

# Gambling Act 2005

Section 349 - Statement of Licensing Policy - 2017/2020

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## PART A

### 1.0 Introduction to the Statement of Licensing Policy

- 1.1 Section 349 of the Gambling Act 2005 ("The Act) requires the Licensing Authority to prepare and publish a statement of licensing principles that it proposes to apply in exercising its functions under the Act, commonly known as a statement of policy. The statement of policy forms the Licensing Authority's mandate for managing local gambling provision and will set out how the Licensing Authority views the local risk environment and therefore its expectations in relation to operators with premises within Portsmouth.
- 1.2 Portsmouth City Council is the Licensing Authority for the Gambling Act 2005 for the administrative area of Portsmouth as shown on the map at **Appendix A**. Any references to "the Licensing Authority" in this document refers to Portsmouth Licensing Authority.
- 1.3 The statement of policy acts as the primary vehicle for setting out the licensing authority's approach to regulation having taken into account local circumstances. The Licensing Authority considers that the existence of a clear and robust statement of policy will provide greater scope for the Licensing Authority to work in partnership with operators, other local businesses, communities, and responsible authorities to identify and to proactively mitigate local risks to the licensing objectives.
- 1.4 This statement of licensing policy can be reviewed and revised by the Licensing Authority at any time, but must be produced following consultation with those bodies and persons set out in section 349(3) of the Act. Further information concerning the consultation process is set out in paragraph 4.0 of this policy.
- 1.5 The Licensing Authority will ensure that the statement of policy balances the need for a degree of certainty on the part of gambling businesses with the need to remain responsive to emerging risks.
- 1.6 The Licensing Authority, in carrying out its functions under section 153 of the Act will aim to permit the use of the premises for gambling in so far as it thinks it:
- In accordance with any relevant code of practice under section 24;
  - In accordance with any relevant guidance issued by the Gambling Commission under section 25;
  - Reasonably consistent with the licensing objectives; and
  - In accordance with the Authority's statement of licensing policy.
- 1.7 The effect of this legal duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.
- 1.8 The "aim to permit" framework does provide a wide scope for the Licensing Authority to impose conditions on a premises licence, reject, review or revoke premises licences where there is potential conflict with the relevant codes of practice, relevant Guidance issued by the Commission, the licensing objectives or the Licensing Authority's own statement of licensing policy.
- 1.9 Whilst this statement of licensing policy sets out a general approach to the exercise of the Licensing Authority's functions under the Act, it will not override the right of any person to make application and to have that application considered on its merits. The only exception to this is where a licensing authority has passed a "no casino" resolution under section 166(1) of the Act. Additionally, this policy will not

undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

- 1.10 The Council recognises that legal gambling in a fair and open way, with suitable protection for children and vulnerable persons, contributes much to the growth of the local economy for Portsmouth and offers an important role for employment within the city.
- 1.11 A map of the Portsmouth area is attached as **Appendix A** to this policy.

## 2.0 Introduction to Portsmouth area

- 2.1 The City of Portsmouth is situated in the ceremonial county of Hampshire and is at the heart of Britain's southern coastline with long established direct road and rail links to London, the Midlands and Wales.
- 2.2 Portsmouth is undergoing great change with a £2billion investment plan underway. Elements such as the Tipner motorway junction and park and ride are already completed while there is more to come with new homes, businesses and jobs to come from the City Deal sites and the exciting regeneration plans for The Hard.
- 2.3 Portsmouth has a population of 200,000 in an area of only 4,196 hectares, which makes it one of the most densely occupied cities in the country outside London.
- 2.4 As the local highway authority, the Council is responsible for approximately 458km of vehicular carriageway in partnership with Colas and Ensign. Up to 90,000 inbound vehicle movements are recorded in any one 24 hour period and previous census data indicates 397 vehicles per 1000 people in Portsmouth. Traffic growth is predicted to generally rise between 19% and 55% by 2040.

- 2.5 A significant naval port for centuries, it is home to the world's oldest dry dock and to world famous ships including HMS Victory, HMS Warrior 1860 and the Mary Rose. Major investment around the harbour has transformed the "great waterfront city".

Home to Ben Ainslie Racing and hosting the preliminary 2015 and 2016 America's cup racing series, the dynamic waterfront city still has an important role as a major dockyard and home base to the Royal Navy.

- 2.6 The city offers a vibrant mix of entertainment facilities for residents and visitors alike with two established theatres, restaurants, cinemas, concert venues and a variety of pubs and clubs. The late night economy is well served with venues in the north located at Port Solent, the city centre located near the Guildhall and in the south both at Gunwharf Quays and in Southsea. Major music festivals are held during the summer months attracting tens of thousands of revellers.

## 3.0 The Licensing Objectives

- 3.1 In exercising its statutory functions under the Act, the Licensing Authority will have regard to and will be consistent with the licensing objectives as set out in Section 1 of the Act which 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; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

## 4.0 Consultation on Policy

4.1 As referred to in paragraph 1.1, the Licensing Authority is required by the Act to publish a statement of licensing policy which it proposes to apply when exercising its functions. The policy must be published at least every three years and must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must then be re-published.

4.2 The Licensing Authority consulted widely upon this revision to the policy statement before finalising and publishing. The consultation took place between XXXXX and XXXXX. A list of those persons consulted is provided at **Appendix B**.

4.3 The Act requires that the following parties are consulted by the Licensing Authority:

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

4.4 In determining this revised statement of licensing policy, the Licensing Authority gave appropriate weight to the views of those it consulted. In deciding what weight to give, the factors taken into account included:

- Who is making the representations, the nature of their interest and their expertise;
- Relevance of the factors to the licensing objectives;
- How many other people have expressed the same or similar views;

- How far the representations relate to matters that the Licensing Authority should consider including in its policy statement.

4.5 The revision to the policy was approved at a meeting of Full Council on XXXXX and was published on our website on XXXXX

4.6 Copies of the reports and minutes of the decision made by the Council can be found on the council's website at [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk).

4.7 Any comments regarding this policy should be sent to:

The Licensing Manager  
Licensing Service  
Civic Offices  
Guildhall Square  
Portsmouth PO1 2AL  
Tel: 023 9283 4604 Fax: 023 9283 4811  
Email: [Licensing@portsmouthcc.gov.uk](mailto:Licensing@portsmouthcc.gov.uk)

## 5.0 Declaration

5.1 In reviewing this statement of licensing policy, the Licensing Authority has had regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on this statement of licensing policy

## 6.0 Responsible authorities and interested parties

6.1 When dealing with applications for and reviews of premises licence, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as "responsible authorities" and "interested parties". Representations made by persons other than responsible authorities or interested parties will be considered inadmissible.

