



East
Northamptonshire
Council

Licensing Committee – 3 October 2012

Gambling Act 2005 - Review of Statement of Licensing Policy

Purpose of Report

Every three years the Gambling Act 2005 - Statement of Licensing Policy has to be reviewed to ensure it is relevant and meets the needs of the authority and the community

Attachment(s)

Appendix One - Statement of Licensing Policy
Appendix Two – National Casino Industry Forum

1.0 Background

The Gambling Act 2005 requires each Local Authority to review, consult on and publish a statement of its licensing policy every three years and make a resolution on its approach to casinos. The statement must set out the principles the authority proposes to apply in order to fulfil its responsibilities under the legislation.

- 1.1 There are three licensing objectives on which all responsibilities surrounding the Act should be based, these are:-
- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited in gambling.
- 1.2 The policy has to be based on the Gambling Commissions guidance to Licensing Authorities which is very prescriptive; the template provided to Local Authorities has formed the basis of this statement. This reviewed policy statement is included as appendix one, and has been produced by South Northamptonshire Council on behalf of the seven councils in Northamptonshire. The statement is currently out to consultation and has to be in place by January 2012. The Policy and Resources Committee have to approve the policy and as such it is placed formally in front of the Licensing Committee for their comments as part of the consultation process.

2.0 Casino Resolution

- 2.1 The Statement of Licensing Policy must contain a resolution of the approach of the Local Authority to the licensing of casinos within its district. The Local Authority has to make a resolution every three years. There are two resolution options, these are as follows:-

- Option 1 - Not passing a Casinos resolution

This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

- Option 2 - No Casino resolution

This Licensing Authority has passed a 'no casino' resolution on the basis that.....

(insert details of how the decision was arrived at and on what basis)

2.2 These two options require consideration and relate to whether the Council wishes to have a casino within its area. If the no casino option is opted for then the reasons for this decision must be clearly stated within the Statement of Licensing policy.

2.3 If the Council were to opt for option one then it would effectively keep its future options open. This is the option Council opted for three years ago. A letter was received from the National Casino Industry Forum with respect to this matter and is included at Appendix 2 for your information.

2.4 There is currently no option available to have a casino. The Gambling Act 2005 allowed 16 Casinos and a Panel determined' following applications' where they should be located. East Northamptonshire Council did not submit an application for a Casino. Therefore we would not be able to grant a Casino Premises Licence. However, we still are obliged to have a resolution as the Secretary of State could add additional Casino licences at any time.

3.0 Equality and Diversity Implications

3.1 There are no equality and diversity implications arising from the report, although members may wish to consider Gambling Addiction issues. This will be part of the full consultation submitted to Policy and Resources as addiction support agencies/charities will be consulted on the policy.

4.0 Legal Implications

4.1 There are no legal implications arising from the report.

5.0 Risk Management

5.1 There are no identified risks arising from the report.

6.0 Financial Implications

6.1 There are no financial implications arising from the report. However, there may be income from a Casino Premises Licence in the future dependent on the options the members recommend.

7.0 Corporate Outcomes

7.1 The Corporate Outcomes affected by this policy are:

- Good Quality of Life
- Effective Partnership Working
- Effective Management
- High Quality Service Delivery
- Strong Community Leadership
- Knowledge of Customers and Communities.

8.0 Recommendations

8.1 The Statement of Licensing Policy be commented on and comments fed into the consultation process prior to the Policy being presented to Policy and Resources Committee

8.2 A recommendation is made to Policy and Resources that a resolution is made on the Councils approach to casinos within the district and published within the Statement of Licensing Policy following Full Council ratification.

Legal	Power: Gambling Act 2005 Other considerations:				
Background Papers:					
Person Originating Report: Julia Smith Commercial Health Manager 01832 742066 jsmith@east-northamptonshire.gov.uk					
Date: 6 September 2012					
CFO		MO		CX	

(Committee Report Normal Rev. 22)



STATEMENT OF LICENSING POLICY

GAMBLING ACT 2005

This Statement of Licensing Principles was approved by EAST NORTHAMPTONSHIRE COUNCIL on [date]

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 4th Edition, published July 2012.



