

# Statement of Gambling Policy

**This policy is made under Section 349  
of the Gambling Act 2005**

**January 2007 to January 2010**

## Foreword by Councillor David Barnes, Chair of Licensing Committee



Rossendale Borough Council is a Licensing Authority by virtue of Section 2 of the Gambling Act 2005. We are required to produce this document as the strategy under which the Licensing Authority and Committee will discharge its functions. It therefore gives me great pleasure to introduce The Statement of Gambling Policy.

The Cabinet approved the scheme of delegation to the Licensing Committee, who will discharge all licensing functions under this Act. The Licensing Authority has produced this Statement of Gambling Policy after the statutory consultation. We have consulted widely and a list of those people and organisation we consulted with are appended at Appendix A.

Through this legislation and other licensing regimes, we hope to create a diverse range of entertainment venues for local people and visitors to Rossendale to enjoy their leisure time. This legislation provides us with three licensing objectives:

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

This legislation brings in a multi tiered responsibility for the promotion of these objectives and through multi agency partnerships, we will endeavour to promote these objectives whilst seeking to support and develop local culture within the Borough. Through these objectives, we aim to provide residents and visitors with a safe and pleasant place to work and live.

*This Statement of Principles has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.*

**Councillor David Barnes**  
**Chair of the Licensing Committee**

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## Part A

### 1. The Licensing Objectives

1.1. In exercising most of our functions under the Gambling Act 2005, we must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

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

### 2. Introduction

2.1. The Borough of Rossendale comprises the former Municipal Boroughs of Bacup, Haslingden and Rawtenstall, together with Whitworth Urban District and the Edenfield and Stubbins portions of the former Ramsbottom Urban District.

2.2. These historic communities stand at the foot of the valleys that cut through the picturesque fells and moor land, which characterises much of the Borough. Today, they represent the gateways between the industrial towns of East Lancashire and the urban metropolis of Greater Manchester.



2.3. Rossendale Borough Council is one of 14 Councils within Lancashire. It has a population of 65,900 and occupies an area of 13,700 hectares. The population has an average spectrum with:

- 2.3.1. 20.2% of the population between 0 – 14 years,
- 2.3.2. 11.7% of the population between 15 – 24 years,
- 2.3.3. 28.1% of the population between 25 – 44 years,
- 2.3.4. 25.8% of the population between 45 – 64 years and
- 2.3.5. 14.4% of the population over 65 years.

*(Census 2001)*

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

2.5. Rossendale Borough Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted are provided at Appendix A.

2.6. The policy was approved at a meeting of the Full Council on (x date) and was published via our website on (x date). Copies were placed in the public libraries of the area as well as being available in the One Stop Shop.

2.7. Should you have any comments with regard to this policy statement, please send them via e-mail or letter to:

Rossendale Borough Council  
Licensing Unit  
Rawtenstall Town Centre Office  
Lord Street  
Rawtenstall  
Rossendale  
BB4 7LZ  
e-mail: [licensing@rossendalebc.gov.uk](mailto:licensing@rossendalebc.gov.uk)

2.8. 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**

3.1. In producing the final licensing policy 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 policy statement.

### **4. Responsible Authorities**

4.1. We are required by regulations to state the principles we will apply in exercising our 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:

- 4.1.1. the need for the body to be responsible for an area covering the whole of the licensing authority's area,
- 4.1.2. the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group, etc.
- 4.2. In accordance with the Gambling Commission's draft guidance for local authorities, we designate the (x body) for this purpose.
- 4.3. The contact details of all the Responsible Bodies under the Gambling Act 2005 are available on the Council's website at: (link to be inserted here).

## **5. Interested Parties**

5.1. Interested Parties can make representations about licence applications, or apply for a review of an existing licence.

5.2. These parties are defined in the Gambling Act 2005 as:

"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 licences or to which the application is made, the person:

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

5.3. We are required by regulations to state the principles we will apply in exercising our 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 own merits. We will not apply a rigid rule to our decision making. We will consider the examples of considerations provided in the Gambling Commission's draft Guidance to local authorities.

5.4. The Gambling has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. We will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005, for example, someone who lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

5.5. Interested parties can be persons who are democratically elected such as Councillors and MP's. Other than these persons, we will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

5.6. If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts, please contact the Licensing Unit.

## **6. Exchange of Information**

- 6.1. We are required to include in our policy statement, 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 us and the Gambling Commission, and the functions under Section 350 with respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act.
- 6.2. The principle that we apply is that we 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. We 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.

