



*Knowsl@y Council*

**KNOWSLEY METROPOLITAN**

**BOROUGH COUNCIL**

**STATEMENT OF PRINCIPLES**

**UNDER THE GAMBLING ACT 2005**

**2016 - 2019**

# Knowsley Metropolitan Borough Council

## Statement of Principles under the Gambling Act 2005

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## Part A

### 1. Introduction

1.1 Section 349 of the Gambling Act 2005 (the act) requires each licensing authority to determine and publish a statement of the principles to apply in carrying out their functions under the act. The Statement must be published at least every three years. This document sets out the manner in which Knowsley Council (the Licensing Authority) will consider applications for licences and permits under the act. This Statement aims to ensure that the Licensing Authority promotes the three licensing objectives (which have equal importance) which 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.**

1.2 The Licensing Authority is aware that, in accordance with section 153 of the act, 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 is:

- in accordance with any relevant code of practice and guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives and;
- in accordance with its gambling Statement.

1.3 This Statement relates to all licensable premises, permits and registrations falling under the act and the Licensing Authority will;

- licence premises where gambling activities are to take place by issuing premises licences and provisional statements;
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits;
- issue club machine permits to commercial clubs;
- issue 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 less gaming machines;
- issue licensed premises gaming machine permits in respect of premises licensed to sell/supply alcohol for consumption on the licensed premises (under the

Licensing Act 2003) where there are more than two gaming machines;

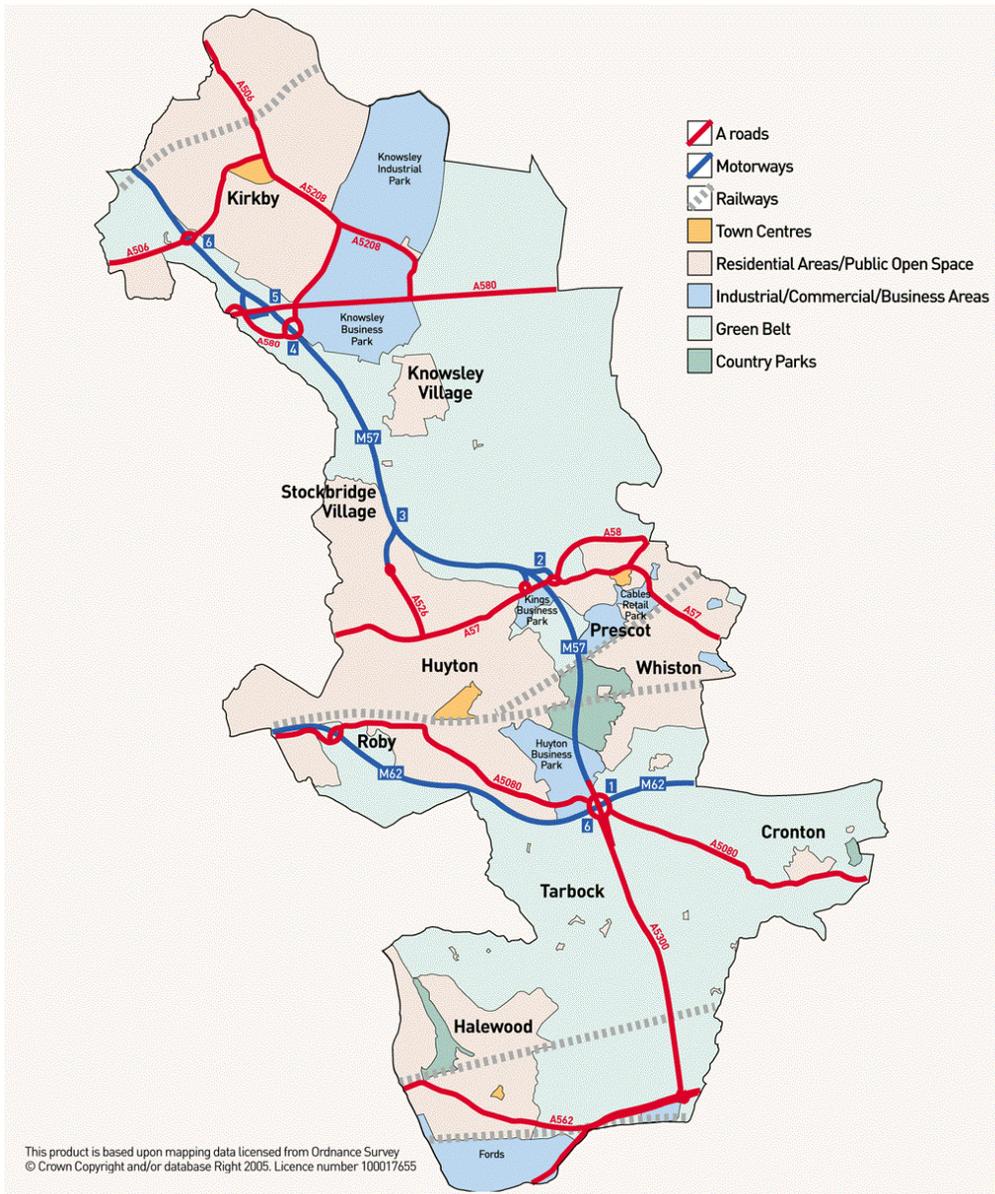
- register small society lotteries;
- issue prize gaming permits;
- receive and endorse temporary use notices;
- receive occasional use notices;
- provide information to the Gambling Commission regarding details of licences issued and;
- maintain registers of the relevant permits and licences issued.

1.4 Types of gambling activities and premises that are licensable include;

- betting office premises;
- bingo;
- casinos;
- track betting;
- amusement arcades;
- small society lotteries and;
- gaming machines in clubs and pubs.

1.5 Under the act the Licensing Authority is not involved in the licensing of remote gambling such as gambling over the internet or via a mobile phone. Remote gambling is controlled by the Gambling Commission via operating licences. Spread betting is regulated by the Financial Services Authority and the national lottery is regulated by the National Lottery Commission.

## 2. The Borough of Knowsley



Knowsley is one of six Local Authority districts that comprise the Liverpool City Region (the others being Liverpool, Sefton, St Helens, Wirral, and Halton). It is located at the heart of the North West, between Liverpool and Manchester and covers an area of 33 square miles [8,651 hectares]; just over ten miles from south to north, and up to seven miles across.

Knowsley lies at the centre of a comprehensive transport network. Motorways form its spine, with the M57 and M62 motorways, and the A580 East Lancashire trunk road intersecting and providing fast access to and from Manchester, Liverpool and the wider national transport network.

In recent years, Knowsley has experienced further population loss and now has around 146,000 people living in 65,000 households. However, the rate of decline has decreased and national projections indicate that the population should grow by approximately 4,000 between 2011 and 2021.