Northamptonshire Police



Northamptonshire Fire and Rescue Service

NORTHAMPTONSHIRE
STATEMENT OF PRINCIPLES
GAMBLING ACT 2005
CONTENTS

Item	Page
Part A	
1. The licensing objectives	3
2. Introduction	3
3. Declaration	4
4. Responsible Authorities	4
5. Interested parties	5
6. Exchange of information	5
7. Enforcement	6
8. Licensing authority functions	7
Part B - Premises licences	
1. General Principles	8
2. Adult Gaming Centres	14
3. (Licensed) Family Entertainment Centres	15
4. Casinos	15
5. Bingo	16
6. Betting premises	16
7. Tracks	16
8. Travelling fairs	18
9. Provisional Statements	18
10. Reviews	19
Part C - Permits / Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre gaming machine permits	21
2. (Alcohol) Licensed premises gaming machine permits	22
3. Prize Gaming Permits	23
4. Club Gaming and Club Machines Permits	23
5. Temporary Use Notices	24
6. Occasional Use Notices	24
7. Small Society Lotteries	25
Part D - Annexes	
Annex 1 – Details of the Local Authority where the Statement of Principles is Published	26
Annex 2 – List of Local Authorities and other Partners	27
Annex 3- List of Consultees on the Statement of Principles	28
Annex 4 - Casinos	30

PART A

1 The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

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

2 Introduction

2.1 The County of Northamptonshire consists of 7 district councils. The Councils are:

- Corby Borough Council
- Daventry District Council
- East Northamptonshire Council
- Kettering Borough Council
- Northampton Borough Council
- South Northamptonshire Council
- Borough Council of Wellingborough

This policy provides the statement for all seven districts but details about your Council and a map of the district can be found in Annex 1.

2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

2.3 The Council consulted widely upon this statement before finalising and publishing. A list of local authorities and their partners is provided in Annex 2. A list of the persons/organisations that we consulted is provided in Annex 3.

2.4 The Gambling Act requires that the following parties are consulted by licensing authorities:

- the Chief Officer of Police;
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

2.5 Our consultation took place between 24th September and 4th November and we followed the HM Government Code of Practice on Consultation (published July 2008), which is available at www.bis.gov.uk/files/file47158.pdf

The full list of comments made and consideration given is available by request from the contacts detailed in Annex 1.

2.6 The policy was approved at a meeting of the Full Council on XXXXXXX and was published on our website on XXXXXX, made available at the Council offices and placed in public libraries of the area.

2.7 Should you have any comments about this policy statement, please send them by email to the contacts specified in Annex 1

2.8 It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

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

4. Responsible Authorities

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

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

4.2 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

4.3 The contact details of all the Responsible Authorities under the Gambling Act

2005 are available via the Council's website, please see Annex 1.

5 Interested Parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

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

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”

- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- 5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.4 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 the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.5 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 the licensing team as specified in Annex 1.

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- the licensing objectives
 - relevant codes of practice
 - guidance issued by the Gambling Commission, in particular at Part 36
 - the principles set out in this statement of principles
- 7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 7.6 The main enforcement and compliance role for this licensing authority in terms of

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

7.7 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing team (see Annex 1 for contact details).

8. Licensing authority functions

8.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- issue *Provisional Statements*
- regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue *Club Machine Permits* to *Commercial Clubs*
- grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register *small society lotteries* below prescribed thresholds
- issue *Prize Gaming Permits*
- receive and Endorse *Temporary Use Notices*
- receive *Occasional Use Notices*
- provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that licensing authorities are not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

1.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are 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.

(i) Decision-making

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

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

1.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos - page 17) and also that unmet demand is not a criterion for a licensing authority.

1.4 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licenses.

1.5 In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity:

- 1.6
- the offer of established core products (including live event pictures and bet range)
 - the provision of information on products and events
 - the promotion of gambling opportunities and products
 - the actual use made of betting facilities
 - the size of premises
 - the delivery of betting facilities

(ii) Definition of "premises"

1.6 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are

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

1.7 The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

1.8 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- 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 names on the premises licence.

1.9 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include whether:

- the premises have a separate registration for business rates;
- the premises' neighbouring premises are owned by the same person or someone else?
- the premises can be accessed from the street or a public passageway?
- the premises can only be accessed from any other gambling premises?

