

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

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

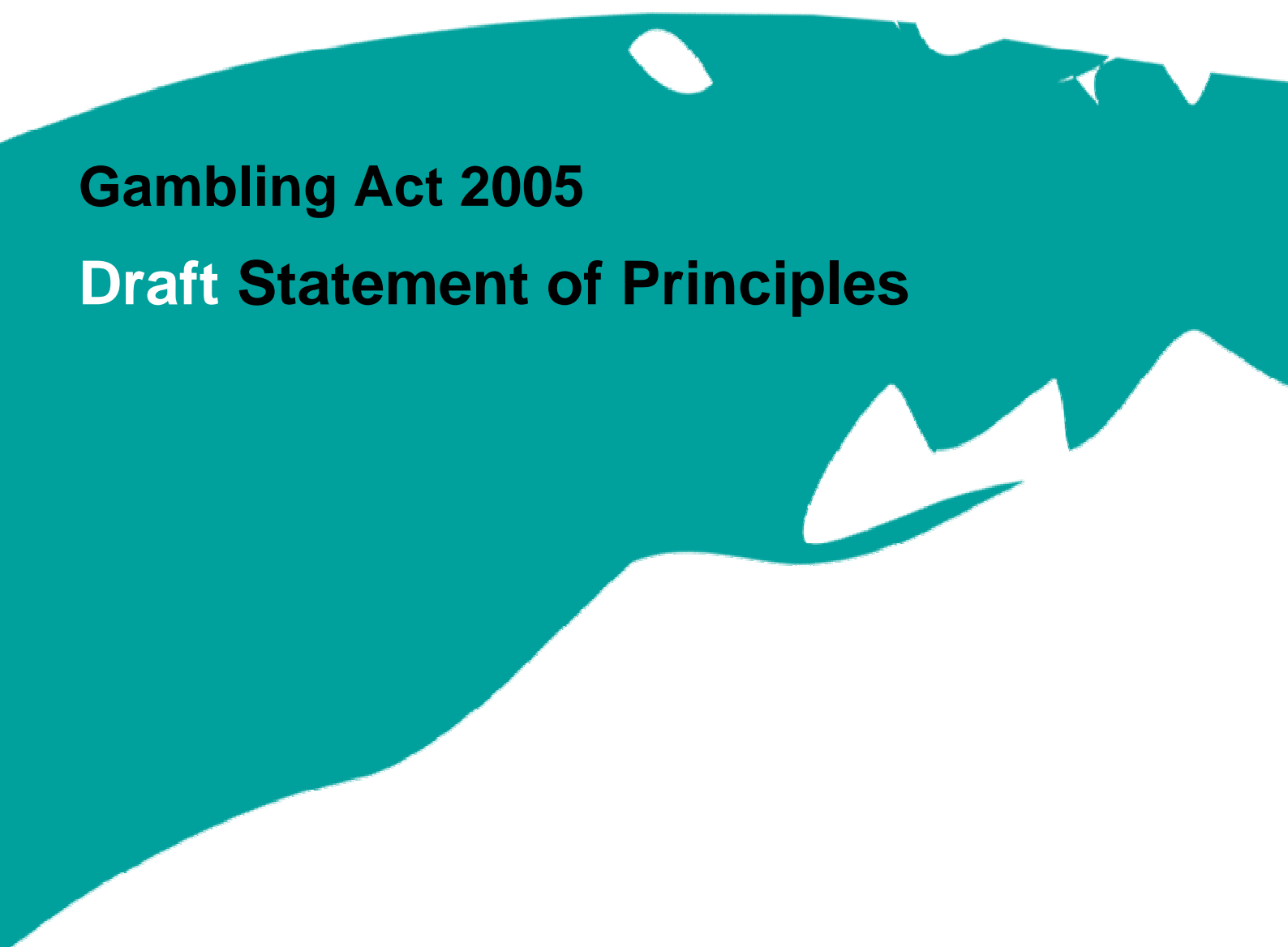
Schedule of Consultees

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	



Gambling Act 2005
Draft Statement of Principles

31st January 2010
to
30th January 2013

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Part A

1. The Licensing Objectives

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

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- 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”.

