



Statement of Gambling Policy 2025 - 2028

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PART A – STATEMENT OF PRINCIPLES

1 The Licensing Objectives

1.1 In exercising their functions under the Gambling Act 2005 (“Act”), Wyre Council as the Licensing Authority will have regard to the following three licensing objectives as set out in section 1 of the Act.

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

The Gambling Commission play a leading role in preventing gambling from being a source of crime, through maintaining rigorous procedures that aim to prevent criminals from providing facilities for gambling, or being associated with doing so, as a result of the operating licensing procedure.

The Licensing Authority will take into account any local considerations that may impact on this licensing objective, particularly in respect to the location of the premises.

When considering whether a disturbance was serious enough to constitute disorder, the Licensing Authority will have regard to the individual merits of the situation, including but not limited to whether police assistance was required and how threatening the behaviour was to those who could see or hear it.

We acknowledge that the Gambling Commission guidance to local authorities indicates that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance”.

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

The Licensing Authority expects the management of a gambling business to ensure that all gambling is conducted in a fair and open way. Concerns or complaints that arise under this objective will be referred to the Gambling Commission in their role as the regulators of operators and personal licences.

The Licensing Authority however will concern itself with matters arising under this objective in respect of tracks, where the track operators will not necessarily have an operating licence. In those circumstances the Licensing Authority will consider whether conditions are required on the premises licence 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**

This requirement is explicitly to protect children from being “harmed or exploited by gambling”. In practice that means not just preventing them from taking part in gambling, but restricting advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

1.2 In accordance with section 153 of the Act, in making decisions about premises licences and temporary use notices the Licensing Authority will aim to permit the use of premises for gambling in so far as it considers that it is:-

- in accordance with any 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; and

- in accordance with this Gambling Policy Statement
- 1.3 Wyre Council particularly notes the Gambling Commissions latest guidance to Licensing Authorities:

“Licensing Authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application a Licensing Authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be met and such objections do not relate to the licensing objectives. An authority’s decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area with the exception of the casino resolution powers” ¹(Part 5, Section 5.34).

- 1.4 Each application must be considered on its merits.
- 1.5 In deciding whether or not to grant a licence this Licensing Authority does not have regard to the expected demand for the facilities that are the subject of the application.

2 Introduction

2.1 The Gambling Commission was set up under the Gambling Act 2005 (The Act) to regulate gambling in the UK in partnership with licensing authorities. The Gambling Commission is an independent non-departmental public body sponsored by the Department for Digital Culture, Media and Sport (DCMS) whose work is funded by fees set by DCMS and paid by the organisations and individuals whom the Gambling Commission licences. The Gambling Commission issues operating licences for gambling operators and through effective regulation and public engagement to ensure that crime is kept out of gambling, that gambling is fair and open and that children and the vulnerable are protected.

2.2 The Gambling Commission has issued guidance in accordance with Section 25 of the 2005 Act about the manner in which licensing authorities exercise their licensing functions under the Act.

The Gambling Commission will issue Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.

2.3 Wyre Council is designated as a Licensing Authority for the purposes of the Gambling Act 2005 and is therefore responsible for granting premises licences within the Council area in respect of:

- Adult Gaming Centres
- Bingo Premises
- Betting Premises including tracks
- Casino Premises
- Family Entertainment Centres

2.4 Section 349 of the Act requires Wyre Council to publish a Statement of Principles that will be applied whilst exercising our various functions under the Act. This statement of principles fulfils that statutory requirement and details our general approach to the making of licensing decisions.

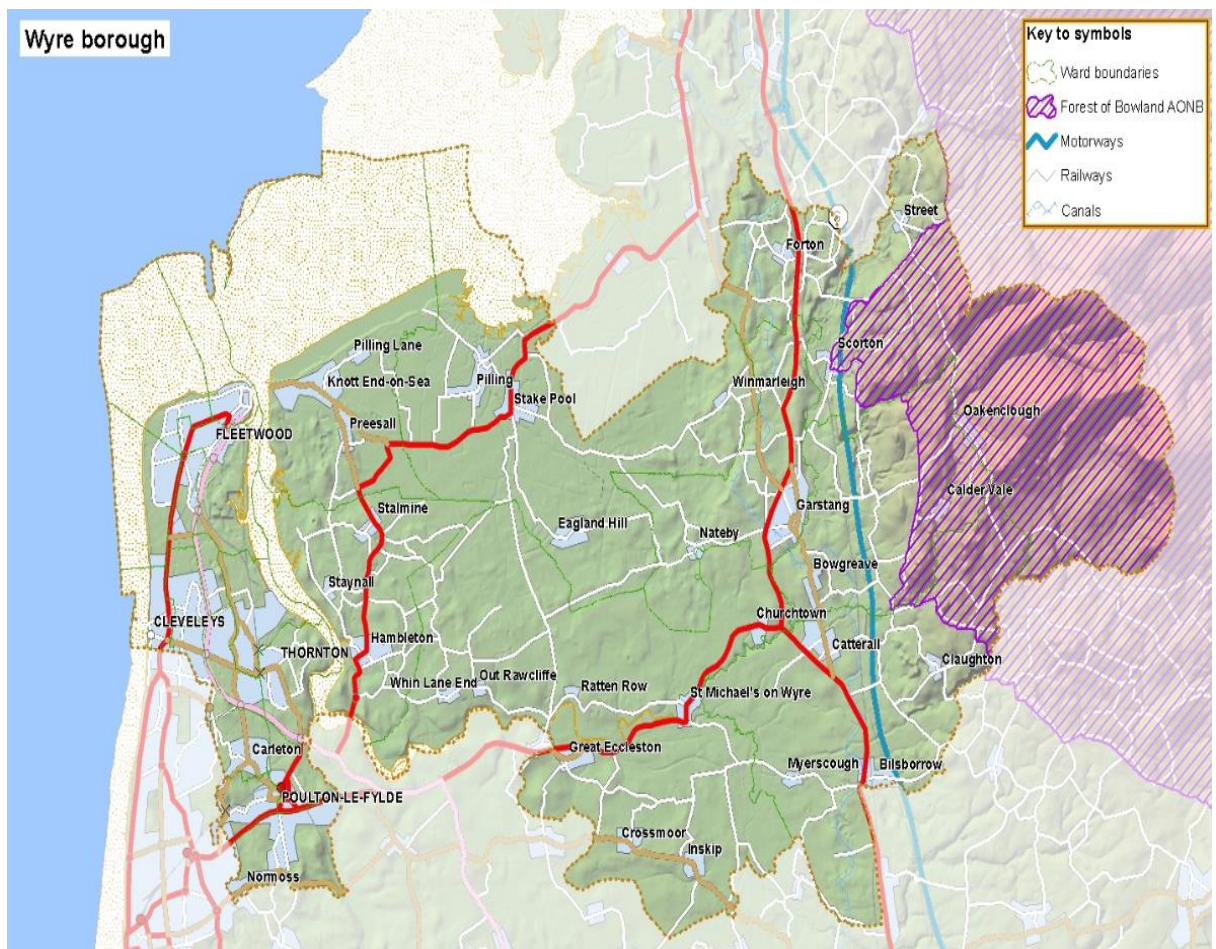
¹ [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk)

2.5 This policy was approved by Council on XXXX, for the period 1st April 2025 to 31st March 2027 and will be reviewed where necessary and at least every three years from the date of adoption.

3 The Geographical Area

3.1 Wyre Borough Council is situated in the north west of Lancashire and covers an area of almost 283 square kilometres. To the west of the River Wyre, from which the Borough took its name in the 1974 Local Government reorganisation, is the urban area which incorporates the four main townships of Poulton-le-Fylde, Thornton, Cleveleys and Fleetwood. To the east of the River Wyre is the rural area known colloquially as Over Wyre. With the exception of the fair trade town of Garstang, the communities in the Over Wyre area are centred around villages including: Hambleton; Knott End; Preesall, Pilling and Stalmine.

3.2 **Figure 1: Map of Wyre Borough.**



3.3 Wyre has a number of premises that are licensed to provide facilities for gaming, including betting shops, Adult Gaming Centres and Family Entertainment Centres. These are mostly situated on the high streets of the main towns, with a number of entertainment centres providing slot machines in Fleetwood and Cleveleys to cater for visitors to the towns. The M6 Services at Lancaster also has a betting shop, adult gaming centres and permitted centres.

3.4 ²The 2023 mid-year population estimate of Wyre was estimated at 116,994.

