

CALDERDALE METROPOLITAN BOROUGH COUNCIL

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

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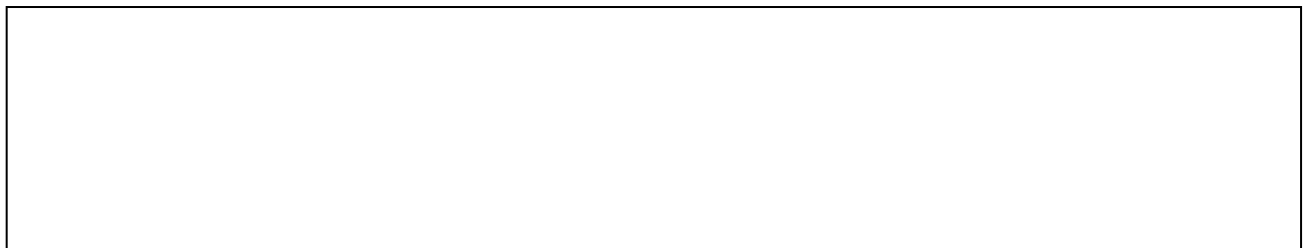
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## **PART A**

### **1. THE LICENSING OBJECTIVES**

1.1 There are 3 licensing objectives which are central to the regulatory regime created by the Act. These are: -

- preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

### **2. INTRODUCTION**

2.1 Calderdale is home to some of the country's most highly regarded leisure and nightlife providers and is fast becoming one of the leading areas for the provision of entertainment. Calderdale Council was created in 1974 out of local government reorganisation when nine separate local authorities were replaced by Calderdale Metropolitan Borough Council.

2.2 With a proud history stretching across four decades, Calderdale Council will continue to provide high quality services to all of its communities, now and in the future. Before the Council's vision was revised in 2002, we asked Calderdale residents what mattered most to them. They told us they wanted Calderdale to be clean and safe. They wanted us to do our best to preserve the district's built and natural environment and they wanted the area to prosper.

2.3 These ideas underpin our vision for a better Calderdale. Our six corporate priorities explain how we will achieve this vision

- Support and protect for all Calderdale children, young people and their families and give them every opportunity to achieve
- Support vulnerable adults and promote independent living
- Promote healthy living and reduce health inequalities
- Create safer communities with lower crime levels, less fear of crime and safer roads.
- Build stronger local communities by celebrating our diversity and developing the capacity to live and work together.
- Promote sustainable economic growth and respect Calderdale's heritage and develop a clean and attractive built and natural environment.

2.4 The Calderdale of today is home to some 193,000 people living in the market towns of Halifax, Brighouse, Elland, Hebden

Bridge, Sowerby Bridge and Todmorden, while others reside in more rural parts of Pennine Yorkshire within and along the picturesque valleys of the rivers Ryburn and Calder.

- 2.5 There is a strong commitment across the borough to work together for the benefit of all Calderdale communities. The Council leads on the development and delivery of a community strategy, working in partnership with other public sector organisations, private companies and voluntary and community groups. The strategy aims to promote the social, economic and environmental success of Calderdale.
- 2.6 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amendments must be the subject of a further consultation exercise.

### 3. SCOPE OF THE POLICY

- 3.1 This Statement of Principles is intended to meet the Council’s obligations under Section 349 of the Gambling Act 2005 (referred to in this Statement as “the Act”).
- 3.2 The Licensing Authority consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. The views of all those who responded to the consultation exercise were taken into account when producing the final document:

Chief Fire Officer  
Chief Officer of Police  
Planning Authority  
Calderdale Council Health and Social Care Directorate  
Calderdale Council Environmental Health Services  
Calderdale Council Children and Young Peoples Service  
Calderdale Council Chief Executives Office – Equality Officers  
West Yorkshire Trading Standards Service  
Calderdale Council Law and Administration Department  
Calderdale Primary Care Trust  
Calderdale and Huddersfield NHS Trust  
Calderdale Probation Service  
Calderdale College  
Calderdale Drug and Alcohol Action Team  
West Yorkshire Learning and Skills Council  
Calderdale Magistrates Court  
Hebden Royd Town Council  
Ripponden Parish Council  
Todmorden Town Council