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 licensing policy

2. Introduction

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

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.



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:

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

(Census 2001)

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.

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

The Gambling Act requires that the following parties are consulted by licensing authorities:

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

Our consultation took place between 1st August 2009 and 31st October 2009 and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at:

<http://www.berr.gov.uk/files/file47158.pdf>

The full list of comments made and the consideration by the Council of those comments is available by request to:

Rossendale Borough Council
Licensing Unit
Town Centre Offices
Lord Street
Rawtenstall
Rossendale
BB4 7LZ

e-mail: licensing@rossendalebc.gov.uk
web: www.rossendalebc.gov.uk

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.

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
Town Centre Offices
Lord Street
Rawtenstall
Rossendale
BB4 7LZ

e-mail: licensing@rossendalebc.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 to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the policy statement.

4. Responsible Authorities

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:

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

In accordance with the suggestion in the Gambling Commission's Guidance to Local Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Bodies under the Gambling Act 2005 are available on the Council's website at: www.rossendale.gov.uk

5. Interested Parties

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

These parties are defined in the Gambling Act 2005 as:

“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)”

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. 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 to Local Authorities at 8.11 to 8.19. 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.

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. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (eg, 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 business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts, please contact the Licensing Unit at Rossendale Borough Council, Town Centre Offices, Lord Street, Rawtenstall, Rossendale, BB4 7LZ.

6. Exchange of Information

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

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

Should any protocols be established with regard to information exchange with other bodies, they will be made available.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15

of the Act, with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Local Authorities and will endeavour to be:

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

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

This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

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

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

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the Licensing Unit at Town Centre Offices, Lord Street, Rawtenstall, Rossendale, BB4 7LZ or via the website at www.rossendale.gov.uk.

8. 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 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 is regulated by the Gambling Commission via operating licences.

Part B

Premises Licences: Consideration of Applications

1. General Principles

Premises Licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are

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.

1a. Decision Making

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 to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

1b. Definition of "premises"

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

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 16 High Street. But, that does not mean that 16 High Street cannot be the subject of separate premises licence for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

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

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.”

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

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

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

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

7.25:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

1c. Premises "ready for gambling"

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

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

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

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

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence. More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59 – 7.66 of the Guidance.

1d. 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 are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing 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 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.

1e. Planning

The Gambling Commission Guidance to Licensing Authorities states:

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

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

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

1f. Duplication with other regulatory regimes

This licensing authority seeks 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.

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

Licensing objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes 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 (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. For Local Authorities with tracks: There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section— see page 14).

Protecting children and other vulnerable persons from being harmed or exploited by gambling – This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The 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.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; 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.

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

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

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

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.

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.

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

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

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

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

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

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

This licensing authority may consider measures to meet the licensing objectives such as:

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

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

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

3. (Licensed) Family Entertainment Centres:

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

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

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

4. Casinos

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

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

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

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting premises

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

7. Tracks

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

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

This licensing authority may consider measures to meet the licensing objectives such as:

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

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

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

Betting machines - This licensing authority will, as per Part 6 of 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 proposes to offer.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

8. Travelling Fairs

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

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

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

9. Provisional Statements

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

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

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

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

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

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

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

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

10.Reviews:

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

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;

- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

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

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

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

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

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

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

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

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

PART C

Permits / Temporary & Occasional Use Notice

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

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).

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 to Licensing 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)

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.

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.

2. (Alcohol) Licensed premises gaming machine permits (Schedule 13 paragraph 4(1)) Automatic entitlement: 2 machines

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

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

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

Permit: 3 or more machines

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

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

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

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

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

3. Prize Gaming Permits

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

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

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but it must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions.

The conditions in the Act are:

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

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit 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).

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. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

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

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

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

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

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

5. Temporary Use Notices

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

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

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

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

6. Occasional Use Notices:

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. This licensing authority will however consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Appendix A

Schedule of Consultees

British Casino Association

BACTA

The Bingo Association

Association of British Bookmakers Ltd (ABB)

Business in Sport and Leisure (BISL)

BALPA (The British Association of Leisure Parks, Piers & Attractions Limited)

Holders of licences under the Gambling Act 2005

Lancashire Constabulary

Punch Taverns

Guys and Dolls Sports and Social Club

Beaconsfield Conservative Club

Cloughfold Conservative Club

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	

Gambling Act 2005 – Draft Statement of Principles

Summary of Changes

Part A

1. The Licensing Objectives

This paragraph has been expanded to reflect that the licensing authority 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 licensing policy

2. Introduction

There are no significant changes to this item.

