



# Gambling policy statement (statement of principles) 2019-2022 - Gambling act 2005

Effective 31<sup>st</sup> January 2022

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Should any regulations/codes of practice or guidance impact upon the content of this document it will need to be amended at a later stage, bearing in mind resource implications for the council.

## 1. Introduction

1.1. Lichfield District is located in south-east Staffordshire, and abuts the West Midlands conurbation. The District has two main settlements, the cathedral City of Lichfield and the town of Burntwood. There are also many rural villages that are set within a varied and attractive rural area, The District of Lichfield has a population of 105,600 (based on mid-year estimates 2020) and covers some 33,000 hectares

1.2. There are relatively fewer children aged under 16 (17.1%) and compared to England (18.9%), and 24% of people aged 65 and over, compared to the national average of 18.6%. The population is projected to have a small increase overall by 2026 but a much larger growth in people aged 65 and over.

1.3. There are a number of wards in Lichfield where families and communities face multiple issues such as unemployment or low incomes, low qualifications, poor housing, social isolation, ill-health (physical and/or mental) and poor quality of life. These wards are: Boney Hay & Central, Chadsmead, Chasetown, and Stowe.

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

1.5. Lichfield District Council consulted widely upon this policy between before finalising and publishing. A list of those persons consulted is provided below.

- Staffordshire Police
- Staffordshire Trading Standards
- Staffordshire Social Services
- Existing operators of premises requiring licences under the Gambling Act 2005
- Representatives and holders of existing licences
- Licensees of alcohol licensed premises who have given notification of the use of gaming machines
- National bodies representing the Gambling industry

- Local business representing consumers and tourism
- Local member of parliament
- Companies in the area who provide gaming machines
- Councillors and Parish Councils
- Organisations dealing with gambling addiction and gambling problems including Gamblers Anonymous, GamCare
- Voluntary and support groups, including CASES, South Staffs Mental Health Network
- The general public via the Council's website
- Elected members
- Community Safety Teams
- Director of Public Health
- Gambling Commission

Our consultation took place between 11 October and 19 November 2021

*Need to add feedback summary and council approval.*

- 1.6 Lichfield District Council as the licensing council for the District of Lichfield makes this Statement of Policy in pursuance of its powers and duties under Section 349 of the Gambling Act 2005 (the Act) and sets out the Council approach in dealing with its responsibilities under the Act. In this document, unless otherwise stated, any references to the council are to Lichfield District Council Licensing Authority.
- 1.7 This statement of licensing policy 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 according to the statutory requirements of the Gambling Act 2005.
- 1.8 In preparing this statement the Council had had regard to the provisions of the Gambling Act 2005, the guidance issued by the Gambling Commission, and Regulations made by the Secretary of State. Due consideration has been given to the responses of all consultees and in determining the weight to be attached to particular representations the Council has taken into account the following factors:
- Who is making the representation (their expertise or interest)

- The relevance to the licensing objectives
- How many others expressed the same or similar views
- Any responses from those consulted on the policy.

1.9 This Statement will come into force on the 31st January and will have effect until 30th January 2025 being kept under review and revised or amended as required following consultation.

1.10 The Act specifies licensing objectives which are central to the regulatory regime, these 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

## **2. The Licensing objectives**

2.1 The Act specifies licensing objectives which are central to the regulatory regime, these 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

2.2 The licensing objectives are set out below, together with the respective roles and responsibilities:

- 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

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

2.3 The Gambling Commission takes the lead role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being

associated with providing such facilities. The Gambling Commissions Guidance does however encourage licensing authorities to pay particular attention to the proposed location of gambling premises in terms of this licensing objective.

