

AGENDA ITEM NO.7
LICENSING COMMITTEE

Date **21 September 2021**

Title **REVIEW OF GAMBLING STATEMENT OF POLICY DOCUMENT**

1 PURPOSE/SUMMARY

For Members to approve the draft policy document for consultation with Responsible Authorities and others.

2 KEY ISSUES

- Full Council adopted the current Gambling Policy (GA05) on 04 November 2019
- As per the legislation this policy must be reviewed every 3 years
- In determining its statement of policy, the licensing authority must give appropriate weight to the views of those it has consulted. Therefore, member's approval of the draft policy for consultation is sought.

3 RECOMMENDATION(S)

- That Members approve the draft policy document under the Gambling Act 2005 as detailed within this report for a consultation period of no less than four weeks.
- That officers report back to committee with the outcomes of the consideration to agree a final version to be referred to full council for adoption.

Wards Affected	All
Forward Plan Reference No. (if applicable)	N/A
Portfolio Holder(s)	Councillor Andrew Lynn, Portfolio Holder with responsibilities for Licensing.
Report Originator	Michelle Bishop, Licensing Manager, Tel: 01354 622542, Email: mbishop@fenland.gov.uk
Contact Officer(s)	Dan Horn, Head of Housing & Community Support, Tel: 01354 654321, Email: dhorn@fenland.gov.uk Carol Pilson, Corporate Director, Tel: 01354 622360, Email: cpilson@fenland.gov.uk
Background Paper(s)	The Gambling Act 2005 Gambling Act 2005 (legislation.gov.uk) Gambling Commission Guidance to Local Authorities, 5th Edition (part 6) Part 6: Licensing authority policy statement - Gambling Commission

1 INTRODUCTION

- 1.1 The Council as the Licensing Authority has a statutory duty to review its Statement of Principles under the Gambling Act 2005 every three years. The current policy was adopted at Full Council on 04 November 2019.
- 1.2 The Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act, commonly known as a statement of policy. The statement of policy forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.
- 1.3 The statement of policy acts as the primary vehicle for setting out the licensing authority's approach to regulation having taken into account local circumstances.
- 1.4 The commission encourages licensing authorities to have a statement of policy that is genuinely reflective of local issues, local data, local risk and expectations that a licensing authority has of operators who either currently offer gambling facilities or wish to do so in the future.
- 1.5 The statement of policy can be reviewed and revised by the licensing authority at any time but must be produced following consultation with those bodies and persons set out in the Act.
- 1.6 Licensing Authorities should ensure that the statement of policy balances the need for a degree of certainty on the part of gambling businesses with the need to remain responsible to emerging risks. It should be evidence led, based on the principles outlined in the Gambling Commission Guidance for Local Authorities and reviewed at least every three years.
- 1.7 In Fenland we have:
 - 12 - Betting Premises
 - 2 - Bingo
 - 1 – Adult Gaming Centre (AGC)
 - 1 – Unlicensed Family Entertainment Centre (UFEC)

2 LOCAL RISK ASSESSMENTS

- 2.1 The Commissions Licence Conditions and Codes of Practice (LCCP) formalise the need for operators to consider local risks.
- 2.2 The Social Responsibility Code (SR) requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy.
- 2.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- ☐ 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 statement of policy
- ☐ When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

3 KEY CHANGES

- 3.1 The revised policy is set out in Appendix A. The proposed changes are set out as track changes

Policy Section	Reason for change
3	Update to reflect current figures within the district
6.4	Website link added for consultation page on Fenland website
10.3 & 10.6	Further clarification on the role of an interested party, should they wish to make any objection to an application
16.1	Further clarity with regard to licence application taking into account risk assessments
27	Enhanced section added to reflect the requirement on gambling premises completing and maintaining a Local Risk Assessment
28	Section added to include Public Health and demonstrate that ongoing consultation is carried out with them.

4 CONCLUSION

- 4.1 That Members approve the draft policy document under the Gambling Act 2005 as detailed within this report for a consultation period of no less than four weeks.

5 COMMUNITY IMPACT

- 5.1 A full Community/Equality Impact Assessment will be completed and presented along with the results of the consultation.