3. Declaration

There are no significant changes to this item.

4. Responsible Authorities

There are no significant changes to this item.

5. Interested Parties

There are no significant changes to this item.

6. Exchange of Information

There are no significant changes to this item.

7. Enforcement

The draft statement of principles now includes details of the risk based inspection program.

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

This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- *The licensing objectives*
- *Relevant codes of practice*
- *Guidance issued by the Gambling Commission, in particular at Part 36*
- *The principles set out in this statement of licensing policy*

There are no significant changes to this item.

8. Licensing authority functions

There are no significant changes to this item.

Part B

Premises Licences: Consideration of Applications

1. General Principles

There are no significant changes to this item.

1a. Decision Making

This is a new heading in the draft statement. There are however no significant changes to the item. The information appears at 1.2 in the original policy statement.

1b. Definition of “premises”

This is a new heading in the draft statement. This item now reflects the relevant information regarding multiple licences on a premises from the 3rd edition of the Gambling Commission’s Guidance to Local Authorities.

The Gambling Commission’s relevant access provisions for Casino’s, Adult Gaming Centres, Betting Shops, Tracks, Bingo Premises and Family Entertainment Centres are detailed in the draft policy. These access provisions were not included in the original policy statement.

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

7.25:

Casinos

- *The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)*

- *No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons*
- *No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence*

Adult Gaming Centre

- *No customer must be able to access the premises directly from any other licensed gambling premises.*

Betting Shops

- *Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence*
- *No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.*

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

1c. Premises “ready for gambling”

This is a new item in the draft statement. This item deals with premises which are not yet fully constructed, require altering or where the applicant does not yet have a right to occupy the premises.

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

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

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

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

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence. More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59 – 7.66 of the Guidance.

1d. Location

This is a new heading in the draft statement. There are however no significant changes to the item. The information appears at 1.5 in the original policy statement.

1e. Planning

This is a new heading in the draft statement. There are however no significant changes to the item. The information appears at 1.6 in the original policy statement. The Gambling Commission Guidance to Licensing Authorities states:

1f. Duplication with other regulatory regimes

This is a new heading in the draft statement. There are however no significant changes to the item. The information appears at 1.2 in the original policy statement.

Licensing objectives

This is a new heading in the draft statement. There are however no significant changes to the item. The information appears at 1.7 to 1.16 in the original policy statement. This item now reflects the guidance from the Gambling Commission's 3rd edition of the Guidance to Local Authorities.

2. Adult Gaming Centres

There are no significant changes to this item, however, the draft statement now expands on the measures the licensing authority may consider to meet the licensing objectives.

This licensing authority may consider measures to meet the licensing objectives such as:

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

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

3. (Licensed) Family Entertainment Centres:

There are no significant changes to this item, however, the draft statement now expands on the measures the licensing authority may consider to meet the licensing objectives. This item now reflects the guidance from the Gambling Commission's 3rd edition of the Guidance to Local Authorities.

This licensing authority may consider measures to meet the licensing objectives such as:

- *CCTV*
- *Supervision of entrances / machine areas*
- *Physical separation of areas*
- *Location of entry*
- *Notices / signage*
- *Specific opening hours*
- *Self-exclusion schemes*
- *Provision of information leaflets / helpline numbers for organisations such as GamCare.*
- *Measures / training for staff on how to deal with suspected truant school children on the premises*

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

4. Casinos

There are no significant changes to this item. The draft statement has omitted the items which appear at 4.2 to 4.4 in the original draft policy.

5. Bingo premises

This item now reflects the guidance from the Gambling Commission's 3rd edition of the Guidance to Local Authorities.

This licensing authority notes that the Gambling Commission's Guidance states:

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

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18. *Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.*

6. Betting premises

There are no significant changes to this item.