- 2.4 Such association with crime may include; money laundering; counterfeiting; drug dealing or any similar involvement in organised crime.
- 2.5 When applying to this council for a premises licence the applicant will have to hold an operating licence from the Commission before a licence can be issued so the council will not be concerned with the suitability of the applicant. Where concerns about a person's suitability arise, the council will bring those concerns to the attention of the Commission. The council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commissions Guidance, codes of practice and this gambling policy.
- 2.6 The applicant will be expected to demonstrate that they have, or intend to implement, sufficient controls to prevent the premises being a source of crime and disorder, associated with crime and disorder or used to support crime. This could include details of any risk assessments that have been carried out, measures relating to the design and layout of the premises to minimise opportunities for crime and disorder and the strategies for managing the premises.
- 2.7 Where representations are received, it may be necessary for appropriate conditions to be attached to the licence, for example, Licensed Door Supervisors, CCTV or minimum levels of staffing.
- 2.8 Where a particular premises has a history of crime and disorder or a history of use by those involved in crime as a place of association or a way to dispose of the proceeds of crime the Council will give careful consideration as to whether it is suitable to be licensed under the Act. The Council may decide that any licence that is granted should be subject to additional conditions to promote this objective.
- 2.9 Whilst issues of nuisance are not included specifically in the gambling objectives and cannot be addressed via the Gambling Act, the Council may consider, that extreme instances of public nuisance and persistent public nuisance amount to crime and disorder and may refuse to grant a licence or impose additional conditions in circumstances where serious and persistent public nuisance is associated with the premises.

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

- 2.10 The Gambling Commission takes the lead role in ensuring that gambling is conducted in a fair and open way via operating and personal licences.

- 2.11 Generally it is for the Gambling Commission to ensure that this licensing objective is complied with as this will be a matter primarily dealt with under either the operating licence or the personal licence. Where the Council suspects that gambling is not being conducted in a fair and open way or has concerns about misleading advertising this will be brought to the attention of the Commission.

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

- 2.12 This licensing objective seeks to prevent children from taking part in most types of gambling and where appropriate, the council may require specific measures at particular premises which are designed to ensure that the licensing objectives are met. However, harm in this context is not limited to harm from gambling but includes wider child and adult protection considerations, including the risk of child sexual exploitation.
- 2.13 The Council does not seek to offer a definition for the term “vulnerable people” but for regulatory purposes it will assume that this group includes older people, adults with learning disabilities, people who gamble more than they meant to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to lacking mental capacity, or because of the influence of alcohol or drugs.
- 2.14 The Council will expect operators to put appropriate measures in place to protect children and other vulnerable persons. These could include, but are not confined to:
- Specific training programmes for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to exclude them from the premises or part of the premises
  - Effective measures to implement a proof of age scheme for adult only premises.
  - Provision for self-barring schemes and access to information or helplines for organisations such as GamCare.
  - Appropriate design and layout of the premises to ensure that they do not attract children or vulnerable people including appropriate signage and location of machines
  - Effective management of the premises to include refusals logs and sufficient numbers of staff.
  - Ensuring that any promotional materials do not encourage the use of the premises by children, or vulnerable people.

- . The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of promoting the licensing objectives

### **3. General Statement of Principles**

- 3.1. The Council recognises the wide variety of premises which will require a licence or a permit. These include betting shop, casinos bingo halls, licensed remises, clubs, amusement arcades and raving tracks.
- 3.2. In carrying out its licensing function the Council will have regard to guidance issued by the Gambling Commission,
- 3.3. The Council will not seek to use the Act to resolve matters more readily dealt with under other legislation. This statement will avoid duplication with other regulatory regimes wherever possible. In considering applications and taking enforcement action, under the Gambling Act the Council will have regard to the provisions of the Human Rights Act,
- 3.4. The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the Gambling Commission and will aim to permit gambling in accordance with the three licensing objectives set out at Section 1 of the Act. The expectation is that gambling premises will ensure that the licensing objectives are met
- 3.5. When making decisions about applications for premises licences, the Council is bound by, and committed to, a statutory aim to permit gambling in so far as it believes that any application made is :
  - 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 council's statement of gambling policy
- 3.6. Moral or ethical objections to gambling are not valid reasons for the rejection of premises licence applications by the council as the licensing council.
- 3.7. To ensure the licensing objectives are met the council as the Licensing Council will establish good working relations with the Police, the Gambling Commission and other Responsible Authorities.