² [Wyre district - Lancashire County Council](#)

- 3.5 Population estimates and records of deaths and births show that the number of deaths has, over the long-term, consistently been higher than live births in the authority. Despite this, it is estimated that the population will increase by 10.3% between 2018 - 2043 and this is above the 7.2% predicted for the Lancashire -14 area. Net migration of residents from other areas of England, Scotland, Northern Ireland and Wales into Wyre will contribute the most to the increase, with Wyre seeing a yearly internal migration flow of more than 6000 persons.
- 3.6 ³Figures provided by the Office for National Statistics show the average (median) age of Wyre has increased by 3 years from 47 to 50 years of age. This is the second-highest median age in the North West (alongside Fylde and behind the South Lakeland portion of Westmorland and Furness) and a higher average (median) age than England (40 years).
- 3.7 There are around 53,300 dwellings in Wyre of which 92.5% are owner occupied or privately rented. On the whole larger proportions of Wyre's housing stock fall within the higher council tax bands compared to the County average, with a lower proportion in band A than other Lancashire districts.
- 3.8 A household is considered to be fuel poor if it has higher than typical energy costs and would be left with a disposable income below the poverty line if it met those energy costs. The measure of fuel poverty suggests that 13.3% of Wyre households are considered to be in fuel poverty. This is an increase against previous figures but is below the Lancashire and England averages with Wyre ranked 182 out of the 296 authorities included (Lancaster 15.1 % households in fuel poverty ranked 224 and Blackpool 19.7% households in fuel poverty ranked 285). The majority of urban fuel poor households are clustered in Fleetwood - Pharos, Warren and Mount ward, and in the rural areas they are in Pilling, Out-Rawcliffe, Winmarleigh, Forton, Nether Wyresdale and Bleasdale.
- 3.9 Wyre is ranked as the 147th authority out of 317 district and unitary authorities in England, when measured by the rank of average Lower Super Output Area (LSOA) rank. Spatially there is recognised inequality between urban and rural parts of the borough, with the more deprived areas being found exclusively in the urban areas. Currently, much of Wyre ranks in the least deprived areas of England with some areas, such as Garstang and parts of Poulton-le-Fylde, Thornton and Cleveleys ranking in the least deprived 10%. However, several areas in Fleetwood are ranked amongst the most deprived 10% in England.
- 3.10 ⁴There are 49 schools in Wyre, of which 38 are primary, 7 secondary, 3 special education schools and 1 pupil referral unit.
- 3.11 Wyre Borough has the seventh lowest percentage of children on child protection plans in the Lancashire-12 (L-12) (52.2 per 10,000). The highest number of plans are in the Fleetwood wards of Rossall, Pharos, Park and Mount followed by Carleton and Bourne ward.
- 3.12 ⁵Wyre Borough has the 6th lowest overall crime rate in the North West. The recorded crime article reveals that the area has a crime rate well below average for the Lancashire-14 (L-14) region. Alcohol is known to contribute to offending behaviour, particularly violence, anti-social behaviour and criminal damage. Residents in the authority are significantly worse than the national

³ [How life has changed in Wyre: Census 2021 \(ons.gov.uk\)](https://ons.gov.uk)

⁴ [Wyre district - Lancashire County Council](#)

⁵ [Crime and disorder in Wyre, 2024 Q1 \(12 months ending\) | LG Inform \(local.gov.uk\)](#)

average for the all but one of alcohol related indicators, according to the Local Area Profiles for England (LAPE).

- 3.13 ⁶Pharos and Mount wards in Fleetwood have more than double the borough average number of recorded crimes.
- 3.14 Applications for Premises licences falling within deprived wards will have to satisfy the Licensing Authority that the granting of a licence would not further contribute to existing deprivation levels, or otherwise undermine the protection of children and other vulnerable persons from being harmed or exploited by gambling.

4 Statement of Principles

- 4.1 Licensing Authorities are required by the Act 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 consulted upon following which the statement must then be re-published.
- 4.2 This statement of principles is written to conform to the provisions of the Act and its associated regulations. The Gambling Commissions Guidance issued under Section 25 of the Act outlines the way that this Licensing Authority will deal with applications for a range of premises licences, permits and enforcement of the Act.
- 4.3 This statement of principles supersedes all previous versions relating to gambling. Any application determined on or after the date that it takes effect will be administered under the requirements set out within it irrespective of the date the application was submitted to or received by the Licensing Authority.
- 4.4 This is not a stand-alone document and must be read in conjunction with relevant legislation, codes of practice and guidance. Whilst the statement of principles sets out the Wyre Council's position with respect to the Gambling Act 2005, the legal interpretation and application of the Act is ultimately a matter for the Courts.
- 4.5 It should be noted that the statement of principles will not override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing within it will undermine the right of any person to make representations on an application or seek a review of a licence where there is a legal power to do so.
- 4.6 Wyre Council's Statement of Principles will be published on the Council Website:
XXXXX
- 4.7 The Licensing Authority will also consult with relevant organisations and interested parties who it considers have a relevant legal or professional interest to comment and consider any other contribution from any other person, business or organisation that it considers as relevant.
- 4.8 The Licensing Authority may consult the following organisations as part of any public consultation:
- Citizens Advice Bureau.
 - Chamber of Commerce and Federation of Small Businesses.
 - Council Planning Department.

⁶ [Local area community safety statistics - Lancashire County Council](#)

- Council Adult Social Care.
- Council Children’s Social Care.
- Council Environmental Health Team.
- Lancashire Constabulary.
- Director of Public Health.
- Existing Licence Holders.
- Gamblers Anonymous.
- Gambling Commission.
- Local Faith Groups.
- Local Residents Groups.
- NSPCC.
- Voluntary and Community organisations working with Children and Young People.
- Ward Councillors.

A full list of Consultees is available at Appendix 1.

4.9 Proper weight will be given to the views of all those who have been consulted prior to the date of implementation of the Statement of Principles.

4.10 **Declaration**

In producing the published Statement of Principles the Licensing Authority declares that it has had regard to the Licensing Objectives of the Act, the Gambling Commissions Guidance and any responses from those consulted on the statement.

5 Gambling Prevalence and Social Responsibility

5.1 Gambling related harm is defined as any type of repetitive gambling that disrupts or damages a person, family, or recreational pursuits. It can have many and varied impact, including on an individual’s physical and mental health, relationships, housing and finances and affect a wide range of people, such as families, colleagues and wider local communities (for example, where problem gambling is associated with crime or homelessness) and society as a whole (in terms of the costs that may be created by problem gambling). Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts. Gambling Operators must comply with the Gambling Commission’s Licence Conditions and Codes of Practice - Gambling Commission (LCCP). The Social Responsibility Code 3 requires gambling operators to have and put into effect policies and procedures to

promote socially responsible gambling and these should reduce the risk of, and seek to identify, problem gambling. The requirements on gambling premises under the social responsibility code are based upon key areas:

- Provision of information on gambling responsibly – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.
- Customer interaction – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.
- Layout of the premises - operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
- Self-exclusion – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. In addition to operating their own self-exclusion schemes all licensees must offer the facility for customers to self-exclude on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

Any marketing communications for gambling must be socially responsible, with particular regard to the need to protect children, young persons, and other vulnerable persons from being harmed or exploited. Licensees are required to comply with the Social Responsibility Code 5 of the Licence Conditions and Codes of Practice - Gambling Commission (LCCP).

6 Local Risk Assessments

- 6.1 The Gambling Commission's Social Responsibility Code (Licence Conditions & Codes of Practice 10.1.1 requires operators to consider local risks. The Gambling Commission's Social Responsibility Code require premises licence holders to assess any 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.
- 6.2 The local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They must be specific to the premises, the area and the local community and must be owned by the premises managers to ensure they are site specific. A local risk assessment of gambling premises should be carried out through a step by step approach. This will involve the following:
- Assessing the local area
 - Identifying the relevant risk factors

- Assessing the gambling operation
- Assess the internal and external premises design

Once the risk factors have been identified the appropriate control measures to mitigate the risks can be considered. These control measures may either already be in place or will need to be implemented.

