limit of 80 (subject to table ratio)						
Pre-2005 Act casinos (no table/machine ratio)	Maximum of 20 machines – categories B to D <u>or</u> C or D machines instead						
Betting Premises and tracks occupied by Pool Betting	Max. 4 machines in B2 to D						
Bingo Premises	Max. 4 machines in B3 or B4 No limit on Category C or D machines						
Adult Gaming Centre	Max. 4 machines in B3 or B4 No limit on Category C or D machines						
Family Entertainment Centre (with premises licence)	No limit on Category C or D machines						
Family Entertainment Centre (with permit)	No limit on Category D machines						
Qualifying alcohol licensed premises	1 or 2 machines of category C or D automatic upon notification						
Qualifying alcohol licensed premises with gaming machine permit	Number as specified on permit						

3. Adult Gaming Centres

- 3.1 Adult gaming centres (AGC) are a new category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. They will be able to make available for use up to four category B machines; any number of category C machines; and any number of category D machines. In regulations, the Secretary of State will specify that the category B machines should be restricted to sub-category B3 and B4 machines.
- 3.2 No-one under the age of 18 is permitted to enter an AGC. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre or airport.
- 3.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues 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-barring 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.

4. Licensed Family Entertainment Centres

- 4.1 The Act creates two classes of family entertainment centre (FEC). This part of the Policy Statement concerns licensed FECs, which provide category C and D machines and require a premises licence. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.
- 4.2 Children and young persons will be permitted to enter an FEC and may play on the category D machines. They will not be permitted to play on category C machines, and it will be a requirement that there must be clear segregation between the two types of machine, so that children do not have access to category C machines.

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

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours/Self-barring 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.

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

5. New Casinos

- 5.1 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.

- 5.2 *Casinos and Competitive Bidding* - Liverpool City Council has not applied to the Casino Advisory Panel to be chosen for the location of a new casino (regional, large or small). This licensing authority is aware that where a licensing authority area is chosen to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations/codes of practice issued under the Gambling Act 2005.

5.3 *Licence Considerations/Conditions* - The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for local authorities - 17.30) This guidance will be considered by this licensing authority when it is made available.

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

6. Existing Casinos

6.1 Casino operators with licences granted under the 1968 Act will be eligible to be granted a casino premises licence under "grandfathering" arrangements. The monitoring of these licences will be undertaken by licensing authority officers. These premises licences will be subject to the normal system of review as outlined in Paragraph 13 of this Policy Statement.

7. Bingo Premises

7.1 This licensing authority notes that the Gambling Commission's Guidance at paragraph 18.4 states:

"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 licensing authorities should ensure that:

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

7.2 This licensing authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

8. Bingo in Clubs and Alcohol Licensed Premises

- 8.1 Bingo will be permitted on Alcohol licensed premises, and in clubs and miners' welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. Where the level of bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a bingo operating licence will have to be obtained from the Commission for future bingo games. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.
- 8.2 The threshold is that if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded); all further games of bingo played on those premises for the next 12 months will require an operating licence to be legal. This applies to future games which are over the threshold of £2,000. If, after a single incidence of "high turnover" bingo, all further games are below the threshold, no operating licence is needed. There is a legal duty on the licensee or club to inform the Commission if at any point its bingo in any seven-day period exceeds this threshold. That allows the Commission to monitor the bingo activity on the premises, and discuss with the relevant licensee or club the need to obtain a bingo operating licence.
- 8.3 The Commission will be informed if it comes to the attention of this licensing authority that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes, that makes it possible that the £2,000 in seven days is being exceeded.

9. Betting Premises

- 9.1 Children and young persons will not be able to enter premises with a betting premises licence, although special rules apply to tracks.
- 9.2 *Gaming Machines*
The holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. In regulations, the Secretary of State will specify that the category B machines should be restricted to sub-category B2, B3 and B4 machines.
- 9.3 *Betting Machines*
A machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These "betting machines" are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely automate the process which can be conducted in person and therefore do not require regulation as a gaming machine.

However, where a machine is made available to take bets on virtual races (that is, images generated by computer to resemble races or other events) that machine is a gaming machine and does count towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

The licensing authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/ circumstances of betting machines an operator wants to offer.

10. Tracks

- 10.1 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 (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.
- 10.2 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 10.3 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues 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-barring 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.

- 10.4 *Gaming Machines* .- Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 10.5 *Betting Machines* - This licensing authority will, as per the Gambling Commission's 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 wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 10.6 *Condition 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."
- 10.7 *Applications and Plans* - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "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."

- 10.8 This licensing authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

11. Travelling Fairs

- 11.1 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.