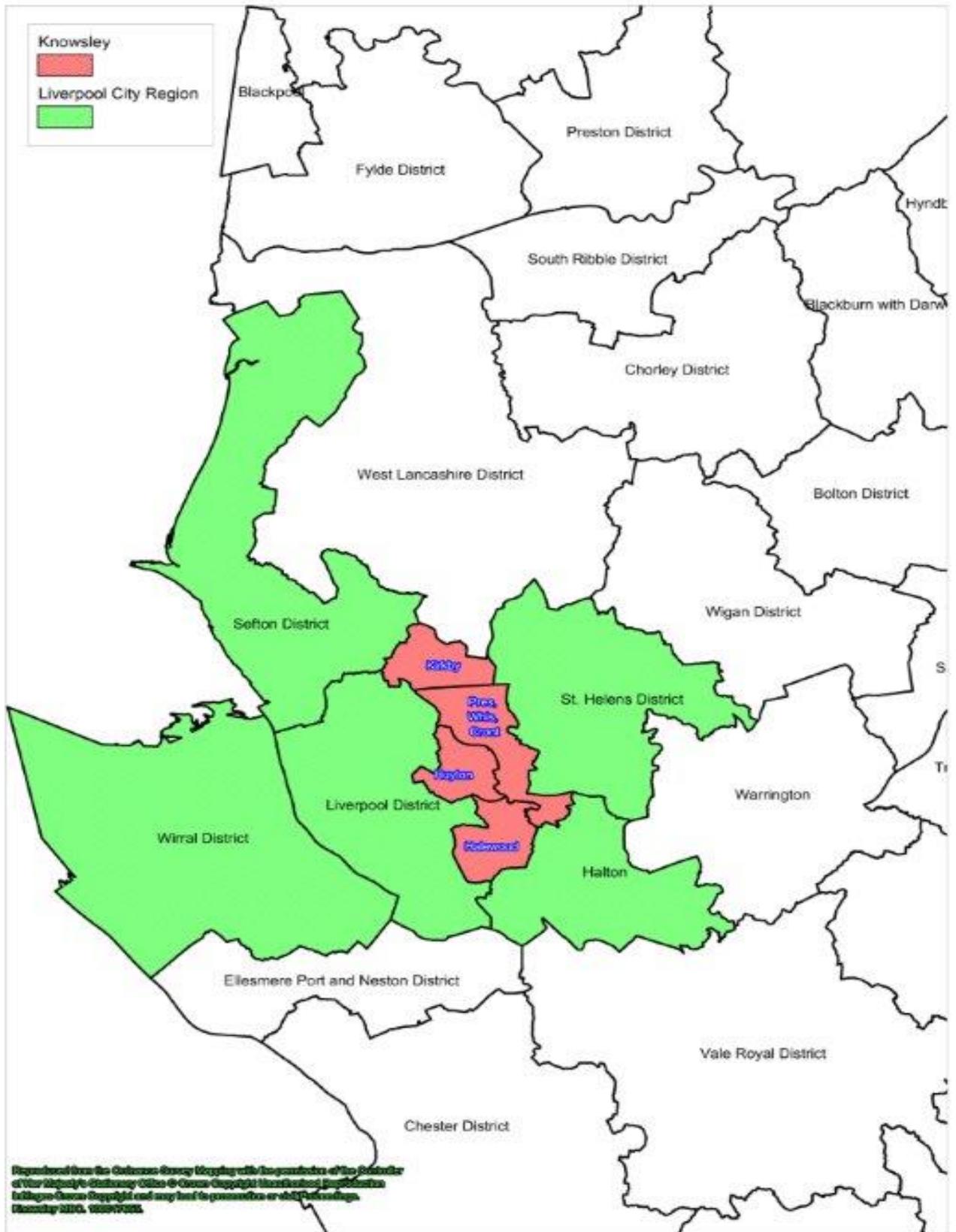
In broad terms, the population is distributed across the Borough as follows: 38% in Huyton; 28% in Kirkby; 14% in Halewood; and the remaining 20% split between Prescott, Whiston, Cronton, and Knowsley Village.

Knowsley's topography, and its motorway and trunk road infrastructure, combine to create a natural segregation between employment and housing areas, and clear definition between urban communities.

The Borough comprises a belt of large suburban towns and villages: Huyton, Kirkby, Prescott, Whiston and Halewood. Whilst the majority of development in these towns dates from the 1920s onwards, the older historic town of Prescott and a few pockets of older development in the other towns are exceptions.

The suburban housing areas are served by town and/or district centres providing a range of mainly local shopping and other services.

The countryside and urban fringe areas of Knowsley are designated as Green Belt, much of which is high grade farmland, within which the attractive villages of Knowsley, Cronton and Tarbock are located. The Borough enjoys a rich and diverse environment, boasting a wide variety of public open spaces, providing a broad range of outdoor recreational facilities, including parks, playgrounds, allotments, wildlife areas and sports pitches



### **3. Consultation**

- 3.1 This Statement is valid for 3 years, although during that time it can be reviewed and revised by the Licensing Authority if appropriate. Any amendments to the Statement will be subject to public consultation prior to it being re-published. Every licence application will be considered on its merits and nothing in this policy will prevent any person from applying for a licence or permit (or a licence review), or from making representations about an application under the act.
- 3.2 The act required that the following parties were consulted on the Statement;
- the Chief Officer of Merseyside 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 act.
- 3.3 Knowsley's consultation was more extensive and the Licensing Authority consulted widely prior to finalising and publishing the Statement. As well as the statutory parties above the following were included in the consultation exercise:-
- All Elected Members of the Council;
  - Merseyside Fire and Rescue Service;
  - Her Majesty's Customs and Excise;
  - Knowsley Council (Environmental Health, Trading Standards, Planning, Public Health and Wellbeing and Children's Health and Social Care);
  - Merseyside Police;
  - The Association of British Bookmakers;
  - Gamcare and Gamble Aware;
  - BACTA (The British Amusement Industry);
  - All existing licence holders;
  - Knowsley Chamber of Commerce;
  - The Borough's Parish and Town Councils.
- 3.4 The consultation exercise took place between July 2015 and September 2015 and took into account the Government code of practice on consultation (published July 2008 and updated in 2012) which is available at;
- <https://www.gov.uk/government/publications/consultation-principles-guidance>
- 3.5 Further details regarding the consultation exercise, the list of responses received and consideration given to those responses is available upon request to the Licensing Authority.
- 3.6 This Statement was approved at a meeting of the Full Council on 16 December 2015 and was published on our website on 5 January 2016.

3.7 Should you have any comments regarding this Statement please submit them (in writing) to the Licensing Authority;

by post: Licensing Authority  
Environmental Health and Consumer Protection Division  
Yorkon Buildings,  
Huyton, Knowsley  
Merseyside L36 9FB

by email: [licensing@knowsley.gov.uk](mailto:licensing@knowsley.gov.uk)

#### **4. Responsible authorities and interested parties**

##### **Responsible authorities**

4.1 Responsible authorities must be made aware of premises licence applications and they can submit relevant representations to the Licensing Authority. Responsible authorities may also request a review of the premises licence. In all cases, the representation and/or the review must relate to one or more of the licensing objectives.

4.2 The Licensing Authority is required to state the principles it will apply in exercising its powers under the act to designate, in writing, a body which is competent to advise about the protection of children from harm. The principles are:

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

4.3 The Council's Directorate of Safeguarding and Social Care is recognised as the body competent to advise on the protection of children from harm. A partnership approach will be developed in conjunction with the Knowsley Safeguarding Children Board.

4.4 The contact details of each of the responsible authorities are shown at appendix A. Prior to submitting applications for licences the Licensing Authority would advise applicants to discuss any issues with the relevant responsible authorities.