## 4. Exchange of Information

- 4.1 The principle that the council will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the General Data Protection Regulations will not be contravened. The information that is provided will be used by Lichfield District Council, who are the data controller, to allow it to carry out our statutory obligations in relation to the administration, compliance and enforcement of the licensing function within the District. It will only share information with agencies involved in licence processing or licensing enforcement where the law requires or permits it to do so.

## 5. Enforcement

- 5.1 The council will liaise with the Gambling Commission and other enforcing authorities on enforcement issues. These protocols will include agreements relating to joint inspections and joint strategies.
- 5.2 The main enforcement and compliance role for the council, in terms of the Gambling Act 2005, will be to ensure compliance with the premises licence conditions and other permissions.
- 5.3 The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premise requires a premises licence for gambling activities and no such licence is in force, the council will notify the Gambling Commission.
- 5.4 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act. The council 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.

5.5 The council will adopt a risk based inspection programme based on:

- relevant codes of practice
- guidance issued by the Gambling Commission
- the licensing objectives
- the principles set out in this statement of gambling policy

## **6. Licensing - Council functions**

### **Authorised Activities**

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

6.2 Gaming means playing a game of chance for a prize

6.3 Betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not

6.4 A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

6.5 The Act provides for 3 categories of licence:

- Operating licences
- Personal licences and
- Premises licences

6.6 The council will be responsible for issuing premises licences. The Gambling Commission will be responsible for issuing operating and personal licences,

6.7 Licensing Authorities are responsible under the Act for:

- Licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue of Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing of Club Machine Permits to Commercial Clubs
- Granting of permits for the use of certain lower stake gaming machines

at unlicensed Family Entertainment Centres

- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or less gaming machines
- Granting of Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Registering of small society lotteries below prescribed thresholds
- Issuing of Prize Gaming Permits
- Receiving and Endorsing Temporary Use Notices
- Receiving of Occasional Use Notices (for tracks)
- Providing information to the Gambling Commission regarding details of licences issued (see section on exchange of information)
- Maintaining registers of the permits and licences that are issued under these functions

6.8 Spread betting is regulated by the Financial Services Council, Remote gambling is dealt with by the Gambling Commission.

## **7. Premises Licences**

7.1 The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite operator's licence and personal licence from the Gambling Commission before they approach the Council for a premises licence

7.2 Premises licences are subject to the permissions/restrictions set-out in S150 of the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate

7.3 The council will issue premises licences to allow those premises to be used for certain types of gambling. Premises licences granted must be consistent with the licensing objectives.

7.4 Section 150 of the Act permits the issue of premises licences authorising the provision of facilities at the following:

- casino premises
- bingo premises

- betting premises, including tracks and premises used by betting intermediaries
  - adult gaming centres
  - family entertainment centres
- 7.5 Premises can be ‘any place’ but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different ‘premises’..
- 7.6 Applicants should be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice. However the overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits.
- 7.7 The council 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 believes it is:
- 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 council’s statement of gambling policy.

## **8. Definition of “premises”**

- 8.1 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact within any given circumstance.
- 8.2 The council will take particular care when considering applications for multiple licences for a building. In particular the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 8.3 The council will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be

licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

- 8.4 Other than an application for a betting premises licence in respect of a track, the Council is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 8.5 When considering applications for premises licences the council will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission being granted.
- 8.6 The council will maintain a register of premises licences issued and will ensure that the register is available for public inspection.
- 8.7 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to "the premises" are to the premises in which gambling may take place. Thus a licence to use premises for gambling will only be issued by the Council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete, ensures that the Council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.
- 8.8 Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement..

## **9. Location**

- 9.1 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the suitability of a location for gambling activity in terms of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 9.2 The Local Area Profile will assist operators to make their decisions using the information which may highlight sensitive areas which they can take into account of any sensitive locations within close proximity to proposed gambling premises.