1.10 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (7.24 of the Guidance);
- 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 (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

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 premise 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

- 1.11 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises “ready for gambling”

- 1.12 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- 1.13 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 1.14 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
- first, whether the premises ought to be permitted to be used for gambling;
 - second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 1.15 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 1.16 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60-7.67 of the Guidance.

(iv) Location

- 1.18 This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission’s Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

(v) Planning:

- 1.19 The Gambling Commission Guidance to Licensing Authorities states:
Paragraph 7.60 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 1.20 This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the

Guidance:

Paragraph 7.67 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

(vi) Duplication with other regulatory regimes

1.21 This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

1.22 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

1.23 *Licensing Objectives*

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

1.24 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

1.25 Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and

personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section of this document on page 18.

1.26 Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

1.27 This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

1.28 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis.

1.29 Conditions

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

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

1.30 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to a way in which the licensing objectives can be met effectively.

1.31 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to

- prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

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

1.34 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

1.35 Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

1.36 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 This licensing authority may consider measures to meet the licensing objectives such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres

3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

3.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff on 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.

3.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

4.1 Only one local authority has casinos in its area. As the others have varying resolutions regarding the provision of casinos, the details pertaining to this Council are specified in Annex 4

5. Bingo premises

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

Paragraph 18.4 Licensing authorities will need 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 ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

- 5.2 This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

- 5.3 Paragraph 18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting premises

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

7. Tracks

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

- 7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

- 7.3 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 7.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 7.5 *Betting machines* - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

- 7.6 The Gambling Act (s51) 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 will also be used for the licensing authority to plan future premises inspection activity (see Guidance to Licensing Authorities, para 20.28).
- 7.7 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 the information required by regulations (see Guidance to Licensing Authorities, para 20.29).
- 7.8 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 (see Guidance to Licensing Authorities, para 20.31).
- 7.9 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 boundary premises do not need to be defined (see Guidance to Licensing Authorities, para 20.32).
- 7.10 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants

should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan (see Guidance to Licensing Authorities, para 20.33).

8 Travelling fairs

- 8.1 This licensing authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9 Provisional statements

- 9.1 Developers may wish to apply to this 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.
- 9.2 S204 of the Gambling 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.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications

that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

9.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10 Reviews

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- 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.

10.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

10.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

10.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

10.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

10.6 The purpose of the review will be to determine whether the licensing authority

should take any action in relation to the licence. If action is justified, the options open to the licensing authority are to:

- (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; and
- (d) revoke the premises licence.

10.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

10.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

10.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

1. Unlicensed family entertainment centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)
- 1.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2 (Alcohol) Licensed premises gaming machine permits - (Schedule 13

paragraph 4(1))

Automatic entitlement: 2 machines

- 2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.
- 2.2 The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.

Permit: 3 or more machines

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

3 Prize gaming permits

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

4. Club gaming and Club Machines Permits

- 4.1 Members clubs and miners’ welfare institutes (but not commercial clubs) may apply for a club gaming permit. The permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.
- 4.2 Members clubs and miner’s welfare institutes – and also commercial clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB commercial clubs may not site category B3A gaming machines offering lottery games in their club.
- 4.3 This licensing authority notes that the Gambling Commission’s Guidance states:
- Paragraph 25.46 The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.47-25.49 of the Gambling Commission’s Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

- 4.4 The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.
- 4.5 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.6 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, the grounds upon which an authority can refuse a permit are reduced, and "the grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled"
- 4.7 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary use notices

- 5.1 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 temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the

relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

- 5.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional use notices

- 6.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though, consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

7. Small society lotteries

- 7.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could 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 was held);
- submission of incomplete or incorrect returns;
- breaches of the limits for small society lotteries.

- 7.2 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 if the activity is organised:

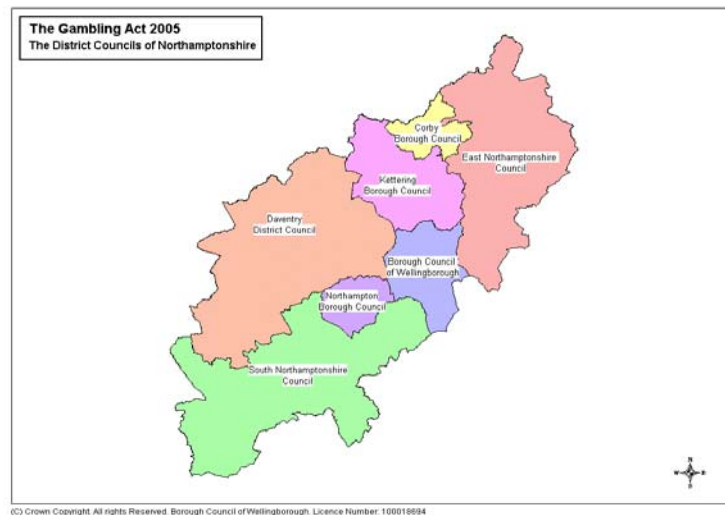
- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

