

Borough of Telford & Wrekin

Gambling Act 2005

Statement of Licensing Policy

November 2006



1. Introduction

The Borough of Telford & Wrekin is situated in Shropshire and covers an area of 112 square miles. Telford is the major focus of the area and includes a number of small towns which existed before the designation of the New Town in 1963, all of which have a strong character and identity of their own. Newport, a historic market town, is a main focal point for the Borough's substantial rural area.

The Borough is a national population growth point. In September 2002, the Census highlighted Telford as the fastest growing area in the Midlands and this growth is expected to continue to rise from the current 160,576 by a further 22,000 over the next 20 years.

With the introduction of the Gambling Act 2005, the law relating to Gambling will change.

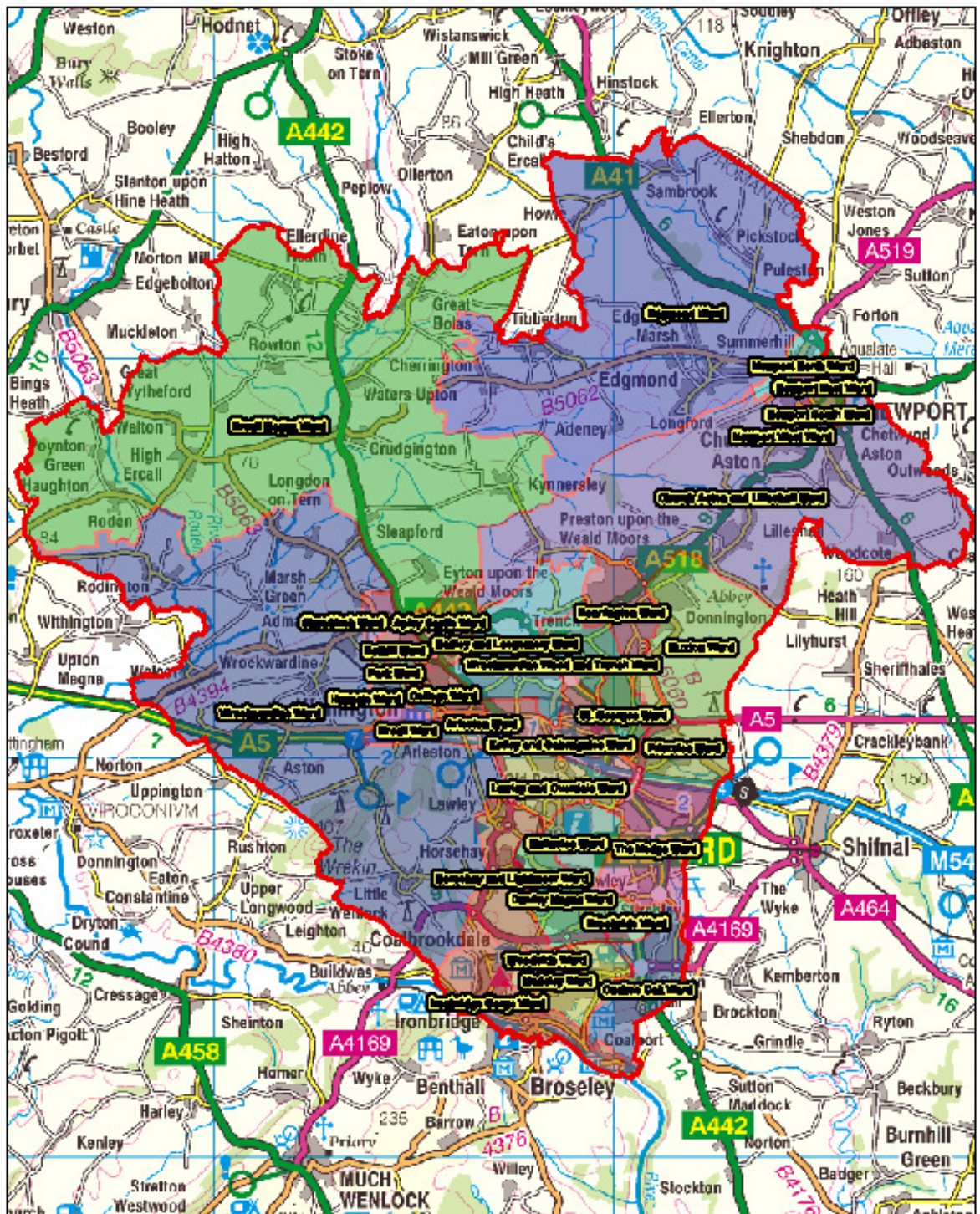
The Act provides for 3 categories of licence:

- Operating Licences
- Personal Licences
- Premises Licences

As part of this change, the Borough of Telford & Wrekin will assume responsibility for issuing licences for premises and other permissions for the Telford & Wrekin area. The Gambling Commission www.gamblingcommission.go.uk will be responsible for issuing operating and personal licences.

For the purposes of this Policy Statement, the Borough of Telford & Wrekin will be referred to as the Licensing Authority.

The area of the Borough of Telford and Wrekin is shown in the map below.



 <p>BOROUGH OF TELFORD AND WREKIN Telford & Wrekin Council Civic Centre 100 High Street Telford, Shropshire TF1 1JL Tel: 01827 830000 Fax: 01827 830001 Email: info@telford-wrekin.gov.uk</p>	<p>Title: Borough of Telford and Wrekin Wards</p>	<p>Scale: 1:123,241 Drawing No:</p>	<p>Date: Apr 2006 Drawn By:</p>  <p><small>Map produced by Telford & Wrekin Council. All rights reserved. No part of this publication may be reproduced without the prior written permission of Telford & Wrekin Council.</small></p>
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2. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, Licensing Authorities must have regard to the licensing objectives as set out in s. 1 of the Act. The Licensing Objectives are:

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

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.”

3. Declaration

In producing this Statement of Licensing Policy, the 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 of Licensing Policy.

4. Consultation

The Borough of Telford & Wrekin as the Licensing Authority is required by the Gambling Act 2005 to publish a Statement of the Principles which it proposes to apply when exercising its 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 then be re-published.

The Licensing Authority has consulted widely on the draft statement of Gambling Policy including holding open meetings with those involved locally in gambling businesses. At the conclusion of the process due consideration was given to the views expressed during the consultation. A list of the persons the Licensing Authority consulted with is provided below.

The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appeared to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s area
- One or more persons who appeared to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority’s functions under the Gambling Act 2005

List of persons this Licensing Authority consulted with:

- Responsible Authorities as defined by s.157 Gambling Act 2005.
- Association of British Bookmakers.
- BACTA.
- Gamcare.
- Samaritans.
- Citizens Advice Bureau.
- All premises licence holders under the Licensing Act 2003 in the Licensing Authority area.
- Existing Licence and Permit holders under the Gaming Act 1968 in the Licensing Authority area.
- Representatives of existing licence holders.
- Safeguarding Children's Board.
- Vulnerable Adults Board.
- Lotteries Council.
- Local residents and their representatives through the Council Website, Town Library and Council produced publications.

Consultation took place between 1st June and 31st August 2006. The Licensing Authority has followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The Statement of Licensing Policy will take effect on 31st January 2007 and will remain in force for a period of 3 years when it will be subject to review.

It should be noted that 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 and according to the statutory requirement of the Gambling Act 2005.

5. Statement of Principles

(i) General

The Licensing Authority recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, public houses, clubs and amusement arcades.

In carrying out its licensing functions the Licensing Authority will have regard to any guidance issued by the Gambling Commission from time to time and relevant issues under Human Rights Act, 1998.

The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Licensing Authority will establish a close working relationship with West Mercia Constabulary, the Gambling Commission and, where appropriate, other Responsible Authorities.

Where children and other vulnerable people are allowed access to premises where gambling takes place, the Licensing Authority may take whatever steps are considered necessary to either limit access generally or by introducing measures to prevent underage gambling.

Subject to the provisions of Paragraph 6 (iii) below, the Licensing Authority will not normally seek to limit the access of children to any premises unless it receives representations to that effect or it believes it is right to do so for the prevention of their physical, moral or psychological harm.

Applicants seeking premises licences are encouraged to propose any conditions, prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The Licensing Authority will not have regard to the expected demand for gambling premises that are the subject of an application.