6

APPENDICIES

- 6.1 APPENDIX A – Draft Statement of Principles under the Gambling Act 2005 2022 - 2025

FENLAND DISTRICT COUNCIL

GAMBLING ACT 2005

GAMBLING POLICY STATEMENT OF PRINCIPLES

2022~~19~~ - 2025~~22~~

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 31 January 2022~~19~~.

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. The Local Authority is responsible for issuing a number of different licenses and 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.

Contents

PART A - OVERVIEW	
1. INTRODUCTION.....	5
2. THE LICENSING OBJECTIVES	5
3. DESCRIPTION OF THE DISTRICT	5
4. RESPONSIBILITIES UNDER THE ACT.....	6
5. STATEMENT OF LICENSING POLICY	7
6. CONSULTATION.....	7
7. APPROVAL OF POLICY.....	8
8. DECLARATION	8
9. RESPONSIBLE AUTHORITIES.....	8
10. INTERESTED PARTIES.....	8
11. EXCHANGE OF INFORMATION.....	10
12. PUBLIC REGISTER	10
13. COMPLIANCE AND ENFORCEMENT	10
14. LICENSING AUTHORITY FUNCTIONS	11
PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS.....	
15. DELEGATION OF POWERS.....	13
16. GENERAL PRINCIPLES	13
17. PROVISIONAL STATEMENTS	17
18. REPRESENTATIONS AND REVIEWS.....	18
19. ADULT GAMING CENTRES	20
20. (LICENSED) FAMILY ENTERTAINMENT CENTRES.....	20
21. CASINOS	20
22. BINGO PREMISES	21
23. BETTING PREMISES.....	22
24. TRACKS.....	22
25. TRAVELLING FAIRS.....	23
26. LOCAL AREA PROFILING	23
PART C	
PERMITS/TEMPORARY OR OCCASIONAL USE	
NOTICES/REGISTRATIONS.....	
27. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS	25
28. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS.....	26
29. PRIZE GAMING PERMITS.....	27
30. CLUB GAMING AND CLUB MACHINE PERMITS.....	27
31. TEMPORARY USE NOTICES (TUN)	28
32. OCCASIONAL USE NOTICES	28
33. SMALL SOCIETY LOTTERIES	29
APPENDIX 1 – MAP OF FENLAND	31
APPENDIX 2 – RESPONSIBLE AUTHORITIES	32
APPENDIX 3 – TABLE OF DELEGATIONS OF LICENSING FUNCTION	35

APPENDIX 4 - DEFINITIONS36

APPENDIX 5 - LIST OF CONSULTEES44

PART A - OVERVIEW

1. INTRODUCTION

1.1 This Gambling Statement of 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 licensed 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.

2.2 The Licensing Authority notes that the Gambling Commission has stated that 'the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

2.3 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) requires gambling premises to undertake a local risk assessment taking into consideration the local information.

2.4 This licensing authority is aware that, as per 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:

- 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
- in accordance with the Authority's Gambling Licensing Policy Statement of Principles

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 ~~96,000~~102,080 ~~Cambridgeshire County Council Mid-Year~~

~~Estimates, 2005)~~ and covers an area of ~~54,547 hectares~~546.4 square kilometres. 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 Gambling Statement of Principles, subject to the three bullet points above,
- 4.6 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 Gambling Statement of Policy 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 31 January ~~2022~~2019 and replaces the policy previously in force.

6. CONSULTATION

- 6.1 In producing this Policy, the Licensing Authority ~~will~~ 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 were:-
- 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 a GA05 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.~~
- 6.4 The draft policy was available for viewing from our website by visiting Licensing Public Consultation - Fenland District Council
- 6.5 The Licensing Authority's consultation took place between xx xx 20~~21~~19 and xx xx 20~~21~~19

7. APPROVAL OF POLICY

- 7.1 This Policy was approved at a meeting of the full Council on xx xx 20~~14~~¹⁹ 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 Gambling Act 2005.

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 by the Gambling Commission and any responses from those consulted during the consultation process.
- 8.2 Any information and guidance contained within this policy 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.
- 8.3 This council recognises its diverse responsibilities under the equality act and will monitor the impact of these statutory duties through its various corporate schemes such as an Equality Impact Assessment.