- 7.3 Charities and community groups should contact the licensing authority using the contact details in Annex 1.

PART D ANNEXES

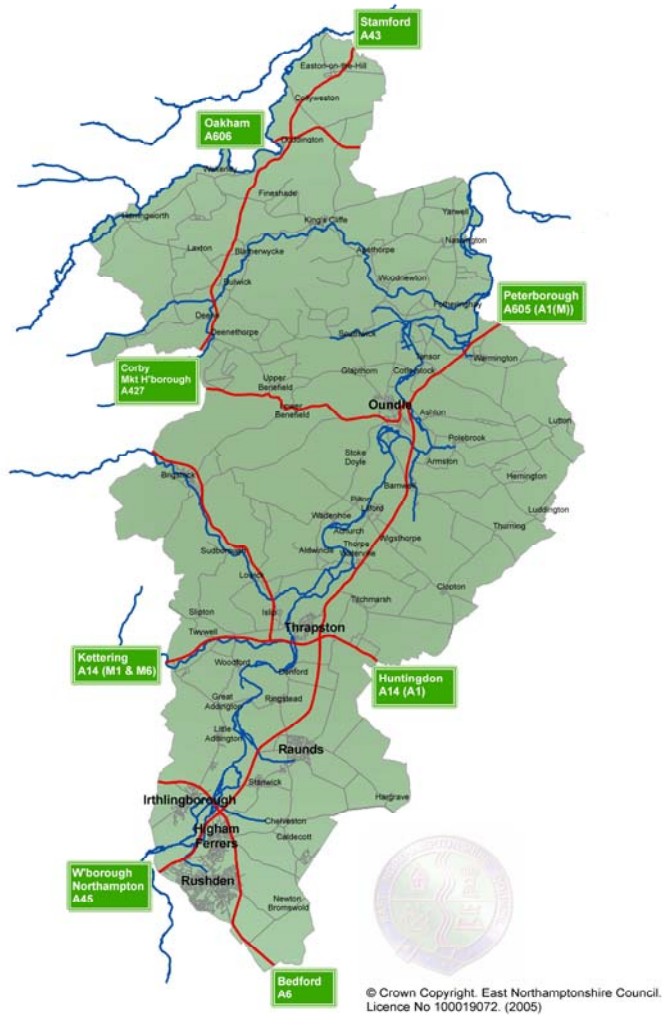
Annex 1: Details of Local Authority where Statement of Principles Published

This Statement of Principles has been produced on behalf of all seven Districts in Northamptonshire. The statement follows the format issued by the Local Government Association and the members of the licensing forum and for consistency purposes the main document will be the same for all seven authorities.



The guidance to local authorities issued by the Gambling Commission indicates that information relating to each local authority should be included in the statement.

East Northamptonshire is a large rural district in the East Midlands made up of six towns and 55 villages with a population of 83,330 (estimated). For further information you can contact the Council's Commercial Health Team on 01832 742057 or by writing to the Commercial Health Team at East Northamptonshire Council. East Northamptonshire House, Cedar Drive, Thrapston, Northamptonshire, NN14 4LZ. A copy of the policy can be viewed at the Council offices or obtained by emailing commhealth@east-northamptonshire.gov.uk. You can also view this policy on our website at www.east-northamptonshire.gov.uk.