However, the overriding principle is that each application and the circumstances prevailing at each premise will be considered on its individual merits.

(ii) Responsible Authorities

In accordance with s.157(h) of the Act and the Guidance issued by the Gambling Commission for Licensing Authorities to designate a body which is competent to advise on the protection of children from harm, this Licensing Authority has designated the Safeguarding Children's Board. The remit of the Safeguarding Children's Board is the protection of children from harm. The Licensing Authority has had a significant professional relationship with this body, particularly as a Responsible Authority under the Licensing Act 2003, and believes the Safeguarding Children's Board to be the appropriate organisation to advise in respect of the licensing objective of the protection of children from harm and any exploitation by gambling.

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 Licensing Authority will not take into account representations which are deemed to be irrelevant.

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

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available on the website for the Borough of Telford & Wrekin at www.telford.gov.uk.

(iii) Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined at s.158 Gambling Act 2005 as follows:

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

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

The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations and trade unions, and residents’ and tenants’ associations. This Licensing Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005, i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

In determining whether someone lives sufficiently close to particular premises so as to be affected the Licensing Authority will take into account, among other things:

- The size of the premises
- The nature of the premises
- The distance of the premises from the person making the representation
- The nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for :
 - a) a private resident
 - (b) a residential school for children with truanting problems and
 - (c) residential hostel for vulnerable adults.
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)

In determining whether a person has a business interest, which could be affected, the Licensing Authority will consider, among other things :

- The size of the premises
- The catchment area of the premises
- Whether the person making the representation has business interests in the catchment area that might be affected.

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation. This is because it does not relate to the licensing objectives and instead relates to demand or competition.

The Licensing 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 Licensing Authority will normally consider:

- Who is making the representation and whether there is a history of making representations that are not relevant
- Whether it raises a relevant issue or not
- Whether it raises issues specifically to do with the premises which are the subject of the application

Interested parties can be represented by other persons such as Councillors and MPs, etc. Care should be taken when approaching Councillors that they are not members of the Licensing Committee dealing with the licence. If there are any doubts then contact Democratic Services, Borough of Telford & Wrekin, PO Box 215, Civic Offices, Telford TF3 4LF.

Other than persons who are democratically elected, the Licensing Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting representation is sufficient.

(iv) Exchange of Information

The Licensing Authority will act in accordance with the provision of the Gambling Act 2005 in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State.

(v) Enforcement

The Licensing Authority will carry out enforcement in accordance with the Gambling Commission's Guidance to Licensing Authorities and as per the Gambling Commission Guidance to Local Authorities, it 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.

In accordance with the Gambling Commission's Guidance to Licensing Authorities, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes.

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. In addition to the above principles, the Licensing Authority will at all times carry out its enforcement role in accordance with the Borough of Telford & Wrekin's Licensing Enforcement Policy which can be viewed on the Borough website at www.telford.gov.uk.

Relevant issues under the Human Rights Act 1998 will be considered in any enforcement action taken by the Licensing Authority.

Powers of Entry to premises and the prosecution of offences under the 2005 Act will be delegated to Officers of the Licensing Authority.

The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Any concerns about the manufacture, supply or repair of gambling machines will not be dealt with by the Licensing Authority, but will be notified to the Gambling Commission.

6. Licensing Objectives

(i) Prevent Gambling from being a Source of Crime and Disorder

The Gambling Commission will play a leading role in prevent gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.

Anyone applying to the Licensing Authority for a premises licence must hold an Operating Licence from the Gambling Commission before a Premises Licence can be issued. The Licensing Authority will, therefore, not determine the suitability of an applicant. Where concerns about a person's suitability arise, the Licensing Authority will bring those concerns to the attention of the Gambling Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific control need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors.

Regulatory issues rising from the prevention of disorder are likely to focus on premises licensing, rather than on operating licences. If there are persistent or serious disorder problems that an operator could or should do more to prevent, the Licensing Authority will bring this to the attention of the Gambling Commission so that it can consider the continuing suitability of the operator to hold an operating licence.

The Licensing Authority will only seek to address issues of disorder under the Act if the disorder amounts to activity, which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if Police assistance was required to deal with it. Another factor the Licensing Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.