##### **Public Health**

4.5 The Licensing Authority will consult the Director of Public Health on all premises licence applications

##### **Interested Parties**

4.6 Interested parties can also make representations about licence applications or apply for a review of an existing licence. 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, 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)

4.7 In deciding whether a person is an interested party the Licensing Authority will;

- determine each case on its merits;
- not apply a rigid rule to its decision making;
- have regard to the examples of considerations provided in the Gambling Commission's guidance (paragraphs 8.11 to 8.17);
- have regard to the Gambling Commission's guidance that the phrase 'has business interests' should be given the widest possible interpretation and should include partnerships, charities, faith groups and medical practices;
- recognise as an interested party a relevant trade association, trade union, and residents' and tenants' associations. It should be noted however that these organisations will be required to show that they have a member who can be classed as an interested party under the act in that the person lives sufficiently close to the premises to be likely to be affected by the activities being applied for or carried out.

4.8 The Licensing Authority recognises that interested parties can include elected representatives such as councillors and Members of Parliament. No specific evidence of being asked to represent an interested person is required providing the councillor and/or the Member of Parliament represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered an interested party. Other than the above, the Licensing Authority will generally require written evidence that a person or body represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected. A letter from one of those persons requesting representation is sufficient.

4.9 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. This is to avoid any perception of bias. If there are any doubts then please contact the Licensing Authority.

4.10 The Licensing Authority will notify residents (and businesses) living in the immediate vicinity of a premises making an application. Whilst this is not a statutory requirement, the Licensing Authority believes that it is important to ensure that the community are fully aware of licensing applications in their area and will ensure that local people have a voice in licensing decisions. Ward Councillors will also be notified of applications within their Ward.

4.11 Residents (and businesses) within approximately 50 metres of the premise will be notified in writing of receipt of an application. This distance of 50 metres is a guide

and may be extended at the discretion of the Licensing Authority having regard to the particular application and its location. Parish and Town Councils will also be notified of relevant premises licence applications. It should be noted that any representations received (either in response to the written notification from the Licensing Authority or to the notices published in a newspaper/on the premises) will be judged on their merits but must be 'relevant' in accordance with the act.

## **5. Information exchange**

- 5.1 The Licensing Authority is required to include in its Statement the principles to be applied exercising their functions under sections 29 and 30 of the act in respect of information exchange with the Gambling Commission, and the functions under section 350 of the act in respect of information exchange between it and the other responsible authorities.
- 5.2 The Licensing Authority will act in accordance with the provisions of the act in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State. Should any protocols be established as regards information exchange with other bodies then they will be made available. Details of persons making representations will be made available to applicants.

## **6. Enforcement**

- 6.1 The Council has adopted and implemented a Corporate Enforcement Policy which aims to ensure efficient and effective public protection services. Any enforcement action will follow the following enforcement principles;
- 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.
- 6.2 The Licensing Authority, together with partner enforcement agencies, will use appropriate enforcement to promote the licensing objectives. Protocols will be developed with other enforcement agencies which will provide for targeting of any problem and high risk premises but with a lighter touch in respect of premises which are shown to be well-managed and maintained. The Licensing Authority intends to establish a risk based inspection programme for licensed premises which will be developed in consultation with partner agencies and having regard to the Gambling Commission guidance. In accordance with the Gambling Commission guidance the

Licensing Authority will endeavour to avoid duplication with other regulatory regimes as much as possible.

- 6.3 The main enforcement and compliance role for the Licensing Authority under the act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences and they will also be responsible for dealing with issues arising relating to the manufacture, supply or repair of gaming machines.
- 6.4 This Authority embraces the Department for Business Innovation and Skills' "Regulators Code" which came into force on 6 April 2014, and its standards have been integrated into our regulatory culture and processes. The Authority supports the principles of better regulation to promote efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens on business.

## 7. **Local Risk Assessments**

- 7.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) (issued in February 2015) requires operators to consider local risks in their applications.

As part of the application process licensees are required to submit a local risk assessment when applying for a new premises licence. An updated risk assessment must also be submitted:

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

- 7.2 This Licensing Authority may require a licensee to share their risk assessment with the authority. The risk assessment will set out the measures the licensee has in place to address specific issues where concerns exist over new or existing risks. By adopting this proactive approach Licensing Authorities and licensees should be able to reduce the occasions on which a premises review is required.

## **Part B**

### **Premises licences – consideration of applications**

#### **1. General principles**

- 1.1 Premises licences are subject to the requirements set out in the act and regulations, as well as specific mandatory and default conditions which are detailed in the regulations. The Licensing Authority is able to exclude default conditions and attach others where it is believed to be appropriate.
- 1.2 The Authority is aware that, as per Section 153, in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- In accordance with any relevant code of practice issued by the Gambling Commission;
  - In accordance with any relevant guidance issued by the Gambling Commission;
  - Reasonably consistent with the licensing objectives; and
  - In accordance with the licensing authority's statement of Statement.
- 1.3 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, in effect 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. The Authority will therefore seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. However, the Authority will listen to, and consider carefully, any concerns about conditions that cannot be met by Licence Holders due to planning restrictions, should such a situation arise.

#### **Meaning of premises / division and access between premises**

- 1.4 In the act the term 'premises' is defined as 'any place'. Section 152 of the act prevents more than one premises licence applying to any place. However, it is possible for a single building to be subject to more than one premises licence provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences where appropriate safeguards are in place. However, the Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.
- 1.5 Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The Licensing Authority will have regard to the guidance issued by the Gambling Commission which states;

'In most cases the expectation is that a single building/plot will be the subject of an

application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.'

1.6 The Licensing Authority also notes the Gambling Commission's guidance which states that licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. The guidance states that licensing authorities 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.

1.7 In accordance with the guidance the Licensing Authority will also have regard to the following factors:

- do the premises have a separate registration for business rates?  
is the neighbouring premise(s) 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?

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

1.9 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. It is acknowledged that this may be a question of fact and degree and the Licensing Authority may require a full inspection of premises prior to an application being considered (see provisional statements).

## **Location of premises**

- 1.10 When determining an application for a premises licence the Licensing Authority will carefully consider the location of the premises in terms of the three licensing objectives. The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises.
- 1.11 In accordance with the Gambling Commissions guidance, the Licensing 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 Statement would 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.

### **Duplication with other regulatory regimes**

- 1.12 The Licensing Authority will seek to avoid any duplication with other statutory and regulatory systems where possible, including planning. The Licensing Authority will not consider whether a premises is likely to be awarded planning permission or building regulations approval when considering an application. It will though, listen to and consider carefully any concerns about conditions which are not able to be met by licence holders due to planning restrictions, should such a situation arise.
- 1.13 When dealing with a premises licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Likewise, fire or health and safety risks will not be taken into account as these matters are dealt with by separate legislation and therefore will not form part of the consideration for the premises licence.

### **Conditions**

- 1.14 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
  - directly related to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale and type of premises and;
  - reasonable in all other respects.
- 1.15 There are a number of conditions which the Licensing Authority cannot attach to premises licences namely:
- any condition which makes it impossible to comply with an operating licence condition;
  - conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and;
  - conditions in relation to stakes, fees, winning or prizes.
- 1.16 Decisions upon individual conditions will be made on a case by case basis and may include the use of supervisors, appropriate signage for adult only areas, and so on. Specific comments are made in this regard under some of the licence types below. The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.
- 1.17 In order to promote the licensing objectives, the 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.
- 1.18 The Licensing 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.
- 1.19 These considerations will apply to premises including buildings where multiple premises licences are applicable.