- 6.3 The risk based approach provides a better understanding of and enables a proportionate response to risk. This approach includes looking at future risks and thinking about the probability of an event occurring and the likely impact of that event and how it will impact on the licensing objectives.
- 6.4 It will be the responsibility of the gambling operator to assign an assessor to look at local risk for their premises. The person assigned as the assessor must be competent to undertake the role and understand how the premises operates or will operate and where it is located. The assessor will also need to understand the local area and the impact of gambling premises in that area.
- 6.5 Operators will be required to undertake local risk assessment when applying for a new premises licence. Their risk assessment will also need to be updated:
- When applying for a variation of a premises licence and including a temporary use notice
 - To take account of significant changes in local circumstances, including those identified in this policy.
 - When there are significant changes at a licensee's premises that may affect the level of risk or the mitigation of those risks. This includes inclusion of screens/privacy booths around machines and any changes to the interior layout of the premises. Significant changes will require a variation to the premises licence.
- 6.6 The following lists set out some examples of what the Licensing Authority considers to be significant changes in local circumstances:
- The local area is classified or de-classified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
 - Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors.
 - Any pay day loan or pawn broker shops open in the local area.
 - Changes are made to the provision, location and timings of public transport in the local area such as a bus stop which is used by children to attend school or where a significant change is made to an existing establishment.
 - The local area is identified as having elevated crime by the local chief of police or by the Licensing Authority.
 - Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises.
 - A new gambling premises opens in the local area.

This is not an exhaustive list of significant changes in local circumstances.

Operators must consider what is happening in their local areas and identify when these changes may be considered as significant.

- 6.7 The following lists sets out examples of what this Licensing Authority consider to be significant changes in licensed premises which may result in the requirement for a variation to existing premises licence;
- Any building work or premises refit where gambling facilities are relocated within the premises. Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors.
 - The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licence holder.
 - Any changes to the operator's internal policies which as a result requires additional or changes to existing control measures that would result in retraining of staff.
 - The entrance(s) to the premises are changed.
 - New Gambling facilities are made available on the premises which were not provided previously an example would be bet in play, handheld gaming devices for customers, self-service betting terminals or if a different category of gaming machine is provided.
 - Changes to staffing levels or opening times.
 - The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example to permit the sale of alcohol or to provide sexual entertainment on the premises.
- 6.8 A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.
- 6.9 The Social Responsibility Code provision is supplemented by the LCCP: Ordinary Code 10.1.2 that requires licensees to share their risk assessments with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises.
- 6.10 The risk assessment must be updated annually, kept on the premises to which it relates and be available for inspection by an authorised officer of the Licensing Authority or Gambling Commission.
- 6.11 There are no plans to request that licensed premises share their risk assessments on a periodic basis, where concerns do exist, perhaps prompted by new or existing risks, the Licensing Authority is likely to request that a licensee share a copy of its risk assessment. The risk assessment will set out the measures the licensee has put in place to address specific concerns, thereby potentially reducing the occasions on which a premises review and the imposition of licence conditions is required.

- 6.12 The Licensing Authority in the first instance would seek to work with the licence holder to address any issues through introducing voluntary measures. It would only seek to impose licence conditions in exceptional circumstances where there is clear evidence for doing so.
- 6.13 In some circumstances it may be appropriate for the Licensing Authority to offer a licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.
- 6.14 The code requires the Licensing Authority 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.
 - assessing staffing levels to cover peak periods, e.g. summer season, college closures.
 - arrangement for localised exchange of information regarding self-exclusions and gaming trends.
 - urban setting such as proximity to schools, commercial environment and factors affecting footfall.
 - the range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
 - known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
 - Unemployment rates.
 - Suicide rates.
 - proximity of machines to the entrance door.
- 6.15 **Matters relating to children and young persons, including;**
- institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues.
 - any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted.
 - areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
 - recorded incidents of attempted underage gambling.
 - have in place an age verification policy.

Matters relating to vulnerable adults, including:

- information held by the licensee regarding self-exclusions and incidences of underage gambling.
- gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc. young

Other issues that may be considered could include:

- matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.

6.16 Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Some risk factors may require a combination of control measures to adequately mitigate the risk. Adequate management arrangements must be in place to ensure any control measures are in operation and licence holders may wish to record these checks as part of any due diligence defence.

6.17 The control measures must be implemented on the premises and if applicable, staff on the premises should be trained in their use or trained on any new policies or procedures.

7 General Points regarding Gaming Machines

7.1 Gaming machines are made available through a variety of permissions established by the granting of premises licences and permits. There are different categories of machine (the category will determine the level of stakes and prizes) and the number permitted to be made available for play by each operator is controlled by the licence or permit in question. For example, the allowance for an Adult Gaming Centre will differ from a Bingo premises. The Licensing Authority undertakes regular inspections of premises where licences and / or permits are in place to ensure that these requirements are complied with (Summary of Gaming Machine Categories at Appendix 4).

7.2 In view of the above, regardless of the permission involved, the Licensing Authority requires operators to:

- clearly display the classification (e.g. Category D) of each machine on the machine itself.
- Undertake consultation with the Licensing Authority in advance of applying screening and / or erection of booths to category B machines within

licensed premises and where deemed necessary make a full premises licence variation application to the Licensing Authority when intending to apply screening and / or booths for machines within licensed premises. A copy of the updated local risk assessment must also be included within the application to evidence that any risks presented have been recognised and mitigated.

- Ensure that gaming machines situated in premises licensed to sell / supply alcohol (authorised by way of notification of automatic entitlement and/or permit) are made available strictly in accordance with the Gambling Commission's code of practice with regards to gaming machines in alcohol-licensed premises.

7.3 The Licensing Authority will expect the holder of a Permit or Premises Licence to comply with the Codes of Practice issued by the Gambling Commission on the location of, and access to, such machines by children and young persons. [Section C - Gaming machines in clubs and premises with an alcohol licence.](#)

7.4 The Licensing Authority recognises concerns about unlawfully sited gaming machines because they are:

- Provided in prohibited places such as takeaways and taxi offices.
- Provided without a Responsible permit.
- Provided from an unregistered supplier and/or are uncategorised.
- Known to have links with organised crime.

7.5 In circumstances where illegal machines are being provided, the following actions may be taken by the Licensing Authority:

- Initial enforcement, visit and verbal/written warning issued to remove the machines.
- Removal of the gaming machines in partnership with the Gambling Commission / Police.

7.6 There are a variety of reasons why the provision of gaming machines may be illegal, and operators are advised to seek the advice of the Licensing Authority or the Gambling Commission before making them available. Where the Licensing Authority is uncertain of whether or not a machine is a gaming machine as defined under the Act, it will seek the advice of the Gambling Commission.

Where the Licensing Authority has concerns about the manufacture, supply, or repair of a gaming machine it will bring this to the attention of the Gambling Commission.

7.7 **Gaming in Alcohol Licensed Premises**

The Licensing Authority recognises that low level (exempt) gaming (e.g., bingo, poker and race nights) may take place in alcohol licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. Further information can be found here: [Exempt gaming in pubs - Gambling Commission](#) and [Section B - Equal chance gaming in clubs and premises with an alcohol licence.](#)

- 7.8 Where bingo is permitted in alcohol-licensed premises, this must be low turnover bingo only and applicants are expected to comply with any Codes of Practice Section B - Equal chance gaming in clubs and premises with an alcohol licence and advice issued by the Gambling Commission. High turnover bingo (where stakes and prizes exceed £2,000 in any 7-day period will require a Bingo Operating Licence from the Gambling Commission.
- 7.9 Where the Licensing Authority is suspicious that a licensee or club exceeds the prescribed limits, the Licensing Authority will inform the Gambling Commission accordingly.
- 7.10 No child shall be permitted to use a Category C gaming machines on the premises and the holder of the Premises Licence must comply with any code of practice Responsible to the location and operation of gaming machines. (Section C - Gaming machines in clubs and premises with an alcohol licence - Gambling Commission).
- 7.11 Gaming in alcohol-licensed premises should therefore be supervised by the person in day-to-day management control of the premises (a person authorised by the Designated Premises Supervisor (DPS)). All gaming should comply with the Codes of Practice issued by the Gambling Commission. (Section C - Gaming machines in clubs and premises with an alcohol licence).
- 7.12 As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Premises Licence holder is considered fully responsible and must be aware of and adopt these Codes of Practice together with any subsequent guidance issued by the Gambling Commission and to ensure that all gaming in such premises is suitably managed.