- 6.2 **Responsible authorities** are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences.
- 6.3 Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. They are:
- The Licensing Authority in whose area the premises is wholly or partly situated;
  - The Gambling Commission;
  - The Chief Officer of Police;
  - The Fire and Rescue Authority;
  - The Environmental Health Service;
  - The Local Planning Authority;
  - Children's Social Care and Safeguarding Service;
  - HM Revenue & Customs; and
  - Any other person prescribed by the Secretary of State.
- 6.4 In relation to a vessel, but no other premises, responsible authorities will also include navigation authorities<sup>1</sup>
- 6.5 A full list and contact details of the responsible authorities referred to above are attached as **Appendix D** to this statement.
- 6.6 The Licensing Authority is legally required to state the principles it will apply in exercising its powers under Section 157 (h) of the Act to designate, in writing, the 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
- 6.7 The Licensing Authority has designated the Children's Social Care and Safeguarding Service as the body which is competent to advise the authority about the protection of children from harm.
- 6.8 "Interested parties" are persons who can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as a person, who in the opinion of the Licensing Authority which issues the licence or to which the application is made:
- Live sufficiently close to the premises to be likely to be affected by the authorised activities; or
  - Have business interests that might be affected by the authorised activities; or
  - Represent persons in either of those two groups referred to above.
- 6.9 In order to determine whether a person is an interested party with regard to particular premises, the Licensing Authority will consider each case on its merits. However, when determining whether a person is an interested party the following factors will be taken into consideration:
- Size of the premises;
  - Nature of the premises;
  - Distance of the premises from the habitual residence or workplace of the person making the representation;
  - Potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises);

<sup>1</sup> As defined in section 221(1) of the Water Resources Act 1991

- Circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.

6.10 In determining whether a person or organisation "has business interests", the Licensing Authority will adopt the widest possible interpretation and will include residents', trade associations, trade unions, residents' and tenants' associations, partnerships, charities, faith groups and medical practices, as appropriate.

6.11 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the area likely to be affected.

Other than this, the Licensing Authority will generally require written confirmation that a person/body (e.g. an advocate/relative) "represents" someone who either lives sufficiently close to the premises and/or has business interests that might be affected by the authorised activities.

6.12 If individuals wish to approach councillors to ask them to represent their views then those councillors shall not sit on a Licensing Sub-Committee that meets to determine the licensing application. If there are any doubts then either the interested parties or councillors should contact the Licensing Service for further advice and guidance.

## 7.0 Exchange of Information

7.1 The Licensing Authority will undertake its functions in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission and other persons. This includes the provision that the Data Protection Act 1998 will not be contravened.

7.2 Section 350 allows the Licensing Authority to exchange information with the following persons or bodies:

- A constable or police force;
- An enforcement officer;
- A licensing authority;
- HMRC;
- The First Tier Tribunal;
- The Secretary of State;

7.3 The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided by virtue of the Act.

## 8.0 Compliance and Enforcement

8.1 The Licensing Authority is required to set out the principles it will apply when exercising its powers and functions under Part 15 of the Act in respect of the inspection of premises and instigating criminal proceedings in accordance with Section 346 of the Act.

8.2 The Licensing Authority will adopt a risk-based approach to inspection programmes which will focus upon targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises in order to ensure that resources are more effectively concentrated on potential problem premises. This will be based upon:

- The licensing objectives;
- Relevant Codes of Practice;
- Guidance issued by the Gambling Commission in particular Section 36;
- The principles set out in this statement.



- 8.3 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Act. When undertaking test purchasing activities, the 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.
- 8.4 The principles of natural justice will apply and will have regard to the Human Rights Act 1998. The Licensing Authority will also be guided by the Commission Guidance to local authorities and will endeavour to be:
- **Proportionate:** intervention only when necessary: remedies will be appropriate to the risk posed and costs identified and minimised;
  - **Accountable:** decisions will be justified and subject to public scrutiny;
  - **Consistent:** rules and standards will be joined up and implemented fairly;
  - **Transparent:** regulators will be open and keep regulation simple and user friendly; and
  - **Targeted:** focused on the problem and minimise side effects.
- 8.5 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 8.6 The main enforcement and compliance role for the Licensing Authority will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operating licences and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but it

will be alert to the way premises are being operated and will notify the Commission if it becomes aware of matters of concern in the operation of the premises.

## 9.0 The Licensing Authority Functions

- 9.1 The Licensing Authority is required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
  - Issue Provisional Statements;
  - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
  - Issue Club Machine Permits to Commercial Clubs;
  - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
  - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
  - Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
  - Register small society lotteries below prescribed thresholds;
  - Issue Prize Gaming Permits;
  - Receive and Endorse Temporary Use Notices;
  - Receive Occasional Use Notices;

- Provide information to the Gambling Commission regarding details of licences issued (see section above on "Information Exchange");
- Maintain registers of the permits and licences that are issued under these functions;
- Set and collect fees.

9.2 The Licensing Authority is not involved in licensing remote gambling as this function is the responsibility of the Gambling Commission.

## 10.0 Local Risk Assessments

10.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015<sup>2</sup>, formalise the need for operators to consider local risks.

10.2 Social responsibility (SR) code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account any relevant matters identified in the Licensing Authority's statement of policy.

10.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence;
- To take account of significant changes in local circumstances, including those which may be identified in the Licensing Authority's statement of policy;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

10.4 The new SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessments with the Licensing Authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority, such as when they are inspecting a premises. Both of these provisions came into effect from April 2016.

10.5 Where concerns do exist, perhaps prompted by new or existing risks, the Licensing Authority may request that the licensee share a copy of its own risk assessment which will set out the measures that the licensee has in place to address specific concerns. It is intended that this practice will reduce the occasions on which a premises review and the imposition of licence conditions is required. There is no statutory requirement for licensees to share their risk assessments with responsible authorities or interested parties, however responsible businesses will wish to assist licensing authorities and responsible authorities as far as possible in their consideration of applications by making relevant information available as part of their applications.

10.6 Where the Licensing Authority's statement of licensing policy sets out its approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

10.7 The Licensing Authority does not propose at this time to develop a Local Area Profile having regard to the minimal complaints or intelligence relating to gambling premises. However, this position will remain under review and if it decides, in the future, to develop a Local Area Profile it will be separate to this policy.