### **Door supervisors**

- 1.20 In accordance with the Gambling Commission's guidance the Licensing Authority will only consider attaching a condition requiring the employment of door supervisors where there are concerns that a premise may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons). In such cases the Licensing Authority may require that the entrances to the premises are controlled by a door supervisor. If a person employed for door supervision would be required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence.

- 1.21 It is noted that bingo premises and casino premises are exempt from the need to have licensed door supervisors by virtue of an exclusion contained within the Private Security Industry Act 2001 (as amended by the act). The Licensing Authority would still encourage applicants who employ staff in a security capacity to ensure they are registered with the Security Industry Authority.

## **2. The licensing objectives**

- 2.1 Premises licences granted must be reasonably consistent with the licensing objectives. The Licensing Authority has considered the Gambling Commission's guidance on the licensing objectives and comments are made below under each objective.

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

- 2.2 The Licensing Authority has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. A high standard of control is therefore expected to be exercised over licensed premises in Knowsley.
- 2.3 Applicants for a premises licence must hold an operating licence from the Gambling Commission before a premises licence can be issued by the Licensing Authority. Therefore the Licensing Authority will not generally be concerned with the suitability of an applicant although where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Gambling Commission.
- 2.4 The Licensing Authority will consider the location of premises. If an application is received in relation to an area noted for particular problems with crime (for example) then the Licensing Authority will consider what (if any) controls might be appropriate to prevent those premises becoming a source of crime. When determining applications the Licensing Authority will consider whether the grant of a licence is likely to result in an increase in crime and disorder. Applicants are encouraged to discuss their crime prevention procedures with Merseyside Police prior to making a formal application.
- 2.5 The Licensing Authority is aware that in the case of gambling premises, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in making this distinction include whether police assistance was required and how threatening the behaviour was to those who could see it.
- 2.6 When considering licence applications, the Licensing Authority will have regard to various factors including the following;
- the design and layout of the premises;
  - the training given to staff in crime prevention measures appropriate to those premises;

- physical security features installed in the premises - this may include matters such as the position of cash registers or the standard of CCTV that is installed;
- where premises are subject to age restrictions, the procedures in place to conduct age verification checks.

### **Ensuring that gambling is conducted in a fair and open way**

2.7 The Licensing Authority notes that the Gambling Commission does not expect the Licensing Authority to become concerned with 'ensuring that gambling is conducted in a fair and open way' as this objective will be addressed via operating and personal licences (issued by the Gambling Commission).

2.8 As betting track operators do not require an operating licence (although they may have one) from the Gambling Commission, the Licensing Authority may, in certain circumstances, require conditions of licence to ensure that the environment in which betting takes place is suitable.

### **2.9 Protecting children and other vulnerable persons from being harmed or exploited by gambling**

Children (defined in the act as under 16s) and young persons (16 to 17 year olds) may take part in private and non-commercial betting and gaming. However, the act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as a person 18 and over. In summary:

- casinos cannot admit anyone under 18 and regional casinos will not be allowed to permit under 18s into the gambling area;
- betting premises cannot admit anyone under 18;
- bingo clubs may admit those under 18 but must have policies in place to ensure they do not gamble, except on category D machines;
- adult gaming centres cannot admit anyone under 18;
- family entertainment centres and premises licensed to sell alcohol for consumption on the premises (for example pubs) can admit under 18s, but they must not play category C machines which are restricted to those over 18;
- clubs with a club premises certificate can admit under 18s, but they must have policies in place to ensure that those aged under 18 do not play machines other than category D machines.
- horse and dog tracks can admit under 18s, and they may have access to gambling areas on race days only. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines. Knowsley does not currently have any tracks.

2.10 The Licensing Authority notes 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 whether specific measures are required at particular premises to promote this objective. Appropriate measures may include supervision of entrances and machines, and segregation of areas.

- 2.11 In determining an application the Licensing Authority will also consider any codes of practice issued by the Gambling Commission relating to the licensing objectives. Every application will be considered on its individual merits before deciding whether to impose conditions to protect children and young persons on particular categories of premises. This may include such requirements as;
- supervision of entrances including preventing access by children and young persons to premises and gambling areas;
  - segregation of gambling areas from areas frequented by children and young persons and;
  - supervision of gaming machines in non-adult gambling specific premises.
- 2.12 The Licensing Authority will liaise with Merseyside Police and the Council's Children and Families Team on any application that indicates there may be concerns over access for children, young persons and vulnerable persons.
- 2.13 The Licensing Authority will seek to limit the advertising for premises so that gambling products are not aimed at children and young persons or advertised in such a way that makes them particularly attractive to them.
- 2.14 With regard to the term 'vulnerable persons' the Licensing Authority notes that there is no definition within the act or from the Gambling Commission. The Gambling Commission does however state that 'it will for regulatory purposes assume that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs'. The Licensing Authority will have regard to this view and will consider this licensing objective on a case by case basis.

### **3. Types of premises**

#### **Adult gaming centres**

- 3.1 When determining applications the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling and will expect the applicant to show that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 3.2 The Licensing Authority may consider various measures to meet the licensing objectives such as:
- proof of age schemes;

- the use of CCTV cameras;
- supervision of entrances and gaming machine areas;
- physical separation of areas;
- location of entry;
- notices and signage;
- specific opening hours;
- self exclusion schemes and;
- provision of information leaflets and helpline numbers for organisations such as GamCare.

3.3 The above list shows examples of measures that may be considered, and applicants should consider any other relevant measures.

### **Licensed family entertainment centres (FEC)**

3.4 The act provides for 2 classes of family entertainment centres. The first class, which does not require a premises licence, can only provide category D gaming machines and are regulated by permits (see part C). The other class can provide category C and D machines and require a premises licence. Children and young persons are permitted to enter a FEC and may play on the category D machines. They will not be permitted to play on category C machines, and it will be a requirement that there must be clear segregation between the two types of machine so that children and young persons do not have access to category C machines.

3.5 The 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 show, for example, that there will be sufficient measures to ensure that under 18s do not have access to the adult only gaming machine areas.

3.6 Applicants are expected to offer their own measures to meet the licensing objectives which may cover the issues shown above. Applicants may also wish to consider measures such as staff training on how to deal with suspected truant school children on the premises.

3.7 The 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 regulated.

### **Casinos**

3.8 The Licensing Authority has not passed a 'no casino' resolution under section 166 of the act although it is aware that it has the power to do so. The Licensing Authority reserves the right to review this in the future.

3.9 Should such a resolution be made in the future then this Statement will be updated with details of that resolution including the reasons for the resolution. There are currently no casinos operating in Knowsley

### **Bingo premises**

3.10 When determining applications the Licensing Authority will consider the Gambling Commission guidance. In accordance with that guidance the Licensing Authority will

need to be satisfied that bingo can actually be played in any bingo premise for which a premises licence is issued.

- 3.11 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 machines must be separated from areas where children and young people are allowed.
- 3.12 There are a number of mandatory conditions attached to bingo premises licences including the requirement that a notice must be displayed in a prominent place at every entrance stating that no persons under the age of 18 years is permitted to play bingo, and in respect of bingo premises that admit under 18's there must be adequate supervision and a barrier to ensure that children and young persons are not able to access specific areas.