Further information on poker and gaming can be found here -

<https://www.gamblingcommission.gov.uk/authorities/guide/page/section-b-equal-chance-gaming-in-clubs-and-premises-with-an-alcohol-licence>

Poker and race night toolkit -

<https://www.gamblingcommission.gov.uk/authorities/guide/poker-toolkit>

8 Responsible Authorities

- 8.1 Responsible authorities are those public bodies as specified by the Act which must be notified of applications for premises licences. Such bodies are entitled to make representations in relation to applications. All representations made by responsible authorities are relevant if they relate to the licensing objectives. The Responsible Authorities are listed at Appendix 2.
- 8.2 Wyre Council is required by regulation 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.
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- In accordance with the Gambling Commissions Guidance this Authority designates the Lancashire Safeguarding Children's Board.

9 Interested Parties

- 9.1 Interested parties are invited to make representations about licence applications, or apply for a review of an existing licence. Section 158 of the Act defines interested parties as being those persons who in the opinion of the Licensing Authority:
- a) "live sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) has business interests that might be affected by the authorised activities, or
 - c) represent persons who satisfy paragraph (a) or (b)"
- 9.2 In determining whether someone lives sufficiently close to particular premises so as to be affected the Licensing Authority will take into account among other things:
- the size of the premises
 - the nature of the premises
 - the proposed activities at the premises
 - the distance from the premises of the person making the representation;
 - the nature of the complaint
- 9.3 In determining whether a person has a business interest which would qualify them as an interested party the Licensing Authority 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 interest in the catchment area that would potentially be affected by the gambling activities under consideration.
- 9.4 The authority will not apply a rigid rule to its decision making and every representation will be considered on its own merits. The Licensing Authority in determining whether a person is an interested party will always have regard to the Gambling Commission's published current Guidance to Local Authorities and this Policy.
- 9.5 The authority would generally view trade associations, trade unions, residents' and tenants' associations, faith groups and charities as representing interested parties, only where they can demonstrate at least one of their members meets the criteria in 9.2 or 9.3 above.
- 9.6 Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents a ward likely to be affected. Likewise Parish Councils likely to be affected will be considered to be interested parties.
- 9.7 Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorities activities and / or business interests that might be

affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 9.8 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 Committee dealing with the licence application. If there are any doubts then please contact Wyre Council Licensing Unit.

10 Exchange of Information

- 10.1 The Licensing Authority will, in accordance with Sections 29 and 30 of the Act exchange information with Gambling Commission where the request does not conflict with the Authority's duties under the Data Protection Act 2018.
- 10.2 The Licensing Authority will, in accordance with Sections 350 of the Act exchange information with other persons or bodies identified in Schedule 6 of the Act where the request does not conflict with the Authority's duties under the Data Protection Act 2018.
- 10.3 The Licensing Authority does not currently have any specific protocols with Schedule 6 bodies; however it will keep this position under review and establish suitable protocols where it is deemed necessary or advantageous to do so.
- 10.4 Details of persons making representations will be made available to applicants to facilitate negotiation and, in the event of a hearing being necessary, will form part of the public report. Anyone making representations or applying for a review of a premises licence will be advised that their details will be disclosed.

11 Enforcement

- 11.1 The main enforcement and compliance role for the Licensing Authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission is the enforcement body for operating and personal licences and they also deal with concerns about manufacture, supply and repair of gaming machines.

- 11.2 When interpreting legislation and determining necessary enforcement action this Licensing Authority will be guided by the Gambling Commission's Guidance to Licensing Authorities; its Codes of Practice; the Regulator's Code; its own Corporate Enforcement Policy, and any Primary Authority partnership that may be in place.

- 11.3 If reports are received of non-compliance, enforcement action will take place in accordance with the above. This authority adopts a graduated approach to enforcement and when seeking to resolve or address issues the general expectation of the authority is that operators promptly work alongside the licensing authority in taking remedial action. However where a serious issue is identified it is likely that the authority will immediately initiate some form of enforcement action.

As an example if the authority becomes aware that a premises is becoming associated with anti-social behaviour issues, it will in the first instance seek to work with the premises to address these through voluntary measures. If this is not successful in resolving the issues the authority is likely to then consider introducing conditions on the premises licence, or using other tools as appropriate.

- 11.4 There are tools that the Licensing Authority may consider in addressing issues that may be associated with a gambling premises, often linked to alcohol and/or anti-

social behaviour. Licensing authorities have the option under the Act to review, vary or impose conditions on a premises licence, but in practice these might not be the most effective tools to use to tackle problems linked to antisocial behaviour. Under the Antisocial Behaviour, Crime and Policing Act 2014 tools specifically designed to reduce anti-social behaviour such as dispersal powers, community protection notices or new public space protection orders, may have more of an impact and thus the Licensing Authority will in these cases work in close partnership with its partners for example Wyre Community Safety Partnership, to examine the full potential of a range of options. In very, very rare instances, where a premises is being used or likely to be used to cause nuisance or disorder and working with the operator has failed to address this a closure notice may be served.

11.5 When exercising its functions under Part 15 of the Act in respect of the inspection of premises and its powers under section 346 of the Act to instigate criminal proceedings in respect of offences, the Licensing Authority will act in accordance with the following principles and also follow the Code for Crown Prosecutors:

- **Consistency:** to ensure that similar issues are dealt with in the same way whilst taking into account
 - the attitude and actions of management;
 - the history of previous incidents or breaches
 - the likely effectiveness of the action taken.
- **Fairness:** to ensure a fair and even handed approach that promotes decisions which are not influenced by gender, ethnic origin, religious or political beliefs or sexual preferences or by contractual or other relationships to the Licensing Authority its members or officers.
- **Transparency:** to ensure that any enforcement action taken by the Licensing Authority is easily understood by individuals and that clear distinctions are made between legal requirements and that which is desirable.
- **Targeting:** to ensure that any enforcement action taken is focused primarily on those activities which give rise to the most serious risk or where the risks are considered to be inadequately controlled.
- **Proportionality:** any actions taken will reflect what is seen as necessary to achieve compliance with legislation and relate directly to the actual or potential risk to the consumer or business. Enforcement activities will be focused on those businesses or activities where:
 - intelligence from partners or complainants indicate concerns
and/or
 - evidence is found indicating deliberate breaches of the law and/or attempts to mislead officers.
- **Helpfulness:** Enforcement officers will be courteous and identify themselves by name and if requested will provide a contact telephone number. In most circumstances officers will seek to help businesses and those adversely affected by licensable activities through education in terms of regulatory requirements and procedures.

- **Accountable:** The Licensing Authority has responsibility to the public for its actions and will provide clear, accessible policies and a fair and efficient complaints procedure.
- 11.6 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible, however, it will work in partnership with other regulators when issues with licensed premises are identified, to deliver a multi-agency approach to audit, compliance and complaints work.
- 11.7 The Licensing Authority intends that the regulatory burden imposed by it will be the minimum consistent with the carrying out of its statutory duties. Accordingly its approach to ensuring compliance with licence conditions and codes of practice will be to apply a lighter touch to operators deemed to be low risk and a heavier more intrusive touch to higher risk operators.
- 11.8 This Licensing Authority has adopted a risk-based inspection programme. In order to promote national consistency, where practicable inspections will be undertaken with the use of the premises assessment templates available in the Premises assessments toolkit and Primary Authority agreements - Gambling Commission. and where available guidance in respect of the expectations of the district council in respect of compliance inspections (for example expectations in respect of compliance inspections undertaken in respect of at Unlicensed Family Entertainment Centres.
- 11.9 There may be occasions in which particular circumstances give rise to breaches of both a premises and an operating licence. In such circumstances, it may be appropriate for the Licensing Authority and the Gambling Commission to each review the licences for which they are responsible, with the Gambling Commission being a responsible authority in the premises licence review.
- 11.10 Where an interested party makes either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Authority may initially arrange a conciliation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the licensing committee consider their objections, or for any licence holder to decline to participate in a conciliation meeting.
- 11.11 The Licensing Authority will also have regard to any developments in terms of the work of the Better Regulation Executive in respect of the regulatory functions of local authorities.

11.12 **Test Purchasing**

The results of any under-age testing that is carried out on the Gambling Premises should be shared with Trading Standards and Lancashire Constabulary.

Any results from ⁷Test Purchasing operations should be used to review risk assessments in the local area as outlined in the ⁸Social Responsibility Code 3.2.7.