9. RESPONSIBLE AUTHORITIES

- 9.1 A full list of the Responsible Authorities designated under the Act and their contact details are given in the APPENDIX 2 of this document. 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 These parties are defined in the Act as follows:

~~40.3 "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person~~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:~~

- 'lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities,
- 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.

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~~ In determining whether a person has a business interest which could be affected, the District Council may consider, amongst other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected.

~~40.6~~10.7 A wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include 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

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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.

~~40-7~~10.8 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 will have regard for:

- Provisions of the Gambling Act 2005, which include the provisions that the Data Protection Act 1998 will not be contravened
- Data Protection Act 1998
- General Data Protection Regulation (GDPR)
- Guidance issued by the Gambling Commission
- Human Rights Act 1998
- Environmental Information Regulations 2004
- Freedom of Information Act 2000
- Crime and Disorder Act 1998

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~~risk-based inspection programme which will take into account:

- The licensing objectives.
- Relevant codes of practice.
- This statement of principles
- Guidance issued by the Gambling Commission.

13.3

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. LICENSING AUTHORITY FUNCTIONS

14.1 **Licensing authorities are required under the Act to:**

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- issue *Provisional Statements*
- regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue *Club Machine Permits* to *Commercial Clubs*
- grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register *small society lotteries* below prescribed thresholds
- issue *Prize Gaming Permits*

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- receive and Endorse *Temporary Use Notices*
- receive *Occasional Use Notices*
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- maintain registers of the permits and licences that are issued under these functions

14.2 It should be noted that Licensing Authorities are not involved in licensing remote gambling at all; this is regulated by the Gambling Commission via operating licences.

14.3 It should be noted that Licensing Authorities are not involved in spread betting activities, which are regulated by the Financial Conduct Authority.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

15. DELEGATION OF POWERS

15.1 The Council has agreed a scheme of delegation for discharging its function under the Act and this can be seen at **APPENDIX 3**

16. GENERAL PRINCIPLES

16.1 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.

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16.1 The council expects both applicants and licensees to undertake local risk assessments to identify risks to the licensing objectives posed by the general location and by the provision of facilities in the premises concerned, and then to propose and implement measures to mitigate those risks. Licensees should share their risk assessment with the licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

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16.2 Decision Making

Licensing Authorities are required by the Act, in making decisions about Premises Licenses, it should 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.

16.3 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, however, consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed

16.4 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).

16.5 The Licensing Authority takes into account the Gambling Commission's guidance to Licensing authorities which states that licensing authorities should take particular

care in considering applications for multiple licenses for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, and is aware that:

- The third Licensing objective seeks to protect children from being harmed by gambling, which in practice means not only preventing them from taking part in gambling activity but also preventing them from being in close proximity to gambling establishments. 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
- Customers should be able to participate in the activity named on the Premises Licence

16.6 The Licensing Authority is aware that the Gambling Commission guidance provides relevant access provisions for each premises type and suggests a list of factors to be considered during the application process. The Licensing Authority will consider these and other relevant factors on making its decision, depending on all the factors of the case.

16.7 Demand:

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

16.8 Location:

Location will only be material consideration in the context of the Licensing Objectives. This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's guidance for local authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

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.

16.9 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.

16.10 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.

16.11 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 particular premises, the authority may consider attaching individual conditions

related to the licensing objectives.

Any conditions attached to licenses will be proportionate and will 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 Gam Care.

This list is not exhaustive but indicative of examples.

16.12 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.

16.13 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.

16.14 This Authority will 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
- 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

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

16.16 **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.

16.17 **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.

16.18 **Betting Machines:** (See **APPENDIX 4** 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*).

16.19 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.

16.20 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.

17. PROVISIONAL STATEMENTS

17.1 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.

17.2 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.

17.3 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.

17.4 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.

17.5 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.

17.6 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.

18. REPRESENTATIONS AND REVIEWS

18.1 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.

18.2 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.

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

18.4 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.

18.5 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.

18.6 The Licensing Authority must carry out a review as soon as possible after the 28-day period for making representations has passed.

18.7 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.

18.8 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.

18.9 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.

18.10 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.

19 ADULT GAMING CENTRES

- 19.1 Entry to these premises is age restricted and no customer must be able to access the premises directly from any other licensed gambling premises.
- 19.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 19.3 This Licensing Authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory or exhaustive and is merely indicative of example measures.