When making decisions in this regard the Licensing Authority will give due weight to any comments made by the Police.

(ii) Ensuring Gambling is conducted in a Fair and Open Way.

The Gambling Commission does not expect Licensing Authorities to get involved with ensuring that gambling is conducted in a fair and open way. This will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. The Gambling Commission through the operating and personal licensing regime can address both issues.

(iii) Protecting Children and other Vulnerable People from harm from Gambling

Apart from one or two limited exceptions, the intention of the 2005 Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.

This may include requirements such as supervision of entrances; segregation of gambling from areas frequented by children and supervision of gaming machines in non-adult gambling specific premises such as pubs and clubs.

There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

It should be noted that Children (defined in the Act as under 16s) and young persons (16-17s) may take part in private and non-commercial betting and gaming, but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as 18 and over. In summary:

- Casinos cannot admit anyone under 18 and Regional Casinos will not be allowed to permit under 18s into the gambling area.
- Betting Shops cannot admit anyone under 18.
- Bingo Clubs may admit those under 18 but must have policies to ensure that they do not gamble, except on Category D machines.
- Adult Entertainment Centres cannot admit those under 18.

- Family Entertainment Centres and premises with a liquor licence (i.e. pubs) can admit under 18s, but they cannot play machines other than Category D machines.
- Horse and Dog Tracks can admit under 18s and they may have access to gambling areas on race days only. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on Category D machines.

The term “vulnerable persons” is not defined under the 2005 Act. However, this Licensing Authority will rely upon the definition of vulnerable adult identified in the Multi-Agency Protection Policy and Procedure for Shropshire County Council and the Borough of Telford & Wrekin (Revised Edition. 25th June 2003) as follows : ‘a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation’.

The Licensing Authority will treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people, will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

7. Main functions of the Licensing Authority

- Licence premises for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming
- Consider occasional use notices for betting at tracks
- Register small societies lotteries

Spread betting is regulated by The Financial Services Authority. Remote Gambling is dealt with by the Gambling Commission.

The National Lottery is regulated by The National Lottery Commission.

8. Premises Licences

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

- Casino premises
- Bingo premises
- Betting premises, including betting tracks
- Adult gaming centres
- Family entertainment centres

Premises Licences will be subject to the permissions/restrictions 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.

The Licensing Authority will 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
- Is reasonably consistent with the licensing objectives and
- In accordance with the Licensing Authority's Statement of Licensing Policy

The Licensing Authority will consider very carefully whether applications for premises located very close to a school, or a centre for vulnerable adults should be granted in light of the third licensing objective. This does not override the Licensing Authority's policy that each case will be decided on its merits and will depend on the type of gambling that it is being proposed will be offered on the premises.

Where the Licensing Authority has concerns about the use of premises for gambling these will generally be addressed through Licence Conditions. Any conditions attached to licences by this Authority will be proportionate to the circumstances which the Licensing Authority is seeking to address and will ensure that the premises licence conditions are:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises and
- Reasonable in all other respects.

Examples of some conditions, which are likely to be attached in certain circumstances, include those relating to opening hours, age limits or keeping children and young persons away from gaming machines.

The Licensing Authority will not attach conditions to premises licences which :

- make it impossible for the premises to comply with an Operating Licence condition
- relate to gaming machine categories, numbers or method of operation
- specify that membership of a club or other body is required
- relate to stakes, fees, winnings or prizes.

Premises can be 'any place' but the 2005 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'.

A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area.

When considering applications for premises licences, the Licensing Authority will not take into consideration either the expected 'demand' for facilities or planning or building permissions.

The Licensing Authority will not regard moral objections to gambling as a valid reason to reject applications for premises licences (except with regard to any 'no Casino Resolution'. See section on Casinos below).

Issues concerning Planning or Building Consents should be dealt with under relevant planning control and building regulation powers and do not form part of the consideration for the premises licence.

The Licensing Authority will listen to and consider carefully any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

Interested Parties or Responsible Authorities can make requests to the Licensing Authority for a review of a Premises Licence. However, it is for the Licensing Authority to decide whether the review is to be carried out. It will consider whether the request for the review is relevant to the matters listed below:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Is reasonably consistent with the licensing objectives and
- In accordance with the Licensing Authority's Statement of Licensing Policy.