Annex 2: List of Local Authorities and other Partners

Corby Borough Council
Deene House
New Post Office Square
CORBY
NN17 1GD

TEL: 01536 464242
FAX: 01536 464644
www.corby.gov.uk

Daventry District Council
Council Offices
Lodge Way
DAVENTRY
NN11 4FP

TEL: 01327 871100
FAX: 01327 302540
www.daventrydc.gov.uk

East Northamptonshire Council
East Northamptonshire House
Cedar Drive
THRAPSTON
NN14 4LZ

TEL: 01832 742057
FAX: 01832 734839
www.east-northamptonshire.gov.uk

Kettering Borough Council
Council Offices
Bowling Green Road
KETTERING
NN15 7QX

TEL: 01536 410333
FAX: 01536 410759
www.kettering.gov.uk

Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

TEL: 01604 838000
FAX: 01604 838723
www.northampton.gov.uk

South Northamptonshire Council
Council Offices
Springfields
TOWCESTER
NN12 6AE

TEL: 01327 322322
FAX: 01327 359946
www.southnorthants.gov.uk

Borough Council of Wellingborough
Swanspool House
WELLINGBOROUGH
NN8 1BP

TEL: 01933 231966
FAX: 01933 231980
www.wellingborough.gov.uk

Northamptonshire Fire & Rescue Service
The Inspection Team Manager
Bolton House
Wootton Hall Park
NORTHAMPTON NN4 9BN

TEL: 01604 797000
www.northantsfire.org.uk

Child Protection
Local Safeguarding Children Board
Northamptonshire
First Floor
Century House
The Lakes
NORTHAMPTON NN4 7SJ

TEL: 01604 654040
www.northamptonshire.gov.uk

Northamptonshire Police
Northamptonshire West Area
Western Area Commander
Campbell Square
The Mounts
NORTHAMPTON NN1 3EL

TEL: 08453 700 700
www.northants.police.uk

H M Revenue & Customs
Derby Detection Team
St James House
Mansfield Road
DERBY
DE1 3TU

TEL: 01332 267402
www.hmrc.gov.uk

Northamptonshire Police
Northamptonshire North Area
Northern Area Commander
Corby Police Station
Elizabeth Street
CORBY NN7 1SH

TEL: 08453 700 700
www.northants.police.uk

Annex 3: List of Consultees on the Statement of Principles

Chief Constable of Northamptonshire Police
Wootton Hall
Northampton
NN4 0JQ

The Chief Fire Officer
Fire Service Headquarters
Moulton Way
Northampton
NN3 6XJ

Trading Standards Service
Wootton Hall Park
Northampton
NN4 0GB

Her Majesty's Revenue & Customs
Boundary House
Cheadle Point
Cheadle

British Beer and Pub Association
Market Towers
1 Nine Elms Lane
London
SW8 5NQ

Bingo Association
Lexham House
75 High Street North
Dunstable
Bedfordshire LU6 1JF

Casino Operators Association
P O Box 55
Thorncombe
Chard
Somerset TA20 4YT

Internet Gambling Gaming and Betting
Association
Regency House
1-4 Warwick Street

Daventry and South Northants PCT
Nene House
Drayton Way
Drayton Fields Industrial Estate
Daventry NN11 8EA

Northampton PCT
Highfield
Cliftonville Road
Northampton
NN1 5DN

Northamptonshire Heartlands PCT
Bevan House
Kettering Parkway
Kettering Venture Park
Kettering NN15 6XR

East Northants Faith Group
Rushden Full Gospel Church & Christian
Centre
60 High Street South