11.13 **Fees**

⁷ [Guidance to operators for age verification test purchasing \(non-remote\)](https://www.gamblingcommission.gov.uk/guidance-to-operators-for-age-verification-test-purchasing-non-remote)
([gamblingcommission.gov.uk](https://www.gamblingcommission.gov.uk))

⁸ [LCCP Condition 3.2.7 – Betting SR code](https://www.gamblingcommission.gov.uk/lccp-condition-3.2.7-betting-sr-code) ([gamblingcommission.gov.uk](https://www.gamblingcommission.gov.uk))

The Council takes the matter of non-payment of annual licence fees seriously and in accordance with Section 193 of the Gambling Act 2005 where an operator fails to pay without reasonable excuse the annual fee the premises licence shall be revoked.

11.14 When dealing with public money the Council has a duty to secure prompt payment as any delay in settling debt can undermine the effective operation of Council services. These principles will apply to relevant lotteries and permits issued by this Licensing Authority. Where a holder fails to pay an annual fee the Licensing Authority will exercise its powers under relevant schedules the Gambling Act 2005 to cancel the permit. However, each case must be treated on its own merits and consideration may be given to mitigating circumstances.

12 Licensing Authority Functions

12.1 Licensing Authorities have a duty under the Act to:

- Issue premises licences where gambling activities are to take place.
- Issue Provisional Statements where gambling activities are to take place.
- Regulate Member's clubs and Miner's Welfare Institutes who wish to undertake certain gaming activities by issuing 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 premises licensed to sell/supply alcohol for consumption on the licensed premises under the Licensing Act 2003, where there are more than two machines on the premises.
- Register small society lotteries below the prescribed thresholds.
- Issue Prize Gaming Permits. • Receive and endorse Temporary Use Notices.
- Receive Occasional Use Notices.
- Provide information to the Gambling Commission.
- Maintain registers of the permits and licences that are issued.

12.2 Local Licensing Authorities are not involved in licensing remote gambling which is regulated by the Gambling Commission via operating licences. The National Lottery is regulated by the National Lottery Commission and Online (Remote) Gambling is dealt with by the Gambling Commission.

13 Human Rights

13.1 Section 6 of the Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with a Convention right ("the Convention").

13.2 The Licensing Authority will ensure that it will act in accordance with the Convention when determining any application pursuant to the Act. In particular it will have regard to the following:-

- Article 1 of the First Protocol – every person is entitled to the peaceful enjoyment of his or her possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest
- Article 6 – The right to a fair hearing
- Article 8 – The right to respect for home and family life
- Article 10 – Right to freedom of expression

14 Equality

14.1 The Licensing Authority shall act in accordance with its duties under the Equality Act 2010 and in particular the legal obligation placed on it to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity.

15 Administration, Exercise and Delegation of Functions

15.1 The Licensing Committee shall deal with matters under the Act.

15.2 To facilitate an efficient and cost-effective service to all parties involved in the licensing process, the delegation of decisions and functions is set out in the table in Appendix 1.

15.3 The scheme of delegation does not preclude an Officer of the Licensing Authority from referring any matter to the Licensing Committee, if it is considered appropriate in the individual circumstances to do so.

15.4 Decisions in respect of contested applications will be made by the Licensing Committee.

15.5 The applicant or any person making a relevant representation has a right of appeal to the Magistrates Court if they are aggrieved by the decision of the licensing authority.

15.6 Any application for an appeal has to be submitted to the magistrate's court within 21 days of being notified in writing of the decision.

PART B - PREMISES LICENCES

16 General Principles

- 16.1 Premises Licences shall be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific Mandatory and Default Conditions which shall 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.
- 16.2 A Premises Licence is required from the Licensing Authority where an individual or company with a valid operator's licence, issued by the Gambling Commission, wishes to offer gambling at premises located within the local authority's area.
- 16.3 A premises licence may only authorise one primary gambling activity. The types of gambling premises licences which will be considered by the Licensing Authority are:
- (a) Casino
 - (b) Bingo
 - (c) Betting
 - (d) Adult Gaming Centre
 - (e) Family Entertainment Centre
- 16.4 'Premises' is defined in the Act as "any place" and whilst Section 152 of the Act prevents more than one premises licence being in force for any 'place', it does not prohibit a single building being subject to more than one Premises Licence. Every application will be judged on its merits, but in general this authority will consider a single building to be a single premises, unless it can be shown that the parts are truly separate. Such as where different floors of a building are distant and separate or where shopping centres have discrete trading units.
- 16.5 The Authority will not support the artificial separation of premises by temporary or artificial means where it is believed that the purpose of such separation is to circumvent the intention of the Act to limit the number of gaming machines allowable at that particular type of premises. The Authority will expect all separations between different premises to be clearly defined permanent structures.
- 16.6 Before the Licensing Authority will grant multiple licences for a single building it must be satisfied that the 'places' to be licensed can reasonably be regarded as being separate premises. In so satisfying itself, the Licensing Authority will consider among other things:
- The postal address of the premises.
 - The means of access to the premises i.e. directly from the street.
 - The occupancy and ownership rights of the applicants
 - The means of assessment for business rates payable for each 'premises' and who is liable for such payments.
 - The permanency of any structures used or proposed to be used to separate 'premises'

- Whether other areas within the building are being used for non-gambling activities and their proximity to the proposed 'premises'. This is particularly persuasive when the non-licensed areas might reasonably be frequented by children or vulnerable people.
- Whether access to one licensed premises may be gained directly from another licensed premises.

The Licensing Authority will consider access provisions for individual types of licensed premises in line with the latest guidance from the Gambling Commission.

16.7 The proper application of section 152 of the Act also means that, with the single exemption of tracks (i.e. a horse race course, dog track or other premises where races or sporting events take place), different premises licences cannot apply in respect of a single premises at different times. There is no temporal element to a premises licence, therefore premises will not, for example, be licensed as a bingo hall on week days and a betting shop at weekends.

16.8 In considering applications for multiple licences for a building or for a discrete part of a building used for other non-gambling purposes the Authority will consider the following:

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

16.9 The Authority will expect that any premises licensed for activities such as betting or bingo, will provide that activity as the primary gambling activity and any gaming machines authorised to be provided under this licence must be subsidiary to the main activity.

Casinos

- 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

Adult Gaming Centre

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

Betting Shops

- Access must be from a street or from another premises with a betting premises licence
- No direct access from betting shop to another premises used for the retail sale of merchandise or services.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

16.10 The Licensing Authority will consider applications for a Premises Licence in respect of any premises that it is satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building work or alterations required, before they can be brought into use.

Where the construction of a premises is not yet complete, or substantial alterations are necessary, or where the applicant does not yet have a right to occupy them, an application for a provisional statement should be made instead.

When deciding if a Premises Licence can be granted in respect of premises that requires construction or alteration works, the Licensing Authority will, apply a two stage consideration process:

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

Applicants should note that whilst the Licensing Authority is entitled to decide that it would be appropriate to grant a licence subject to conditions, it is not obliged to do so.

16.11 Location

This Licensing Authority will not take into account whether or not there is a demand for gambling premises when considering applications for premises licences. It also recognises that moral objections to gambling are not a valid reason to reject applications for premises licences.

It will however pay particular attention to the need to protect children and vulnerable persons from being harmed or exploited by gambling when considering the location of premises.

It will also consider whether there is evidence that the locality suffers from incidents of crime and disorder and in these circumstances may consider it appropriate to grant a licence subject to conditions in accordance with Section 169 of the Act.

16.12 **Planning**

The Licensing Authority will not consider whether the applicant has or is likely to obtain planning permission or building regulations approval for their proposal. These matters must be dealt with under relevant planning control and building regulations powers.

Applicants are advised that when the Council, as the local Planning Authority, considers its position under planning or building law, it will not be prejudiced by any decision of the Licensing Authority to grant a premises licence, or otherwise be prevented from taking appropriate action under those areas of legislation.

16.13 **Duplication with other Regulatory Regimes**

The Licensing Authority will not concern itself with matters already provided for in other statutory or regulatory regimes. It will however consider any concerns that gambling conditions are not able to be met by licensees due to planning restrictions, should such a situation arise.

The Licensing Authority expects applicants to comply with their duties under the Fire Safety Regulatory Reform Order, which requires that any premises that is subject of a Licence must have a documented Fire Risk Assessment.

16.14 **The Licensing Objectives**

When considering applications, the Licensing Authority is directed to aim to permit where the granting of a licence would be reasonably consistent with the licensing objectives.

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

If there is evidence that the premises under consideration is in a locality which suffers from problems with organised crime, or general crime and disorder, the Licensing Authority will consider firstly whether it is appropriate to grant a licence to permit gambling premises in that location. If it is satisfied that it is, it will then consider whether in the circumstances it should attach conditions to the licence in accordance with Section 169 of the Act.