Blackshaw Parish Council  
Erringden Parish Council  
Heptonstall Parish Council  
Wadsworth Parish Council  
Calderdale Victim Support  
Cobbetts Solicitors  
Licensing Legal  
Bond Pearce Solicitors  
Berwin Leighton Paisner Solicitors  
Gosschalks Solicitors  
Popleston Allen Solicitors  
Rollits Solicitors  
Joelson Wilson Solicitors  
Mincoffs Solicitors  
Halifax Town Centre Management  
Gamcare  
Gamblers Anonymous  
Calderdale Community Safety Partnership  
BACTA  
Mid Yorkshire Chamber of Commerce  
Mecca Bingo  
The Lotteries Council  
William Hill  
Ladbrokes  
Roxy Bingo  
Federation of Licensed Victuallers  
British Beer and Pub Association  
British Casino Association  
Association of British Bookmakers  
British Greyhound Racing Board  
Business in Sport & leisure  
Racecourse Association Ltd  
British Holiday Home & Parks Association  
Casino Operators Association of the UK  
The Bingo Association  
Bangladeshi Peoples Association  
British Muslim Association  
Calderdale Interfaith Council  
Citizens Advice Bureau  
Calderdale Multicultural Activity Centre  
Calderdale Sustainability Forum  
All existing Amusement with Prizes and Bingo permits  
All existing Bookmakers  
All existing Bingo operators  
All tenant & resident associations registered with Calderdale Council

- 3.3 In carrying out the licensing function under the Act the Council will aim to permit the use of premises for gambling as long as it is considered to be: -

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any relevant Guidance issued by the Gambling Commission
- in accordance with this Statement of Principles, and
- reasonably consistent with the licensing objectives.

3.4 The Act provides for 3 categories of licence:

- operating licences
- personal licences
- premises licences

3.5 The Council will be responsible for issuing premises licences, notices and permits. The Gambling Commission will be responsible for issuing operating and personal licences.

#### The Gambling Commission

3.6 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

3.7 The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

3.8 The Commission has issued Guidance under Section 25 regarding the manner in which local authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities.

3.9 The Commission will also issue one or more codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, which may also include provisions about the advertising gambling facilities.

The Gambling Commission can be contacted at:

[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

#### Authorised Activities

3.10 'Gambling' is defined in the Act as gaming, betting, or taking part in a lottery.

- gaming means playing a game of chance for a prize

- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

#### **4. DECLARATION**

4.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses received from those consulted on the statement.

#### **5. RESPONSIBLE AUTHORITIES**

5.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

5.2 In accordance with the Gambling Commission Guidance for local authorities, this authority designates the Children and Young Peoples Directorate of Calderdale Metropolitan District Council for this purpose.

5.3 Section 157 of the Act defines the responsible authorities as: -

- The Gambling Commission
- The Police
- The Fire Service
- The local planning authority
- Environmental Health
- Children and Young Peoples Directorate
- HM revenue and Customs
- A licensing authority in whose area the premises is situated

Contact details for the Responsible Authorities are available on the Councils Website at [www.calderdale.gov.uk](http://www.calderdale.gov.uk) and are also shown in Appendix 3 of this Statement of Principles.

- 5.4 The inclusion of a wide range of responsible authorities in the Act aims to ensure that all relevant regulatory bodies and organisations are made aware of applications for gambling premises licences or other permissions. In many instances comments that responsible authorities make will be relevant to the licensing authority's determination.
- 5.5 In some cases representations may not relate to matters that lead to a hearing of the application by the Licensing & Regulatory Committee. However a policy of wide dissemination of applications allows responsible authorities to take action under their own legislation and enforcement powers.
- 5.6 Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not take into account representations which are deemed to be irrelevant, i.e.:
- there are too many gambling premises in the locality
  - the premises are likely to be a fire risk
  - the location of the premises is likely to lead to traffic congestion
  - the premises will cause crowds to congregate in one area causing noise and nuisance

Each representation will, however, be considered on its own individual merits.

## **6. INTERESTED PARTIES**

6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These representations must be made in writing, be relevant to the licensing objectives, or raise issues under the statement of principles or Gambling Commission Guidance or Codes of Practice and made in accordance with the Act and any Regulations made by the Secretary of State.