- 11.2 Travelling fairs do not require a permit to provide gaming machines, but must comply with legal requirements about the way the machine operates. They may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. Category D machines have a minimum stake of 10p in cash or 30p when non-exchangeable prizes are staked. The maximum prize is £5 in cash or £8 in non-cash prizes.

- 11.3 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

12. Provisional Statements

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

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

- 12.2 Developers may wish to apply for provisional statements before they enter 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. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence (either for a different type of gambling or the same type).
- 12.3 Applicants for premises licences must fulfil certain criteria. They must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have a right to occupy the premises in respect of which their premises licence application is made. These restrictions do not apply in relation to an application for a provisional statement. In circumstances in which an applicant has also applied to the Commission for an operating licence, the Commission will not be able to comment on whether the application is likely to be granted; and the licensing authority will not speculate on or otherwise take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement.
- 12.4 Subject to any necessary modifications, the process for considering an application for a provisional statement is the same as that for a premises licence application. Thus, responsible authorities and interested parties may make representations and there are rights of appeal.
- 12.5 Once the premises are constructed, altered, or acquired the holder of a provisional statement can return to the authority, and put in an application for the necessary premises licence. This licensing authority notes the Gambling Commission guidance which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.
- 12.6 If a provisional statement has been granted, the licensing authority is constrained in the matters it can consider when an application for a premises licence is made subsequently in relation to the same premises.
- 12.7 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or
 - (b) which is in the authority’s opinion reflect a change in the operator’s circumstances.

This authority has noted the Gambling Commission’s Guidance that “A licensing authority should not take into account irrelevant matters.... One

example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

13. Reviews

13.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, 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.

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

13.2 The licensing authority can also initiate a review of a particular licence or complaints about particular types of premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence. In relation to particular premises, the licensing authority may review any matter connected to the use made of the premises if it has reason to suspect that licences of a particular class. In relation to a class of premises, the licensing authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions. In relation to these general reviews, the authority would most likely be acting as a result of specific concerns or licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives them cause to believe that a review may be appropriate.

13.3 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options are to:

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

In particular, the licensing authority may take action as described above 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.

PART C PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

1. Introduction

1.1 The Act introduces a range of permits for gambling which are granted by licensing authorities. 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.

1.2 Holders of permits for gaming machines (except unlicensed family entertainment centres) will be required to comply with codes of practice, drawn up by the Commission on the location and operation of machines. Information on these codes can be found on the Commission's website.

1.3 The following parts of the Policy Statement discuss the various permits that this licensing authority is responsible for issuing:

- Unlicensed Family entertainment centre gaming machine permits (as set out in Schedule 10 of the Act);
- Alcohol-licensed premises gaming machine permits (as set out in Schedule 13)
- Prize gaming permits (as set out in Schedule 14).
- Club gaming permits and club machine permits (as set out in Schedule 12);

In addition, licensing authorities will be responsible for receiving, from owners of alcohol licensed premises, notifications that they intend to exercise their automatic entitlement to two gaming machines in their premises under section 282 of the Act.

1.4 Licensing authorities may only grant or reject an application for a permit. No conditions may be attached to a permit.

2. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

2.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238). Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit.

2.2 Any number of category D machines can be made available with such a permit (subject to other considerations, such as fire regulations and health and safety, which will not be issues for the licensing authority under the Gambling Act). Permits cannot be issued to vessels or vehicles.

2.3 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, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

2.4 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; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

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

2.5 Statement of Principles = This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

3. (Alcohol) Licensed Premises Gaming Machine Permits (Schedule 13 paragraph 4(1))

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

authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

3.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be 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.

3.3 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.

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

3.5 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.

4. Prize Gaming Permits (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

4.1 The Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

- 4.2 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 4.3 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 propose to consider in determining the suitability of the applicant for a permit”.

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

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

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

- 4.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

5. Club Gaming and Club Machines Permits

- 5.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs 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).
- 5.2 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."

- 5.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.

- 5.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the 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."

- 5.5 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.

6. Temporary Use Notices

- 6.1 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 would include hotels, conference centres, and sporting venues.
- 6.2 A temporary use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.

- 6.3 The Act 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”. 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.

The definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of “a set of premises”, the licensing authority will need to look at, amongst other things, the ownership/occupation and control of the premises. A large exhibition centre, for example, would be likely to come within the definition as it is properly one premises, and should not be granted a temporary use notice for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, the licensing authority will need to consider whether different units are in fact different “sets of premises”, given that they may be occupied and controlled by different people. The licensing authority will be ready 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.

7. Occasional Use Notices

- 7.1 The Act 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.
- 7.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

Appendix A - Map of District



Appendix B - List of Consultees

A full list of consultees will be inserted at the conclusion of the consultation process.

Appendix C - Scheme of Delegation

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING AND GAMBLING COMMITTEE	SUB-COMMITTEE OF LICENSING AND GAMBLING 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 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 objections 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