

**AGENDA ITEM NO. 12**

**Council**

<b>Date</b>	<b>12 May 2016</b>
<b>Title</b>	<b>Revised Gambling Statement of Policy - Gambling Act 2005</b>

**1. PURPOSE/SUMMARY**

The purpose of this report is to enable the Council as Licensing Authority to adopt its Statement of Principles and therefore be in a position to continue to fulfil its statutory duties under the Gambling Act 2005.

**2. KEY ISSUES**

- Licensing Committee met on the 15th January 2016 to consider a proposed Gambling Statement of Policy to go out to consultation with the community, trade and partners.
- Consultation for the revised policy document took place from 10 February 2016 until 7 April 2016.
- No consultation responses were received in respect of the revised Statement of Gambling Policy during the consultation period.
- The Social Responsibility Code came into effect on the 6<sup>th</sup> April 2016 and requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises and the need to have policies, procedures and control measures in place to mitigate those risks. Applicants wishing to make a variation to their existing licence will also be expected to undertake a local assessment when applying to vary the licence. Our policy document will be an integral part of the applicant's policies, procedures and control measures.
- At a meeting of the Licensing Committee on the 19 April 2016, members decided to recommend to Full Council to adopt the revised Gambling Statement of Policy for the period of 2016 – 2019 in order to continue the Councils statutory duties under the Gambling Act 2005.

**3. RECOMMENDATION**

- Recommend to Council that it adopts the revised Gambling Statement of Policy attached as Appendix A of the report.

	All Wards
<b>Forward Plan Reference No. (if applicable)</b>	Not applicable

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<b>Background Papers</b>	The Gambling Act 2005 Gambling Commission Guidance to Local Authorities, 5 <sup>th</sup> Edition Current Gambling Policy Gambling Commissions Consolidated Licence Conditions and Codes of Practice (LCCP)

- 1.1 Appendix A sets out the proposed Gambling Statement of policy. The general principles of the Gambling Policy remain the same and the document is still centered on the Gambling Act's three licensing objectives. However, consideration has now been given specifically to a new requirement on operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies and procedures and control measures to mitigate those risks. In making those risk assessments they must take into account relevant matters identified in the licensing authority's statement of gambling policy.
- 1.2 The local risk assessments must be reviewed when there are significant changes in local circumstances (including those identified in a licensing authority's statement of gambling policy), or at the premises, or when applying for a new or variation of a license.
- 1.3 Consultation took place from 10 February 2016 – 7 April 2016. No responses were received during that period of consultation.

## 2 COMMUNITY IMPACT

- 2.1 Operators will be expected to identify the local risk factors surrounding the premises, which will differ from location to location. The Licensing Authority will consider the assessment and the measures implemented to mitigate those risks. Control measures identified in the assessment may be put forward as conditions to be attached to the license to address any significant local concerns.

## 3 CONCLUSION

- 3.1 The purpose of this report is to enable the Council as Licensing Authority to adopt its Statement of Principles and therefore be in a position to continue to fulfil its statutory duties under the Gambling Act 2005.

Appendix A – Revised Gambling Statement of Policy

Link to relevant documents presented to Licensing Committee on 19 April 2016:

<http://www.fenland.gov.uk/egenda/kab71.pl?cmte=LIC>

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# **FENLAND DISTRICT COUNCIL**

## **STATEMENT OF GAMBLING POLICY**

**Approved by Full Council: 12 May 2016**

## **FOREWORD**

This Gambling Statement of Principles is produced by Fenland District Council under the 2005 Gambling Act and will be the basis for all gambling related licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 31<sup>st</sup> January 2016.

The new Act created a unified regulator for gambling in Great Britain called the Gambling Commission and also transferred all responsibilities for licensing gambling premises from the Licensing Justices to Licensing Authorities. These Authorities are responsible for issuing a number of different permits, as well as Temporary and Occasional Use Notices.

This Policy sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable people and communities need and expect.

The Council recognises how important this sector of the entertainment industry is within the district and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly where problems of gambling related crime and disorder exist.

This Policy will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes, to make Fenland District Council a safe and welcoming place for both residents and visitors to enjoy.

# FENLAND DISTRICT COUNCIL STATEMENT OF GAMBLING POLICY

ITEM		PAGE
<b>PART A</b>		
1	Introduction	10
2	The Licensing Objectives	10
3	Description of the District	10
4	Responsibilities under the Act	11
5	Statement of Licensing Policy	12
6	Consultation	12
7	Approval of Policy	13
8	Declaration	13
9	Responsible Authorities	14
10	Interested Parties	14
11	Exchange of Information	15
12	Public Register	16
13	Compliance and Enforcement	16
14	Delegation of Powers	17
<b>PART B – PREMISES LICENCES</b>		
15	General Principles	18
16	Provisional Statements	22
17	Representations and Reviews	22
18	Adult Gaming Centres	23
19	(Licensed) Family Entertainment Centres	23
20	Casinos	23
21	Bingo Premises	24
22	Betting Premises	25
23	Tracks	25

