

# Gambling Act 2005

Statement of Principles  
2013 - 2016



Approved and adopted by  
Stevenage Borough Council  
on (insert date)

DRAFT - 2012

**Stevenage**  
BOROUGH COUNCIL

## Contents

<b>PART A – INTRODUCTION</b>	<b>4</b>
1 Stevenage Borough .....	4
2 The Licensing Objectives .....	5
3 Declaration .....	6
4 Responsible Authorities .....	6
5 Interested parties .....	7
6 Exchange of Information .....	8
7 Enforcement .....	8
8 Licensing Authority functions .....	10
<b>PART B – PREMISES LICENCES</b>	<b>11</b>
1 General Principles .....	11
2 Decision Making .....	11
3 Definition of “premises” .....	12
4 Premises “ready for gambling” .....	15
5 Location .....	15
6 Planning .....	15
7 Duplication with other regulatory regimes .....	16
8 Licensing objectives .....	17
9 Conditions .....	18
10 Door Supervisors .....	19
11 Adult Gaming Centres .....	20
12 Licensed Family Entertainment Centres: .....	20
13 Casinos .....	21
14 Bingo premises .....	21
15 Betting premises .....	21
16 Tracks .....	22
17 Travelling Fairs .....	23
18 Provisional Statements .....	24
19 Reviews: .....	26
<b>PART C – PERMITS/TEMPORARY &amp; OCCASIONAL USE NOTICE</b>	<b>27</b>
1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7) .....	27
2. Statement of Principles – Permits on unlicensed FECs .....	28
3. Alcohol Licensed premises gaming machine permits (Schedule 13 Para. 4(1)) .....	29
4. Prize Gaming Permits - (Statement of Principles on Permits - Sch14 Para 8 (3)) .....	30
5. Statement of Principles – Prize Gaming Permits .....	30
6. Club Gaming and Club Machines Permits .....	31
7. Temporary Use Notices .....	33
8. Occasional Use Notices: .....	33
9. Small Society Lotteries .....	34

**APPENDICES 33**

Appendix 1 – Map of Stevenage .....	35
Appendix 2 – Consultees .....	36
Appendix 3 – Responsible Authorities .....	38
Appendix 4 – Other useful contacts .....	40
Appendix 5 - Delegation of Licensing Functions .....	41
Appendix 6 - Glossary of terms .....	43

DRAFT - 2012

## **PART A – INTRODUCTION**

### **1 Stevenage Borough Council**

- 1.1 Stevenage Borough Council is situated in the County of Hertfordshire, which contains 10 District Councils in total. Designated as Britain's first new town in 1946, the Council area has a population of approximately 88,000 making it the smallest in the County in terms of population. In terms of area it is also the smallest, covering approximately 20 square miles. The town is located on the A1(M) just 30 miles from London and 15 minutes from the M25. Rail connections are good, being situated on the East Coast London to Edinburgh line, and both Luton and Stansted airports are within easy travelling distance.
- 1.2 Set in the attractive countryside of north Hertfordshire, Stevenage is an urban authority, enjoying the amenities of a well-planned new town together with a history dating back to Roman times. However, Stevenage is the most deprived District in Hertfordshire and nationally ranks 184<sup>th</sup> out of the 354 districts in England (where 1 is the most deprived district). Local comparative positions in 2000 were: East Herts. 344<sup>th</sup>, North Herts. 280<sup>th</sup>, St. Albans 333<sup>rd</sup>, Welwyn and Hatfield 268<sup>th</sup>.
- 1.3 A map of the Council area is attached as appendix 1.
- 1.4 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that 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.

Stevenage Borough Council consulted widely upon this statement before finalizing and publishing. A list of those persons consulted is provided in appendix 2. Our consultation took place between 17 August 2012 and 26 October 2012 and we followed, where possible, the HM Government Code of Practice on consultation (published July 2008) which is available at:

<http://www.berr.gov.uk/files/file47158.pdf>

No comments were received during the consultation period.

- 1.5 The policy following consultation, will return to Executive on the 20<sup>th</sup> November 2012 and then to Full Council on the 5<sup>th</sup> December 2012. If approved, this will then be published by the 3<sup>rd</sup> January 2013, to take affect from the 31<sup>st</sup> January 2013.