If the Licensing Authority finds that the request is frivolous or vexatious or the same as previous representations or requests for review, the Licensing Authority will not review the licence.

The Licensing Authority may also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

The Licensing Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

9. Permits

(i) Unlicensed Family Entertainment Centre Gaming Machine Permits

Where a premises does not hold a Premises Licence, but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit.

When considering an application for a permit, the relevant considerations which this Licensing Authority will take into account are:

- the Applicant's background, such as any convictions and issues relating to child protection matters, which may make them unsuitable to operate a Family Entertainment Centre. This may require the disclosure of criminal convictions.
- the suitability of the premises in relation to the location and issues about disorder.

The Licensing Authority notes that it can only grant or refuse an application for a permit but cannot add conditions.

The Licensing Authority, when considering applications for permits, will have due regard to any Gambling Commission Guidance.

(ii) (Alcohol) Licensed Premises Gaming Machine Permits

There is provision under s.282 of the 2005 Act for premises licensed to sell alcohol for consumption on the premises to have 2 gaming machines of categories C and/or D. The premises merely need to notify the Licensing Authority that they have the relevant machines.

As the Gambling Commission states in the Guidance to Licensing Authorities: "This is not an authorisation procedure – Licensing Authorities have no discretion to consider the notification or turn it down. The Licensing Authority can, however, remove the automatic authorisation in respect of any particular premises by making an Order under s. 284."

Section 284 provides for the Licensing Authority to make such an order if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises which breaches a condition of s.282 – for example, the gaming machines have been made available in a way that does not comply with the requirements on the location and operation of the gaming machines;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

For more than 2 machines on an Alcohol Licensed Premises, s. 283 of the 2005 Act provides for Licensed Premises Gaming Machines Permits and refers to Schedule 13 which sets-out the process for application. The Licensing Authority

shall consider the application based upon the Licensing Objectives, any Guidance issued by the Gambling Commission and any other relevant matters.

Under Paragraph 4(2) Schedule 13 of the 2005 Act, 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. No other conditions can be attached to a permit.

It should also be noted that s.283 requires the holder of the permit to comply with any Code of Practice issued by the Gambling Commission under s.24 of the 2005 Act about the location and operation of the machine.

(iii) Prize Gaming Permits

A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

When considering an application for a permit, relevant considerations, which this Licensing Authority will take into account, are :

- The Applicant's background, such as any convictions and issues relating to child protection matters, which may make them unsuitable to operate under a Prize Gaming Permit. This may require the disclosure of criminal convictions.
- The suitability of the premises in relation to their location and issues about disorder.

The Licensing Authority may not attach conditions to a Prize Gaming Permit. However, it should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply.

The Licensing Authority, when considering applications for permits, will have due regard to any Gambling Commission Guidance.

(iv) Club Gaming and Club Machine Permits

Members Clubs and Miners and Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit.

The legislation states that Members Clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. 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.

10. Provisional Statements

The Licensing Authority notes that the Guidance for the Gambling Commission states that:

- An applicant cannot obtain a full premises licence until the premise in which it is proposed to offer the gambling is constructed. The Act allows an operator to apply for a provisional statement if the building is not yet complete, needs alteration, or he does not yet have a right to occupy it.
- Once an operator has completed a building, the Licensing Authority will be able to consider a premises licence application for it.
- Requiring the building to be complete ensures that the Licensing or the Local Authority can inspect it fully, as can other Responsible Authorities with inspection rights under Part 15 of the Act. Inspection will allow Authorities to check that gambling facilities comply with all necessary legal requirements.

Under the Gambling Act 2005, if a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises is made subsequently in relation to the same premises. 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 Licensing Authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which is in the authority's opinion reflect a change in the operator's circumstances."

Section 210 of the 2005 Act provides that a Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

11. Other Matters

(i) Adult Gaming Centres (AGCs)

Persons operating an AGC must hold a Gaming Machines General Operating Licence from the Commission and must seek a Premises Licences from the Licensing Authority. They will be able to make Category B, C and D Gaming Machines available to their Customers.

No-one under the age of 18 is permitted to enter an AGC. The Licensing Authority will wish to have particular regard to the location of entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre.