6.2 Interested parties are defined in the Gambling Act 2005 as follows:

“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-

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or

- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above

6.3 In determining whether someone lives sufficiently close to a particular premise so as to be affected the Council will take into account, among other things:

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complainant
- the potential impact of the premises

6.4 In determining whether a person has a business interest which could be affected the Council will consider, among 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

6.5 When deciding whether a person is an interested party as defined in the Act, each case will be considered on its merits.

6.6 Interested parties may include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.2). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

6.7 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 6.8 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing and Regulatory Committee dealing with the licence application. If there are any doubts then please contact the licensing department at Westgate House, Halifax on telephone 01422 393131 or email [licensing@calderdale.gov.uk](mailto:licensing@calderdale.gov.uk)
- 6.9 If an existing gambling business makes a representation stating that it is going to be affected by another gambling business starting up in the area, the Council would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition. However, where representations do relate to the licensing objectives and are made by a business which meets the criteria of an interested party then they will not be excluded merely because they are made by another gambling business.
- 6.10 The Council may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Council will normally consider:
- who is making the representation and whether there is a history of making representations that are not relevant,
  - whether it raises a 'relevant' issue or not, or
  - whether it raises issues specifically to do with the premises which are the subject of the application
- 6.11 Each representation will be considered on its own merits having regard to the Gambling Commission Guidance to local authorities.

## **7. EXCHANGE OF INFORMATION**

- 7.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 7.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the

Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 7.3 Should any protocols be entered into by the Licensing Authority, as regards information exchange with other bodies then they will be made available.

## **8. ENFORCEMENT**

- 8.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 8.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

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

- 8.4 This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme.

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

- 8.6 This licensing authority will also have regard to the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 8.7 This licensing authority's enforcement concordat will be available upon request from the licensing department at Westgate House, Halifax on telephone 01422 393131 or email [licensing@calderdale.gov.uk](mailto:licensing@calderdale.gov.uk), or [www.calderdale.gov.uk/business/licences](http://www.calderdale.gov.uk/business/licences)
- 8.8 The Licensing Authority recognises that certain operators have a number of premises within the Borough. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual and whom the authority will contact first should any compliance queries or issues arise.

## **9. LICENSING AUTHORITY FUNCTIONS**

- 9.1 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
  - 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

9.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licence

Spread betting is regulated by The Financial Services Authority  
The National Lottery is regulated by The National Lottery Commission

## **PART B**

### **1. GENERAL PRINCIPLES**

1.1 A premises licence can authorise the provision of facilities at the following:

- adult gaming centres
- family entertainment centres
- casino premises
- bingo premises
- betting premises
- betting tracks

1.2 Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

1.3 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks fit:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

In determining whether to grant a premises licence the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

1.4 As per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards

any 'no casino resolution' - see section on Casinos below – page 10) and also that unmet demand is not a criterion for a licensing authority.

1.5 **Definition of “premises”** - Premises is defined in the Act as “any place and in particular a vessel and a vehicle”. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

1.6 This licensing authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that:

- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
  - The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
  - that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an

overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

- 1.7 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.
- 1.8 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. 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.
- 1.9 **Duplication with other regulatory regimes** - This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.10 **Licensing objectives** - Premises licences which are granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission’s Guidance to local authorities and its general principles are as set out below:

### Preventing gambling from being a source of crime and disorder

- 1.11 The Gambling Commission will play a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors.
- 1.12 Anyone applying to the Council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued so the Council will not be concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Council will bring those concerns to the attention of the Commission.
- 1.13 As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers.
- 1.14 The Council will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance was required to deal with it. Another factor the Council is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.
- 1.15 When making decisions in this regard the Council will have due regard to any representations made by the police.

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

- 1.16 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in

a fair and open way as this will be addressed via operating and personal licences.