20 (LICENSED) FAMILY ENTERTAINMENT CENTRES

- 20.1 A Licensed Family Entertainment Centre is defined in the Appendices of this document. 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.
- 20.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.

21 CASINOS

- 21.1 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.

21.2 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.

21.3 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.

21.4 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.

21.5 **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.

22. BINGO PREMISES

22.1 A Bingo premises is defined in the appendices of this document 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 premise, other than a track.

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

22.3 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.

23. BETTING PREMISES

- 23.1 Betting Premises are defined in the appendices of this document.
- 23.2 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 other 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.

24. TRACKS

- 24.1 A Track is defined in the appendices of this document. Entry to these premises are generally age restricted. On race days, specific areas within the track may be age restricted dependent on the licensable activities taking place.
- 24.2 No customer should be able to access the premises directly from:
- A casino
 - An adult gaming centre.
- 24.3 This Authority expects the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 24.4 This Licensing Authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory or exhaustive and is merely indicative of example measures.

24.4 Gaming Machines

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

24.5 Betting Machines –

This Licensing Authority will, as per the Gambling Commission's guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer

25. TRAVELLING FAIRS

- 25.1 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.

26. LOCAL AREA PROFILING

- 26.1 The Social responsibility Code ~~which came into effect on the 6 April 2016 and was recently updated in May 2019~~ 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 risk 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.
- 26.2 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.
- 26.3 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).

27. LOCAL AREA RISK ASSESSEMENTS

27.1 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) requires operators to consider local risks in their application.

27.2 It is considered best practice for Licensing Authorities to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this licensing authority would recommend that the following matters are considered by operators when making their risk assessment

- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements for localised exchange of information regarding self-exclusion and gaming trends.
- The location and proximity of buildings, attractions or facilities, etc. that may attract children or other vulnerable people.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc
- Whether the premises are in an area of deprivation

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26.3

- Health information and data relating to gambling related harm

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27.3 The LCCP requires that licensees review and update their local risk assessments as and when necessary to take into account the following:

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- any significant changes in local circumstances
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

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27.4 A single generic risk assessment covering every premises in an operator's portfolio will not be considered by the Local Authority to be suitable or sufficient. It is also expected that operators will take full account of the local area when compiling their risk assessments, and to reflect this in the control measures which they will implement.

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27.5 Risk assessments must be kept at the individual premises to which they relate and all staff should be aware of their existence, ensuring they work in accordance with them.

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28. PUBLIC HEALTH CONSIDERATIONS

28.1 The local authority is aware that Cambridgeshire County Council Public Health supports the Gambling Commission on the prevention of problem gambling. The Gambling Commission recognises it's a Public Health issue and is to be tackled along with other issues.

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28.2 The Licensing Authority will liaise with public health colleagues about new and variation applications within Fenland, so that we can both continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help

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PART C PERMITS/TEMPORARY OR OCCASIONAL USE NOTICES/REGISTRATIONS
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27.29. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

27.429.1 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.

27.229.2 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.
- A plan scale 1:100 of the premises showing:
 - o The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public
 - o The location of any fixed or temporary structures
 - o The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises
 - o The location of any public toilets within the boundary of the premises
 - o The location of CCTV cameras
 - o The location of any ATM or other cash/change machines
 - o The proposed location of the Category 'D' machines
 - o Details of non-category 'D' machines (e.g., skill with prizes machines)

This list is not exhaustive but indicative of examples.

28.30. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

28.430.1 There is provision in the Act for premises licensed to sell alcohol under part 3 of the Licensing Act 2003 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 of the intention to make gaming machines available for use and pay the prescribed fee.

28.230.2 Gaming machines can only be located on licensed premises that have a bar for serving customers.

28.330.3 Premises restricted to selling alcohol only with food, will not be able to apply for a permit.

28.4 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

28.430.4 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 Gam Care.

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.

29-31. PRIZE GAMING PERMITS

29-431.1 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.

29-231.2 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.

30-32. CLUB GAMING AND CLUB MACHINE PERMITS

30-432.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit and/or a Club Gaming Machine Permit. The Club Gaming permit will enable the premises to provide gaming machines (three machines of category B4, C or D), or equal chance gaming i.e. Poker, Bingo. A Club Machine Permit will enable premises to provide gaming machines (three machines or category B4, C or D) Commercial clubs may only apply for a club machine permit.