## **7. Enforcement**

- 7.1. We 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.
- 7.2. Our principles are that it will be guided by the Gambling Commission's Guidance for local authorities and as per the Gambling Commission's draft Guidance for local authorities, it will endeavour to be:
  - 7.2.1. Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - 7.2.2. Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - 7.2.3. Consistent: rules and standards must be joined up and implemented fairly;
  - 7.2.4. Transparent: regulators should be open, and keep regulations simple and user friendly; and
  - 7.2.5. Targeted: regulation should be focused on the problem, and minimise side effects.
- 7.3. As per the Gambling Commission's draft Guidance to local authorities, we will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4. We will also, as recommended by the Gambling Commission's draft Guidance to local authorities, adopt a risk-based inspection programme.
- 7.5. 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 Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences.
- 7.6. 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. This authority also understands from LACORS that the Gambling Commission will be responsible for compliance with regards to unlicensed premises.
- 7.7. This licensing authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the

authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise. This licensing authority will however also bring compliance issues to the attention of the Licence Holder.

7.8. This licensing authority will also keep itself informed of developments with regard to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.9. Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Unit.

## **8. Licensing Authority Functions**

8.1. Licensing Authorities are required under the Act to:

8.1.1. Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences.

8.1.2. Issue Provisional Statements.

8.1.3. Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.

8.1.4. Issue Club Machine Permits to Commercial Clubs.

8.1.5. Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.

8.1.6. Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines.

8.1.7. Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.

8.1.8. Register small society lotteries below prescribed thresholds.

8.1.9. Issue Prize Gaming Permits.

8.1.10. Receive and endorse Temporary Use Notices.

8.1.11. Receive Occasional Use Notices.

8.1.12. Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange').

8.1.13. Maintain registers of the permits and licences that are issued under these functions.

8.2. 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 Operator Licences.



## Part B

### 1. Premises Licences

- 1.1. Premises Licences will be subject to the permissions/restrictions 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.
- 1.2. 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:
  - 1.2.1. in accordance with any relevant code of practice issued by the Gambling Commission.
  - 1.2.2. in accordance with any relevant guidance issued by the Gambling Commission.
  - 1.2.3. reasonably consistent with the licensing objectives, and
  - 1.2.4. in accordance with the authority's statement of licensing policy.
- 1.3. Definition of "premises" – Premises is defined in the Act as "any place". It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Gambling Commission states in its draft Guidance to local authorities, it "will always be a question of fact in the circumstances". The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 1.4. This licensing authority takes particular note of the Gambling Commission's draft Guidance to local authorities, which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, "entrances and exits from parts of the building covered by one 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".
- 1.5. Location – This licensing authority is aware the demand issues cannot be considered with regard to the location of premises but that consideration in terms of the licensing objectives can. As per the Gambling Commission's draft Guidance to 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. Should any specific policy be decided upon with regards to areas where gambling premises should not be located, this policy 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 the concerns can be overcome.
- 1.6. Duplication with other regulatory regimes – This 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 or building consent in its consideration of it. This authority will however, 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.
- 1.7. 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 draft Guidance to local authorities and some comments are made below.

- 1.8. **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 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.
- 1.9. **Ensuring that gambling is conducted in a fair and open way** – This licensing authority has noted that the Gambling Commission in its draft Guidance to local authorities has stated that “Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.”. This licensing authority also notes however, that the Gambling Commission also states “in relating to the licensing tracks the licensing authorities’ role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances, the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.” This licensing authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.
- 1.10. **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This licensing authority has noted that the Gambling Commission's draft Guidance to local authorities states that “The objective talks of protecting children from being “harmed or exploited by gambling”, but in practice that often means preventing them from taking part in or being in close proximity to gambling...”.
- 1.11. This licensing authority will pay particular attention to any Codes of Practice which the Gambling Commission issues with regard to this licensing objective in relation to specific premises such as casinos. It is understood that a Code for casinos must:
  - 1.11.1. Specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino, do not enter the gambling area;
  - 1.11.2. Amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person (“the supervisor”) who is responsible for compliance with the code of practice; and
  - 1.11.3. Require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.
- 1.12. With regard to 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.
- 1.13. Conditions – Any conditions attached to licences will be proportionate and will be:

- 1.13.1. Relevant to the need to make the proposed building suitable as a gambling facility
  - 1.13.2. Directly related to the premises and the type of licence applied for;
  - 1.13.3. fairly and reasonable related to the scale and type of premises; and
  - 1.13.4. Reasonable in all other aspects.
- 1.14. Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this licensing authority will consider utilising should there be a perceived needs, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the ways in which the licensing objectives can be effectively met.
- 1.15. It is noted that there are conditions which the licensing authority cannot attach to premises licences, which are:
- 1.15.1. any condition on the premises licence which makes it impossible to comply with an operating licence condition.
  - 1.15.2. conditions relating to gaming machine categories, numbers or method of operation
  - 1.15.3. 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
  - 1.15.4. conditions in relation to stakes, fees, winning or prizes.
- 1.16. Door Supervisors – The Gambling Commission advises in its draft 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 Gambling Act 2005 has amended the Security Industry Act and that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority. This licensing authority therefore has specific requirements for door supervisors working at casinos or bingo premises which are (insert requirements). This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

## **2. Adult Gaming Centres**

- 2.1. 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 ensure that under 18 years olds do not have access to the premises. Appropriate licence conditions may cover issues such as:
  - 2.1.1. Proof of age schemes
  - 2.1.2. CCTV
  - 2.1.3. Door supervisors
  - 2.1.4. Supervision of entrances/machine areas

2.1.5. Physical separation of areas

2.1.6. Location of entry

2.1.7. Notices/signage

2.1.8. Specific opening hours

2.2. This list is not exhaustive.

2.3. With regard to the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations, such as GamCare.

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

3.1. 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 ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

3.1.1. Proof of age schemes

3.1.2. CCTV

3.1.3. Door supervisors

3.1.4. Supervision of entrances/machine areas

3.1.5. Physical separation of areas

3.1.6. Location of entry

3.1.7. Notices/signage

3.1.8. Specific opening hours

3.2. This list is not exhaustive.

3.3. With regard to the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations, such as GamCare.

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

### **4. Casinos**

4.1. No casinos resolution – This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

4.2. Casinos and competitive bidding – This licensing authority is aware that where a licensing authority area is enabled 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 issued under the Gambling Act 2005 by the Secretary of State.

- 4.3. Betting machines – This licensing authority is aware that, as explained in the Gambling Commission's draft Guidance to local authorities, "Section 181 contains an express power for licensing authorities 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). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should 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 persons."
- 4.4. Credit – This licensing authority has noted that the Gambling Commission has stated in its Draft Guidance to Local Authorities that "section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service provider and does not profit from the arrangement, not make any payment in connection with the machines. Guidance on the further conditions that may apply in relation to such machines will be included in the next version of this guidance".

## **5. Bingo Premises**

- 5.1. This licensing authority notes that the Gambling Commission's draft guidance states:
  - 5.1.1. "Licensing authorities will be able to find information about the restrictions that apply in the codes of practice that will be published on the Commission's website"
  - 5.1.2. 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 bingo premises"
- 5.2. Once this information is available, this licensing authority will consider its application to premises licences for bingo premises.

## **6. Betting Premises**

- 6.1. Betting machines – It is noted that the Gambling Commission's draft Guidance to local authorities states: "Section 181 contains an express power for licensing authorities 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). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should 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 persons".

6.2. This licensing authority will give sympathetic consideration to applications concerning re-sites or extensions to enhance the quality of the facility provided, within the same locality.

## **7. Tracks**

7.1. This licensing authority is aware the Gambling Commission may provide further specific guidance with regard to tracks. We have taken note of the draft Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.

7.2. There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants 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, although they are still prevented from entering areas where gaming machines (other than Category D machines) are provided.

7.3. Appropriate licence conditions may be:

7.3.1. Proof of age schemes

7.3.2. CCTV

7.3.3. Door supervisors

7.3.4. Supervision of entrances/machine areas

7.3.5. Physical separation of areas

7.3.6. Location of entry

7.3.7. Notices/signage

7.3.8. Specific opening hours

7.3.9. The location of gaming machines

7.4. This list is not exhaustive.

7.5. With regard to the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.

7.6. Betting machines – Licensing authorities have a power under the Gambling Act 2005, 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. The Gambling Commission's draft Guidance will be noted in that it states: "In relation to betting premises away from tracks, the Commission is proposing that licensing authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bring with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the

track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing authorities will want to consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.”

7.7. This licensing authority also notes that, “In the Commissions’ 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. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.”

7.8. Condition on rules being displayed – The Gambling Commission has advised in its draft Guidance to 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.”

## **8. Travelling Fairs**

8.1. 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.

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

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

## **9. Provisional Statements**

9.1. This licensing authority notes the draft Guidance for the Gambling Commission 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 can inspect it fully”.