Cheshire SK8 2JZ	London W1B 5LT	Rushden NN10 0QY
Responsibility in Gambling Trust First Floor Downstream Building 1 London Bridge London SE1 9BG	GamCare 2& 3 Baden Place Crosby Row London SE1 1YW	Northampton Youth Ministry Office Ker Anna Centre Aylesbury Road Princes Risborough Buckinghamshire HP27 0JN
British Casino Association 38 Grosvenor Gardens London SW1W 0EB	The Gordon House Association 114 Wellington Road Dudley West Midlands DY1 1UB	Archdeaconry of Northampton Westbrook 11 The Drive Northampton NN1 4RZ
BACTA King's Cross House 211 King's Cross Road London WC1X 9DN	Gamblers Anonymous P O Box 88 London SW10 0EU	Methodist Church Nene Valley Circuit Office Park Road Methodist Church Rushden NN10 0RW
Association of British Bookmakers Regency House 1-4 Warwick Street London W1B 5LT	Mencap 123 Golden Lane London EC1Y 0RT	Multi Faith Group Victoria Centre Palk Road Wellingborough
The Northamptonshire Millenium Volunteer Project University College Northampton Nene Centre for Children and Youth Room MY93 Avenue Campus St. George's Avenue Northampton NN2 6JG	Northampton Citizens Advice Centre 72a St Giles Street Northampton NN1 1JW	Turner Coulston 29 Billing Road Northampton NN1 5DQ
Whizz-Kidz Elliott House 10-12 Allington Street London SW1E 5EH	Oundle Citizens Advice Centre Fletton House Glaphorn Road Oundle PE8 4JA	Vincent Sykes & Higham Montague House Chamcery Lane Thrapston
NSPCC Weston House 42 Curtain Road London EC2A 3NH	Rushden Citizens Advice Centre Bakehouse Office 46 Duck Street Rushden NN10 9SD	Wilson Browne Commercial Law Kettering Parkway Kettering Venture Park Kettering NN15 6WN
NCH Eastern 1 Carisbrooke Court Buckingway Business Park Swavesey Cambridge CB4 5UG	Wellingborough Citizens Advice Centre 2b High Street Wellingborough NN8 4HR	Park Woodfine Solicitors 16 High Street Rushden NN10 0PR
Brackley Citizens Advice Centre 2 Bridge Street Brackley NN13	Borneo Hughes Martell 9 Notre Dame Mews Northampton NN1 2BG	Poppleston Allen (Nottingham) 37 Stoney Street The Lace Market Nottingham NG1 1LS
Corby Citizens Advice Centre Civic Centre Annex George Street Corby NN17 1QG	EMW Law Eleanor House Queens Office Park Northampton NN4 7JJ	R J Osborne & Co 59 Midland Road Wellingborough NN8 1HF
Daventry Citizens Advice Centre The Abbey Centre Abbey Street Daventry NN11 4BH	Frank Jones & Harley 87 St.Giles Street Northampton NN1 1UD	Alan Thompson 41 Winston Cliose Nether Heyford Northampton NN7 3JX

Kettering Citizens Advice Centre
The Oasis Centre
10 Market Street
Kettering
NN16 0AH

Hardman & Co Solicitors
3 Albion Place
Northampton
NN1 1UD

John Birch
47 Staverton Road
Daventry
NN11 4EY

Market Harborough Citizens Advice Centre
11 St. Mary's Road
Markey Harborough
LE16 7DS

MJK Law
Plum Park Estate
Paulerspury
Towcester
NN12 6LQ

licenza
2nd Floor
119b Midland Road
Bedford
MK40 1DE

National Casino Industry Forum (NCiF)
Carlyle House
235 – 237 Vauxhall Bridge Road
London, SW1V 1EJ

All Parish Councils in Northamptonshire

All Licensed premises in
Northamptonshire

All gambling premises in Northamptonshire

Annex 4 : Casinos

Only one local authority in Northamptonshire has casinos in its area. The others have varying resolutions regarding the provision of casinos.

NORTHAMPTON BOROUGH COUNCIL

Four licences have been issued by Northampton Borough Council for casinos in Northampton – Gala Casino Sol Central, Gala Casino Regent Street, Aspers Casino Commercial Street and Beacon Casino Weedon Road.

EAST NORTHAMPTONSHIRE COUNCIL

East Northamptonshire Council has not adopted a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council

Item 9 - Appendix 2

13th August 2012

Mr David Oliver
Chief Executive
East Northamptonshire Council
East Northamptonshire House
Cedar Drive
Thrapston
Kettering
Northamptonshire
NN14 4LZ

Dear Mr Oliver

Select Committee Report and the Opportunities for Local Authorities

I am writing to you as Chairman on behalf of the National Casino Industry Forum (NCiF) the body that represents over 90% of UK land based casino operators.

As we know you're aware there is a requirement, under Section 349 of the Gambling Act 2005, for your Authority to publish a Gambling Policy Statement every three years. You will also be aware that the next Policy Statement is due to come into force on 31st January 2013.

As the representative body for the casino industry we would welcome the opportunity to contribute to your consultation process.