Where an application is received for a premises licence in an area which has high levels of organised crime or a history of crime and disorder the Licensing Authority will pay particular attention to the proposed location of the gambling premises in terms of this licensing objective.

This Licensing Authority is aware of the distinction between disorder and nuisance and will only seek to address issues of disorder under the Act if the disorder amounts to activity that 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 this Authority will 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.

As it is a requirement for any applicant for a premises licence to also hold an operating licence, this Authority will not investigate the suitability of an applicant. However, if any information becomes apparent during the course of the processing an application which causes concern, the details will be forwarded to the Gambling Commission.

This Licensing Authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. A high standard of control by the licensee is expected to be exercised over licensed premises. Applicants will be encouraged to discuss any necessary crime prevention procedures in their premises with the Authority's Licensing Officers and Lancashire Constabulary before making a formal application.

This Authority will take into account any representations made by responsible authorities, including the police, when deciding if a particular application would be detrimental to this licensing objective and potentially result in an increase in crime and disorder.

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

The Licensing Authority expects the management of all gambling business will ensure that all gambling is conducted in a fair and open way. Concerns or complaints that arise under this objective will be referred to the Gambling Commission in their role as the regulators of operators and personal licences.

The Licensing Authority however will concern itself with matters arising under this objective in respect of tracks, where the track operators will not necessarily have an operating licence. In those circumstances the Licensing Authority will consider whether conditions are required on the premises licence 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 relation to children this requirement is explicitly to protect them from being "harmed or exploited by gambling". In practice that means not just preventing them from taking part in gambling, but restricting advertising so that gambling products are not aimed at children, or advertised in such a way that makes them particularly attractive to children. The Licensing Authority will therefore consider whether specific measures are required at particular premises with regard to this licensing objective.

The Authority will consult with the Lancashire Safeguarding Children's Board on any application that indicates there may be concerns over access for children or vulnerable persons.

Each separate application will be judged on its merits before a decision is taken as to whether conditions to protect children are imposed on particular premises. These may include such requirements as:-

- supervision of entrances,
- segregation of gambling from other areas where children are admitted

- supervision of gaming machines in non-adult gambling specific premises
- the introduction of ‘proof of age’ schemes

The Licensing Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino do not enter the gambling area;
- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person (“the supervisor”) who is responsible for compliance with the code of practice; and
- require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

The term “vulnerable persons” is not defined by the Gambling Commission or the legislation. For regulatory purposes this policy assumes that this group includes:

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

The Licensing Authority will consider this licensing objective on a case by case basis and seek to balance the need to introduce measures to protect vulnerable adults against the overall aim to permit the use of premises for gambling.

16.15 **Conditions**

The Act allows for conditions to be attached to premises licences:-

- automatically, having been prescribed in the Act
- being attached by virtue of a Regulation made by the Secretary of State
- at the discretion of the Licensing Authority

The Licensing Authority is specifically precluded from conditions on licences which:-

- make it impossible to comply with an operating licence condition;
- relate to gaming machine categories, numbers, or methods of operation;
- provide that membership of a club or body is necessary to participate in the gambling facilities;
- relate to stakes, winnings or prizes.

Decisions about the imposition of individual conditions will be made on a case by case basis, although there will be a number of measures the Licensing Authority will consider utilising should there be a perceived need. These may include the use of supervisors, appropriate signage for adult areas etc. There are specific comments made in this regard under some of the licence types below. The

Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

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;
- fair and reasonable in relation to the scale and type of premises; and
- reasonable in all other respects

16.16 The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling premises in order to pursue the licensing objectives.

16.17 The Licensing 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 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 the staff of 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.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

16.18 The 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. The 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 in areas where they are not permitted to enter.

16.19 **Door Supervisors**

Where the Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example by children or vulnerable persons, it may require that the entrances to the premises are controlled by door supervisors. In such circumstances the Licensing Authority will impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, the Licensing Authority will also consider whether it is appropriate for such supervisors to be ⁹SIA licensed. It will not be

⁹ [Security Industry Authority - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

17 Adult Gaming Centres

17.1 These premises are entitled to provide gaming machines which pay out higher jackpots. The numbers and categories of higher jackpot machines that can be placed in adult gaming centres are specified in regulations made by the Secretary of State.

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 premises. Matters such as the position of entrances, supervision and the use of any other parts of the premises will be relevant. Appropriate licence conditions may cover issues such as:

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

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

17.2 This Licensing Authority recognises that the design and layout of adult gaming centres will vary. It will have particular regard to the siting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff prevent the use of these machines by children and young persons. The Licensing Authority reserves the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so. Additional factors to be taken into consideration will include to following:

- Visual Observation.
- Relocation of the machines.
- Door buzzers.
- Remote cut-off switches.
- Training provision
- Any other factor that is considered relevant.

- 17.3 This Licensing Authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to adult gaming centre applications in any decision making.
- 17.4 This Licensing Authority accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect to such applications.
- 17.5 The following mandatory conditions will be attached to Adult Gaming Centre premises licences:
- A notice must be displayed at all entrances to all entrances stating that no person under the age of 18 years will be admitted to the premises.
 - There can be no direct access between an adult gaming centre and any other premises licensed under the Act or premises with a family Entertainment Centre, club gaming, club machine or licensed premises gaming machine permit. There is no definition of direct access in the Act or regulations.
 - Any ATM made available for use on the premises shall 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.
 - The consumption of alcohol in Adult Gaming Centres is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

18 Licensed Family Entertainment Centres

- 18.1 Licensed family entertainment centres are permitted to provide category C and D gaming machines. Unlicensed family entertainment centres may only provide category D machines. No limits are set on the numbers of machines in these categories.

Children and young persons are permitted in family entertainment centres but are not permitted to use any category C machines. In determining applications the Licensing Authority will consider any guidance issued by the Gambling Commission regarding the marking and segregation of such machines and the level of supervision required to protect children.

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 gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage

- Specific opening hours
- Self-exclusion schemes and Multi-Operator Self-Exclusion Schemes (MOSES).
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Staff training
- How to deal with suspected truant school children on the premises

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

- 18.2 The Licensing Authority will inform itself as to the presence of any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated, along with any mandatory or default conditions relevant to these premises licences.
- 18.3 The Council also recommends that applicants consider the adoption of BACTA's voluntary Code of Social Responsibility and Good Practice in respect to Adult Gaming Centres and Family Entertainment Centres. This code of practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

19 Casinos

- 19.1 No Casinos resolution – The Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Act. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement accordingly. On a similar note a resolution will not affect the ability of casinos with preserved entitlements from the Gaming Act 1968 from continuing to operate as casinos.
- 19.2 If the Secretary of State, by regulation, enables the Authority to issue a new casino licence it is aware that there may be a number of operators wishing to run such a casino. In such circumstances, this Licensing Authority will determine who the successful bidder is by following the procedure laid out in Schedule 9 of the Act and in line with any regulations or codes of practice issued under the Act.
- 19.3 The Council will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance, bearing in mind the mandatory conditions listed, and the licence conditions and codes of practice published by the Gambling Commission.
- 19.4 New casino premises licences issued under the Act will fall into one of two categories namely large casino premises licence or small casino premises licence. These are subject to separate regulations involving a two stage application process.
- 19.5 There is a third category of casino that is permitted through transitional arrangements under Schedule 18 of the Act, which may be referred to as the 1968 Act converted casinos. Most of these casinos fall below the size thresholds of the other two categories. Such casinos may operate as card clubs without offering casino games.
- 19.6 Betting machines – The Licensing Authority will 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 people, when considering the number, nature and circumstances of betting machines that an operator may wish to offer.

20 Bingo Premises

20.1 This Licensing Authority acknowledges that children and young people may enter bingo premises, but are not permitted to take part in bingo or use category B and C machines that are on the premises. This Authority will wish to ensure that sufficient measures are in place to prevent children participating in these activities.

The Licensing Authority will satisfy itself that bingo may be played in any bingo premises for before they issue a Premises Licence. This will be a relevant consideration where the operator of an existing bingo premises applies for a new premises licence.

The Licensing Authority will take into account guidance or codes of practice from the Gambling Commission on the suitability and layout of bingo premises when determining any applications for premises licences, including the requirement that:-

- all category B and C gaming machines are located in an area of the premises 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 the machines are located;
- access to 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.