<sup>2</sup> <http://www.gamblingcommission.gov.uk/Publications-consultations/LCCP.aspx>

## PART B - Premises Licences

### 11.0 General Principles

- 11.1 The main business of the Licensing Authority in terms of local gambling regulation is to consider applications for premises licences. Premises licences are issued by the Licensing Authority with responsibility for the area in which the premises are situated.
- 11.2 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
- Casino premises;
  - Bingo premises;
  - Betting premises, including tracks and premises used by betting intermediaries;
  - Adult gaming centre (AGC) premises (for category B3, B4, C and D machines);
  - Family entertainment centre (FEC) premises (for category C and D machines) - the Licensing Authority may also issue a FEC gaming machine permit, which authorises the use of category D machines only.
- 11.3 By distinguishing between premises types, the Act makes it clear that the gambling activity of the premises should be linked to the premises described. Therefore, in a bingo premises, the gambling activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to existing casino licences (but not to licences granted under the Act) and betting premises licences. The Licence Conditions and Codes of Practice (LCCP) sets out in full the requirements on operators. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

### Meaning of Premises

- 11.4 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But in principle, there is no reason why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However the Licensing Authority will pay particular attention in those instances where there may be issues about subdivision of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 11.5 In most cases, the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as 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 Authority.
- 11.6 In line with the Guidance issued to Licensing Authorities by the Gambling Commission, the Licensing Authority 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. If a premises is located within a wider venue, the Licensing Authority will require a plan

of the venue on which the premises should be identified as a separate unit.

- 11.7 It is recognised that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence - with the machine entitlements that brings - and are not an artificially created part of what is readily identifiable as a single premises.

### **Multiple activity premises - layout and access**

- 11.8 With the exception of bingo clubs, tracks on race-days and licensed FECs, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.

- 11.9 The Licensing Authority will take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, it will take into account the following factors:

- The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it

should normally be possible to access the premises without going through another licensed premises or premises with a permit;

- Customers should be able to participate in the activity named on the premises licence.
- 11.10 In determining whether two or more proposed premises are truly separate, the Licensing Authority will consider the following factors:
- Is a separate registration for business rates in place for the premises?
  - Is the premises' neighbouring 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 other gambling premises?
- 11.11 Where a building consists of a number of areas which hold separate premises licences, each individual licence must not exceed its permitted gaming machine entitlement. The position is different for tracks and is covered in Section 19 of this document.
- 11.12 The proper application of Section 152 of the Act means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo club on weekdays and a betting shop at weekends.

### **Access to premises**

- 11.13 An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. The precise nature of this public area will depend on the location and nature of the premises. The Licensing Authority will need to consider

whether the effect of any division is to create an environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available.

11.14 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations<sup>3</sup> set out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18 and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under 18s can go into FECs, tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

11.15 These Regulations define street as "including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not". This is to allow access through areas which the public might enter for purposes other than gambling, for example, access to casinos from hotel foyers.

11.16 There is no definition of "direct access" in the Act or regulations, but the Licensing Authority may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access.

11.17 The relevant access provisions for each premises type is as follows:

#### Casinos

- The principle entrance to the premises must be from a "street";

- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons;
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

#### Adult Gaming Centres (AGCs)

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

#### Betting Shops

- Access must be from a "street" or from other premises with a betting premises licence;
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

#### Tracks

- No customer must be able to access the premises directly from a casino or AGC.

#### Bingo Premises

- No customer must be able to access the premises directly from a casino, an AGC or a betting premises other than a track.

#### Family Entertainment Centres (FECs)

- No customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track.

<sup>3</sup> <http://www.legislation.gov.uk/ukxi/2007/1409/contents/made>

## Access to gambling by children and young people

11.18 The Act contains the objective of "protecting children and other vulnerable persons from being harmed or exploited by gambling" and sets out offences at section 46 and section 47 of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. Children are defined in the Act as under 16s and young persons as 16-17 year olds. An adult is defined as 18 and over.

11.19 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- Casinos are not permitted to admit anyone under 18;
- Betting shops are not permitted to admit anyone under 18;
- Bingo clubs may admit those under 18 but have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- AGCs are not permitted to admit those under 18;
- FECs and premises with an alcohol licence (for example pubs) can admit under 18s but they must not play category C machines which are restricted to those over 18;
- Clubs with a club premises certificate can admit under-18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- All tracks can admit under-18s, but they may only have access to gambling areas on days where races

or other sporting events are taking place, or are expected to take place.<sup>4</sup> Tracks will be required to have policies to ensure that under-18s do not participate in gambling other than on category D machines.

11.20 The Licensing Authority will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling purposes). In particular, entrances and exits from parts of a building covered by one or more licences 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. The plan of the premises should clearly denote entrances and exits.

11.21 For bingo and FEC premises, it is a mandatory condition that under-18s should not have access to areas where category B and C gaming machines are located and this is achieved through further mandatory conditions that require the area to be:

- Separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose;
- Supervised at all times to ensure that under-18s do not enter the area, and supervised by either:
  - One or more persons whose responsibilities include ensuring that under-18s do not enter the areas;
  - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas;

<sup>4</sup> This was extended to other sporting venues under the Gambling Act 2005 (Exclusion of Children from Track Areas) Order 2007.

- Arranged in a way that ensures that all parts of the area can be observed;
- A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.

11.22 The Licensing Authority is aware that products made available for use in gambling premises will often contain imagery that might be of particular appeal to children or young people. For example, cartoon imagery that is abundant on gaming machine livery. Where any such product is sited on age-restricted premises or in the age-restricted area of premises (and in particular, if sited close to the entrance or threshold and therefore visible to children or young people) licence holders should consider whether it might risk inviting under-18s to enter the restricted area.

11.23 The LCCP requires licence holders to ensure that their policies and procedures for preventing underage gambling take account of the structure and layout of their gambling premises. This therefore requires licensees not only to be able to supervise their premises but also that they should mitigate the risks of under-18s being attracted to enter premises by the products available within them. Where the Licensing Authority has concerns that such products are visible, it may require the licensee to re-site the products out of view.

### **Consideration of planning permission and building regulations**

11.24 When determining applications, the Licensing Authority will not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. The Licensing Authority is aware that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use

premises for gambling will only be issued in relation to premises that the Licensing Authority is 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. (Equally, licences will only be issued where they are expected to be used for the gambling activity named on the licence). It is for these reasons the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete or they need alteration, or the applicant does not yet have a right to occupy them. Further information regarding provisional statements is set out in Section 21 of this document.