- 9.3 Applicants will have to show that they have considered any potential impact of their proposed business on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them.
- 9.4 It should be noted that areas considered to be sensitive does not preclude any application being made and each application will be decided on its own merits.
- 9.5 With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:
- The proximity of the premises to schools, or centres for vulnerable adults
  - The proximity of the premises to residential areas where there may be a high concentration of families with children
  - The size of the premises and the nature of the activities taking place
  - The level of organised crime in the area.

## **10 Primary Activity**

- 10.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. The licensing council will take decisions in accordance with the Commission's Guidance and Codes of Practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operator's licence. The council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed.
- 10.2 It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

## **11 Responsible Authorities**

- 11.1 The Act allows certain agencies to act as responsible authorities. Responsible authorities must be notified of all applications and are entitled to make representations to the Council if they are relevant to the licensing objectives. They are also able to apply for a review of an existing licence.
- 11.2 Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. In relation to the council's area, these are:
- The Licensing Council itself
  - The Gambling Commission

- The chief officer of police
  - The Fire & Rescue Council
  - The local planning council
  - An council with functions in relation to pollution of the environment or harm to human health
  - A body designated in writing by the licensing council as competent to advise about the protection of children from harm
  - HM Revenue & Customs, and
  - Any other person prescribed in regulations by the Secretary of State
- 11.3 Section 211 (4) provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 22 (1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is to be used for licensable activities.
- 11.4 The Council is required to set out the principles to be applied in exercising its powers to designate, in writing, a body which is competent to advise about the protection of children from harm. The principles applied in designating such a body are:
- the body must be responsible for covering the whole of the Council's area, and
  - the body should be answerable to democratically elected persons rather than any particular vested interest groups etc.
- 11.5 In accordance with the regulations the Staffordshire Safeguarding Children Board is the designated council for this purpose. The contact details of all the Responsible Authorities under the Gambling Act 2005 are detailed at Appendix D of this document.

## **12. Interested Parties**

- 12.1 Interested parties are people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act. An interested party is someone who:
- 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 in either of the two groups above

12.2 The principles the council will apply to determine whether a person is an interested party are:

- Interested parties could include trade associations and trade unions, and residents' and tenants' associations. This council will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises or has business interests likely to be affected by the activities being applied for
- Interested parties can be persons who are democratically elected. These include MPs, County and District Councillors, Town Councillors and Parish Councillors. 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. Other than these persons, this council 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 authorised 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
- In order to determine if an interested party lives or has business interests, sufficiently close to the premises that are likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

12.3 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 or in any other way have a personal interest that would preclude them from participating in a hearing. If there are any doubts then please contact the licensing team.

### **13. Representations**

13.1 The Authority is obliged to consider representations from 'responsible authorities' and 'interested parties' and must determine whether or not representations are admissible. A representation is inadmissible if not made by a responsible authority or an interested party.

13.2 The only representations likely to be relevant are those that relate to the licensing objectives, or that raise issues under this statement or the commissions Guidance or Codes of Practice. The Authority must determine the relevance of the representation.



- 13.3 Any concerns that responsible authorities have in relation to their own functions cannot be taken into account if they are not relevant to the application for a premises licence and the licensing objectives.
- 13.4 The Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but before coming to a decision the Authority may consider the following:
- who is making the representation and whether there is a history of making representations that are not relevant
  - whether it raises a 'relevant' issue or not, or
  - whether it raises issues specifically to do with the premises which are the subject of the application

#### **14. Conditions**

- 14.1 .Conditions imposed by the council may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence.
- 14.2 The council will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's Guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.
- 14.3 Any conditions imposed by the council will be proportionate to the circumstances they are intended to address. In particular, the Council will ensure that any conditions are:
- relevant to the need to make the premises suitable as a gambling facility
  - directly related to the premises and the type of licence applied for
  - fairly and reasonably related to the scale and type of premises, and
  - reasonable in all other respects
  - decided on a case by case basis
- 14.4 Applications will normally be granted, subject only to the mandatory and default conditions. Such conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented.

Conditions will only be attached to premises licence where there is evidence of a need to do so.