30-232.2 A fast-track procedure is available for premises that hold a Club Premises Certificate under the Licensing Act 2003.

30-332.3 To qualify for these special club permits a member's club must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming. A member's club must be permanent in nature, not established to make a commercial profit and controlled by its qualifying members equally. Examples of these include branches of the Royal British Legion, working men's clubs and clubs with political affiliations.

~~30.4~~32.4 Before granting the permit, the council will need to satisfy itself that the premises meets the requirements of a members club and the majority of its members are over 18.

~~30.5~~32.5 Licensing authorities may only refuse an application on the grounds that:

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

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

~~34.33.~~ **TEMPORARY USE NOTICES (TUN)**

~~34.4~~33.1 The persons designated to receive TUNs and to issue objections are specified in Appendix 4.

~~34.2~~33.2 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.

~~34.3~~33.3 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.

~~34.4~~33.4 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.

~~34.5~~33.5 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.

~~32.34.~~ **OCCASIONAL USE NOTICES**

~~32.4~~34.1 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.

~~32.2~~34.2 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.

~~32.3~~34.3 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.

~~32.4~~34.4 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

~~32.5~~34.5 The person designated to receive the OUNs and assess validity is specified in the scheme of delegation as shown at Appendix 4.

~~33.35.~~ **SMALL SOCIETY LOTTERIES**

~~33.4~~35.1 The definition of a Small Society Lottery is contained in Appendix-4 and these require registration with the Licensing Authority.

~~33.2~~35.2 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.

~~33.3~~35.3 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.

~~33.4~~35.4 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.

~~33.5~~35.5 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.

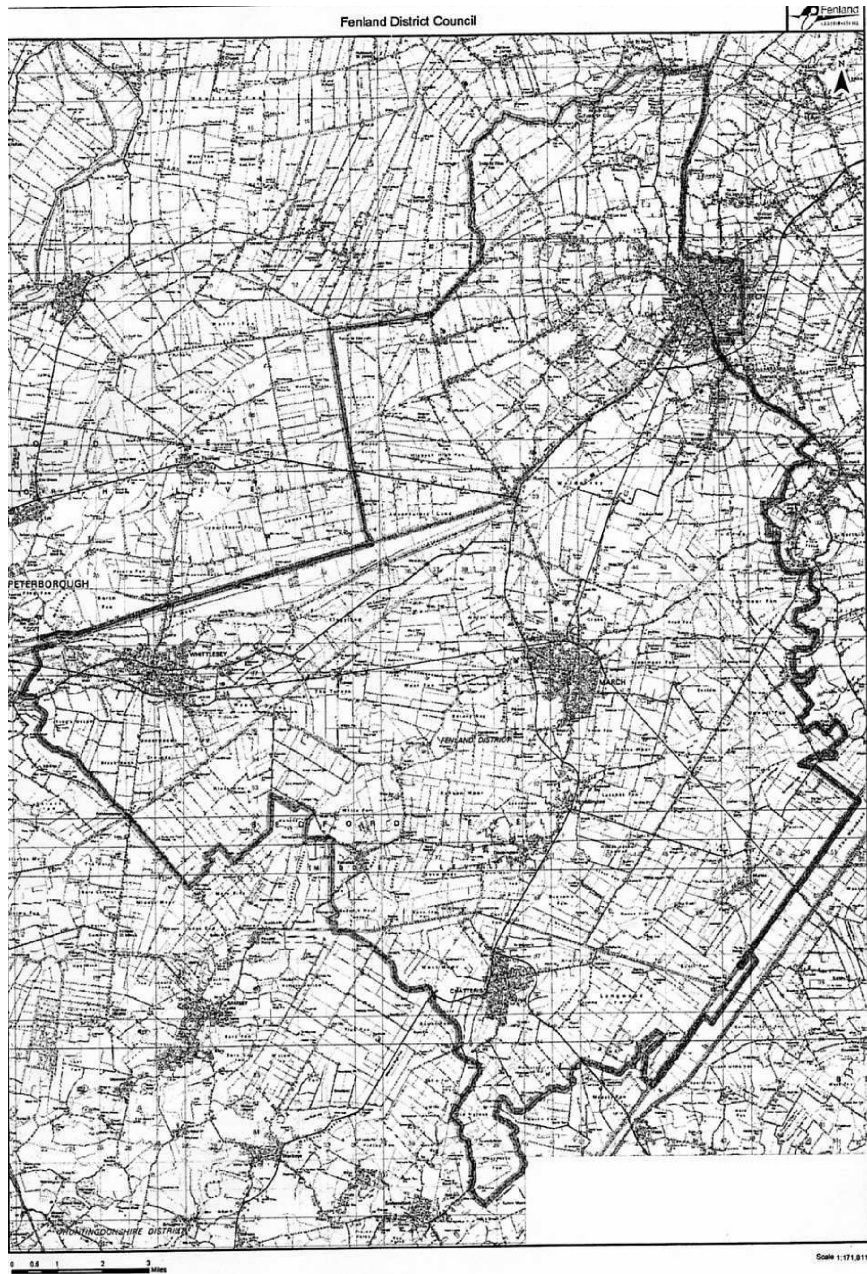
~~33.6~~35.6 The Licensing Authority may refuse an application for registration if in their opinion:

- 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.

~~33.7~~35.7 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 refusing registration. It will also supply evidence on which it has reached that preliminary conclusion.

~~33-8~~35.8 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 – MAP OF FENLAND



APPENDIX 2 – RESPONSIBLE AUTHORITIES

➤ Local Authority Environment and Health Services

Fenland District Council
Environmental & Leisure Support Team
Fenland Hall
County Road
Cambridgeshire PE15 8NQ
Telephone: 01354 654321
Email: Tdarnes@fenland.gov.uk
[Jhanson@fenland.gov.ukenvhealth@fenland.gov.u](mailto:Jhanson@fenland.gov.ukenvhealth@fenland.gov.uk)
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➤ The Body Responsible for Health and Safety

Fenland District Council
Environmental & Leisure Support Team
Fenland Hall
County Road
March
Cambridgeshire PE15 8NQ
Telephone: 01354 654321
Email: Dsadler@fenland.gov.uk

➤ Cambridgeshire Constabulary

~~PC Grahame Robinson~~ [Police Licensing Officer](#)
Cambridgeshire Constabulary
Partnership & Operational Support Team
Licensing & Events Planning
Thorpewood Police Station
Peterborough
PE3 6SD
Email: LicensingNorth@cambs.pnn.police.uk

➤ Cambridgeshire Fire and Rescue Service

Chief Fire Officer
Hinchbrook Cottage
Brampton Road
Huntingdon PE29 2NA
Telephone: 01480 444500
Email:
[fireprotectionnorthconsultations@cambsfire.gov](mailto:fireprotectionnorthconsultations@cambsfire.gov.uk)
[.uk](mailto:uk)

➤ **The Body Responsible for the Protection of Children from Harm**

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

➤ **Local Authority Planning Authority**

Fenland District Council
Development Services
Fenland Hall
County Road
March
Cambridgeshire PE15 8NQ
Telephone: 01354 654321
Email: planning@fenland.gov.uk

➤ **HM Revenue & Customs**

HM Revenue & Customs
12th Floor
Alexandra House
Victoria Avenue
Southend-on-Sea
Essex
SS9 1B

The Gambling Commission

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Tel: 0121 230 6500
Email: info@gamblingcommission.gov.uk

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

APPENDIX 3 – TABLE OF DELEGATIONS OF LICENSING FUNCTION

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

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Officers
Final approval of three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee setting (when appropriate)			✓
Application for premises licenses		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		✓	
Consideration of an Occasional Use Notice			✓

APPENDIX 4 - DEFINITIONS

ADULT GAMING CENTRE

An Adult Gaming Centre Premises Licence issued by the Licensing Authority will authorise gaming machines of 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	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited – no category A currently permitted
B1	£5	£10,000
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D non-money prize	30pence	£8
D non-money prize (crane grab machines only)	£1	£50
D combined money and non-money prize	10pence	£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)	20pence	£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

Exchange 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.

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 5 - 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 Gam
care

Public Health

Town and Parish Council Clerks

Trading Standards

Faith Groups

Community Groups