7. Tracks

There are no significant changes to this item, however, the draft statement has expanded on the measures which the authority may consider to meet the licensing objectives.

This licensing authority may consider measures to meet the licensing objectives such as:

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

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

Applications and plans

This is a new item in the draft statement.

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will

also be used for the licensing authority to plan future premises inspection activity. (See *Guidance to Licensing Authorities*, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

*Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See *Guidance to Licensing Authorities*, para 20.31).*

*In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See *Guidance to Licensing Authorities*, para 20.32).*

*This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See *Guidance to Licensing Authorities*, para 20.33).*

8. Travelling Fairs

There are no significant changes to this item.

9. Provisional Statements

There are no significant changes to this item, however, it has been expanded upon to reflect the circumstances under which a provisional statement may be applied for and the manner in which it should be made and then duly considered by the authority.

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

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

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

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

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

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

10.Reviews:

There are no significant changes to this item, however, it does now reflect the statutory timings for the hearing and details the actions which the authority can take. This item also details the parties which must be notified of the review decision.

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

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

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

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

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

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

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

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

PART C

Permits / Temporary & Occasional Use Notice

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

This item has been expanded to reflect the matters which the licensing authority will expect applicants to demonstrate.

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.

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.*

2. (Alcohol) Licensed premises gaming machine permits (Schedule 13 paragraph 4(1)) Automatic entitlement: 2 machines

There are no significant changes to this item. This matter appears at 2.1 in the original policy statement.

Permit: 3 or more machines

There are no significant changes to this item. This matter appears at 2.2 to 2.5 in the original policy statement.

3. Prize Gaming Permits

The draft statement now reflects the authority's statement of principles which the applicant should set out in their application for this permit.

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

- *that they understand the limits to stakes and prizes that are set out in Regulations;*
- *that the gaming offered is within the law*
- *Clear policies that outline the steps to be taken to protect children from harm.*

There are no other significant changes to this item.

4. Club Gaming and Club Machines Permits

There are no significant changes to this item. This matter now reflects the 3rd edition of the Gambling Commission's Guidance to Local Authorities.

5. Temporary Use Notices

This matter has been expanded upon to reflect current guidance and regulations.

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

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

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance

gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

6. Occasional Use Notices:

There is no change to this item.

Appendix B

Summary of licensing authority delegations permitted

There is no change to this table.

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	

Draft Statement of Gambling Policy Consultation 1st August 2009 – 31st October 2009

Paragraph	Observations	Consideration
Various	Minor grammatical and spelling errors	These have been corrected where required.
	There were no comments or observations received on the draft Statement of Principles.	<p>The document followed the Code of Practice on Consultation document published in July of 2008 (new version published October 2009). The Statement of Principles document has been produced and modified from the Lacors template, which is now in its 3rd edition. The Lacors document has attracted significant consultation and relevant change and is a preferred format for the Trade. The current Statement of Principles was based off the same template.</p> <p>Gambling licensing in the Borough is confined to only 8 premises licence holders and these are made up by William Hill, Ladbrokes and Tote Sport. There are 3 Club Machine Permit Holders and the rest of the sector is made up of registrations of Small Society Lotteries and alcohol licensed premises which use their right to provide up to two gaming machines.</p> <p>The first Statement of Principles received little in the way of comments which affected the policy statement. From the comments received, most were either entered into the document or were already contained therein. The balance of the comments received were outside of our legislative ability.</p>

Community Impact Assessment

Checklist & Signature Sheet

This should be commenced at the start of the Community Impact Assessment (CIA) process.

Name of Strategy/Policy/Service or Function:	Statement of Principles (under the Gambling Act 2005)
---	--

Please check the following steps have been completed before signing below:

- Sections 1 to 4 completed
- Action Plan completed (where appropriated)
- Notified all relevant Officers/Service Areas/Partners

Signed:

Job Title: _____ Department: Licensing

Date commenced Assessment: 23/07/2009 Date completed: _____

Received by and date received in the People & Policy Team:

Please sign the CIA as indicated above, retain a copy and send a copy of the full CIA, including the Action Plan, to:

Liz Murphy
Head of People and Policy
Rossendale Borough Council
Stubbylee Hall
Stubbylee, Bacup
Rossendale
OL13 0DE
lizmurphy@rossendalebc.gov.uk

MANAGEMENT ACTION REQUIRED (to be completed by the Head of P&P)

- Referred back to Assessor for amendment. Date:
- Refer to Committee. Specify Committee & Date:
- Considered by Community Impact Assessment & Scrutiny Group. Date:
- Published/made publicly available on. Date

Signed:..... (Head of P&P) Date:
 Date of Review¹:

¹ This date will be set on an annual basis as default for review unless otherwise specified by you.