- 1.17 Betting track operators do not need an operating licence from the Commission and the Council may, in certain circumstances require conditions to be attached to the licence (see section 7 – Tracks)

Protecting children and other vulnerable people from being harmed or exploited by gambling

- 1.18 This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Such measures may include the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.
- 1.19 This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 1.20 The Gambling Commission is not seeking to offer a definition of the term “vulnerable people” but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. For the purpose of this Statement of Principles “vulnerable persons” will be defined as individual who, from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem or the effects of alcohol or drugs. Should the Gambling Commission issue a practical definition in future then this policy statement will be updated with it, by way of a revision.
- 1.21 The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will

balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

## **CONDITIONS**

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

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

1.23 Decisions upon individual conditions will be made on a case by case basis. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

1.24 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area. These matters are in accordance with the Gambling Commission's Guidance.

1.25 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 1.26 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 1.27 This licensing authority is aware that tracks may be subject to one or more premises licences, 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.
- 1.28 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
  - conditions relating to gaming machine categories, numbers, or method of operation;
  - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
  - conditions in relation to stakes, fees, winning or prizes.

### **DOOR SUPERVISORS**

- 1.29 The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). This licensing authority therefore has specific requirements for door supervisors working at casinos or bingo premises which are that such door supervisors meet the same standards in relation to training and conduct as is required by the SIA. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc. However the Licensing Authority will only require door staff at premises where there is clear evidence from the history of trading at the premises that the premise cannot be adequately supervised and therefore door the requirement for door supervision is both necessary and proportionate.

- 1.30 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

## **2. ADULT GAMING CENTRES**

- 2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 2.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues 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-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as Gamcare.

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

## **3. LICENSED FAMILY ENTERTAINMENT CENTRES**

- 3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 3.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- CCTV
  - Supervision of entrances / machine areas
  - Physical separation of areas

- Location of entry
- Notices / signage
- Specific opening hours  
Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as Gamcare.
- Measures/training for staff on how to deal with suspected truant school children on the premises

3.3 The Secretary of State and Scottish Ministers have set out in regulations the mandatory conditions specifically to FEC premises licences:

Mandatory Conditions:

- The summary of the terms and conditions of the premises licence issued by the licensing authority under section 164(1) (c) of the Act must be displayed in a prominent place within the premises.
- The layout of the premises must be maintained in accordance with the plan.
- The premises must not be used for the sale of tickets in a private lottery or customer lottery, or the National Lottery.
- No customer shall be able to enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track). There should be an area separating the premises concerned, which the public go to for purposes other than gambling, for there to be shown to be no direct access.
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- Over 18 areas within FECs that admit under 18s must be separated by a barrier with prominently displayed notices at the entrance stating that under 18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas for the category C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

#### **4. CASINOS**

- 4.1 No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.
- 4.2 Licence considerations / conditions - Part 9 of the Guidance to Licensing Authorities refers to the conditions that may or may not be attached to premises licences, and those that are attached automatically. The Secretary of State and Scottish Ministers have set out in regulations the conditions relating specifically to casino premises – default conditions that will apply unless the licensing authority chooses to exclude them using its powers under section 169.
- 4.3 Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

#### **5. BINGO PREMISES**

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

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate 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 the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and

- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

5.2 Children and young persons (up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines. Further restrictions are available from the licence conditions and codes of practice issued by the Gambling Commission.

## **6. BETTING PREMISES**

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

## **7. TRACKS**

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

7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young person's 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.

7.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues 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-baring schemes
- Provision of information leaflets / helpline numbers for organisations such as Gamcare

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

7.4 Gaming machines -Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

7.5 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 wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

7.6 Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other

measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

7.7 Applications and plans – Section 151 of the Act requires applicants for premises licences to submit plans of the premises with their application. This ensures that licensing authorities have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also inform further premises inspection activity. Plans for tracks need not be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by their regulations. The guidance to licensing authorities advises the licensing authority the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.” and that “Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.”

7.8 This licensing authority also notes that in the Commission’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **8. TRAVELLING FAIRS**

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

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

8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring

authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **9. PROVISIONAL STATEMENTS**

9.1 This licensing authority notes the Guidance for the Gambling Commission which states that 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
- Expects to acquire a right to occupy

9.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage
- which is in the authority's opinion reflect a change in the operator's circumstances
- Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

Section 210 of the Act states that the licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

The Gambling Commission has advised in its guidance that a provisional statement can be refused on exactly the same grounds as a premises licence. The applicant may appeal against the rejection of an application for a provisional statement under section 206 (1); and a person who made representations or the applicant may appeal against the grant of an application.