Casinos play an important part in the provision of entertainment and hospitality, bringing mature and responsible patrons to our town and city centres. Casinos are an attractive and positive addition to the overall offer of our evening economies, without any of the negative experiences of anti-social behaviour sometimes sadly attributable to late night venues. Last year casinos in the UK hosted almost 19 million visits, and provided an important source of local revenue. Which could translate to:

- New £15 million **construction investment** in local authority areas to help to restore confidence locally
- Possibility of Section 106 Agreements to **boost local services**
- Local Authority **business rates boosted** by £250,000 pa
- Areas benefit from **£4-5 million of added value** in the local economy

It is also worth noting that as a, quite properly, highly regulated industry it is also a labour intensive business, providing disproportionately high employment opportunities with typically 100 to 200 staff on a premises, some current casino venues provide up to 450 jobs (depending on the size of the casino). Employment is met at a local level, often to the young; also the lack of academic qualifications is not a barrier to employment.

The number of casino premises licences is fixed in law. Under the Gaming Act 1968 there are 186 licences in existence. The Gambling Act 2005 added 16 new casinos to this number making a total of 202 licences. These 16 '2005 Act' licences are already allocated to specific locations. There is no move by the government to increase this figure, or by NCiF to move the 2005 Act licences away from the granted area. Nor are our members seeking to increase these finite numbers.

However, there is an anomaly in the current legislation. The 186 '1968 Act' licences were allocated to 53 'Permitted Areas'. These Areas have not changed in the intervening 40 years. However, population and demographic shifts over the last four decades have rendered the operation of a number of these licences uneconomic. At the same time a number of Local Authorities have sought to attract a casino to their area, but are unable to as they are not 'Permitted Areas' under the 1968 Act. The current position is that there are 38 casino licences not being used - dormant. We know of no other business sector where those who wish to operate and those that wish to attract the resultant inward investment are both blocked from doing so by law.

However, on 24th July 2012, the Culture, Media and Sport Committee produced a report, entitled 'The Gambling Act 2005: A bet worth taking?'. This Report scrutinised the operation of the Gambling Act 2005. Regarding casinos, it concluded (at Para. 165):

"Both the 1968 and 2005 Act provisions successfully prevented casinos from proliferating or clustering. However, there is no evidence that allowing local authorities to decide independently whether or not they wish to have a casino would lead to a significant increase in the total number of casinos. We believe that the decision as to whether a casino would be of benefit to a local area should be made by local authorities rather than central diktat.

We recommend that any local authority be able to make the decision as to whether or not they want a casino. As a step towards this, we recommend that existing 1968 Act Casino licences are made portable, allowing operators to relocate to any local authority provided that they have the consent of that local authority. The portability of these licences would be constrained by the existing 'triple lock' contained in the Gambling Act: the need to obtain local authority approval, a premises licence and planning permission."

It is clear that the CMS Committee's view is that Local Authorities are best placed to decide whether they should be a permitted area and do or do not wish to host a casino in their area, rather than remaining with the current position.

We are asking you to consider the proposition that your Authority *is* the proper body (rather than central government) to decide if it wishes to have a casino in its area. We are aware that a small number of Authorities passed a 'No Casino' policy at the last review of its Gambling Policy in 2010. Given the above we would ask you to re-consider that decision. To revoke this policy would not in any way commit that Authority to having a casino - the 'Triple Lock' expressed in the CMS Report extract above still allows an Authority to take individual decisions on applications in accordance with its views and the application's merits. By not having a "No Casino" policy does offer an Authority the continuing opportunity to decide for itself whether it is right for the Authority and its public to have a casino.

We are collating responses from across England, Scotland and Wales and would really appreciate your Authority's views on this local decision-making issue.

Additionally, should your Authority take a positive view that it would, on the freeing up of the position, actively seek to host a casino we would be pleased to hear from you.

Given the timeframe and in order to assist could we ask that you reply to this letter by Friday 31st August using the attached 'Licensing Survey' response form, and kindly email your reply to my colleague Jim Ratchford jim@nci-forum.co.uk.

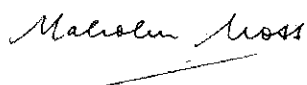
Should you wish to discuss any of the information above please contact my colleague, Jim who will be happy to assist:

Tel: 020 7828 5410
Fax: 020 7932 0751
Mobile: 07718 131479

E-mail: jim@nci-forum.co.uk

Website www.nci-forum.co.uk

Yours sincerely



Malcolm Moss
Chairman

Copied to: The Leader of the Council

Encl: 1 Licensing Survey