11.25 As the High Court has held in a 2008 case<sup>5</sup>, operators can apply for a premises licence in respect of premises which have still to be constructed or altered, and the Licensing Authority is required to determine any such applications on their merits. Such cases should be considered in a two stage process; first, the Licensing Authority must decide whether, as a matter of substance after applying the principles in section 153 of the Act, the premises ought to be permitted to be used for gambling; second, in deciding whether or not to grant the application the Licensing Authority will need to consider if 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.

11.26 For example, where the operator has still to undertake final fitting out of the premises but can give a reasonably accurate statement as to when the necessary works will be completed, it may be sufficient to simply issue the licence with a future effective date, as is possible under the Regulations<sup>6</sup>. The application form allows the applicant to

<sup>5</sup> *The Queen (on the application of) Betting Shop Services Ltd -v- Southend-on-Sea Borough Council* [2008] EWHC 105 (Admin)

<sup>6</sup> SI 2007/459: Premises Licensing and Provisional Statement Regulations

- suggest a commencement date and the notice of grant allows the Licensing Authority to insert a date indicating when the premises licence comes into effect. In other cases, it may be appropriate to issue the licence subject to a condition that trading in reliance on it shall not commence until the premises have been completed in all respects in accordance with the scale plans that accompanied the licence application. If changes to the pre-grant plans are made, then parties who have made representations should be able to comment on the changes made.
- 11.27 If the plans submitted at the time of the application for a premises licence are changed in any material respect during the fitting out of the premises after the grant of the licence, then the applicant will be in breach of the licence. If the applicant wishes to change the proposed plans after grant, then, in order to avoid breaching the licence, it will be necessary for the application to either make a fresh application under section 159 or seek an amendment to a detail of the licence under section 187 of the Act. If there are substantive changes to the plans then this may render the premises different to those for which the licence was granted. In such a case, variation of the licence under section 187 is not possible. For this reason, and while this is a matter of judgement for the Licensing Authority, the Gambling Commission's guidance to licensing authorities considers that it would be more appropriate in the case of any material post grant change, for the applicant to make a fresh application under section 159 to preserve the rights of interested parties and responsible authorities to make representations in respect of the application.
- 11.28 The Licensing Authority will need to be satisfied in any individual case that the completed works comply with the original, or changed, plan attached to the premises licence. Depending upon circumstances, this will be achieved either through physical inspection of the premises or written confirmation from the applicant or surveyor that the condition has been satisfied.
- 11.29 The requirement for the building to be complete before trading commences will ensure that the Licensing Authority could, if considered necessary, inspect it fully, as could other responsible authorities with inspection rights under Part 15 of the Act. Inspection will allow the authorities to check that gambling facilities comply with all necessary legal requirements. For example, category C and D machines in a licensed FEC must be situated so that people under 18 do not have access to the category C machines. The physical location of higher stake gaming machines in premises to which children have access will be an important part of this, and inspection allows the Licensing Authority to check that the layout complies with the operator's proposals and the legal requirements.
- 11.30 In those circumstances where an application in respect of uncompleted premises which it appears are not going to be ready to be used for gambling for a considerable period of time, the Licensing Authority will consider whether, applying the two stage approach advocated above, it should grant a licence or whether the circumstances are more appropriate to a provisional statement application. For example, the latter would be the case if there was significant potential for circumstances to change before the premises opens for business. In such cases, the provisional statement route would ensure that the limited rights of responsible authorities and interested parties to make representations about matters arising from such changes of circumstances are protected. The Licensing Authority may choose to discuss with individual applicants which route is appropriate, to avoid them having to pay a fee for an application that the Licensing Authority did not think was grantable.



11.31 When dealing with a premises licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Similarly, no fire or health and safety risks will be taken into account. Those matters will be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents the Licensing Authority taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

## 12.0 The Licensing Objectives

12.1 As stated previously, in exercising its functions under the Act, particularly in relation to premises licences, temporary use notices and some permits, the Licensing authority must have regard to the licensing objections set out in Section 1 of the Act.

12.2 Set out below are the factors that the Licensing Authority will take into consideration when undertaking its statutory functions:

**Objective 1: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.**

12.3 The Licensing Authority will take into consideration the location of the premises in the context of this licensing objective. For example, in considering an application for a premises licence or permit that is in an area noted for particular problems with disorder, organised criminal activity etc or if there is a history of crime and disorder associated with the premises or its use by

those involved in crime to associate or dispose of the proceeds of crime.

In those circumstances, the Licensing Authority will take into account the following considerations, where relevant in determining applications and reviews:

- Additional conditions on the licence for the requirement of door supervisors, provision of CCTV and minimum levels of staffing;
- Suitability of the premises in terms of the layout, lighting and fitting out of the premises to ensure that it has been designed so as to minimise conflict and reduce opportunities for crime and disorder to arise;
- Whether sufficient management measures are proposed or in place;
- Consideration of the operator's own risk assessment.

12.4 In the context of gambling premises licences, the Licensing Authority will generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors which will be considered in determining whether a disturbance was serious enough to constitute disorder will include (but not limited to):

- Whether police assistance was required;
- How threatening the behaviour was to those who could see or hear it.

The Licensing Authority recognises that there is not a clear line between nuisance and disorder so it will take appropriate advice before determining what action to take in circumstances in which disorder may be a factor.

12.5 Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. However, 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 it can consider the continuing suitability of the operator to hold an operating licence.

12.6 The Licensing Authority is aware that there are a number of voluntary initiatives that the gambling industry participates in to address issues such as underage access, staff safety and security, and will undertake enquiries with operators as to which (if any) scheme the operator is a part of.

12.7 The Licensing Authority will not investigate the suitability of an applicant for a premises licence, including in relation to crime. The issue of suitability will already have been considered by the Gambling Commission, because any applicant (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued. However, if the Licensing Authority receives information during the course of considering a premises licence application or at any other time, that causes it to question the suitability of the applicant to hold an operating licence, these concerns will be brought to the attention of the Commission without delay.

**Objective 2: Ensuring that gambling is conducted in a fair and open way.**

12.8 In accordance with the Guidance issued by the Commission, the Licensing Authority does not expect to have to involve itself with issues of fairness and openness on a frequent basis. Fairness and openness is likely to relate to either the way specific gambling products are provided and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. However if the Licensing Authority suspects that gambling is not being conducted in a fair and open way

this will be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.