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 1 of 11	

Community Impact Assessment Form

Name of Strategy/Policy:	Statement of Principles (under the Gambling Act 2005)	
Officer Name(s):	Susan Chadwick	
Job Title & Location:	Licensing Admin Officer/Planning Enforcement Officer Town Centre Offices	
Department/Service Area:	Licensing	
Telephone & E-mail Contact:	01706 238 648 susanchadwick@rossendalebc.gov.uk	
Date Assessment: 23/07/2009	Commenced: 23/07/2009	Completed:

1. Impact Assessment – Policy and Target Outcomes

- a) Summarise the main aims/objectives of the strategy, policy, procedure, project or decision (refer to “**Notes for Guidance**” for details).

To demonstrate how the Licensing Authority will administer the Gambling Act 2005.

- b) Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

Responsible Section/Team		Version	
Responsible Author		Due for review	
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c) Main or intended groups identified as beneficiaries, targets or users of (or affected in any other way) this strategy, policy, project, procedure or decision? Please specify in box below:

- Customers/citizens of the district
- Targeted/specific groups of customers/citizens (indicate below in [d]).
- Elected Members/Councillors
- Internal colleagues/customers or other public authorities e.g. government agencies
- Community Groups/voluntary sector groups or campaign/interest groups
- Staff/employees (in their contractual position) and/or potential employees/trainees.
- Any other stakeholder e.g. trade unions, contractors, suppliers, district partners, public agencies (not directly under Council control), intermediaries representing interest groups e.g. tenants, developers, legal agencies or third parties.

Main beneficiaries:
 The statement of principles is relevant to all residents and businesses with the Borough. The statement is also relevant to licence holders who exist outside of the Borough. The statement will impact on individuals and businesses making applications, making representations, seeking reviews and applying for permits, registrations and notifications. The resultant controls on gambling activities will also impact on visitors to the area participating in such activities.

d) Please detail below specific equality groups who will be the main beneficiaries, targets and users of this strategy, policy, project, procedure or decision, or who will be affected in any other way.

Key equality groups as main beneficiaries or affected in any other way (where appropriate):
 The statement aims to provide information and guidance on the general approach that the licensing authority will take in respect of its functions under the Gambling Act 2005. The statement does not prevent anyone from making an application and having that application determined on it's individual merits.

The statement conveys that the licensing authority will aim to permit gambling at properly regulated premises with proper regard to the licensing objectives. These are:

1. preventing gambling from being a source of crime and disorder;
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.

To prevent discrimination against any particular individual or business, the statement makes it clear that the licensing authority will only consider relevant matters and will follow guidance issued by the Gambling Commission.

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The Gambling Act 2005 has a clear objective to protect children and vulnerable persons from being harmed. This objective clearly benefits children and vulnerable persons from the risks and dangers posed by gambling activities.

Responsible Section/Team		Version	
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e) To assist with the assessment you may need to consider collecting the following information, before completing the table in Section 2:

- NATIONAL DATA e.g. surveys, reports, statistics, etc which point up specific areas/issues.
- LOCAL DATA e.g. demographics, service mapping studies & relevant research.
- MANAGEMENT INFO e.g. data collected for operational/financial or other purposes.
- MONITORING DATA e.g. information already available or collected. For example: disability type, age band, gender, location. (ref. existing LPSIs).
- CONSULTATION/CONTACT DATA e.g. user group feedback, representations, specific consultation events etc.
- CUSTOMER COMPLAINT/FEEDBACK e.g. results of investigations, inquiries, elected member cases, normal complaints/compliments etc.
- Views of LSP Officers, independent externals, contractors/suppliers, partners and academia (if relevant).
- OTHER e.g. frontline employee feedback, other research, experiences of other agencies/local authorities, councillors mailbags/surgeries.