24	Travelling Fairs	25
	Premises 'Ready for Gambling'	27
	Location	28
	Local Area Profiling	28

**PART C – PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS**

25	Unlicensed Family Entertainment Centre Gaming Machine Permits	25
26	(Alcohol) Licensed Premises Gaming Machine Permits	25
27	Prize Gaming Permits	26
28	Club Gaming and Club Machine Permits	27
29	Temporary Use Notices (TUNs)	28
30	Occasional Use Notices (OUNs)	28
31	Small Society Lotteries	29

**APPENDICES**

1	Map of the Fenland District	30
2	List of Responsible Authorities	31
3	Table of Delegations of Licensing	34
4	Definitions	35
7	Useful Contacts	44
8	List of Consultees	45

## **PART A**

### **1 INTRODUCTION**

1.1 This Statement of Gambling Policy sets out the principles Fenland District Council, as the Licensing Authority under the Gambling Act 2005 (referred to in this document as 'the Act'), proposes to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an "Interested Party";
- exchanging information with the Gambling Commission and others; and
- Inspecting premises and instituting proceedings for offences under the Act.

### **2. THE LICENSING OBJECTIVES**

2.1 In exercising most of its functions under the Act, 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.

### **3. DESCRIPTION OF THE DISTRICT**

3.1 The Fenland District Council is situated in the County of Cambridgeshire, which comprises five District and City Councils and one County Council. The District has a population of 95,282 (2011 Census) and covers an area of 54,547 hectares. The main centres of population are in the towns of Chatteris, March, Whittlesey and Wisbech. A map of the Fenland District is at Appendix 1.

#### **4. RESPONSIBILITIES UNDER THE ACT**

- 4.1 The Act introduced a new licensing regime for commercial gambling, to be conducted by the Gambling Commission and by Licensing Authorities, depending on the matter to be licensed.
- 4.2 The Act establishes each District or Borough Council as the Licensing Authority whose responsibilities must be discharged by the Licensing Committee created under Section 6 of the Licensing Act 2003. Fenland District Council is the Licensing Authority for the Fenland District.
- 4.3 The Gambling Commission is responsible for issuing Operating and Personal licences to persons and organisations who:-
- operate a casino;
  - provide facilities for playing bingo or for pool betting;
  - provide facilities for betting
  - act as intermediaries for betting;
  - make gaming machines available for use in Adult Gaming Centres and Family Entertainment Centres;
  - manufacture, supply, install, adapt, maintain or repair gaming machines;
  - manufacture, supply, install or adapt gambling machine software; or
  - Promote a lottery.
- 4.4 The Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are covered, other than spread betting and the National Lottery. It is also responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt Small Society Lotteries.
- 4.5 The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:-
- in accordance with any relevant codes of practice;
  - in accordance with any relevant guidance issued by the Gambling Commission;



- reasonably consistent with the Licensing Objectives, subject to the two bullet points above; and
- in accordance with the Licensing Authority's Statement of Gambling Principles, subject to the three bullet points above,

Before the Licensing Authority can determine an application for a Premises Licence, an Operating Licence must have been obtained from the Gambling Commission.

## **5. STATEMENT OF LICENSING POLICY**

- 5.1 The Licensing Authority is required by the Act to publish a Statement of Gambling Principles which contains the principles it proposes to apply when exercising its functions under the Act.
- 5.2 In this document this is referred to as 'the Policy'. This Policy must be published every three years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.
- 5.3 This Policy takes effect on **12 May 2016**.

## **6 CONSULTATION**

- 6.1 In producing this Policy, the Licensing Authority consulted widely before finalising and publishing it. In addition to the statutory consultees (at 6.2), the Council chose to consult with additional local groups and individuals.
- 6.2 The Act requires that the following parties are consulted by the Licensing Authority:-
- The chief officer of police for the authority's area;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
  - 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.
- 6.3 The other groups and people consulted:-
- Organisations, including faith groups, voluntary and community organisations working with children and young people and organisations

working with people who are problem gamblers, medical practices or primary care trusts and the Citizen's Advice Bureau;

- Other tiers of local government;
- Businesses who are, or will be, holders of Premises Licences;
- Responsible Authorities under the Act.

6.4 Copies of the Policy were placed for inspection in the public libraries of the area as well as Fenland Hall and other Council offices for inspection during normal office hours.

6.5 The Licensing Authority's consultation took place from 10 February 2016 – 7 April 2016.

## **7 APPROVAL OF POLICY**

7.1 This Policy was approved at a meeting of the full Council on 12 May 2016 and was published via the authority's website. Copies are available on request.

7.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

## **8 DECLARATION**

8.1 In producing the Policy the Licensing Authority declares that it has had regard to the Licensing Objectives, formal Guidance issued to Licensing Authorities and any responses from those consulted during the consultation process.

8.2 Appendices have been attached to this Statement providing further information and guidance that is intended only to assist readers and should not be interpreted as legal advice or as constituent of the Council's policy. Readers of this document are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the guidance or regulations issued under the Act.