12.9 In relation to the licensing of tracks, the Licensing Authority's role will be different from other premises in that track owners will not necessarily have an operating licence. In those circumstances it may be appropriate for the imposition of conditions to ensure that the environment in which betting takes place is suitable. Factors which will be considered in determining whether such measures are in place to ensure that the gambling activity is conducted in a fair and open way will include (but not limited to):

- Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way;
- Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way;
- Whether the management and operation of the premises is open and transparent;
- Whether the operators of the premises have been or will be fully co-operative with enforcement agencies;
- Whether the Commissions Codes of Practice have been complied with.

**Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

12.10 In exercising its powers under Section 153, the Licensing Authority will consider whether staff will be able to adequately supervise the gambling premises, as adequate staffing levels is a factor to consider regarding the prevention of underage gambling. The Licensing Authority will seek to work with an operator to consider how many impediments to the supervision of

premises might be most appropriately remedied. Supervision also applies to premises that are themselves not age-restricted (eg bingo and family entertainment centre (FEC) premises) but which make gambling products and facilities available.

12.11 In those situations where the Licensing Authority believes that the structure or layout of a premises to be an inhibition or potential inhibition to satisfying this licensing objective, the licence holder should consider what changes are required to ensure the risk is mitigated. Such changes might include:

- The positioning of staff or CCTV;
- The use of floor-walkers;
- Relocation of the staff counter to enable direct line of sight.

The Licensing Authority will consider the proportionality of changes to the physical layout in relation to other measures that could be put into place.

12.12 If an operator fails to satisfy the Licensing Authority that the risks are sufficiently mitigated, it may consider it appropriate to instigate a review of the premises licence.

12.13 In relation to casinos, the Gambling Commission has issued a code of practice on access to casino premises by children and young persons, as provided for by section 176 of the Act. This is available as part of the Licence Conditions and Codes of Practice (LCCP) and in accordance with section 176 of the Act, adherence to the code will be a condition of the premises licence.

12.14 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Licensing Authority notes that the Commission does not seek to define "vulnerable persons" but it does, for regulatory purposes, assume that this group includes:

- People who gamble more than they want to;
- People who gamble beyond their means; and
- People who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.

## 13.0 Premises Licence Conditions

13.1 The Act provides that licences may be subject to conditions in a number of ways:

- They may attach automatically, having been set in the Act;
- They may attach through regulations made by the Secretary of State;
- They may be attached to operating and personal licences by the Gambling Commission;
- They may be attached to premises licences by the Licensing Authority.

13.2 Conditions may sometimes be general in nature attaching to all licences or all licences of a particular class, or they may be specific to a particular licence.

13.3 Conditions on premises licences shall only relate to gambling, as considered appropriate in the light of the principles to be applied by the Licensing Authority under section 153. Accordingly, if the Gambling Commission's LCCP or other legislation places particular responsibilities or restrictions on an employer or the operator of premises, it is not appropriate to impose the same through conditions on a premises licence.

13.4 The Licensing Authority will make decisions on conditions on a case-by-case basis, and in the context of the principles of section 153. It will aim to permit the use of premises for gambling and so will not attach conditions that limit their use except where it is necessary in

accordance with the licensing objectives, the Commission's codes of practice and Statutory Guidance, or its own statement of licensing policy. Conversely, the Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

13.5 Conditions imposed by the Licensing Authority will be proportionate to the circumstances which they are seeking to address. In particular, the Licensing Authority shall ensure that the premises licences conditions are:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises;
- Reasonable in all other respects.

13.6 Where there are risks associated with a specific premises, the Licensing Authority may consider it necessary to attach conditions to the licence to address those risks, taking account of the local circumstances.

#### **Conditions that may not be attached to premises licences by the Licensing Authority**

13.7 The Act sets out certain matters that may not be the subject of conditions:

- Section 169(4) prohibits a Licensing Authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition;
- Section 170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removed the membership requirement for casino and bingo

clubs and this provision prevents it being reinstated); and

- Section 171 prevents a Licensing Authority imposing conditions in relation to stakes, fees, winnings or prizes.
- Section 172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation;

## **14.0 Adult Gaming Centres (AGCs)**

14.1 Persons operating an adult gaming centre (AGC) must hold a "gaming machines general operating licence (adult gaming centre) from the Gambling Commission and a premises licence from the Licensing Authority. They are able to make category B, C and D gaming machines available.

14.2 No-one under the age of 18 is permitted to enter an AGC. The Act sets out offences of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises. In addition, Social Responsibility (SR) code 3.2.3(3) in the Licence Conditions and Codes of Practice (LCCP) states that *"licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises in order to prevent underage gambling"*.

14.3 The Licensing Authority will have particular regard to the location of and entry to AGCs to minimise the opportunities for under-18s to gain access. This will be of particular importance in those areas where young people may be unsupervised for example where an AGC is in a complex, such as a shopping centre.

14.4 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, however

appropriate measures/licence conditions may encompass issues such as:

- Proof of age schemes;
- CCTV;
- Supervision of entrances/machine 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.

14.5 Gaming machine provisions by premises are set out in the Act and provides that the holder of an AGC premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on those premises.

14.6 Premises subject to a licence granted before 13 July 2011 are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater. AGC premises licences granted on or after 13 July 2011 are entitled to 20% of the total number of gaming machines only. Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines, but not B3A machines.<sup>7</sup>

14.7 Where the operator of an existing AGC premises licence applies to vary the licence and acquire additional AGC premises licences - so that the area that was the subject of a single licence will become divided between a number of separate licensed premises - each separate licensed premises must only contain the permitted machine entitlement. For example, where two separate AGC premises have been created adjacent to each other by splitting a pre-existing premises, it is not permissible to locate eight category B3 gaming machines in one of the resulting premises and none in the other, as the gaming machine entitlement for that premises would be exceeded.

### **AGC premises licences conditions**

14.8 As set out in paragraph 13 above, premises licences can be subject to mandatory and default conditions that attach to premises licences.

14.9 Currently there are no default conditions specific to AGCs.

14.10 The following mandatory conditions apply to AGCs:

- A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises;
- There can be no direct access between an AGC and any other premises licensed under the Act or premises with a family entertainment centre (FEC), club gaming, club machine or alcohol licensed premises gaming machine permit;
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;
- The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises.

<sup>7</sup> SI 2158 The Categories of Gaming Machine Regulations 2007

A notice stating this should be displayed in a prominent place at every entrance to the premises.