- 1.6 Should you have any comments as regards this policy statement please send them by e-mail or letter to the following contact:

Name: Licensing Team  
Address: Stevenage Borough Council,  
Daneshill House,  
Danestrete,  
Stevenage, SG1 1HN

[E-mail: licensing@stevenage.gov.uk](mailto:licensing@stevenage.gov.uk)

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

## **2 The Licensing Objectives**

- 2.1 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:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- b) Ensuring that gambling is conducted in a fair and open way;
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 2.1.1 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".

- 2.2 This licensing authority is aware that, as per Section 153, in making decisions about premises licenses 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 principles

### **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 issued by the Gambling Commission, and any responses from those consulted on the statement.

### **4 Responsible Authorities**

#### **4.1 Child Protection**

- 4.2 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.

- 4.3 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Hertfordshire Safeguarding Children Board for this purpose.

- 4.4 Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not generally take into account representations that are deemed to be irrelevant, such as:

- There are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account)
- The premises are likely to be a fire risk (because public safety is not a licensing objective)
- The location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives)
- The premises will cause crowds to congregate in one area causing noise and nuisance (because other powers are generally available to deal with these issues. It should be noted that, unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws).



- 4.5 The contact details of all the Responsible Authorities under the Gambling Act 2005 for applications for premises within the Borough of Stevenage are included as appendix 3. This information is also available via the Council's website at: [www.stevenage.gov.uk](http://www.stevenage.gov.uk).
- 4.6 Details of other useful contacts are shown at appendix 4.

## **5 Interested parties**

- 5.1 Interested parties can make representations about license applications, or apply for a review of an existing license. 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 license if, in the opinion of the licensing authority which issues the license 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:

Each case will be decided upon its own 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 for local authorities at 8.11 and 8.19. 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.

- 5.3 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 councillors/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.
- 5.4 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 license application. If there are any doubts then please contact the licensing department by e-mail [at.licensing@stevenage.gov.uk](mailto:at.licensing@stevenage.gov.uk) or 01438 242242.

- 5.5 In the absence of any regulations to the contrary, representations should ideally:
- be made in writing (letter, fax or e-mail);
  - be in black ink on single sides of A4 paper;
  - indicate the name and address of the person or organisation making the representation;
  - indicate the premises to which the representation relates;
  - Indicate the proximity of the premises to the person making the representation. A sketch map or plan may be helpful to show this;
  - Clearly set out the reasons for making the representation, and which objective it refers to.

## **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 the 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 to local authorities on this matter when it is published, 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 for local authorities, and will endeavor 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.
- 7.2.1 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavor to avoid duplication with other regulatory regimes so far as possible.
- 7.3 This licensing authority will adopt 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 licensing policy
- 7.4 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.
- 7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licenses and other permissions that it authorises. The Gambling Commission is the enforcement body for the operating and personal licenses. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 7.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.7 Bearing in mind the principle of transparency, this licensing authority's

enforcement/compliance protocols/written agreements are available upon request to the licensing department. Our risk methodology is also available upon request.

## **8 Licensing Authority functions**

8.1 The Licensing Authority has delegated some of its functions to the Licensing Committee and to officers. An explanation of these arrangements is shown in appendix 5.

8.2 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 Licenses*
- 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 licenses issued (see section above on 'information exchange')
- Maintain registers of the permits and licenses that are issued under these functions

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

## **PART B – PREMISES LICENCES: CONSIDERATION OF APPLICATIONS**

### **1 General Principles**

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

### **2 Decision Making**

- 2.1 This licensing authority is aware that in making decisions about premises licenses it should aim to permit the use of premises for gambling in so far as it thinks 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 authority's statement of principles.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licenses" (except as regards any 'no casino resolution' - see section on Casinos below – page 21 and also that unmet demand is not a criterion for a licensing authority.

- 2.2 This licensing authority also notes the Gambling Commission guidance on ensuring that betting is the primary activity of 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 premises when seeking variations to licenses.

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

- 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

### **3 Definition of “premises”**

- 3.1 Premises are defined in the Act as “any place”. Section 152 therefore prevents more than one premises license applying to any place. However, it is possible for a single building to be subject to more than one premises license, 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 licenses, 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.
- 3.2 The Gambling Commission states in the 3rd 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 license, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licenses 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.”
- 3.4 This licensing authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that:
- 3.4.1 Licensing authorities should take particular care in considering applications for multiple licenses for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. 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 and exits from parts of a building covered by one or more licenses should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
  - Customers should be able to participate in the activities named on the premises license.

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

- Do the premises have a separate registration for business rates?
- Is the premises' neighboring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

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

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

3.6.1 (Para. 7.25) Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 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 license

3.6.2 Adult Gaming Centre

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

3.6.3 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 license
- 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.