## **9 RESPONSIBLE AUTHORITIES**

- 9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in Appendix xxx. It should be noted that under the Act, the Licensing Authority is designated as a Responsible Authority.
- 9.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-
- The competency of the body to advise the Licensing Authority;
  - 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 invested interest group etc.
- 9.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Licensing Authority will liaise with the Cambridgeshire Safeguarding and Standards Unit for the protection of children from harm.

## **10 INTERESTED PARTIES**

- 10.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence.
- 10.2 In determining whether a person is an interested party, the Licensing Authority will apply the following principles. The first principle is that each case will be decided upon its own merits. The Licensing Authority will not apply a rigid rule to its decision making and will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities. 'Business interests' is given the widest possible interpretation and includes partnerships, charities, faith groups and medical practices.
- 10.3 Section 158 of the Act defines interested parties. To accept a representation from an interested party, the licensing authority must take the view that 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,*

*c) represents persons who satisfy paragraphs (a) or (b).'*

10.4 Licensing authorities will need to have regard to anything an interested party says about their status to make representations.

### **People Living close to the premises**

10.5 There are a number of factors that the licensing authorities will take into account when determining whether a person 'lives sufficiently close to the premises'. These may include:

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
- the circumstances of the person who lives close to the premises. This is not the personal characteristics, but their interests which may be relevant to the distance from the premises.

10.6 Interested parties can be persons who are democratically elected, such as District and Parish Councillors and MPs, as persons representing individuals in the other categories. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

10.7 Save for democratically elected persons, licensing authorities should satisfy themselves on a case by case basis that a person does represent interested parties, The Licensing Authority will generally require some form of written confirmation that a person is authorised to represent an interested party.

## **11 EXCHANGE OF INFORMATION**

11.1 The Licensing Authority is required to include in the policy a statement of how it intends to exercise the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, Section 350 of the Act allows licensing authorities to exchange information with other persons or bodies as listed in Schedule 6(1) as:

- A constable or police officer
- An enforcement officer
- A licensing authority
- HMRC
- The First Tier Tribunal
- The Secretary of State

11.2 The principle that the Licensing Authority will apply is that it 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 to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

## **12 PUBLIC REGISTER**

12.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

## **13 COMPLIANCE AND ENFORCEMENT**

13.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Licensing Authority will endeavour to be:-

- Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
- Accountable – Authorities must be able to justify decisions and be subject to public scrutiny.
- Consistent – Rules and standards must be joined up and implemented fairly.
- Transparent – Enforcement should be open and regulations kept simple and user friendly.
- Targeted – Enforcement should be focused on the problems and minimise side effects.

13.2 The Licensing authority will have regard to the District Council's Prevention, Intervention and Enforcement (PIE) approach to enforcement.

- 13.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme.
- 13.4 The main enforcement and compliance role of the Licensing Authority in terms of the Act will be to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operating and Personal Licences. Concerns about the manufacturer, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

## **14 DELEGATION OF POWERS**

- 14.1 The Council has agreed a scheme of delegation for discharging its functions under the Act. A summary of the types of delegation can be found in Appendix-xxx

<b>PART B PREMISES LICENCES</b>
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## **15. GENERAL PRINCIPLES**

- 15.1 Premises Licences will be subject to the permissions/restrictions set out in the Act as well as the 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 thought appropriate.
- 15.2 Licensing Authorities are required by the Act, in making decisions about Premises Licences, to aim to permit the use of premises for gambling so far as it thinks fit:-
- in accordance with any relevant codes of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - to be reasonably consistent with the Licensing Objectives, subject to the two bullet points above; and
  - in accordance with the Licensing Authority's Policy subject to the three bullet points above.

### **15.3 Definition of Premises:**

Premises are 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. It will always be a question of fact in each circumstance. 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.

The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

#### 15.4 **Demand:**

Demand is a commercial consideration and is not an issue for the Licensing Authority.

#### 15.5 **Location:**

Location will only be material consideration in the context of the Licensing Objectives.

#### 15.6 **Duplication with other Regulatory Regimes:**

Duplication with other statutory/regulatory regimes will be avoided where possible. This Authority will not consider whether a licence application is likely to be awarded Planning Permission or Building Control consent.

#### 15.7 **Licensing Objectives:**

Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, the following will be considered:-

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

Whilst the Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime, it will pay attention to the proposed location of gambling premises in terms of this licensing objective.

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 the need for conditions, such as the provision of door supervisors.

The Licensing Authority is aware that there is a distinction between disorder and nuisance and that the prevention of nuisance is not a Licensing Objective under the Act.

- **Ensuring that gambling is conducted in a fair and open way:**  
The Gambling Commission does not generally expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. The Licensing Authority notes that in relation to the licensing of tracks, its 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.
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling:**  
In practice, the Objective of protecting children from being harmed or exploited by gambling often means preventing them from taking part in, or being in close proximity to, gambling.

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?