### **Betting premises – on and off-course betting**

- 3.13 There are 2 types of betting premises which require licensing, that is off-course (betting premises) and on-course (tracks).
- 3.14 In terms of betting premises when considering the suitability of premises and whether to impose conditions on a licence, the Licensing Authority will take into the licensing objectives, the size of the premises, the location, the number of counters available for person-to-person transactions, and so on. Children and young persons are not allowed to enter betting premises.
- 3.15 There are a number of mandatory conditions attached to betting premises including;
- a notice to be displayed at all entrances stating that no persons under the age of 18 years will be admitted;
  - no music, dancing or other entertainment is allowed;
  - the only publications that can be sold or made available are racing periodicals or specialist betting publications
  - consumption of alcohol is prohibited.
- 3.16 Betting premises cannot offer gambling facilities between the hours of 10pm on one day and 7am the next day. This is a default condition under the act although the Licensing Authority does have discretion to either impose or exclude this default condition if appropriate. Betting premises can also provide up to 4 gaming machines of category B, C or D. The regulations state that category B machines at betting premises are restricted to B2, B3 and B4 machines.
- 3.17 In terms of on-course betting whilst there are currently no tracks in Knowsley the following paragraphs briefly outline how such applications would be considered. The Licensing Authority acknowledges that a track may be subject to one or more premises licence (each licence relating to a specified area of the track). In the event of an application the Licensing Authority will consider the impact upon the licensing objective for the protection of children and young persons and vulnerable persons from being harmed or exploited by gambling. There is the need to ensure that entrances to each type of premises are distinct and that children and young persons are excluded from gambling areas where they are not permitted to enter.

- 3.18 The Licensing Authority will expect an 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 are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 3.19 Applications and plans for tracks must be submitted to the Licensing Authority in accordance with the act and regulations. The Licensing Authority may consider measures to meet the licensing objectives such as;
- proof of age schemes;
  - CCTV cameras;
  - supervision of entrances and machine areas;
  - physical separation of areas;
  - location of entry;
  - notices and signage;
  - specific opening hours;
  - self-exclusion schemes and;
  - provision of information leaflets and helpline numbers for organisations such as GamCare.
- 3.20 Betting machines on tracks - when considering the number and nature of betting machines an operator proposes to offer, the Licensing Authority will 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,
- 3.21 Gaming machines on tracks - where an 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.

### **Travelling fairs**

- 3.22 The act defines a travelling fair as wholly or principally providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. It should be noted that the 27 day statutory maximum for the land being used as a fair 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.
- 3.23 Travelling fairs do not require a permit to provide gaming machines, but must comply with legal requirements about the way the machines operate. They may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. Category D machines have a minimum stake of 10p in cash or 30p when non-exchangeable prizes are staked. The maximum prize is £5 in cash or £8 in non-cash prizes.
- 3.24 The Licensing Authority will be responsible for determining where a permit for gambling is required at a travelling fair, that is to determine whether the gambling facilities made available (category D machines and/or equal chance prize gaming) amount to more than an ancillary amusement.

#### **4. Provisional statements**

- 4.1 The act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that are expected to be constructed, altered or to be occupied (by right). Developers may wish to apply for a provisional statement before they enter into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence.
- 4.2 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant must give notice of the application and submits plans in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal. However, in contrast to the premises licence application, there is no requirement for an applicant to hold an operating licence in order to apply for a provisional statement.
- 4.3 Following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage or they reflect a change in the applicant's circumstances. The Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional licence stage; or
  - which in the opinion of the Licensing Authority reflect a change in the operator's circumstances.
- 4.4 It may be necessary for a premise to be fully inspected before an application can be properly considered.

#### **5. Reviews of premises licences**

- 5.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, and the Licensing Authority will decide whether the review is relevant. If in the opinion of the Licensing Authority the request is, for example, frivolous, vexatious or repetitive then the request for review may be rejected. Requests for review will be considered on its merits having regard to the matters listed below;
- the guidance issued by the Gambling Commission;
  - whether the review relates to one or more of the licensing objectives and;
  - the Statement of Principles under the Gambling Act 2005.
- 5.2 The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence, if it thinks it is appropriate to do so.

- 5.3 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. The Licensing Authority will carry out the review as soon as possible after the 28 day period for making representations has passed.
- 5.4 The purpose of the review will be to determine whether any action in relation to the licence should be taken. If action is considered justified, the options open to the Licensing Authority include;
- adding, removing or amending a licence condition;
  - suspending the premises licence for a period not exceeding three months and;
  - revoking the premises licence.

## **Part C – permits, temporary and occasional and temporary use notices**

### **1. Family entertainment centre gaming permits**

- 1.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. Such family entertainment centres (FECs) regulated by permits are perhaps most commonly located at seaside resorts, in airports and at motorway service centres, and can only offer category D machines. It should be noted that permits cannot be issued to vehicles or vessels. The applicant must show that the premises will be wholly or mainly used for making category D gaming machines available for use.
- 1.2 When considering applications child protection issues are of paramount importance to the Licensing Authority. The Police must be consulted on all such applications and in accordance with the Gambling Commission guidance the Licensing Authority will require the applicant to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in FECs (applicable to the applicant and his/her staff);
  - that the applicant has no relevant convictions;
  - 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 such as the inclusion of measures to train staff in respect of suspected truanting children on the premises, dealing with unsupervised children or addressing children causing, or perceived to be causing problems on or about the premises.

### **2. Gaming machines in alcohol licensed premises**

- 2.1 The act provides an automatic entitlement for premises licensed to sell alcohol for consumption on the premises to have two gaming machines (of category C or D). The premises licence holder must notify the Licensing Authority and pay the prescribed fee. The Licensing Authority has no discretion to neither consider the notification nor refuse it, but can remove the automatic authorisation in respect of any particular premises if:
- the provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - gaming has taken place on the premises that breaches a condition of section 282 of the act, for example the gaming machine have been made available in a way that does not comply with the requirements on the location and operation of the machines;
  - the premises are mainly used for gaming or;
  - an offence under the act has been committed on the premises.
- 2.2 If premises wish to have more than 2 gaming machines then it must apply for a

permit. When determining such an application the Licensing Authority will consider the licensing objectives, guidance issued by the Gambling Commission and such other matters considered relevant.

- 2.3 Applications for more than 2 gaming machines will be considered on a case by case basis. Generally, the Licensing Authority will have regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.
- 2.4 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 require an adult gaming centre premises licence.
- 2.5 The holder of a permit must comply with the 'Gaming Machines in Alcohol Licensed Premises' code of practice issued by the Gambling Commission regarding the location and operation of the machine(s).

### **3. Prize gaming permits**

- 3.1 A prize gaming permit is issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises. An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual he must be aged 18 or over. An application cannot be made if a premises licence or club gaming permit is in effect for the same premises.
- 3.2 The Licensing Authority will have regard to the licensing objectives, the Gambling Commission's guidance and will require an applicant 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.
- 3.3 The Licensing Authority is aware that it cannot impose conditions on such permits but the permit holder must comply with the statutory conditions contained in the act.

### **4. Club gaming permits and club machine permits**

- 4.1 Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machines permit. A club gaming permit enables premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set out in regulations. There are statutory conditions on club gaming permits that no child can use a category B or C machine on the premises and that the holder complies with any relevant codes of

practice about the location and operation of gaming machines.