3.6.4 Tracks

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

3.6.5 Bingo Premises

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

### 3.6.6 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

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.

DRAFT - 2012

#### **4 Premises “ready for gambling”**

- 4.1 The Guidance states that a license 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.
- 4.2 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, and then an application for a provisional statement should be made instead.
- 4.3 In deciding whether a premises license can be granted where there is outstanding construction or alteration works at a premise, 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.
- 4.4 Applicants should note that this authority is entitled to decide that it is appropriate to grant a license subject to conditions, but it is not obliged to grant such a license.
- 4.5 More detailed examples of the circumstances in which such a license may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

#### **5 Location**

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

#### **6 Planning**

- 6.1 The Gambling Commission Guidance to Licensing Authorities states:
- (Para. 7.59) – 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.



- 6.2 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:

(Para. 7.66) - When dealing with a premises license 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 license. 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 license application. Equally the grant of a gambling premises license does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

## **7 Duplication with other regulatory regimes**

- 7.1 This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a license 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
- 7.2 When dealing with a premises license 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 license

## **8 Licensing objectives**

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

### **8.1 Licensing Objective 1 - 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 such as whether police assistance was required and how threatening the behavior was to those who could see it, so as to make that distinction.

### **8.2 Licensing Objective 2 - 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 licenses.

### **8.3 Licensing Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling**

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

8.3.2 This licensing authority is also aware of the Codes of Practice that the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

8.3.3 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking 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.

## **9 Conditions**

9.1 Any conditions attached to licenses 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 license applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

9.2 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 license types below. This licensing authority will also expect the license applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

9.4 This licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licenses. 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.

9.5 This authority will also consider whether additional safeguards are necessary in premises where category C or above machines are on offer and children are admitted. Each premise will be considered individually and additional safeguards may include:

- 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 license 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 licenses are applicable.

9.6 This licensing authority is aware that tracks may be subject to one or more than one premises license, provided each license 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.

9.7 It is noted that there are conditions that the licensing authority cannot attach to premises licenses, which are:

- Any condition on the premises license which makes it impossible to comply with an operating license 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 prizes.

## **10 Door Supervisors**

10.1 The Gambling Commission advises in its Guidance for 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 entrances to the premises are controlled by a door supervisors in order to protect of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. The licensing authority is entitled, under those circumstances, to impose a premises license condition to this effect.

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

## **11 Adult Gaming Centres**

11.1 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.

11.2 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.

## **12 (Licensed) Family Entertainment Centres:**

12.1 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.

12.2 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.

12.3 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 licenses 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 licenses, when they have been published.

### **13 Casinos**

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

### **14 Bingo premises**

- 14.1 This licensing authority notes that the Gambling Commission's Guidance states:
- 14.2 (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 license. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their license to exclude an area of the existing premises from its ambit and then applies for a new premises license, or multiple licenses, for that or those excluded areas.
- 14.3 This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a 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.
- 14.4 (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.

### **15 Betting premises**

- 15.1 *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.

## 16 Tracks

- 16.1 There is no, or very few, opportunities for betting at tracks within the Borough. Only one premises license can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 16.2 This licensing authority is aware that tracks may be subject to one or more than one premises license, provided each license 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.
- 16.3 This authority will therefore expect the premises license 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.
- 16.4 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
  - CCTV
  - Supervision of entrances / machine areas
  - Physical separation of areas
  - Location of entry
  - Notices / signage
  - Specific opening hours
  - Self-exclusion schemes
  - Provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 16.5 *Gaming machines* - Where the applicant holds a pool betting operating license and is going to use his entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 16.6 *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 wants to offer.



- 16.7 *Applications and plans* - 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 judgment 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).
- 16.8 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).
- 16.9 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 license holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, Para 20.31).
- 16.10 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).
- 16.11 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).

## **17 Travelling Fairs**

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

## 18 Provisional Statements

- 18.1 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 license. There is no need for the applicant to hold an operating license in order to apply for a provisional statement.
- 18.2 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.
- 18.3 The process for considering an application for a provisional statement is the same as that for a premises license application. The applicant is obliged to give notice of the application in the same way as applying for a premises license. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 18.4 In contrast to the premises license application, the applicant does not have to hold or have applied for an operating license 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.
- 18.5 The holder of a provisional statement may then apply for a premises license once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises license application and in terms of representations about premises license 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.