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

There is no definition of the term 'vulnerable person' in the Act, but this could include people who are 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.

## 15.8 Conditions:

The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. Where there are specific risks or problems associated with a



particular premises, the authority may consider attaching individual conditions related to the licensing objectives.

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

- relevant to the need to make the proposed premises 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.

In addition, the Licensing Authority will examine how applicants propose to address the licensing objectives. In considering applications the Licensing Authority will particularly take into account the following:

- Proof of age schemes;
- CCTV;
- Door Supervisors;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices and signage;
- The training of staff to deal with suspect truants and vulnerable persons;
- Specific opening hours; and
- With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare.

This list is not exhaustive but indicative of examples.

- 15.9 Decisions upon individual conditions will be made on a case by case basis. Consideration will be given to using control measures, should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas, etc. Applicants will also be expected to offer their own suggestions as to the way in which the Licensing Objectives can be effectively met.

15.10 It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-

- any conditions on the Premises Licence which make 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);
- conditions in relation to stakes, fees, and the winning of prizes.

**15.11 Door Supervisors:**

The Licensing Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protecting of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. As the Act has amended the Security Industry Act 2001, door supervisors at casinos or bingo premises need not be licensed by the Security Industry Authority.

**15.12 Credit:**

Credit facilities are prohibited from being provided in casinos and bingo licensed premises. Cash machines (ATMs) may be installed in such premises but the Licensing Authority may apply conditions as to where they are sited.

**15.13 Betting Machines: (See Appendix 4xxx for definition)**

In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can 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*).

15.14 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, shall 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 or by vulnerable persons.

15.15 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of codes of practice or guidance issued under the Act.

## **16 PROVISIONAL STATEMENTS**

16.1 Developers may wish to apply 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.

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

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

16.3 The process for considering an application for a provisional statement is the same as that for a premises licence application in that 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.

16.4 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.

16.5 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.

16.6 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 have 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.

## **17 REPRESENTATIONS AND REVIEWS**

17.1 Representations and Applications for Review of Premises Licence may be made by responsible authorities and interested parties however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis 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.

17.2 The Licensing Authority will decide if a representation or application for a review is to be carried out on the basis of whether or not the request is:

- Frivolous or vexatious.
- Will certainly not cause the authority to wish to revoke/suspend the Licence.
- Substantially the same as previous representations or requests for a review.
- In accordance with any relevant codes of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives.

17.3 There is no appeal, other than by way of Judicial review, against the authority's determination of the relevance of an application for review.

- 17.4 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.
- 17.5 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 consultation period. This period begins 7 days after the application was received the Licensing Authority, who will publish notice of the application with 7 days of receipt.
- 17.6 The Licensing Authority must carry out a review as soon as possible after the 28 day period for making representations has passed.
- 17.7 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 Sub-Committee are:-
- Add or remove or amend a licence condition imposed by the licensing authority;
  - Exclude a default condition imposed by the Secretary of State (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.
- 17.8 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.
- 17.9 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.
- 17.10 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.

## **18 ADULT GAMING CENTRES**

- 18.1 An Adult Gaming Centre is defined in Appendix . Entry to these premises is age restricted and no customer must be able to access the premises directly from any other licensed gambling premises.
- 18.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## **19 (LICENSED) FAMILY ENTERTAINMENT CENTRES**

- 19.1 A Licensed Family Entertainment Centre is defined in Appendix xxx Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use. No customer must be able to access the premises directly from:
- A casino
  - An adult gaming centre or
  - A betting premises, other than a track.
- 19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

## **20 CASINOS**

- 20.1 The Licensing Authority has not passed a resolution under section 166 of the Act not to issue casino premises licences. Any future decision to pass or not to pass a casino resolution will only be taken after a full consultation process has been undertaken with the area. The principal access entrance to the premises must be from a street; 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.
- 20.2 **Casinos and Competitive Bidding:**

The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a Premises Licence for a new style casino, there are likely to be a number of operators which will want to run a casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State. It should be noted that at the time this Policy was adopted, this area had not been so enabled.

### **20.3 Betting Machines:**

The Licensing Authority can 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 or by vulnerable persons.

20.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

20.5 **Credit:**

Credit facilities are prohibited in casinos; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

## 21 BINGO PREMISES

21.1 A Bingo premises is defined in Appendix 4 Entry to these premises is not generally age restricted although entry to certain areas may be restricted, dependent on the category of machines available for use. No customer must be able to access the premises directly from;

- A casino
- An adult gaming centre; or
- A betting premises, other than a track.

21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21.3 **Credit:**

Credit facilities are prohibited in premises licensed for Bingo; however, this does not prevent the installation of cash dispensers (ATMs) on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

## 22 BETTING PREMISES

22.1 Betting Premises are defined in Appendix

22.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

Access must be from a street or from another premise 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.

## **23 TRACKS**

23.1 A Track is defined in Appendix Entry to these premises is generally age restricted. On race days, specific areas within the track may be age restricted dependent on the licensable activities taking place.