Please detail in the box below, the information you have considered to make this decision/recommendation regarding the communities affected by this.

The Gambling Act 2005 and it's associated licensing objectives.
Guidance issued by the Gambling Commission.

f) Is further consultation, data collection or research still required?

Yes

No

(If yes then complete Action Plan)

Key Actions (note responsible officer(s)):
Consultation is ongoing. The consultation period begins 1st August 2009 and ends on 31st October 2009.

Responsible Section/Team		Version	
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2. Impact – Evidence

Using the table below please tick whether you have evidence that the policy/strategy/decision has a negative, positive or neutral impact **from an equalities perspective** on any of the equality groups listed below. **Throughout this document please also give consideration to the wider community cohesion impacts within and between the groups identified.**

		Positive Impact – (It could benefit)	Negative Impact – (It could disadvantage)	Reason	Neutral Impact (Neither)
Gender	Women	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Men	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese or other ethnic people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	White people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Sexuality	Lesbians, gay men and bisexuals	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender Identity	Transgender people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Age	Older people (60+)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Younger people (17-25), and children	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Gambling Act 2005 specifically precludes persons under the age of 18 from participating in gambling	<input type="checkbox"/>

Responsible Section/Team		Version	
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		Positive Impact – (It could benefit)	Negative Impact – (It could disadvantage)	Reason	Neutral Impact (Neither)
				activities.	

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 7 of 11	

		Positive Impact – (It could benefit)	Negative Impact – (It could disadvantage)	Reason	Neutral Impact (Neither)
Belief	Faith groups *	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Other Groups (e.g. carers, rurally isolated, gypsies & roma travellers, people on low incomes)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

Notes:

* Faith groups cover a wide range of groupings, the most common of which are Muslims, Buddhists, Jews, Christians, Sikhs, Hindus. Consider faith categories individually and collectively when considering positive and negative impacts

Responsible Section/Team		Version	
Responsible Author		Due for review	
Date last amended		Page 8 of 11	

3. Impact – Nature/Type

- a) Could you further improve the strategy, project, policy, procedure or decision's positive or neutral impact? If “Yes”, this should be detailed in the Action Plan.

YES NO

- b) You need to think about how you can mitigate any adverse or negative impact(s) of the proposal, or how you might use the policy, strategy, project, procedure or decision to promote a positive impact. You must consider whether you have identified that this proposal has a:

High Impact: that the policy, project or decision will have a high, negative impact i.e. that it may be or is unlawfully discriminating against some groups, you will have to take immediate action to mitigate this.

OR:

Lower Impact: the policy, project or decision will have a negative or adverse impact (that may not be lawful). You will also need to consider what changes you could make to remove this impact.

If you have identified adverse impact you must determine whether you will recommend that the Council should:

- Change the policy/decision, stating what the changes should be
- Revise the policy/decision, stating the revisions
- Consult further if you feel that you do not have enough information.

Actions arising from the impact assessment should form part of the Service Planning Process.

Key Actions:

The legislation is subject to legal safeguards therefore further actions are not necessary.

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4. Impact Assessment - Summary

Key Findings

Please list the major outcomes/results/findings of this assessment in relation to equality which require action by the Council detailing these in the Action Plan at the back at this document. If no specific actions have been identified please detail your key findings below:

Key Findings:
The legislation is subject to legal safeguards therefore actions are not necessary.

5. Impact Assessment – Further Action

Please give the details of the monitoring/evaluation/review process that has/will be set up to check the successful implementation of the policy, project, strategy or decision including improved outcomes/impact and identify the review date.

Evaluation/ monitoring/ review process:
The statement will be reviewed at least every 3 years. Any service improvements will be identified and implemented as part of our normal customer focused approach.

Review Date: May 2012

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6. IMPACT ASSESSMENT ACTION PLAN

Please list below any recommendations for action that you plan to take as a result of this impact assessment (refer to Sections 3 & 4).

Issue	Action required	Lead officer	Timescale	Resource implications	Comments

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