In addition, the authority may refuse the premises license (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 license stage; or
- Which is in the authority's opinion reflect a change in the operator's circumstances; or
- Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **19 Reviews:**

19.1 Requests for a review of a premises license can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the license, or whether it is substantially the same as previous representations or requests for review.

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

The licensing authority can also initiate a review of a license on the basis of any reason that it thinks is appropriate.

19.2 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.

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

19.4 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the license. If action is justified, the options open to the licensing authority are:-

- add, remove or amend a license condition imposed by the licensing authority;
- exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises license for a period not exceeding three months; and
- Revoke the premises license.

19.5 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.

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

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

- the license 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

DRAFT - 2012

## PART C – PERMITS/TEMPORARY & OCCASIONAL USE NOTICE

### 1 **Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

11 Where a premise does not hold a premises license 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 for local 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)*

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 applicants 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.

## **2 Statement of Principles – Permits on unlicensed FECs**

- 2.1 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;
  - Measures/training covering how staff would deal with children causing perceived problems on/around the premises.
  - Demonstrate an awareness of local school holiday times and how to contact the local education office should truants be identified.
- 2.2 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;
  - Have no relevant convictions (those that are set out in Schedule 7 of the Act), and in addition that any management and staff who will be working at the unlicensed FEC have no relevant convictions; and
  - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 2.3 Compliance with any relevant industry Code of Practice for FECs issued by BACTA or other trade associations may be taken by the licensing authority as evidence that (apart from the criteria relating to criminal convictions) the applicant has met the above.
- 2.4 Applicants must submit with their application two copies of plans of the premises, to a scale of 1:100, showing the exits/entrances to the premises, location of gaming machines.
- 2.5 The licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

### **3 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**

- 3.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:
- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
  - The premises are mainly used for gaming; or
  - An offence under the Gambling Act has been committed on the premises.
- 3.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon:
- 3.3 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. Stevenage Borough Council 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.
- 3.4 It is recognised that some alcohol-licensed premises may apply for a premises license 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 license.



- 3.5 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.
- 3.6 Notifications and applications for any number of machines will be dealt with by licensing authority officers.
- 3.7 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.

#### **4 Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))**

- 4.1 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”.

#### **5 Statement of Principles – Prize Gaming Permits**

- 5.1 The applicant should set out the types of gaming that he/she is intending to offer and that the applicant should be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations;
  - That the gaming offered is within the law; and
  - They have no relevant convictions (those that are set out in Schedule 7 of the Act) and in addition that any management and staff who will be working at the premises have no relevant convictions
  - that they have clear policies that outline the steps to be taken to protect children from harm
- 5.2 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

5.3 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.

## **6 Club Gaming and Club Machines Permits**

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

6.2 This licensing authority notes that the Gambling Commission's guidance states:

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 into account a number of matters as outlined in sections 25.47 – 25.49 of the Gambling Commission's guidance (3<sup>rd</sup> edition). These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The Club must be conducted "wholly or mainly" for the 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.

- 6.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- a) *the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;*
  - b) *the applicant's premises are used wholly or mainly by children and/or young 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."*
- 6.4 There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authority'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 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."*
- 6.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **7 Temporary Use Notices**

- 7.1 Temporary Use Notices allow the use of premises for gambling where there is no premises license 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.
- 7.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating license, i.e. a non-remote casino operating license.
- 7.3 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.
- 7.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that

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

- 7.5 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.

## **8 Occasional Use Notices:**

- 8.1 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.

## 9 Small Society Lotteries

- 9.1 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
- 9.2 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.
- 9.3 Charities and community groups should contact this licensing authority on **01438 242724** to see further advice.

## APPENDICES

### Appendix 1 – Map of Stevenage Borough Council area



## Appendix 2– Consultees

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- 1) The Chief Officer of Police. The authority as therefore consulted:
  - a) Hertfordshire Constabulary
  
- 2) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:
  - a) BACTA (a trade association for machine suppliers/operators)
  - b) British Casino Association
  - c) British Association of Leisure Parks, Piers & Attractions Ltd)
  - d) Business in Sport and Leisure
  - e) British Beer and Pub Association
  - f) Association of British Bookmakers (ABB)
  - g) The Bingo Association
  - h) Ladbrokes Ltd (has outlets in the town)
  - i) Mecca Bingo Ltd (has outlet in the town)
  - j) William Hill Organisation Ltd
  - k) Tote Bookmakers
  - l) Abbey Bookmakers Ltd
  - m) Talarius Limited
  - n) Southern Amusements
  - o) Rank Leisure Ltd
  - p) Frankice (Golders Green) Ltd
  