- 14.5 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures which the council may consider. These include the use of door supervisors, supervision of entrances, supervision of adult gaming machines and appropriate signage for adult only areas. The council will also expect the applicant to ensure that the licensing objectives are effectively met.
- 14.6 There are conditions which the council cannot attach to premises licences which are:
- Any condition on the premises licence which makes it impossible for the applicant 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; and
  - Conditions in relation to stakes, fees, winnings or prizes.

## **15. Adult Gaming Centres (AGC) and licensed family entertainment centres (LFEC)**

- 15.1 Adult gaming centres are commonly found within town centre environments and are able to make category B, C and D gaming machines available to adults. Nobody under the age of 18 will be permitted to enter an AGC.
- 15.2 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games and penny pushers. They may have a separate section set aside for adult only gaming machines with higher stakes and prizes and are able to make available a certain number of category C and D machines. Clear segregation must be in place so children do not access the areas where the category C machines are located.
- 15.3 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas within the LFEC
- 15.4 The council will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions may cover:
- Proof of age schemes (e.g. PASS Schemes)
  - The use of Challenge 25 policy

- The use of 'No ID No Entry' policy
- CCTV
- Door Supervision
- Supervision of machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Staff training in the law and the provision of a named point of contact to help ensure compliance.
- Measure/training for staff on how to deal with suspected truanting school children and how to recognise signs of potential child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm
- Self exclusion schemes and the provision of leaflets/helpline numbers to organisations such as Gamcare, the Responsible Gambling Trust or GambleAware Etc.
- A policy in place which addresses the Multi operator self exclusion scheme (MOSES)

This list is not mandatory nor exhaustive and is merely indicative of examples.

15.5 Under the auspices of their gaming machine permit, adult gaming centres may offer any type of prize gaming and unlicensed family entertainment centres may offer equal chance prize gaming without the need for a prize gaming permit.

## **16. Casinos**

16.1 Potential licence applicants should take note that as a "no casino" resolution under Section 166 of the Gambling Act 2005 was passed by this council in December 2006. Any applications received will be returned with confirmation that a no casino resolution is in place.

## 17. Bingo premises

- 17.1 There is no official definition for bingo in the Gambling Act 2005. Such premises may however provide cash and prize bingo. Commercial bingo halls will require a bingo premises licence from the council. In addition bingo premises are also able to provide a limited number of gaming machines in line with the provisions of the Act.
- 17.2 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 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 licence, for that or those excluded areas.
- 17.3 Section 172(7) of the Act provides that the holder of bingo premises licences may make available for use a number of category B gaming machines for use on the premises.
- 17.4 This council also notes the Commission's Guidance in the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted. It is not permissible for all of the gaming machines to which each of the licenses brings an entitlement to be grouped together within one of the licensed premises.
- 17.5 The playing of bingo specifically in alcohol-licensed premises, clubs and miners welfare institutes is permissible under the exempt gaming allowances. Where the level of bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a bingo operating licence will be required by the Commission.
- 17.6 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 are allowed. Where category C or above machines are available in premises to which children are admitted then the operator will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
  - only adults are admitted to the area where the machines are located
  - access to the area where the machines are located is supervised
  - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and, at the entrance

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

## **18. Betting Machines in Betting Premises**

- 18.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises.
- 18.2 Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines and the nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.
- 18.3 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, may 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 or by vulnerable adults.

## **19. Tracks**

- 19.1 A track is a site where races or other sporting events take place.
- 19.2 Currently the council does not licence any tracks which permit on-course betting. Where an application for a track premises licence is being considered, the applicant should contact the council's licensing team at the earliest opportunity. The council's consideration will be the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site and the ability to prevent children and young persons and vulnerable people accessing the machines.