## 15.0 (Licensed) Family Entertainment Centres

15.1 The Act creates two classes of family entertainment centre (FEC). Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits. Persons operating a licensed FEC must hold a gaming machine general operating licence (Family Entertainment Centre) from the Gambling Commission and a premises licence from the Licensing Authority. They will be able to make category C and D gaming machines available.

15.2 FECs are commonly located at seaside resorts, in airports and at motorway service stations, and cater for families, including unaccompanied children and young persons.

15.3 Children and young persons are permitted to enter an FEC and may use category D machines. They are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machine, so that under 18s do not have access to them. Social Responsibility (SR) code 3.2.5(3) in the LCCP states that *"licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling"*.

15.4 SR 3.2.5(2) requires operators to ensure that employees prevent access and challenge children or young persons who attempt to use category C machines.

15.5 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures in place to ensure that persons under the age of 18 do not

have access to the adult only gaming machine areas.

15.6 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may encompass issues 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.

15.7 The Licensing Authority will have regard to the Gambling Commission's guidance on any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated but may require further measures on physical separation and controls on entry.

### Licensed FEC premises licence conditions

15.8 Currently there are no default conditions specific to FECs.

15.9 The following mandatory conditions apply to FECs:

- The summary of the terms and conditions of the premises licence issued by the Licensing Authority under section 164(1)(c) of the Act

must be displayed in a prominent place within the premises;

- The layout of the premises must be maintained in accordance with the plan;
- The premises must not be used for the sale of tickets in a private lottery or customer lottery, or the National Lottery;
- No customer shall be able to enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track);
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so;
- Over-18 areas within FECs that admit under-18s, must be separated by a barrier with prominently displayed notices at the entrance stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas or the category C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV;
- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

## 16.0 Casinos

- 16.1 Under the Act, the Licensing Authority has the role of issuing premises licence for casinos and monitoring those licences.
- 16.2 New casino premises issued under the Act fall into one of two categories namely large casino premises licence or small casino premises licence, however, this Licensing Authority cannot grant any new

casino premises licences having regard to the regulations governing the grant of new casino licences.

- 16.3 There is a third category of casino that is permitted through transitional arrangements under Schedule 18 of the Act, which may be referred to as "*1968 Act converted casinos*". This policy will only relate to this category of casino licences in relation to variation applications. In addition to the standard variation applications (eg. To remove a default condition, increase the licensable area of the premises etc) an existing converted casino premises licence can be varied to relocate the licence to another premises providing those premises are wholly or partly situated in the area of the Licensing Authority which issued the licence.<sup>8</sup>
- 16.4 These casinos retain the rights to gaming machines equivalent to their entitlements under previous legislation. That means they are permitted no more than 20 machines of category B to D (except B3A machines), or they may elect to have any number of category C or D machines instead (as was the case under the Gaming Act 1968). There is no table-to-machine ratio in these casinos.
- 16.5 No-one under the age of 18 is permitted to enter a casino and operators are required to display notices to this effect at all entrances to a casino. Social Responsibility (SR) code 3.2.1(2) states that "*licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises*" in order to prevent underage gambling. There must also be a door supervisor at every entrance to a casino to ensure that this restriction is enforced (SR 3.2.1(3)). Children and young persons are not allowed to be employed at premises with a casino premises licence.

<sup>8</sup> Paragraph 65, Part 7, Schedule 4 of the Gambling Act 2005 (Commencement No.6 and Transitional Provisions) Order 2006.

## No Casinos resolution

16.6 The 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 the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

16.7 Any such decision will be made by the Full Council.

## Casino premises licence conditions

16.8 The following default condition applies to all casino premises licences:

- The default opening hours of all casinos are noon to 6 am.

16.9 The following mandatory conditions apply to **ALL** casino premises licences:

- Access to premises is regulated to add additional safeguards for both the public and industry. The principal entrance to the casino should be from a street. A street is defined as including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping centres), whether it is a thoroughfare or not.
- No customer must be able to enter the casino from any other premises holding a casino, bingo, adult gaming centre (AGC), family entertainment centre (FEC) or betting premises licence, or from premises where a FEC, club gaming and club machine, or licensed premises gaming machine permit, has effect;
- There should be no access to a casino from premises wholly or mainly used by children and young persons;
- No other gambling equipment may be situated within two metres of any ordinary gaming table. For the purposes of these conditions an ordinary gaming table means one

which is not wholly or partially automated;

- A maximum of 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time;
- All casinos must display the rules of each type of casino game that can be played on the premises in a prominent place within both the table gaming area and other gambling areas to which customers have unrestricted access. Licensees may do this either by displaying clear and legible signs or by making available to customers leaflets or other written material setting out the rules;
- ATMs must be positioned so that customers must cease to gamble at tables or gaming machines in order to use them;

## and in respect of converted casino premises licences the following mandatory conditions apply:

- A notice shall be displayed at all entrances to the casino stating that no person under the age of 18 will be admitted;
- Casinos with converted licences, and that have a gambling area of over 200 square metres, must offer a minimum non-gambling area equivalent to at least 10% of its total gambling area. In determining the floor area of the gambling area, all areas in which facilities for gambling are provided should be taken into account. The non-gambling area may consist of one or more areas within the casino. These areas must be readily available to customers (ie offices, kitchen areas, employee areas will not count). They may include, but should not consist exclusively of, lavatories and lobby areas. The area must also include recreational facilities for casino customers that are available for use when the casino is open; where there is more than one area each area must contain recreational



facilities. No gambling facilities may be offered in the non-gambling areas.

## 17.0 Bingo

17.1 Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won;
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

17.2 The game and rules of bingo have evolved to the point where, despite the absence of any formal industry standard, the way in which bingo is played is broadly similar throughout Great Britain. Bingo is equal chance gaming.

17.3 Cash bingo is the main type of bingo played in commercial bingo premises. They also offer prize bingo, largely as games played in the intervals between main stage games. This means that only premises with a bingo premises licence, or a large casino premises licence issued under the Act (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms.

17.4 As well as commercial bingo premises, bingo can be found in other gambling premises. Prize bingo is traditionally a game played in arcades, especially seaside amusement arcades, or at travelling funfairs. For these operators, prize bingo is subject to the allowances for prize gaming in the Act. This means that, subject to limits on participation fees and prizes, adult gaming centres, licensed and unlicensed family entertainment centres, and travelling fairs, (or any premises with a prize gaming permit) are able to offer prize gaming, which includes prize bingo. In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing

the game, and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming.

17.5 The Licensing Authority will need to be satisfied that bingo can be played in any premises for which it issues a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site and therefore the applicant will need to demonstrate to the Licensing Authority's satisfaction that bingo can be played at each of those new premises.