4.2 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. 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 Licensing Authority is aware that applications can only be refused on the grounds that:

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

4.4 The Licensing Authority is aware of the 'fast-track' procedure available under the act for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which the Licensing Authority can refuse a permit are reduced. The grounds are:

- that the club is established primarily for gaming, other than gaming prescribed under the act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- 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 The act allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres, and sporting venues.

5.2 A temporary use notice may only be granted by the Licensing Authority to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker

tournament.

- 5.3 The regulations 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. In accordance with the Gambling Commission guidance the Licensing Authority would be likely 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.

## **6. Occasional use notices**

- 6.1 An occasional use notice is for use by tracks where there is betting on 8 days or less in a calendar year. In these circumstances betting may be permitted by an occasional use notice without the need to apply for a full premises licence. The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

## **7. Registration of small society lotteries**

- 7.1 Registered societies must be non commercial and a society is defined as non commercial if it is established and conducted;
- for charitable purposes;
  - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity;
  - for any other non-commercial purposes other than private gain.
- 7.2 In carrying out its functions in relation to lotteries the Licensing Authority will have regard to the act, guidance issued by the Gambling Commission and any regulations issued by the Secretary of State.
- 7.3 The total value of tickets that can be sold per single lottery is £20,000 or less, or the aggregate value of tickets to be sold for all lotteries in a calendar year must not exceed £250,000. If the society exceeds either of these limits then they need to be licensed with the Gambling Commission to operate large lotteries.

## Appendix A - responsible authorities

### **The Licensing Authority**

Environmental Health & Consumer Protection  
2<sup>nd</sup> Floor  
Yorkon Building  
Archway Road  
Huyton, Knowsley  
Merseyside L36 9FB  
Tel: (0151) 443 2300  
E-mail: [licensing@knowsley.gov.uk](mailto:licensing@knowsley.gov.uk)  
Web: [www.knowsley.gov.uk](http://www.knowsley.gov.uk)

### **Environmental Health**

Environmental Health & Consumer Protection  
2<sup>nd</sup> Floor  
Yorkon Building  
Archway Road  
Huyton, Knowsley  
Merseyside L36 9FB  
Tel: (0151) 443 4712  
E-mail: [environmentalhealth@knowsley.gov.uk](mailto:environmentalhealth@knowsley.gov.uk)  
Web: [www.knowsley.gov.uk](http://www.knowsley.gov.uk)

### **Merseyside Police**

Licensing Unit  
Walton Lane Police Station  
Walton Lane  
Liverpool  
Merseyside,  
L4 5XF  
Tel: (0151) 777 4648  
E-Mail:  
[E.BCU.Licensing.Unit@merseyside.pnn.police.uk](mailto:E.BCU.Licensing.Unit@merseyside.pnn.police.uk)  
Web: [www.merseyside.police.uk](http://www.merseyside.police.uk)

### **The Planning Authority**

Knowsley MBC  
P.O Box 26  
Archway Road  
Huyton, Knowsley  
Merseyside, L36 9FB  
Tel: (0151) 443 2394  
E-mail:  
[dcsubmissions@knowsley.gov.uk](mailto:dcsubmissions@knowsley.gov.uk)  
Web: [www.knowsley.gov.uk](http://www.knowsley.gov.uk)

### **The Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Web: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### **Merseyside Fire and Rescue Service**

St Helens and Knowsley District Fire  
Safety  
Parr Stocks Road Fire Station  
St Helens, Merseyside  
WA9 1NU  
Tel: 01744 616 244  
E-mail:  
[protectionknowsley@merseyfire.gov.uk](mailto:protectionknowsley@merseyfire.gov.uk)  
Web: [www.merseyfire.gov.uk](http://www.merseyfire.gov.uk)

### **Safeguarding and Social Care**

Knowsley MBC  
Municipal Buildings  
Archway Road  
Huyton, Knowsley  
Merseyside, L36 9YU  
Tel: (0151) 443 2680

### **HM Revenue and Customs**

National Registration Unit (Betting and  
Gaming)  
Portcullis House  
21 India Street, Glasgow  
G2 4PZ

## **Appendix B – glossary of terms**

This document contains a number of terms and this glossary aims to outline some of the key terms. Please contact the Licensing Authority if you require any further clarification or assistance.

### **Adult gaming centre**

This is a place of gambling which excludes entry to children (persons under the age of 16) and access to young persons (persons aged 16 or 17) due to the presence of gambling activities thought unsuitable for under 18's. An Adult Gaming Centre requires an adult gaming centre premises licence under the act.

An adult gaming centre may have:

- up to four category B3 or B4 gaming machines;
- any number of category C or D machines.

Categories of gaming machines are outlined in appendix E.

### **Betting**

Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not (spread betting is not included within this definition).

### **Betting premises**

As well as betting shops, the definition of betting premises also includes those parts of tracks that allow on-course betting.

### **Bingo**

There are essentially two types of bingo:

- cash bingo, where the stakes paid make up the cash prizes that can be won
- prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.

### **Casino**

A casino is an arrangement whereby people are given an opportunity to participate in one or more casino games.

### **Children and young persons**

For the purposes of the act, children are defined as persons under the age of 16. Young persons are defined as those aged 16 or 17 years of age.

## **Home Office - Department of Culture, Media and Sport (DCMS)**

This is the Government department responsible for producing the act and regulating gambling in conjunction with the Gambling Commission and local authorities. Their website can be viewed at <https://www.gov.uk/government/organisations/department-for-culture-media-sport>

### **Disorder**

‘Activity that is more serious and disruptive than mere nuisance’. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder” (Gambling Commission Guidance).

### **Equal chance gaming**

Gaming which does not involve playing or staking against a bank.

### **Family Entertainment Centre (with a premises licence)**

A licensed family entertainment centre requires a premises licence by virtue of its providing category C and D gaming machines.

### **Family entertainment centre (with a permit)**

An unlicensed family entertainment centre does not require a premises licence by virtue of its providing only category D gaming machines. It does however require a family entertainment centre gaming machine permit.

### **Frivolous, irrelevant or vexatious**

A representation (on an application for a premise licence) must be relevant if it is to be considered by the Licensing Authority. To be considered relevant a representation must meet one or more of the following criteria - a representation must;

- Relate to one or more of the licensing objectives
- Raise issues noted in this document
- Raise issues contained in the Gambling Commission’s Guidance/Code of Practice;
- Relate to the premises that are the subject of the application
- Not be frivolous (not serious, insignificant)
- Not be vexatious (lacking sufficient grounds for action and seeking only to cause annoyance)

### **Gambling**

Gambling is defined in the act as gaming, betting or participating in a lottery.

Gambling Act 2005 (the act)

The primary legislation that reforms gambling legislation and sets out the three licensing objectives in accordance with which decisions about premises licensed for gambling and some other gambling permits must be taken.

## **Gambling Commission**

The Gambling Commission has replaced the Gaming Board for Great Britain as the regulator of all commercial gambling in Great Britain (other than the national lottery which is administered by the National Lottery Commission and spread betting which is administered by the Financial Services Authority). The Gambling Commission will take a lead on formulating codes of practice to help gambling premises meet the licensing objectives.