No customer should be able to access the premises directly from:

- A casino
- An adult gaming centre.

## **24 TRAVELLING FAIRS**

24.1 The Licensing Authority will determine whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at a travelling fair is met, where Category D machines and/or equal chance prize gaming without a permit are to be made available for use.

### **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 the premises, the Licensing 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.

## **Location**

The 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. 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.

## **Local Area Profiling**

The Social responsibility Code which comes into effect on the 6 April 2016 requires licensees to assess the local risks to the licensing objectives posed by their gambling operations at each of their premises and have policies, procedures and control measures to mitigate those risks. Additionally, applicants will have to undertake a local assessment when applying for a new or variation of a premises licence, to take account of significant changes in the local circumstances or when there are significant changes at the licensee's premises.

The Licensing Authority is aware that there is no mandatory requirement to have a local area profile but recognises that one may offer a number of benefits. Should evidence be obtained to identify local risk areas then these will be reflected in a separate document and made available from Fenland District Council and the Council's website.

Enquiries with relevant organisations have not yet revealed any data to suggest that there are any areas within the Fenland District that could be identified as a **risk**. (However, should the consultation reveal such data then this paragraph will be updated).

**PART C**  
**PERMITS/TEMPORARY OR OCCASIONAL USE**  
**NOTICES/REGISTRATIONS**

**25 UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

25.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a 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.

**25.2 Statement of Licensing Principles:**

The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A Disclosure & Barring Service check to ensure that the applicant has no relevant convictions. Where the applicant is a person who is the sole proprietor, the check will be against that person or where the applicant is a company, the check will be against the person who is normally in day to day control of the premises.
- Disclosure & Barring Service (DBS) checks for staff;
- Training covering how staff would deal with:-
  - unsupervised, very young children being on the premises; or
  - children causing perceived problems on/around the premises;
  - suspect truant children; and
  - have a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres.

This list is not exhaustive but indicative of examples.

## **26 (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

- 26.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of Categories C and/or D. The Premises Licence holder needs to notify the Licensing Authority at least two months prior to the date of expiry of the current permit.
- 26.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.
- 26.3 Premises restricted to selling alcohol only with food, will not be able to apply for a permit.
- 26.4 Where an application for more than two gaming machines is received, 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 satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:-
- Adult machines being in sight of the bar;
  - Adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
  - Appropriate notices and signage; and
  - As regards the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information, and leaflets/helpline numbers for organisations such as GamCare.

This list is not exhaustive but indicative of examples.

The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.

## **27 PRIZE GAMING PERMITS**

- 27.1 Where a premise does not hold a premises licence but wishes to provide prize gaming, an application for a prize gaming permit may be made to the Licensing Authority. The applicant must specify the nature of gaming for which the permit is sought and demonstrate that he or she understands the limits to stakes and prizes that are set out in Regulations and that the gaming offered is within the law.

## 27.2 Statement of Licensing Principles:

The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A DBS check to ensure that the applicant has no relevant convictions. Where the applicant is a person who is the sole proprietor, the check will be against that person or where the applicant is a company, the check will be against the person who is normally in day to day control of the premises;
- DBS checks for staff;
- Training covering how staff would deal with:-
  - unsupervised, very young children being on the premises, or
  - children causing perceived problems on/around the premises; and
  - suspect truant children.

This list is not exhaustive but indicative of examples.

In making its decision on an application for a permit, the Licensing Authority does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.

## 28 CLUB GAMING AND CLUB MACHINE PERMITS

28.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit but are restricted by category and number of machines and to equal chance gaming and games of chance. Commercial clubs may only apply for a club machine permit.

28.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.

## 29 TEMPORARY USE NOTICES (TUN)

29.1 The persons designated to receive TUNs and to issue objections are specified in Appendix 4.

29.2 A TUN may only be granted to a person or company holding an operating licence relevant to the temporary use of the premises. Regulations have been issued by the Secretary of State prescribing the activities to be covered.

- 29.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premise from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.
- 29.4 The definition of “a set of premises” will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 29.5 The Licensing Authority will object to Notices where it appears that the effect would be to permit regular gambling in a place that could be described as one set of premises.

### **30 OCCASIONAL USE NOTICES**

- 30.1 Occasional Use Notices (OUNs), apply only to tracks, which are described as being premises on any part of which a race or other sporting events take place, or is intended to take place. Tracks need not be a permanent fixture.
- 30.2 OUNs are intended to permit licensed betting operators who have the appropriate permission of the Gambling Commission to use tracks for short periods for conducting betting. The OUN dispenses with the need for a Betting Premises Licence for the track.
- 30.3 The Licensing Authority has very little discretion as regards these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 30.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.
- 30.5 The person designated to receive the OUNs and assess validity is specified in the scheme of delegation as shown at Appendix 4.

### **31 SMALL SOCIETY LOTTERIES**

- 31.1 The definition of a Small Society Lottery is contained in Appendix-4 and these require registration with the Licensing Authority.
- 31.2 The Licensing Authority will register and administer smaller non-commercial lotteries and applicants for registration must apply to the licensing authority in the area where their principal office is located.