17.6 Under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under the age of 16) cannot be employed. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines. Further information on the restrictions that apply are set out in the Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission.

17.7 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. Social Responsibility (SR) code 3.2.5(3) states that *"licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling"*.

- 17.8 Section 172(7) of the Act, as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (but not B3A) and B4 machines.
- 17.9 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licensed premises.
- 17.10 Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in clubs and miners' welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. There are regulations setting controls on this form of gaming, to ensure that it remains a low stakes and prizes activity.<sup>9</sup>
- 17.11 In addition, rules are laid down in the Act about the playing of bingo specifically in alcohol-licensed premises, clubs and miners' welfare institutes. Where the level of bingo played in these premises reaches a certain threshold, it will no longer be authorised by these rules and a bingo operating licence will have to be obtained by the Gambling Commission for future bingo games. Even in this circumstance, bingo can still only be offered under the rules for exempt gaming. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.
- 17.12 The threshold is reached if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once in a year, referred to as "high turnover bingo". There is a legal duty on the licensee or club to inform the Gambling Commission if they offer high turnover bingo in any seven day period. This allows the Commission to monitor the bingo activity on the premises, and discuss with the relevant licensee or club the point at which a bingo operating licence may be needed. A "high turnover period" begins with the first day of the seven day period in which the threshold was exceeded and lasts for a year. If a second period of high turnover bingo occurs within that year, a bingo operating licence will be required. Where bingo is played in a members club under a bingo operating licence no premises licence will be required.
- 17.13 If it comes to the attention of the Licensing Authority that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes, that makes it possible that the £2,000 in seven days is being exceeded, it will inform the Gambling Commission.
- Bingo premises licence conditions**
- 17.14 The following default condition applies to bingo premises licences:
- Bingo facilities in bingo premises may not be offered between the hours of midnight and 09:00 hours.

<sup>9</sup> SI 2007/1940: The Gambling Act 2005 (Exempt Gaming in Alcohol-Licensed Premises) Regulations 2007

However, there are no restrictions on access to gaming machines in bingo premises.

17.15 The following mandatory conditions apply to bingo premises licences:

- A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises;
- No customer shall be able to enter bingo premises directly from a casino, an adult gaming centre or betting premises (other than a track);
- Over 18 areas within bingo halls that admit under-18s must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV;
- Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced;
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

## 18.0 Betting premises

18.1 The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing. This paragraph covers off-course betting which is betting

that takes place other than at a track (more commonly known as licensed betting office). Tracks are discussed in paragraph 19 below. For information, there are also betting offices on tracks that have a separate premises licence from the track licence, which is also discussed in paragraph 19.

18.2 The Act also permits betting intermediaries to operate from premises. Section 13 of the Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

18.3 Children and young persons are not permitted to enter premises with a betting premises licence, although exemptions apply to tracks. Sections 46 and 47 of the Act set out the offences of inviting, causing or permitting a child or young person to gamble, or to enter certain gambling premises.

Social Responsibility (SR) code 3.2.7(3) in the Licence Conditions and Codes of Practice (LCCP) states that *"licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises"* in order to prevent underage gambling. Children and young persons are not allowed to be employed at premises with a betting premises licence.

18.4 Section 172(8) of the Act provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines.

18.5 Section 235(2)(c) of the Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These machines are known as Self-Service Betting Terminals (SSBTs) and are not deemed to be gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. SSBTs merely automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine.

18.6 However, where a machine is made available to take bets on virtual races (that is, results and/or images generated by computer to resemble races or other events) that machine **is** a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

18.7 Section 181 of the Act contains an express power for Licensing Authorities to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence (or a casino premises licence where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the Licensing Authority, amongst other things, shall take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

18.8 Where SSBTs include the functionality to be marketed or presented in foreign languages, the Licensing Authority will seek to ensure that the operator has considered the ordinary code provision about making the following information also available in those languages:

- The information on how to gamble responsibly and access to help referred to in the LCCP;
- The players guides to any game, bet or lottery required to be made available to customers under provisions in LCCP;
- The summary of the contractual terms on which gambling is offered, which is required to be provided to customers as a condition of the licensee's operating licence.

### **Betting premises licence conditions**

18.9 The following default condition applies to betting premises licences:

- Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

18.10 The following mandatory conditions apply to betting premises licences:

- A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises;
- There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage - including passages through enclosed premises such as shopping centres - whether a thoroughfare or not);
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming

machine or self-service betting terminal (SSBT) in order to do so;

- No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
  - Information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements);
  - Information relating to betting (including results) on any event in connection with which bets may have been affected on the premises.

Betting operator-owned TV channels are permitted.

- No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within the condition above or machines which do not come within the categories of machine explicitly allowed in betting premises under section 172(8) of the Act;
- The consumption of alcohol on the premises is prohibited during any time which facilities for gambling are being provided on the premises;
- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications;
- A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

## 19.0 Tracks

19.1 Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

19.2 The Act does not give a list of premises that are officially recognised as "tracks" but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of tracks include:

- A horse racecourse;
- A greyhound track;
- A point-to-point horserace meeting;
- Football, cricket and rugby grounds;
- An athletics stadium;
- A golf course;
- Venues hosting darts, bowls, or snooker tournaments;
- A premises staging boxing matches;
- A section of river hosting a fishing competition;
- A motor racing event.

19.3 The above list is not exhaustive as, in theory, betting could take place at any venue where a sporting or competitive event is occurring. While many of these venues are not commonly understood to be "tracks", they fall within the definition of "track" in the Act.

19.4 The Act does not define what constitutes a sporting event or race and the Licensing Authority will decide this on a case by case basis.

19.5 If an individual or company wants to offer betting facilities at a sporting event then different forms of "approval" are available, one of which must be obtained if betting is to be provided, irrespective of whether the betting is generally incidental to the main sporting activity. The different types of approval for the provision of facilities at premises are:

- A premises licence;
- An occasional use notice;

19.6 There are differences between track premises licences and most other premises licences. In essence, tracks admit third-party operators to provide betting facilities whereas other premises licence holders - betting shops, bingo clubs and casinos for instance - provide

the gambling facilities themselves and are subject to the conditions of the operating licence as well as the premises licence.