## **Gaming**

Gaming is defined as playing a game of chance for a prize. A game of chance is a game, which involves both an element of chance and an element of skill, or where chance can be eliminated by superlative skill, or where the game is presented as involving an element of chance. The game cannot however include a sport.

## **Gaming machines**

Any machine allowing any sort of gambling activity including betting on virtual events (exceptions include mobile phones and home computers)

## **Hearing (Licensing Sub-Committee)**

In the context of the act a hearing is an opportunity (where representations have been received) for a Licensing Sub-Committee to listen to evidence/representations for and against the granting of an application for a licence/permit. In light of the evidence and the principles outlined in this document the Licensing Sub Committee will make a decision about whether to grant the application and whether to attach conditions to licences which are necessary to promote the licensing objectives.

## **Interested party**

Under the act, an interested party is a person who:

- 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

To determine 'who lives sufficiently close to the premises' and who has 'business interests that might be affected by the authorised activities', the Licensing Authority will consider the following on a case-by-case basis:

- The size of the premises
- The nature of the premises
- In the case of interested parties the distance of the premises from the address of the person making the representation

- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises)
- The 'catchment' area of the premises (i.e. how far people travel to visit).

c) Represents persons who satisfy paragraph (a) or (b)

We believe it is in the best interests of ensuring the responsible management of gambling premises if local and expert knowledge is taken into account wherever relevant. To this end we consider the following parties may 'represent persons who satisfy paragraph (a) or (b)'

- Residents' associations and tenants' associations
- Trade associations and trade unions
- Local Councillors and MPs
- Any other person with written permission from somebody who satisfies paragraph (a) or (b).

Please note: whether or not a person is an 'interested party' under (a), (b) or (c) above is ultimately a decision of the Licensing Authority.

### **Licensing Authority**

The local authority for the area which is responsible for licensing matters and issuing licences.

### **Licensing Sub-Committee (hearing)**

A Sub Committee of the Licensing Authority that will hear and determine applications for licences and/or permits. A Sub-Committee consists of 3 Councillors. See hearing above.

### **Lottery**

A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).

### **Occasional Use Notice**

An occasional use notice is for use by tracks where there is betting on eight days or less in a calendar year. In these circumstances, betting may be permitted by an occasional use notice without the need to apply for a full premises licence.

### **Operating licence**

Operating licences enable the licence holder of different premises types to operate that type of gambling premises. Only the Gambling Commission can issue operators licences of which

there are ten types:

Casino operating licence – enables holder to operate a casino

Bingo operating licence – enables holder to provide bingo facilities

General betting operating licence – to provide betting facilities other than pool betting

Pool betting operating licence – enables holder to provide pool-betting facilities

Betting intermediary operating licence – enables holder to act as a betting intermediary

Gaming machine general operating licence – enables holder to make gaming machines available for use in either an adult gaming centre or family entertainment centre

Gaming machine technical operating licence – enables holder to manufacture, supply, install, adapt, maintain or repair gaming machines within categories A-D;

Gambling software operating licence – enables holder to manufacture, supply, install or adapt gambling software

Lottery operating licence – enables holder to promote a lottery

Remote operating licence – enables holder to carry on activities in respect of remote gambling or by means of remote communication.

### **Personal licence**

This is the licence required by at least one person occupying a management position for gambling premises. This person will be named on the operating licence. An operating licence cannot be issued without a personal licence holder. Applications for personal licences must be made to the Gambling Commission. A personal licence lasts indefinitely unless it lapses or is surrendered, forfeited or revoked.

### **Pool betting**

For the purposes of the act, pool betting is made on terms that all or part of the winnings:

- Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting;
- Shall be divided among the winners or;
- Shall or may be something other than money.

Pool betting is horse-race pool betting if it relates to horse-racing in Britain.

### **Premises**

'Premises' is defined in the act as 'any place'.

In light of this, only one premises licence may be issued for any particular premises at any one time (except in the case of track where there can be more than one premises licence provided each licence relates to a specific area of the track). It is for the Licensing Authority

to decide on a case-by-case basis whether different parts of a building can be properly regarded as being separate premises. 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.

Vessels are also considered to be premises for the purposes of the act. The definition of a vessel is:

- Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water;
- A hovercraft or;
- Anything, or part of any place, situated on or in water.

The vessel must not be permanently moored or berthed. Other types of vessel are not permitted to allow commercial gambling.

### **Premises licence**

This is the licence that allows a premises (including a vessel as defined above) to carry out gambling activities. Premises licences are not time-limited and there are five types of premises licence:

- Casino premises licence
- Bingo premises licence
- Adult gaming centre premises licence
- Family entertainment centre premises licence
- Betting premises licence.

Please note: holding an operating licence is a precondition to a premises licence. The only exception is with respect to betting premises licences, which allow tracks to be used for accepting bets without the requirement of holding an operating licence.

### **Prize gaming**

Gaming is prize gaming for the purposes of the act if neither the nature nor the size of the prize played for is determined by reference to the numbers of persons playing or the amount paid for or raised by the gaming.

### **Prize gaming permit**

A prize gaming permit authorises a person to provide facilities for gaming with prizes on specified premises.

Private or non-commercial gaming

Gaming is private where:

- it takes place in a private dwelling and on a domestic occasion
- there is no charge for participation
- it is equal chance gaming (this requirement is not applicable for domestic or residential gaming)
- it does not occur in a place to which the public have access.

Betting is private where it is domestic betting or workers' betting. Domestic betting is that where the betting is made on premises in which each party lives. Workers' betting is betting made between persons who have a contract of employment with the same employer.

Gaming is non-commercial where it takes place at a non-commercial event. Such an event is where no part of the proceeds is used for private gain. There are specific additional requirements for non-commercial prize-gaming and non-commercial equal chance gaming.

Betting is non-commercial where no party enters into the betting in the course of a business or holds himself/herself out as being in business in relation to the acceptance of bets.

### **Remote gambling**

Gambling in which people participate using the internet, a telephone, television, radio or other kind of technology for facilitating communication.

### **Representation**

A statement of opinion possibly including suggestions as to how any concerns may be addressed. Only those matters that are relevant to the promotion of the licensing objectives may be considered and in the case of interested parties where they are not irrelevant, frivolous or vexatious.

### **Responsible authority**

A public body that must be notified of applications and that is entitled to make representations to the Licensing Authority in relation to applications for premises licences. They may also request a review of the premises licence. In all cases, the representation and/or review must relate to the licensing objectives.

### **Temporary Use Notice**

A temporary use notice allows the use of premises for gambling for up to 21 days in a 12month period where there is no premises licence. The gambling operator (with an operating licence from the Gambling Commission) may use any premises temporarily for providing facilities for gambling.

### **Travelling fair**

Under the act, a fair means a fair consisting wholly or principally in the provision of amusements. It is a travelling fair if it is provided wholly or principally by persons who travel from place to place for the purpose of providing fairs and is at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.