## **HEARINGS AND REVIEWS**

- 10.1 This Licensing Authority will hold a hearing to determine an application for a Premises Licence, Provisional Statement or Club Gaming/Club Machine Permits if an interested party of responsible authority has made (and not withdrawn) relevant representations about the application.
- 10.2 The hearing will be held before a Licensing Sub-Committee of three Councillors.
- 10.3 A hearing will also be held if the Licensing Authority propose to attach or exclude a condition under Section 169 (1) (a) or (b) of the Act without the consent of the applicant and any interested party who has made representations about the application.
- 10.4 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
  - 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 gambling principles.
- 10.5 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.
- 10.6 Following a review, the Licensing Authority may add, remove or amend any conditions attached to the licence, suspend the licence for a period not exceeding three months or revoke the licence.
- 10.7 In determining what action, if any, should be taken following the review, the Licensing Authority will have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.

10.8 In considering an application or review, the Licensing Sub-Committee will have regard to the licensing objectives, any relevant provisions of the Human Rights Act 1998 and any Regulations made by the Secretary of State.

## PART C

### **1. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS (STATEMENT OF PRINCIPLES ON PERMIT-S - SCHEDULE 10 PARAGRAPH 7)**

- 1.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 Schedule 10 paragraph 7 enables a Licensing Authority to “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule. It should be noted that a licensing authority cannot attach conditions to this type of permit and that the licensing authority does not have to have regard to the licensing objectives but does need to have regard to any Gambling Commission guidance.
- 1.3 Statement of Principles = This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

### **2. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS - (SCHEDULE 13 PARAGRAPH 4(1))**

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

- 2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as Gamcare.
- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

**3. PRIZE GAMING PERMITS - (STATEMENT OF PRINCIPLES ON PERMITS) - SCHEDULE 14 PARAGRAPH 8 (3)**

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

3.2 This licensing authority expects that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law.

3.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

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

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

**4. CLUB GAMING AND CLUB MACHINES PERMITS**

4.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Machine

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

- 4.2 Gambling Commission Guidance state: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs.. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 4.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that: -
- (a) 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;
  - (b) the applicant's premises are used wholly or mainly by children and/or young person's;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.
- 4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities state: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

(c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

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

## **5. TEMPORARY USE NOTICES**

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

## **6. OCCASIONAL USE NOTICES**

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

## **PART D**

### **1. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTION**

.1.1 The licensing authority has established a Licensing and Regulatory Committee to administer the wide range of licensing decisions and functions which the licensing authority will be involved in.

1.2 The Licensing and Regulatory Committee has delegated certain decisions and functions and established a number of sub committees to deal with them. This will provide an efficient and cost effective service for all parties involved in the licensing function.

1.3 The grant of non-contentious applications has been further delegated to officers.

1.4 The table below sets out the agreed delegation of decisions and functions to Full Council, Licensing and Regulatory Sub Committees and Chief Law and Administration Officer.

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing and Regulatory Sub Committee</b>	<b>Chief Law and Administration Officer</b>
Policy not to permit casinos	X		
Fee setting (where appropriate)		X	
Application for premises licence		Where relevant representations have been received and not withdrawn	Where no relevant representations received or where representations have been withdrawn
Application for a variation to a licence		Where relevant representations have been received and not withdrawn	Where no relevant representations received or where representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Gambling Commission	Where no representations have been received from the Gambling Commission
Application for a provisional statement		Where relevant representations have been received and not withdrawn	Where no relevant representations received or where representations have been withdrawn
Review of a premises licence		X	
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		X	
Applications for other permits			X

Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Decision to attach/exclude a condition under section 169(1)(a)or(b) of the Act		Where the consent of the applicant or interested party who has made relevant representations has not been given	Where the consent of the applicant or interested party who has made relevant representations has been given
Applications for small lottery registrations		Where objections have been made (and not withdrawn)	Where no relevant representations received or where representations have been withdrawn

## 2. **SUMMARY OF PROCESS**

2.1 Where relevant representations have been received each application for a licence will be considered:-

- on its individual merits;
- in accordance with the Gambling Act 2005, as may be amended and supporting Regulations;
- with reference to statutory guidance issued by the Gambling Commission as provided for by S25 of the Act;
- with reference to the licensing authority's Statement of Principles

2.2 Nothing in the licensing authority's Statement of Principles will:-

- prevent any person from applying under the Act for any of the permissions or consents provided for therein and from having that application considered and determined on its own merits
- prevent any person or stop any person from making representations on any application or from seeking a review of a licence or permit where the Act permits them to do so.