- 3) 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. The authority has therefore consulted:
  - a) Gambling Commission
  - b) Licensing Authority
  - c) Planning and Development, Stevenage Borough Council
  - d) Hertfordshire Fire and Rescue Service
  - e) Environmental Health
  - f) HM Revenues and Customs
  - g) Local Safeguarding Children Board
  - h) Community Safety/Development Stevenage Borough Council
  - i) Stevenage Town Centre Partnership
  - j) Stevenage Community Safety Partnership
  - k) Stevenage Crime & Disorder Reduction Partnership
  - l) Clubs with club premises certificates under the Licensing Act 2003
  - m) Premises with licenses permitting the sale of alcohol on the premises under the Licensing Act 2003
  - n) Stevenage PubWatch
  - o) Existing Gambling Permit holders
  - p) Residents, through Area Committees and local media
  - q) Hertfordshire County Council

- r) North Herts & Stevenage Primary Care Trust
- s) Stevenage Council for Voluntary Services
- t) Stevenage Citizen's Advice Bureau
- u) Stevenage Community Trust
- v) North Herts College
- w) Stevenage Chamber of Commerce
- x) Stevenage Magistrate's Court
- y) Local Strategic Partnership
- z) GamCare

DRAFT - 2012



### Appendix 3– Responsible Authorities

Responsible Authority	Contact Details
Gambling Commission	Victoria Square House Victoria Square Birmingham B2 4BP  <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>
	Tel: 0121 230 6500 Fax: 0121 233 1096
Licensing Authority	Licensing Team Stevenage Borough Council Daneshill House Danestrete Stevenage Herts. SG1 1HN  <a href="http://www.stevenage.gov.uk">www.stevenage.gov.uk</a> <a href="mailto:licensing@stevenage.gov.uk">licensing@stevenage.gov.uk</a>
	Tel: 01438 242259 Fax: 01438 242142
Hertfordshire Constabulary	Licensing Team Stevenage Police Station Lyton Way Stevenage HertsSG1 1HF  <a href="mailto:LicensingEasternArea@herts.pnn.police.uk">LicensingEasternArea@herts.pnn.police.uk</a>
	Tel: 01438 757367 Fax: 01438 757373
Hertfordshire Fire and Rescue Service	District Fire Safety Manager Community Fire Safety Dept Longfields Hitchin Road Stevenage Herts. SG1 4AE  <a href="mailto:licensingactnorth.fire@hertscc.gov.uk">licensingactnorth.fire@hertscc.gov.uk</a>
	Tel: 01438 847352
Planning	Development Control Manager Stevenage Borough Council Daneshill House Danestrete Stevenage Herts. SG1 1HN  <a href="mailto:plan.devcon@stevenage.gov.uk">plan.devcon@stevenage.gov.uk</a>
	Tel: 01438 242838
Environmental Health	Environmental Health Manager (Commercial) Stevenage Borough Council Daneshill House Danestrete Stevenage Herts. SG1 1HN  <a href="mailto:envhealth@stevenage.gov.uk">envhealth@stevenage.gov.uk</a>
	Tel: 01438 242908 Fax: 01438 242142
Safeguarding Children Board	Angela Hickin, Safeguarding Manager Hertfordshire Safeguarding Children Board Room 173, County Hall Pegs Lane Hertford SG13 8DF
	Tel: 01992 588285

Customs & Excise	HM Revenue & Customs Excise and Stamp Taxes Gambling Duties Team 4W Ralli Quays Stanley Street Salford M60 9LA	Tel: 0161 827 0333
	<a href="http://www.hmrc.gov.uk">www.hmrc.gov.uk</a>	