- 31.3 The Licensing Authority must be satisfied that the 'society' is established and conducted:
- for charitable purposes (as defined in S2 of the Charities Act 2006)
  - for the purpose of enabling participation in, or of supporting, sport athletics or a cultural nature activity; or
  - for any other non-commercial purpose other than private gain.
- 31.4 In determining whether the Society is non-commercial the Licensing Authority may require applicants to provide copies of the society's constitution or terms of reference.
- 31.5 For new applications or change of promoter, the Licensing Authority shall require the promoter of the lottery to produce a statement declaring that they have no relevant convictions that would prevent them from running a lottery. A list of 'relevant' offences is listed at Schedule 7 of the Act.
- 31.6 The Licensing Authority may refuse an application for registration if in their opinion:
- the applicant is not a non-commercial society
  - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
  - information provided in or with the application for registration is false or misleading.
- 31.7 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration. It will also supply evidence on which it has reached that preliminary conclusion.
- 31.8 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion..

# APPENDIX 1

Fenland District Council



Scale 1:171,811

## APPENDIX 2

### **GAMBLING ACT 2005** **RESPONSIBLE AUTHORITIES' CONTACT DETAILS**

#### **THE LICENSING AUTHORITY:**

**Licensing Team:** The Licensing Team  
Fenland District Council  
Fenland Hall  
County Road  
March  
PE15 8NQ  
Telephone: 01354 654321  
Email: [licensing@fenland.gov.uk](mailto:licensing@fenland.gov.uk)

#### **THE RESPONSIBLE AUTHORITIES:**

**The Gambling Commission:** Victoria Square House  
Victoria Square  
Birmingham B2 4BP  
Tel: 0121 230 6500  
Fax: 0121 237 2236  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

**Cambridgeshire Constabulary:** The Chief Officer of Police  
  
March Police Station  
City Road  
March  
Cambridgeshire  
PE15

**Cambridgeshire Fire and Rescue:** Cambridgeshire Fire and Rescue Service  
Chief Fire Officer  
Hinchbrooke Cottage  
Brampton Road  
Huntingdon  
PE29 2NA  
Telephone: 01480 444500



**Environmental Services – Pollution:** Environmental Manager  
Fenland District Council  
Fenland Hall  
County Road  
March  
Cambs  
PE15 8NQ  
Telephone: 01354 654321

**Health and Safety:** Environmental Manager  
Fenland District Council  
Fenland Hall  
County Road  
March  
Cambs  
PE15 8NQ  
Telephone: 01354 654321

**Planning:** Planning Manager  
Fenland District Council  
Fenland Hall  
County Road  
March  
Cambs  
PE15 8NQ  
Telephone: 01354 654321

**Safeguarding Children’s Board:** **Safeguarding & Standards Unit**  
**Licence applications**  
**PO Box 144**  
**St Ives**  
**Cambridgeshire**  
**PE27 9AU**  
**Telephone: 01223 706380**  
**Email:**  
**ReferralCentre.Children@cambridgeshire.gov.uk**

**For vessels carrying more than 12 passengers the Certifying Authority will be:-**

Maritime & Coastguard Agency  
Surveyor In Charge  
Harwich Marine Office  
East Terrace  
Walton-on-Naze  
Essex  
CO14 8PY  
Telephone: 01255 682107

**For Vessels carrying 12 or less passengers the Certifying Authority will be:-**

Environment Agency  
Kingfisher House  
Goldhay Way  
Orton Goldhay  
Peterborough  
PE2 5ZR  
Telephone: 01733 464277

**HM Revenue and Customs:**

National Registration Unit  
Portcullis House  
21 India House  
Glasgow  
G2 4PZ

### APPENDIX 3

Summary of Licensing Authority delegations permitted under the Gambling Act 2005.

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of Licensing Committee</b>	<b>Officers</b>
Final approval of three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee setting (when appropriate)			✓
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		✓	
Application for club gaming/club machine permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give counter notice to temporary use notice		✓	

## **APPENDIX 4 - DEFINITIONS**

### **ADULT GAMING CENTRE**

An Adult Gaming Centre Premises Licence issued by the Licensing Authority will authorise gaming machines of either Category B, C or D in the following numbers:

- 1 A maximum of 20% of the total number of gaming machines which are available for use on the premises - Category B3 or B4 machines
- 2 No limit on Category C and D machines.

### **AUTHORISED LOCAL AUTHORITY OFFICER**

A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.

### **BETTING MACHINES**

A betting machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make such machines available to accept bets as a substitute for placing a bet over the counter. These machines are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines nor have to comply with any stake or prize limits. However, if a machine is made available to take bets on virtual races i.e. images generated by computer to resemble races or other events, that machine is a gaming machine and does count towards the maximum permitted number of such machines.

Section 181 contains a power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are being 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 such a condition the Licensing Authority, amongst other things, should consider 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 machines by anyone under 18 years of age or by vulnerable people.