## **20. Travelling Fairs**

- 20.1 Travelling fairs have the right to provide an unlimited number of category D machines and / or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.
- 20.2 The council is aware that the 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

## **21. Provisional Statements**

- 21.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed, or is about to be altered for the purpose of gambling would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so that the project can be started. Once works are complete a full premises licence would still be required.
- 21.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council 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 is in the council's opinion reflect a change in the operator's circumstances.
- 21.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

## **22. Temporary Use Notices**

- 22.1 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.
- 22.2 The licensing council can only accept a Temporary Use Notice from a person or company holding a relevant operating licence.
- 22.3 Regulations prescribed by the Secretary of State provide that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, for example games such as backgammon, cribbage, bingo and poker.
- 22.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance notes that the meaning of 'premises' in part 8

of the Act, is mentioned in Part 7 of the Gambling Commission Guidance. As with 'premises', the definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice that is given. In the Act 'premises' is defined as including 'any place'. In considering whether a place falls within the definition of 'a set of premises', licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

- 22.5 The council would expect 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 Guidance.

### **23. Occasional Use Notices**

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

### **24. Gaming Machines**

- 24.1 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be a gaming machine. A machine that is capable of being used as a gaming machine whether or not it is currently operating as one would also be classified as a gaming machine.
- 24.2 The council is aware of its power to restrict the number of gaming machines in certain circumstances. In the event that the council considers whether to impose such a restriction on any particular permit it may, among other things, 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 persons.
- 24.3 The council will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access and would include take-away premises, taxi offices, supermarkets etc.

### **25. Unlicensed Family Entertainment Centre gaming machine permits (UFECs)**

- 25.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises are 'unlicensed' in that they do not require a premises licence but do require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines.

- 25.2 In accordance with Gambling Commission guidance, the council will give weight to child protection issues when considering applications for permits.
- 25.3 The council will expect applicants 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, including Child Sexual Exploitation. The council will assess these policies and procedures on their merits. However they may include appropriate measures/training for staff regarding how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises.
- 25.4 The council will also expect applicants to demonstrate;
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in licensed UFEC's
  - 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.
- 25.5 An application for a permit may only be granted if the chief officer of police for the district has been consulted on the application.
- 25.6 In line with the Act the council cannot attach conditions to this type of permit and the statement of principles only to initial applications and not renewals.

## **26. Gaming machine permits in premises licensed for the sale of alcohol**

- 26.1 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 council. The council 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 council, 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.



- 26.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit. The council 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 it thinks relevant.”
- 26.3 The council considers that “such matters” will be decided on a case by case basis but generally regard will be given to the need to protect children and vulnerable adults from harm or being exploited by gambling. The council will also expect the applicant to satisfy the council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.
- 26.4 Measures which may satisfy the council that there will be no access include the adult machines being situated in close proximity to the bar, or insight of staff who will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also be help. Regarding the protection of vulnerable adults, applicants may wish to consider the provision of information leaflets/ helpline numbers for organisations such as Gamcare.
- 26.5 The council 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.
- 26.6 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(s).
- 26.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for and dealt with as an Adult Entertainment Centre premises licence.

## **27. Prize Gaming Permits**

- 27.1 The council will expect the applicant to set out the types of gaming that they are intending to offer and be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in regulations;
  - That the gaming offered is within the law
- 27.2 In making its decision on an application for prize gaming permits, the council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 27.3 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the council 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 nonmonetary prize), and
- participation in the gaming must not entitle the player to take part in any other gambling

## **28. Club Gaming and Club Machines Permits**

- 28.1 Members Clubs and Miners' welfare institutes (but not commercial clubs) may apply for a 'Club Gaming Permit' or a 'Club gaming machine permit'. The 'Club Gaming Permit' will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.. A 'Club gaming machine permit' will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 28.2 To qualify for these special club permits a members club 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. It is anticipated that this will cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.
- 28.3 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.
- 28.4 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and the majority of members are over 18.
- 28.5 The council may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

- the applicant's premises are used wholly or mainly by children and/or young person's
- 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 Gambling Commission or the police.

28.6 It should be noted that there is a "fast track procedure available for premises which hold a Club Premises Certificate under the Licensing act 2003. As the Gambling Commission's Guidance for local council's states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an council can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12
- 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"

## **29. Lotteries**

29.1 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

29.2 In carrying out its functions in relation to Lotteries, the council will have regard to the Act, any guidance issued by the Commission from time to time and any Regulations issued by the Secretary of State.