### **3. CONSULTATION**

- 3.1 In accordance with the Act, the licensing authority is committed to consulting with interested citizens and organisations throughout the borough with regard to the preparation of its statement of principles and any future amendments revisions or alterations thereto.
- 3.2 In addition to any other consultees the licensing authority has consulted, in accordance with section 349(3) of the Act with the following persons:
- The Chief Constable of West Yorkshire Police
  - persons / bodies who appear to the authority to represent the interests of persons carrying on gambling businesses in the borough
  - persons / bodies 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 this Act.
- 3.3 The views of all consultees were considered by the licensing authority.
- 3.4 This statement of principles will come into effect on the 20<sup>th</sup> January 2010 and will be operational for a period of 3 years thereafter. Its effectiveness in assisting in the promotion of the licensing objectives will be monitored during this period with a further review before 2013..
- 3.5 Any amendments to this statement of principles, unless very minor, will be consulted upon following the same process as outlined above.

20th January 2009

## APPENDIX 1

### GLOSSARY OF TERMS

<b><u>Term</u></b>	<b><u>Description</u></b>
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting Machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: Cash bingo, where the stakes paid make up the cash prizes that can be won and Prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the U.K require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Default condition	To be prescribed in Regulations. Will be attached to all classes of premises licence, unless excluded by the council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined 's 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or 'to'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are: <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are

<b><u>Term</u></b>	<b><u>Description</u></b>
	allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).
Mandatory condition	A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.
Odds	The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self contained betting premises within a track premises. Such self contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track. (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day. (on-course betting)
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statement of support or negative objections which are made in relation to a licensing application. Representations must be made in time. E.g. During a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed. A full list of RA's is shown at Appendix 3.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the council which outlines the areas that

<b><u>Term</u></b>	<b><u>Description</u></b>
	applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tot	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

## TYPES OF GAMING MACHINES

<b>CATEGORY OF MACHINE</b>	<b>MAXIMUM STAKE</b>	<b>MAXIMUM PRIZE</b>
A	Unlimited	Unlimited
B1	£2	£4000
B2	£100 (in multiples of £10)	£500
B3 A	£1	£500
B3	£1	£500
B4	£1	£250
C	£1	£70
D – non money prize (other than a crane grab machine)	30p	£8
D- non money prize (crane grab machine)	£1	£50
D – (money prize)	10p	£5
D- combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D- combined money and non-money prize (coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)

## RESPONSIBLE AUTHORITY CONTACT DETAILS

<p>Calderdale Metropolitan Borough Council Licensing Authority 2<sup>nd</sup> Floor Westgate House Halifax HX1 1PS 01422 393001</p>	<p>Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP 0121 2306666</p>
<p>Chief Officer of Police West Yorkshire Police Calderdale Division Richmond Close Halifax HX1 5TW 01422 337059</p>	<p>West Yorkshire Fire and Rescue Service Halifax Fire Safety Office Skircoat Moor Road King Cross Halifax HX1 3JF 01422 365381</p>
<p>Calderdale Metropolitan Borough Council Planning Authority Northgate House Northgate Halifax HX1 1UN 01422 392237</p>	<p>Calderdale Metropolitan Borough Council Environmental Health Services Northgate House Northgate Halifax HX1 1UN 01422 392325</p>
<p>Calderdale Metropolitan Borough Council Health and Social Care Directorate Social Services Protection and Reviews 1 Park Road Halifax HX1 2TU 01422 363561</p>	<p>HM Revenue and Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ 0141 555 3633  nru.betting&amp;gaming@hmrc.gsi.gov.uk</p>