### **BETTING PREMISES**

The legislation contains a single type of licence for betting premises. However, within this single class of licence there will be different types of premises which require licensing. One type will be off course betting i.e. the betting shop. The other sort of licensing will be betting at a track i.e. a racecourse. There is a separate type of premises licence for betting on tracks. It will also be possible for there to be premises licence for betting offices on tracks.

The Act also permits betting intermediary to operate from premises, although they usually offer their services via remote communication such as the internet. There is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services on the premises.

No one under 18 will be able to enter premises with a betting premises licence although special rules apply to track betting.

Betting will be permitted as part of a casino premises licence and they will not require a separate betting premises licence. However, they will need to obtain a betting operating licence which can be combined with their casino licence.

The holder of a betting premises licence may make available up to 4 gaming machines of category B, C or D. The category B machines will be restricted to B2, B3 and B4

## **BINGO PREMISES**

Bingo is currently categorised as “equal chance gaming” and is regarded widely as soft gaming. It is played in a variety of circumstances depending on where it takes place, for example as a commercial enterprise in a licensed bingo club for cash prizes, or as a prize bingo in amusement arcades, or on a non-commercial basis with low stakes and prizes in clubs, pubs and other institutes. Variations of club based include linked bingo where two or more clubs play a joint game using pooled stakes and multiple bingo, often known as the National Game, played across the country for large prizes. Clubs also offer machine gaming which is largely played during intervals between bingo games.

### **Commercial Bingo Clubs**

- ❖ There should be no statutory limits on the stakes and prizes in bingo games;
- ❖ There should be no restriction on the frequency of multiple bingo games;
- ❖ Any new games should be approved by the Gambling Commission; and
- ❖ Rollovers should be permitted.

### **Bingo in Pubs and Clubs**

- ❖ Where pubs or clubs offer prizes in equal chance games such as bingo above £2000 per week, they should be regulated by the Gambling Commission in the same way as commercial bingo.

## **CASINO**

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

### **CASINO RESOLUTION**

Resolution not to issue Casino Premises Licences.

## **CHILD**

Individual who is less than 16 years old.

## **CLUB GAMING MACHINE PERMIT**

Permit to enable the premises to provide gaming machines (3 machines of Categories B, C or D).

## **CONDITIONS**

Conditions to be attached to licences by way of:-

- Automatic provision
- Regulations provided by Secretary of State
- Conditions provided by Gambling Commission
- Conditions provided by Licensing Authority

Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.

## **DEFAULT CONDITIONS**

Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.

## **DELEGATED POWERS**

Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.

## **DISORDER**

No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

## **EQUAL CHANCE GAMING**

Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

## **EXEMPT LOTTERIES**

Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are four types:-

- Small Society Lottery (required to register with Licensing Authorities).
- Incidental Non Commercial Lotteries
- Private Lotteries
- Customer Lotteries

## **EXTERNAL LOTTERY MANAGER**

An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.

## **FAMILY ENTERTAINMENT CENTRE (LICENSED)**

A family entertainment centre is defined as premises (other than an adult gaming centre) wholly or namely used for making gaming machines available for use.

It will be necessary to obtain a Gaming Machine General Licence from the Gambling Commission.

A family entertainment centre Premises Licence issued by the Licensing Authority will authorise gaming machines to be provided as follows:

- 1 An unlimited number of Category C and D machines
- 2 Category C machines to be located in an adult only area.

## **GAMING**

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

## **GAMING MACHINE**

Machine covering all types of gambling activity, including betting on virtual events.

### Categories

Category	Max. Stake	Max. Prize
A	Unlimited	Unlimited – no category A currently permitted
B1	£5	£10,000
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D non-money prize	30p	£8
D non-money prize (crane grab machines only)	£1	£50
D combined money And non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

## **HUMAN RIGHTS ACT 1998**

### **ARTICLES: 1, 6, 8 AND 10**

Article 1: Protocol 1

The right to peaceful enjoyment of possessions.

Article 6:

The right to a fair hearing.

Article 8:

The right of respect for private and family life

Article 10:

The right to freedom of expression.

### **INCIDENTAL NON COMMERCIAL LOTTERY**

A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events (commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance).

### **EXCHANGE OF INFORMATION**

Exchanging of information with other regulatory bodies under the Gambling Act.

### **INTERESTED PARTY**

A person who:-

- Lives sufficiently close to the premises to be likely affected by the authorised activities
- Has business interests that might be affected by the authorised activities
- Represents persons in either of the above groups

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

### **LOTTERY**

An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

### **LOTTERY TICKETS**

Tickets that must:

- Identify the promoting society
- State the price of the ticket, which must be the same for all tickets
- State the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and



- State the date of the draw, or enable the date of the draw to be determined.

## **MEMBERS' CLUB**

A club that must:

- Have a least 25 members
- Be established and conducted 'wholly or mainly' for purposes other than gaming
- Be permanent in nature
- Not be established to make commercial profit
- Be controlled by its members equally.