9.2. 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 be reference to matters:

9.2.1. which could not have been raised by objectors at the provisional licence stage, or

9.2.2. which is in the authority’s opinion reflect a change in the operator’s circumstances

9.3. This authority has noted the Gambling Commission’s draft Guidance that “A licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”

## 10. Reviews

- 10.1. 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 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 to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
  - 10.1.1. in accordance with any relevant code of practice issued by the Gambling Commission.
  - 10.1.2. in accordance with any relevant guidance issued by the Gambling Commission.
  - 10.1.3. reasonably consistent with the licensing objectives, and
  - 10.1.4. in accordance with the authority's statement of licensing policy
- 10.2. The licensing authority can also also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## Part C

### Permits/Temporary & Occasional Use Notice

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

- 1.1. 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).
- 1.2. 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 draft Guidance to 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. Further guidance on the information that should be obtained from the applicant and others will be provided in the next version of this guidance." (24.6)
- 1.3. The draft 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. Relevant considerations to take into account would be the applicant's suitability..., such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre...; and the suitability of the premises in relation to their location and issues about disorder." (24.7)
- 1.4. It should be noted that a licensing authority cannot attach conditions to this type of permit and that the "statement of principles" only applies to initial applications and not to renewals (paragraph 18(4)).



1.5. Statement of Principles = This licensing authority has not currently adopted a Statement of Principles. Should it decide to do so, it will be available from the licensing unit. Potential applicants/other interested persons are advised to check with the licensing unit as to whether a policy has been adopted.

1.6. With regard to renewals of these permits, a licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

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

2.1. 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:

2.1.1. provision of the machines is not reasonably consistent with the pursuit of the licensing objectives.

2.1.2. gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act 2005 (i.e. that written notice has also 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)

2.1.3. the premises are mainly used for gaming; or

2.1.4. an offence under the Gambling Act 2005 has been committed on the premises.

2.2. 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 Gambling Act 2005, and “such matters are 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 harm 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 site of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

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

2.4. 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.

2.5. 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.

### 3. Prize Gaming Permits – (Statement of Principles on Permits – Schedule 14 Para 8 (3))

- 3.1. 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”.
- 3.2. This licensing authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.
- 3.3. 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.
- 3.4. 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:
  - 3.4.1. the limits on participation fees, as set out in regulations, must be complied with:
  - 3.4.2. 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;
  - 3.4.3. 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
  - 3.4.4. participation in the gaming must not entitle the player to take part in any other gambling.

### 4. Club Gaming and Club Machines Permits

- 4.1. 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).
- 4.2. Draft Gambling Commission Guidance to local authorities 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.
- 4.3. The draft Guidance also makes it clear that “Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members’ club and may grant the permit if the majority of members are over 18.” (25.14)
- 4.4. This licensing authority is aware that: “Licensing authorities may only refuse an application on the grounds that:

- 4.4.1. 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;
  - 4.4.2. the applicant's premises are used wholly or mainly by children and/or young persons;
  - 4.4.3. an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - 4.4.4. a permit held by the applicant has been cancelled in the previous ten years; or
  - 4.4.5. an objection has been lodged by the Commission or the police (Gambling Commission's draft Guidance to local authorities 25.18)
- 4.5. It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. As the Gambling Commission's draft Guidance to 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:
- 4.5.1. that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
  - 4.5.2. that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - 4.5.3. that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

## **5. Temporary Use Notices**

- 5.1. There are a number of statutory limits with regards to Temporary Use Notices. It is noted that it falls to the licensing authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building/site (see Gambling Commission's draft Guidance to local authorities).

## **6. Occasional Use Notices**

- 6.1. The licensing authority has very little discretion with regard to these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

*This Statement of Principles has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.*

## **Appendix A**

### **Schedule of Consultees**

All Elected Members, Rossendale Borough Council
Legal Services Manager, Rossendale Borough Council
Head of Service – Legal & Democratic Services, Rossendale Borough Council
Head of Planning, Rossendale Borough Council
The Gambling Commission
The Chief Officer of Police, Lancashire Constabulary
Lancashire Fire & Rescue Service
Child Protection Team, Lancashire County Council
H.M Revenue & Customs
Burnley Borough Council
The British Casino Association
Casino Operator's Association of the UK
Racecourse Association Limited
British Amusement Catering Trade Association
Association of British Bookmakers
Betting Offices and Bookmakers in Rossendale
Amusement Arcades in Rossendale
Premises Licence Holders in Rossendale
Club Premises Certificate Holders in Rossendale
Lancashire County Council Trading Standards

## Appendix B

### Summary of licensing authority delegations permitted

Matter to be dealt with	Full Council	Licensing Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for premises 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 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 are received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been received and not withdrawn	Where no objections received / objections 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	