21 Betting Premises

21.1 Children are not permitted to enter premises licensed for betting and therefore this Licensing Authority will carefully consider the measures an applicant for a premises licence will be taking to prevent this.

21.2 The Council will expect applicants for Bingo premises to offer their own measures to meet the licensing objectives however appropriate measures and conditions may cover the following:

- Proof of age schemes such as Challenge 25.
- CCTV.
- Door Supervisors.
- Location of entry.
- Measures and training for staff on how to deal with suspected children on the premises.
- Notices & signage.
- Physical separation of areas for example by use of screening, walls, clear signage, PIR alarms.
- Provision of information leaflets helpline numbers for organisations such as GamCare.

- Self-barring schemes and Multi-Operator Self-Exclusion Schemes (MOSES).
- Opening hours.
- Supervision of entrances and machine areas.

This list is not mandatory and is to be used only as an example.

- 21.3 This Licensing Authority notes the Gambling Commissions Guidance, that it should take steps to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its licensed area and then applies for a new premises licence or multiple licences for those excluded areas.
- 21.4 Licence Premises holders must also ensure that the function along with the internal or external appearance of the premises are such that a customer can reasonably be expected to recognise that it is a premises licensed for the purposes of providing bingo facilities. (Gambling Commission Social Responsibility Code Provision 9.1.2).
- 21.5 The Licensing Authority will consider it an unusual circumstance in which the splitting of pre existing premises into two adjacent premises might be permitted. In these cases, this Licensing Authority will have particular regard to the Gambling Commission Guidance on the meaning of premises and compliance with the social responsibility code 9.
- 21.6 Section 177 of the Act does not prevent the Premises Licence holder from permitting the installation of cash dispensers (ATM's) on the premises. Such machines may accept debit cards and credit cards and the arrangement is subject to a requirement that the Premises Licence holder has no other commercial connection in relation to gambling with the service provider and does not profit from the arrangement or make any payment in connection with the machines. This Licensing Authority will also take note of any restrictions and requirements on the Operating Licences for betting premises as regards to credit.
- 21.7 Betting machines – The Licensing Authority will 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 vulnerable people, when considering the number, nature and circumstances of betting machines an operator may wish to offer.
- 21.8 The Licensing Authority recognises that certain bookmakers may have a number of premises within the area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.
- 21.9 Licences of this type are issued with mandatory conditions attached to them.

22 Tracks

- 22.1 The 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 track. The Licensing Authority will particularly consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) to ensure that entrances to each type of premises are

distinct and that children are excluded from licensed areas that they are not permitted to enter.

22.2 The Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons are permitted to enter the 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.

22.3 The Licensing Authority will consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- The location of gaming machines
- Self-Exclusion schemes and Multi-Operator Self Exclusion Schemes (MOSES)
- 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.

22.4 This Authority will attach a condition to any track premises licences issued 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.)

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

22.6 Betting machines – The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons, or by vulnerable people, when considering the number, nature and circumstances of betting machines an operator proposes to offer.

22.7 This Licensing Authority accepts the Gambling Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators on track, to be the subject of separate premises licences. This will 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.

22.8 Applications and plans

Section 51 of the Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan may also be used for the Licensing Authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include all the information required by regulations.

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

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

This Licensing Authority requires applicants to provide:

- 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”). Such plans should make clear what is being sought for authorisation under the track betting premises licence and any other areas that are subject to a separate application for a different type of premises licence.
- in the case of dog tracks and horse racecourses - fixed and mobile pool betting facilities operated by the Tote or track operator
- any other proposed gambling facilities

23 Travelling Fairs

23.1 The Act defines a travelling fair as wholly or principally providing amusements, this Licensing Authority will decide, in each case, whether this the statutory definition is met on the evidence available. The Licensing Authority will also consider whether the statutory requirement that any facilities for gambling provided, amount to no more than an ancillary amusement at the fair, is met.

23.2 It is recognised that land may only be used for a travelling fair up to a maximum of 27 days in any calendar year and that such use applies to the piece of land in question, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will monitor whether land is used in excess of the statutory limit and will work with its neighbouring authorities to ensure that land that crosses its boundaries is similarly monitored so that the statutory limits are not exceeded.

24 Provisional Statements

24.1 The Licensing Authority considers that it is a question of fact and degree whether premises are finished to the extent that they can be considered for a Premises Licence.

24.2 Developers may wish to apply to the authority for provisional statements before entering into a contract to buy or lease property or land, to judge whether a

development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement

24.3 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

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

Unlike a 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 the provisional application is made.

24.4 The holder of the 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 subsequent premises licence application. Representations about premises licence applications that follow the grant of a provisional statement will be disregarded 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

24.5 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; or
- Which in the authority's opinion, reflect a change in the operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan submitted with the application.

25 Reviews

25.1 The review of a premises licence may be instigated by this Licensing Authority or at the request of a responsible authority or interested party.

A request for review will not be granted by this Authority unless it is: is "relevant"

- 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

- 25.2 The Licensing Authority will similarly not hold a review if, in the opinion of the authority, the grounds:-
- are frivolous
 - are vexatious
 - ‘will certainly not’ cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence.
 - are substantially the same grounds cited in a previous application for a review relating to the same premises
 - are substantially the same as representations made at the time of an application for a premises licence.
- 25.3 The Licensing Authority may initiate a review of a particular premises licence, or a particular class of premises licences, if complaints are made against the use made of those premises or the measures put in place by licensees to comply with licence conditions.
- 25.4 Or it may decide to initiate a review of a licence or a class of premises licences on the basis of any reason relevant to its duties and functions under the Act, which it thinks is appropriate.
- 25.5 The Licensing Authority may also initiate a review of a premises licence on the grounds that the 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.
- 25.6 Once a valid application for a review has been received by the Licensing Authority, representations may be made by responsible authorities and interested parties during a 28 day consultation period. This period begins 7 days after the application is received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 25.7 The Licensing Authority will carry out the review as soon as possible after the 28 day period for making representations has passed.
- 25.8 The purpose of the Review is to determine whether the Licensing Authority should take any action in relation to the licence. If action is deemed necessary, the options available to the Licensing Authority are:
- a) Add, remove or amend a licence condition imposed by the Licensing Authority;
 - b) Exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
 - c) suspend the premises licence for a period not exceeding three months;
 - d) revoke the premises licence
- 25.9 In determining what action, if any, should be taken following a review, the Licensing Authority will have regard to the principles set out in Section 153 of the Act, as well as any relevant representations.
- 25.10 Following the completion of a review, the Licensing Authority will notify its decision as soon as possible to:
- the licence holder
 - the applicant for review (if any)

- the Gambling Commission
- any person who made representations
- the Chief Officer of Police or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C - PERMITS, TEMPORARY AND OCCASIONAL USE NOTICES

26 General Principles

The Act permits a number of gambling activities to take place outside of the licensing regime. These are authorised by permits issued by the Authority and are:-

- Unlicensed family entertainment centres
- Alcohol licensed premises gaming machine permits
- Prize gaming permits
- Club gaming permits and club machine permits

27 Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

27.1 The Licensing Authority will consider applications for a permit where the applicant does not hold a Premises Licence but wishes to provide gaming machines. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

27.2 When determining the suitability of an applicant for a permit the Licensing Authority will have regard to the licensing objectives and any relevant guidance issued by the Gambling Commission.

27.3 The Licensing Authority will place considerable weight on child protection issues given the appeal that these types of premises have for children and young persons.

27.4 The Licensing Authority will only grant a permit, if it is satisfied that the premises will be used as an unlicensed FEC and that the chief officer of police has been consulted on the application and has no objections.

27.5 **Statement of Principles** – The Licensing Authority expects all applicants to demonstrate

- Suitable and sufficient 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;
- Appropriate measures and training for staff in respect of suspected truanting school children on the premises;
- Appropriate measures and training for staff in dealing with children causing perceived problems on/around the premises;
- That the applicant and all staff have a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
- That the applicant has no relevant convictions;
- A scale plan of the premises must be provided by all applicants.

27.6 The Licensing Authority may refuse to renew a permit if an authorised local authority officer has been refused access to the premises without reasonable excuse, or where renewal would not be reasonably consistent with pursuit of the licensing objectives.

28 Alcohol Licensed Premises Gaming Machine Permits

28.1 There is provision in the Act for the licence holder of premises licensed to sell alcohol for consumption on the premises under the Licensing Act 2003, to be entitled, on notification and subject to the relevant fee, to provide two gaming machines, of categories C and / or D.