29.3 The Act makes it illegal to promote lotteries unless they are licensed or within an exempt category. One such exemption relates to registered small society lotteries, promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. The council is responsible for registering small society lotteries, which are promoted by non-commercial organisations that are established for:

- charitable purposes

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

### **30. The Licensing Process**

30.1 The powers of the Council as a licensing authority under the Gambling Act may be carried out by the Licensing and Regulatory Committee and then put before Full Council. Applications under the Act will be dealt with in accordance with the council's scheme of delegation.

30.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. Applicants must carry out a risk assessment before they apply for a licence.

30.3 The council will expect the local risk assessment to consider as a minimum:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather
- the demographics of the area in relation to vulnerable groups
- whether the premises is in an area subject to high levels of crime and/or disorder

Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected and should be kept on the premises at all times.

30.4 Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms will be available on our website [www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk) this includes contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

30.5 The Act requires licensing authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request to view entries. The register is available online or in print at Lichfield District Council  
District Council House  
Frog Lane

### **31. Reviews**

- 31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may be amended or new conditions added.
- 31.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:
- 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 this council's Gambling Act 2005 - statement of gambling policy.
- 31.3 In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this council to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 31.4 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate

## Appendix A – List of Responsible authorities

<p>Licensing Lichfield District Council District Council House Frog Lane Lichfield Staffordshire WS13 6YU</p> <p>Tel: 01543 308066 <a href="mailto:licensing@lichfielddc.gov.uk">licensing@lichfielddc.gov.uk</a></p>	<p>Police Licensing Early Intervention and Prevention Unit Ground Floor Block 9 Weston Road Staffordshire ST18 0YY</p> <p>Tel: 01785 232840 <a href="mailto:licensinghq@staffordshire.pnn.police.uk">licensinghq@staffordshire.pnn.police.uk</a></p>
<p>Staffordshire Safeguarding Children Board Staffordshire County Council Tipping Street Stafford ST16 2DH</p> <p>Tel: 01785 277151 <a href="http://www.staffsscb.org.uk">www.staffsscb.org.uk</a></p>	<p>Lichfield District Council Environmental Protection Frog Lane Lichfield Staffordshire WS13 6ZE</p> <p>Tel: 01543 308725 <a href="mailto:pollution@lichfielddc.gov.uk">pollution@lichfielddc.gov.uk</a></p>
<p>Development Services Lichfield District Council Frog Lane Lichfield Staffordshire WS13 6YZ</p> <p>Tel: 01543 308197/174 <a href="mailto:devcontrol@lichfielddc.gov.uk">devcontrol@lichfielddc.gov.uk</a></p>	<p>Lichfield District Council Health and Safety Team Frog Lane Lichfield Staffordshire WS13 6ZE</p> <p>Tel: 01543 308900 <a href="mailto:occupationalafety@lichfielddc.gov.uk">occupationalafety@lichfielddc.gov.uk</a></p>
<p>Trading Standards Staffordshire County Council 2 Staffordshire Place Stafford ST16 2DH</p> <p>Tel 0300 111 8002 <a href="mailto:businessadvice@staffordshire.gov.uk">businessadvice@staffordshire.gov.uk</a></p>	<p>Or</p> <p>Health &amp; Safety Executive 19 Ridgeway 9 Quinton Business Park Birmingham B32 1AF</p> <p>Tel: 0300 0031747 <a href="http://www.hse.gov.uk">www.hse.gov.uk</a></p>

<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p> <p><a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a></p>	
<p>Staffordshire Fire &amp; Rescue Service Headquarters Pipehill Stone Staffordshire ST15 0BS</p> <p>Tel: 01785 898659 <a href="mailto:Wsdg.firesafety@staffordshirefire.gov.uk">Wsdg.firesafety@staffordshirefire.gov.uk</a></p>	<p>H M Revenue &amp; Customs Crownhill Court Tailyour Road Plymouth PL6 5BZ</p> <p><a href="http://www.gov.uk/government/organisations/hm-revenue-customs">www.gov.uk/government/organisations/hm-revenue-customs</a></p>