(ii) Licensed Family Entertainment Centres

Licensed Family Entertainment Centres (FECs) will require a premises licence issued by the Licensing Authority. FECs will be able to provide Category C and D machines but with the requirement that children will not be permitted to play on Category C machines and that there must be clear segregation between the two types of machine so that children do not have access to the Category C machines.

The Licensing Authority will have the discretion to attach certain conditions to a premises licence for a Licensed Family Entertainment Centre. In addition, there will be conditions that will be automatically attached to the licence.

(iii) Tracks

A Track is a site where races (including horse racecourses and dog tracks) or other sporting events (such as football and cricket grounds) take place.

Track Operators are not required to hold an Operators Licence granted by the Gambling Commission. Instead, premises licences are issued by the Licensing Authority and are likely to contain requirements for premises licence holders about their responsibilities not only in relation to the proper conduct of betting but also the protection of children and other vulnerable persons in particular.

(iv) Casinos

The Licensing Authority has not passed a resolution in relation to the issue of casino licences under s.166 Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide to pass such a resolution, it will update this Statement of Licensing Policy accordingly.

(v) Bingo

The holder of a Bingo Operating Licence will be able to provide any type of bingo game including cash and prize bingo. Commercial Bingo Halls will require a Bingo Premises Licence from the Licensing Authority. In considering such applications, the Licensing Authority will consider the, among other things, the suitability and layout of bingo premises. A limited number of gaming machines may also be made available at bingo licensed premises.

Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold. Otherwise, a Bingo Operating Licence will need to be obtained from the Gambling Commission.

(vi) Betting Machines

The Licensing Authority may, in accordance with s.181 of the 2005 Act, restrict the number of betting machines, their nature and the circumstances in which

they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose such a condition to restrict the number of betting machines in particular premises, the Licensing Authority shall 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 persons.”

(vii) Temporary Use Notices

There are a number of statutory limits as regards Temporary Use Notices and application for the same. A set of premises may not be used for gambling under a temporary use notice for more than 21 days in any 12 month period. However, a set of premises may be the subject of more than one temporary use notice in a period of 12 months provided that the total number of days does not exceed 21.

(viii) Occasional Use Notices

Where there is betting on a track and betting is carried out on 8 days or less in a calendar year, betting may be permitted by an Occasional Use Notice. Persons taking the bets must have an appropriate Operating Licence.

(ix) Travelling Fairs

Where Category D machines and/or equal chance prize gaming without permits are made available for use at travelling fairs, the Licensing Authority will decide whether the statutory requirement is met in that the facilities for gambling amount to no more than an ancillary amusement at the fair.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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. The 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.

(x) Small Society Lotteries

The Licensing Authority is responsible under the 2005 Act for the registration of small society lotteries in its area. These are non commercial lotteries with prescribed financial limits and are:

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

As part of the application for Registration, the Applicant will be required to inform the Licensing Authority for what purpose the Society is established.

The Authority will refuse applications for registration if it considers that:

- the applicant is not a non-commercial society
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with the application for registration is false or misleading.

The Licensing Authority will revoke the registered status of a society if it thinks that it would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

12. The Licensing Process

The functions of the Licensing Authority under the 2005 Act will be carried out by the Licensing Committee, supported by Sub-Committees and Officers acting under the delegated authority of the Licensing Committee.

Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness Officers will for the most part, carry these out.

Where there are relevant representations in respect of an application, the matter will be determined by the Licensing Committee or a Licensing Sub-Committee as will any application for the review of a licence.

Summary of Licensing Authority Delegations permitted under the Gambling Act

Matter to be dealt with	Sub-committee of licensing committee	Officers
Application for Premises Licence	Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence	Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence	Where representations have been received from the Gambling Commission	Where no representations received from the Gambling Commission
Application of a provisional statement	Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for Reinstatement	Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence	All Cases	
Application for club gaming/club machine	Where objections have been made and not withdrawn	Where no objections have been made/objections have been

permits		withdrawn
Cancellation of club gaming/club machine permits	All cases	
Applications for other permits		All cases
Cancellation of licensed premises gaming machine permits		All cases
Consideration of temporary use notice		All cases
Decision to give a counter notice to a temporary use notice	All cases	