## **OCCASIONAL USE NOTICES**

Betting may be permitted on a 'track' without the need for a full Premises Licence.

Where there is betting on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Occasional use notices cannot be used on more than 8 days in a calendar year i.e. the year starting on the 1 January and ending on 31 December.

The notice for an occasional use must be served on the licensing authority and the police. Notices can be given for a continuous period of 8 days.

## **OFF COURSE BETTING**

Betting that takes place other than at a track, i.e. at a Licensed Betting Shop

## **OPERATING LICENCE**

Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non-remote gambling.

## **PERMITS**

Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.

## **PERSONAL LICENCE**

Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.

## **PREMISES**

Defined 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.

## **PREMISES LICENCE**

Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, Adult Gaming Centres and Family Entertainment Centres.

## **PRIVATE LOTTERIES**

There are three types of Private Lotteries:

1. Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society.
2. Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises.
3. Residents' Lotteries – promoted by, and tickets may only be sold to people who live at the same set of premises.

## **PRIZE GAMING**

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

## **PRIZE GAMING PERMIT**

A permit to authorise the provision of facilities for gaming with prizes on specific premises..

## **PROVISIONAL STATEMENT**

Where an applicant can make an application to the Licensing Authority in respect of premises that he:

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

## **RELEVANT REPRESENTATIONS**

Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.

## **RESPONSIBLE AUTHORITIES**

Public bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences as follows:

- The Licensing Authority in whose area the premises is partly or wholly situated
- The Gambling Commission
- The Chief Officer of Police
- Fire and Rescue Service
- The Planning Authority for the local authority area
- Environmental Health Service for the local authority area
- The Body competent to advise on the protection of children from harm
- HM Revenue and Customs
- Authority in relation to vulnerable adults
- Vessel only – the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency.

## **SMALL LOTTERIES**

When licensing authorities are approached by societies who want to register with them to operate lotteries, they are required to refer to the Act's definition of a small society lottery, which falls into two distinct areas:

- Society status – the society in question must be 'non-commercial'
- Lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

## **TEMPORARY USE NOTICE**

Licensing Authorities may issue Temporary Use Notices to allow gambling activities to take place for limited periods in otherwise unlicensed premises. Only the holder of an Operating Licence may apply for a Temporary Use Notice. The same premises may not be the subject of a Temporary Use Notice for more than 21 days in any period of 12 months. However, provided that the aggregate period does not exceed that limit, it is possible to apply for more than one Temporary Use Notice during that period.

## **TRACK BETTING**

Tracks are sites, including horse racecourses and dog tracks where races or other sporting events take place e.g. football grounds and cricket grounds. Betting is a major activity on the tracks, both in the form of pool betting (often known as the "tote") and also general betting known as fixed odds betting.

There is no separate class of betting premises licence for a track. However, in relation to tracks betting is divided into "on course" and "off course."

The "on course" betting operator is one who comes on to the track, temporarily, while races are taking place and operates at the trackside.

"Off course" betting operators may, in addition to premises away from the track, operate self-contained betting premises within the track premises. Such self-contained premises provide facilities for off course betting e.g. on other events not just those taking place on the track.

In addition pool betting can take place on the tracks, but only on certain types of track and the people who may run it are limited.

## **TRAVELLING FAIR**

A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.

## **VEHICLES**

Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.

## **VULNERABLE PERSONS**

No set definition, but likely to mean group to include people who:

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

## **YOUNG PERSON**

An individual who is not a child but who is less than 18 years old.

## **APPENDIX 5**

### **TEMPORARY USE NOTICES**

The organisations designated to receive TUNs and to issue objections are:-

- The Licensing Authority
- The Gambling Commission
- Cambridgeshire Police
- HM Commission for Revenues and Customs
  
- If applicable, any other Licensing Authority in whose area the premises are situated (if the premises crosses the border between two Licensing Authority's areas).

## **APPENDIX 6**

### Useful Contacts

The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) Some of these organisations provide codes of practice on their particular interest area.

## APPENDIX 7

### LIST OF CONSULTEES

#### Responsible Authorities:

- The licensing authority
- The Gambling Commission
- Chief Officer of Police, Cambridgeshire Constabulary
- Cambridgeshire Fire and Rescue Authority
- Fenland Planning Authority
- Fenland Environmental Health
- Cambridgeshire Safeguarding and Standards Unit
- HM Revenue and Customs
- The Environment Agency
- The British Waterways Board
- Secretary of State for Transport (Maritime and Coastguard Agency)

In addition:

**British Amusement Catering Trade Association (BACTA)**  
(Representing the UK pay to play leisure machine industry)

**Association of British Bookmakers**

**The Bingo Association**

**Bingo premises**  
**British Beer & Pub Association**

**Bookmakers within Fenland**

**Citizens Advice Bureau**

**Gamblers Anonymous**  
**Gamcare**

**Public Health**

**Town and Parish Council Clerks**

**Trading Standards**

**Faith Groups**

**Community Groups**