DRAFT - 2012

#### Appendix 4– Other Useful Contacts

Useful Contacts	Name	Contact Details
Policy issues	Licensing Manager	<a href="mailto:licensing@stevenage.gov.uk">licensing@stevenage.gov.uk</a> 01438 212049
Building Control	Building Control Manager	<a href="mailto:building.control@stevenage.gov.uk">building.control@stevenage.gov.uk</a> 01438 242264
CCTV	CCTV Manager	01438242346
Door Supervisors	Security Industry Authority	PO Box 1293 Liverpool L69 1AX Telephone: 0844 8921025 <a href="mailto:">E-mail:</a>
Gambling Support Groups	GamCare	2nd Floor 7-11 St. Johns Hill London SW11 1TR  Tel: 020 7801 7000 Helpline: 0845 6000 133 (24 hour, 7 days a week)  <a href="mailto:info@gamcare.org.uk">E-mail: info@gamcare.org.uk</a>
Trade Associations	National Casino Industry Forum (NCIF Formerly (BCA)	38 Grosvenor Gardens London SW1W 0EB  Tel: 020 7730 1055 <a href="mailto:director@nci-forum.co.uk">E-mail: director@nci-forum.co.uk</a>
	BACTA	Alders House 113 Aldersgate Street London EC1A4JA
	The Bingo Association	Lexham House 75 High Street North Dunstable Bedfordshire LU6 1JF
	Association of British Bookmakers	Norris House 4 Norris Street London
	Business in Sport & Leisure	17a Chartfield Avenue Putney London SW15 6DX
	British Association of Leisure Parks, Piers & Attractions Ltd	Suite 12 37 Tanner Street London SE1 3LF

## Appendix 5– Delegations of Licensing Functions

The licensing authority will delegate its functions under the Gambling Act 2005 as follows:

Matter to be dealt with	Full Council	Licensing Committee	Officers
Final Approval of 3 year Gambling Statement of Principles	X		
Policy not to permit Casinos	X		
Application for premises licenses		Where representations have been received and not withdrawn	Where no representations received/ have been withdrawn
Application for a variation to a license		Where representations have been received and not withdrawn	Where no representations received/ have been withdrawn
Application for a transfer of a license		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ have been withdrawn
Review of a premises license		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Application for permits in alcohol licensed premises (for any number of machines)			X
Cancellation of licensed premises gaming machine permits			X

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing Committee</b>	<b>Officers</b>
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice			X
Determination as to whether a representation is relevant.			X
Fee Setting (within bands)			X
Small society lottery registration			X

DRAFT - 2012

## Appendix 6 – Glossary of Terms

Term	Definition
Act	Gambling Act 2005
Adult Gaming Centres	Commercial premises offering a variety of games and gaming machines. Category B, C and D gaming machines available.
Betting Premises	Currently know as a betting office
Bingo Premises	A commercial club which promotes equal chance gaming in the form of cash or prize bingo.
Casino	A commercial gaming club whereby people are given an opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming.
Club gaming permits	Members club (not commercial clubs) permits which authorise the establishment to provide gaming machines, equal chance gaming and games of chance.
Code of Practice	Any code of practice under section 24 of the Gambling Act 2005
Default condition	A specified condition provided by regulations to be attached to a license, unless excluded by Stevenage Borough Council
Family entertainment centres (FEC)	A centre with a variety of rides and games including amusement machines and skills games. Licensed FECs provide category C and D machines. Unlicensed FECs provide category D machines only, and are regulated through FEC gaming machine permits.
Gaming Machine	A game of chance machine which requires coins or tokens to be activated
Interested Party	Defined by the Act as a person who: <ol style="list-style-type: none"> <li>1) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> <li>2) Has business interests that might be affected by the authorised activities;</li> <li>3) Represents persons who satisfy a) or b) above</li> </ol>
Licensing Authority	Stevenage Borough Council
Licensing Committee	This term shall include any duly constituted Licensing Sub-Committee.
Licensing objectives	There are 3 licensing objectives defined in the Gambling Act as: <ol style="list-style-type: none"> <li>1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>2) Ensuring that gambling is conducted in a fair and open way</li> <li>3) Protecting children and other vulnerable persons from being harmed or exploited by gambling</li> </ol>

Mandatory Condition	A specified condition provided by regulations to be attached to the license
Premises	Any place
Prize gaming permits	A permit issued to authorise the provision of facilities for gaming with prizes
Regulations	Regulations made under the Gambling Act 2005
Responsible Authority	Defined by the Act as:  1) Licensing Authority 2) Gambling Commission 3) Police 4) Fire Service 5) Planning 6) Environmental Health 7) Child Protection Committee 8) HM Revenue and Customs
Small Society Lottery	A lottery promoted on behalf of a non-commercial society that is registered by the licensing Authority
Temporary Use Notices	These allow use of a premises for gambling where there is no premises license, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling
Tracks	Tracks are sites that include horse racecourses and dog tracks
Travelling Fair	A fair consisting wholly or principally of the provision of amusements, provided by people who travel from place to place providing fairs AND in a place which has been used for no more than 27 days in that calendar year
Vulnerable persons	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.