The automatic entitlement to have two such gaming machines ceases, when the holder of the premises licence gives up their interest in the licence.

Any subsequent holders of the premises licence are required to notify the Licensing Authority of their intention to make the gaming machines available for use and pay the prescribed fee.

The Licensing Authority may remove the automatic authorisation in respect of any particular premises where:

- The provision of such machines is not reasonably consistent with the pursuit of the licensing objectives; or
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Act; or
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

28.2 Where a premises wishes to have more than two machines, it must apply for a Licensed Premises Gaming Machine Permit. The Licensing Authority must consider that application based upon the licensing objectives, any relevant guidance issued by the Gambling Commission and “such matters as it thinks relevant”.

The Licensing Authority considers that “such matters” will be decided on a case by case basis, but primarily there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect the applicant to satisfy the Authority that there will be sufficient measures in place, to ensure that children under 18 years do not have access to the adult only gaming machines which must be operated in accordance with the Gambling Commission’s Code of Practice.

28.3 Applications for permits for between two and four machines will ordinarily be granted by officers under delegated powers, unless the nominated Director considers that due to the circumstances in a particular case, the matter should be determined by the Licensing Committee.

28.4 Applications for five or more machines will be determined by the Licensing Committee

28.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. In these circumstances applicants would have to apply for an Adult Entertainment Centre Premises Licence.

28.6 The Licensing Authority reserves the right to grant any application with a smaller number of machines and, or a different category of machines than applied for.

28.7 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 machines. Reference should be made to Advice on gaming in clubs and premises with an alcohol licence: Gambling Act 2005.

www.gamblingcommission.gov.uk/PDF/Advice-on-gaming-in-pubs-and-alcohol-licensed-premises.pdf

and

www.gamblingcommission.gov.uk/pdf/code-practice-for-gaming-machines-in-clubs-and-premises-with-an-alcohol-licence.pdf

29 Prize Gaming Permits

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

29.2 **Statement of Principles** - The applicant should set out the types of gaming that he or she is intending to offer and demonstrate that in each case:

- they understand the limits to stakes and prizes prescribed in Regulations;
- any gaming offered is lawful;
- there are clear policies that outline the steps to be taken to protect children from harm

29.3 In determining an application for a Prize Gaming Permit the Licensing Authority will have regard to any relevant Gambling Commission guidance and may have regard to the licensing objectives.

29.4 The Licensing Authority will not attach conditions to a permit other than those contained in the Act, which are:

- 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) 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.

30 Club Gaming and Club Machines Permits

30.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit.

A Club Gaming Permit will enable the premises to provide no more than a total of 3 gaming machines from category B3A B4, C or D, (but max 1 B3A), equal chance gaming and games of chance in accordance with Regulations.

A Club Gaming Machine Permit will enable the premises to provide up to 3 gaming machines from categories B3A, B4, C or D).

30.2 Before granting a Club Gaming Permit or a Club Gaming Machine Permit, the Licensing Authority must be satisfied that the club meets the requirements of the Act to be eligible for a Gaming Permit, or a Gaming Machine Permit.

These include that 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. (This may cover bridge and whist clubs). A members' club must be permanent in nature, not established to make commercial profit, and be controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations

30.3 The Licensing Authority will only refuse an application where:

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

30.4 Under the 'fast-track' procedure available for premises which hold a Club Premises Certificate issued under the Licensing Act 2003 the only grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed by regulation under section 266 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled".

30.5 Club Gaming Permits will be issued subject to statutory conditions that:

- no child uses category B or C machines on the premises
- the holder complies with any relevant provision of a code of practice about the number, category, location and operation of gaming machines.

The Gambling Commission has issued a Code of Practice under S24 of the Act in respect of exempt equal chance gaming the provisions, which should be followed to ensure good practice measures are adopted for the provision of gaming.

31. Temporary Use Notices (TUNs)

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

31.2 The Licensing Authority will only grant a TUN to a person or company holding a relevant operating licence.

31.3 Restrictions on what form of gambling can be authorised by TUNs is set out in SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007, in summary TUN's may only be used to authorise:

- Gambling that is authorised by the applicants Operating Licence
- Gambling for a maximum of 21 days in any 12 month period for any or all of a named set of premises
- Facilities for equal chance gaming where the gaming in each tournament is intended to produce a single overall winner

31.4 TUN may not be used to authorise the provision of gaming machines.

31.5 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. A large exhibition centre, would be likely to come within the definition, as it is properly one premises, and should not be granted a temporary use notices for 21 days in respect of each of its exhibition halls. But in relation to other covered areas, such as shopping centres, this Authority will consider whether different units are in fact different “sets of premises”, given that they may be occupied and controlled by different people.

31.6 This Authority is likely to object to notices where it appears that their effect would be to permit regular gambling in a place that could be reasonably be considered to be one set of premises.

31.7 The Licensing Authority will hold a hearing if an objection notice is served unless all parties agree that a hearing is unnecessary. In determining at a hearing whether to allow a temporary use notice to have effect the Licensing Authority will aim to permit the provision of gambling facilities in so far as it considers that it is :-

- In accordance with any code of practice or guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Gambling Policy Statement

32 Occasional Use Notices

32.1 The Licensing Authority has very little discretion as regards these notices but will ensure that the statutory limit of 8 days in a calendar year is not exceeded. It will also give careful consideration to the definition of a “track” and whether the applicant is entitled to avail themselves of such a notice.

33 Small Society Lotteries

33.1 This Licensing Authority will take account of any guidance issued by the Gambling Commission in registering and controlling non-commercial societies which are established and conducted:-

- for charitable purposes;
- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than private gain

33.2 The Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries and considers that the following list, although not exclusive, is likely to affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw is held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

33.3 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals when the activity is organised:

- By, or on behalf of a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities

APPENDIX 1 List of Consultees

This list is to be added when the draft document is formally approved by Full Council

APPENDIX 2 List of Responsible Authorities



List of Responsible Authorities Wyre Council

<p>1 The Gambling Commission</p> <p>Victoria Square House, Victoria Square, Birmingham, B2 4BP info@gamblingcommission.gov.uk</p>	<p>5 Planning Department</p> <p>Planning Services Manager Wyre Council Civic Centre Breck Road Poulton le Fylde Lancashire FY6 7PU planning@wyre.gov.uk</p>
<p>2 H M Revenue & Customs</p> <p>National Registration Unit (Betting & Gaming) Portcullis House 21 India Street Glasgow G2 4PZ Telephone: 0141 555 3633 Nrubetting&gaming@hmrc.gsi.gov.uk</p>	<p>6 Pollution Control Department</p> <p>Senior Environmental Health Officer Wyre Council Civic Centre Breck Road Poulton le Fylde Lancashire FY6 7PU Nick.clayton@wyre.gov.uk</p>
<p>3 Police</p> <p>The Chief Constable Lancashire Constabulary Licensing Unit Western Division HQ Bonny Street Blackpool FY1 5RL WestLicensing@lancashire.police.uk</p>	<p>7 Protection of vulnerable persons</p> <p>Business Manager, Lancashire Safeguarding Children's Board, Lancashire County Council, Room D39, County Hall, Preston, PR1 0LD Children.CYPSafeguarding@lancashire.gov.uk</p>
<p>4 Fire Authority</p> <p>Fire Prevention Officer Lancashire Fire and Rescue Fleetwood Fire Station Radcliffe Road Fleetwood Lancashire FY7 6UJ MichelleGlover@lancsfireandrescue.org.uk</p>	<p>Licensing Authority</p> <p>Licensing Department Wyre Council Civic Centre Breck Road Poulton le Fylde Lancashire FY6 7PU Tel: 01253 887406 licensing@wyre.gov.uk</p>

APPENDIX 3 Summary of delegations permitted under the Gambling Act 2005

Matter to be dealt with	Full Council	Licensing Committee	Delegated to Officers
Policy	X		
Policy not to permit casinos	X		
Discretionary fees		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Review of a premises licence		X	
Application for club gaming or club machine permits		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Cancellation of club gaming or club machine permits		X	
Applications for gaming machine permits in premises licensed under the Licensing Act 2003		For more than 4 machines	For up to 4 machines
Applications for other permits			X
Decisions as whether representations are frivolous, vexatious or likely to have no influence on a decision			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	

APPENDIX 4 Summary of Gaming Machine Categories

Summary of Gaming Machine Categories

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

NB The figures quoted above may periodically be changed by secondary legislation