## **Tracks**

Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

Vulnerable persons

The Gambling Commission offers a definition which includes the following:

- People who gamble more than they want to
- People who gamble beyond their means and
- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

## Appendix C – delegation of functions

| Matter to be dealt with                                     | Full Council | Sub-Committee  | Officer  |
|---|--------------|--|--|
| Licensing Statement   | √            |  |  |
| Statement not to permit casino's                            | √            |  |  |
| Establishment of fee's (as appropriate)                     |              | √  |  |
| Applications for premises licences                          |              | Where representations have been received and not withdrawn.            | Where no representations have been received or representations have been withdrawn |
| Application for a variation to a premises licence           |              | Where representations have been received and not withdrawn.            | Where no representations have been received or representations have been withdrawn |
| Application for a transfer of a premises licence            |              | Where representations have been received from the Gambling Commission. | Where no representations have been received from the Gambling Commission.          |
| Application for a provisional statement.                    |              | Where representations have been received and not withdrawn.            | Where no representations have been received or representations have been withdrawn |
| Review of a premises licence                                |              | √  |  |
| Application for a club gaming/club machine permit           |              | Where representations have been received and not withdrawn.            | Where no representations have been received or representations have been withdrawn |
| Cancellation of a club gaming/club machine permit           |              | Where representations have been received and not withdrawn.            | Where no representations have been received or representations have been withdrawn |
| Application for other permits                               |              |  | √  |
| Cancellation of a licensed premises gaming machine permit   |              |  | √  |
| Consideration of temporary use notice                       |              |  | √  |
| Decision to give a counter notice to a temporary use notice |              |  | √  |

## Appendix D - category of gaming machines

Under the act, gaming machines are divided into categories. These categories are defined by the maximum stake amount and the maximum prize. 'A' is the highest category, 'D' the lowest. Lower category gaming machines offer lower winnings, but also lower, more affordable and therefore more accessible stakes.

The category of machines offered by premises will determine the type of premises and therefore what sort of licence, permit or permission those premises will need. The information below is correct as of February 2015.

| Category of machine | Maximum stake | Maximum prize  | Allowed Premises  |
|---------------------|---------------|--|---|
| A                   | Unlimited     | Unlimited  | Regional Casinos  |
| B1                  | £5            | £10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only) | Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos  |
| B2                  | £100          | £500   | Betting premises and tracks occupied by pool betting and all of the above   |
| B3                  | £1            | £500   | Bingo premises, Adult gaming centre and all of the above  |
| B3A                 | £1            | £500   | Members' club or Miners' welfare institute only   |
| B4                  | £2            | £400   | Members' club or Miners' welfare club, commercial club and all of the above   |
| C                   | £1            | £100   | Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above. |

|  |     |  |  |
|--|-----|--|--|
| D (money prize)  | 10p | £5   | Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above |
| D (non money prize) (other than a crane grab machine)                                    | 30p | £8   | All of the above   |
| D (non money prize) (crane grab machine)   | £1  | £50  | All of the above   |
| D – combined money and non money prize (other than a coin pusher or penny falls machine) | 10p | £8 (of which no more than £5 may be a money prize)   | All of the above   |
| D – combined money and non money prize (coin pusher or penny falls machine)              | 20p | £20 (of which no more than £10 may be a money prize) | All of the above   |

**Appendix E – number and category of gaming machines permitted according to premises type**

| Premises type   | Machine category |   |    |   |    |                                      |                                 |
|---|------------------|---|----|---|----|--------------------------------------|---------------------------------|
|   | A                | B1  | B2 | B3  | B4 | C                                    | D                               |
| <b>Large casino</b><br>(machine/table ratio of 5-1 up to maximum) |                  | Maximum of 150 machines<br>Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio) |    |   |    |                                      |                                 |
| <b>Small casino</b><br>(machine/table ratio of 2-1 up to maximum) |                  | Maximum of 80 machines<br>Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)   |    |   |    |                                      |                                 |
| <b>Pre-2005 Act casino</b><br>(no machine/table ratio)            |                  | Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead  |    |   |    |                                      |                                 |
| <b>Betting premises and tracks occupied by pool betting</b>       |                  | Maximum of 4 machines categories B2 to D (except B3A machines)  |    |   |    |                                      |                                 |
| <b>Bingo premises</b>   |                  |   |    | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** |    | No limit on category C or D machines |                                 |
| <b>Adult gaming centre</b>  |                  |   |    | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** |    | No limit on category C or D machines |                                 |
| <b>Family entertainment centre</b> (with premises licence)        |                  |   |    |   |    | No limit on category C or D machines |                                 |
| <b>Family entertainment centre</b> (with permit)                  |                  |   |    |   |    |                                      | No limit on category D machines |
| <b>Clubs or miners' welfare institute</b> (with permits)          |                  |   |    | Maximum of 3 machines in categories B3A or B4 to D*   |    |                                      |                                 |
| <b>Qualifying alcohol-licensed premises</b>                       |                  |   |    | 1 or 2 machines of category C or D automatic upon notification  |    |                                      |                                 |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
| <b>Qualifying alcohol-licensed premises</b> (with gaming machine permit) |  |  |  |  | Number of category C-D machines as specified on permit |
| <b>Travelling fair</b>   |  |  |  |  | No limit on category D machines                        |

\* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

\*\* Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

## Appendix F - access to gambling areas by under 18's

| Premises type or sector                              | Access to gambling areas  | Participation in gambling   |
|--|---|---|
| Adult gaming centres                                 | Adults only   | Adults only   |
| Family entertainment centre with premises licence    | Adults only in areas category C gaming machines are available.                        | Unrestricted participation in category D gaming machines (if in a separate part of the premises to cat. C machines)                       |
| Tracks: off-course betting                           | Adults only   | Adults only   |
| Tracks: on-course betting                            | Adults only in areas with category C gaming machines or above.                        | Adults only   |
|  | Under 18s may access areas with category D gaming machines                            | Under 18s may play category D gaming machines if separate from category B or C gaming machines  |
|  | Adults only in betting areas except on days dog / horse racing taking place           | Adults only   |
| Casinos (except regional)                            | Adults only   | Adults only   |
| Casinos (regional)                                   | Adults only in gambling areas. Unrestricted access to non-gambling areas              | Adults only   |
| Bingo  | Adults only in areas with category C gaming machines or above.                        | Adults only except for category D gaming machines which are open to all   |
| Travelling fairs                                     | Unrestricted access   | Unrestricted participation in equal chance gaming and playing of category D gaming machines   |
| Betting premises (other than tracks)                 | Adults only   | Adults only   |
| Family entertainment centre with permit              | Unrestricted access   | Unrestricted participation in equal chance prize gaming   |
|  | Unrestricted access to category D gaming machines and prize gaming                    | Unrestricted participation in category D gaming machines and prize gaming   |
| Premises with consumption of alcohol on the premises | Access dependent on the conditions of the licence issued under the Licensing Act 2003 | Adults only to participate in limited equal chance gaming AND category C gaming machines<br>Under 18s may play category D gaming machines |
| Prize gaming   | Access depends on premises type   | Under 18s may play equal chance prize-gaming only   |

|   |  |   |
|---|--|---|
| Club gaming   | Access dependent on club rules   | Participation limited to members and their guests (which may include under 18s). Under 18s may participate in prize gaming, equal chance gaming or category D gaming machines only. |
| Lottery and football pools                          | Access to those aged 16 or over (subject to the type of premises on which the activities are provided) | Participation limited to those aged 16 or over  |
| Remote gambling                                     | Not applicable   | Adults only except in the case of remote lottery where those aged 16 or over may participate  |
| Fast food restaurants and other unlicensed premises | N/A  | Gaming machines no longer permitted in these locations (subject to transitional provisions)   |
| Temporary Use Notice                                | Access depends on premises type  | Participation dependent on activity type  |