- 19.7 The Act recognises that tracks are primarily premises intended for entertainment other than gambling and therefore places no restrictions on offering ancillary entertainment including allowing music, dancing or other entertainment on the premises and the sale of alcohol.
- 19.8 Premises licences in relation to tracks differ from other types of premises licences in a number of ways. Most importantly, the applicant for the licence need not hold an operating licence from the Commission.
- 19.9 Tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. For example, a limited number of track premises licences will be held by operators of pool betting licences, who may also have an alcohol licence for the premises. The Act sets out that there can be a primary premises licence for the track and, in addition, subsidiary premises licences for other parts of the track. This allows track venues to develop leisure facilities such as a casino and apply for a premises licence for that part of the track.
- 19.10 The offence of inviting or permitting a child or young person to enter gambling premises under section 47 of the Act does **not** apply to tracks (section 47(4)). Children and young persons are allowed to be present on the track while a sporting event is taking place on those licensed premises.
- 19.11 The Licensing Authority expects the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting are provided but that they are still prevented

from entering areas where gaming machines (other than category D machines) are provided.

- 19.12 The 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;
  - 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.

### **Gaming machines**

- 19.13 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines other than category D machines) should be located in areas from which children are excluded.

### **Betting machines**

- 19.14 The Licensing Authority will, as per 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, and circumstances of betting machines an operator wants to offer.

## Track betting premises licence conditions

19.15 The following default condition applies to track betting premises licences:

- Subject to paragraph 2 below, no facilities for gambling shall be provided on the premises between the hours of 10 pm on one day and 7 am on the next day.
- The prohibition in paragraph 1 above does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during the day.

19.16 The following mandatory conditions apply to track betting premises licences:

- No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect:
  - A casino premises licence;
  - An adult gaming centre premises licence.
- A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises;
- The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access;
- The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets:
  - Will be operating under a valid operating licence; and
  - Are enabled to accept such bets in accordance with the conditions imposed under sections 92 (general betting

operating licence) or 93 (pool betting operating licence) of that Act or an authorisation under section 94 (horse-race pool betting operating licence) of that Act.

- The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the Act;
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

19.17 The following mandatory conditions apply to track premises licences in respect of premises that are dog racing tracks:

- A totalisator on the premises shall only be operated:
  - While the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and
  - For effecting with persons on the premises betting transactions on dog races taking place on the premises.
- At any time during which the totalisator is being lawfully used on the premises:
  - No betting operator or betting operator's assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and
  - There shall be made available on the premises space for betting operators and betting operators' assistants where they can conveniently accept and negotiate bets in connection with dog races run

on the premises on that day.  
(This is without prejudice to section 180 (pool betting on dog races) of the Act.

- For the purposes of the Act "totalisator" means the apparatus for betting known as the totalisator or pari mutual, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.

## 20.0 Travelling Fairs

- 20.1 The Act defines a travelling fair as "*wholly or principally*" providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. The Act does not change the principles on which travelling fairs have been regulated under previous legislation.
- 20.2 Travelling fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates.
- 20.3 Higher stake category B and C fruit machines, like those typically played in arcades and pubs, are not permitted. Fairground operators must source their machines from a Gambling Commission licensed supplier and employees working with gaming machines must be at least 18 years old.
- 20.4 The 27 day maximum is during a calendar year and not in any 12-month period, and applies to the piece of land on which fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will monitor the use of the land and record the dates on which it is used.

## 21.0 Provisional Statements

- 21.1 Section 204 of the Act allows a person to make an application 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.
- 21.2 Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence, either for a different type of gambling or the same type.
- 21.3 Whilst applicants for premises licences must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply in relation to an application for a provisional statement.
- 21.4 In circumstances where an applicant has applied to the Commission for an operating licence, the Commission will not be able to comment on whether the application is likely to be granted. The Licensing Authority will not speculate on or otherwise take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement.
- 21.5 Subject to any necessary modifications, the process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested



parties may make representations and there are rights of appeal.

21.6 Once the premises are constructed, altered, or acquired the holder of a provisional statement can put in an application for the necessary premises licence. A premises licence application for a premises where the applicant already holds a provisional statement for that premises attracts a lower application fee. Section 205 of the Act sets out rules on how the Licensing Authority must deal with the application.

21.7 If a provisional statement has been granted, the Licensing Authority is constrained in the matters it can consider when an application for a premises licence is made subsequently in relation to the same premises.

21.8 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.

21.9 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:

- Which could not have been raised by way of representations at the provisional licence stage;
- Which, in the authority's opinion, reflect a change in the operator's circumstances;
- Where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and the Licensing Authority will seek to discuss any concerns they have with the applicant before making a decision.

21.10 Section 210 of the Act, which applies to both premises licences and provisional statements, makes it clear that the 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.

## 22.0 Reviews

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

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

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

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

22.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested

parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

22.5 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

22.6 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:-

- Add, remove or amend a licence 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 licence for a period not exceeding three months;
- Revoke the premises licence.

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

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

22.9 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)

- the Gambling Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

## **PART C - Permits/Temporary & Occasional Use Notices**

### **23.0 Permits - General**

23.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

23.2 The Licensing Authority is responsible for issuing the following permits:

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

23.3 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

### **24.0 Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits**

24.1 Unlicensed family entertainment centres (UFEC) are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with

such a permit, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.

24.2 UFECs are premises which are "wholly or mainly" used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.

24.3 Having regard to the fact that category D machines have no age restrictions, it is likely that the premises will particularly appeal to children and young persons, the Licensing Authority will give weight to matters relating to the protection of children from being harmed or exploited by gambling.

24.4 The Licensing Authority will only grant a permit if it is satisfied that the premises will be used as an UFEC and following consultation with the Chief Officer of Police.

24.5 The Licensing Authority will require applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs;
- 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.

24.6 The Licensing Authority will also 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 will each be considered on their merits, however, they may include the following:

- Appropriate measures/training for staff as regards suspected truant school children on the premises;
- Measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises;
- Measures/training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.

## 25.0 Alcohol Licensed Premises Gaming Machine Permits

### Automatic entitlement to two machines

25.1 Section 282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the Licensing Authority of their intention to make gaming machines available for use, and must pay the prescribed fee.

25.2 The Licensing Authority may remove the automatic authorisation in respect of any particular premises by making an order under section 284 of the Act 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 182 of Act (for example that written notice has been provided to the Licensing Authority that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- The premises are mainly used for gaming; or

- An offence under the Gambling Act has been committed on the premises.

### **Permit for 3 or more gaming machines**

- 25.3 If an alcohol licensed premises wishes to have more than 2 category C or D machines then its needs to apply to the Licensing Authority for a permit.
- 25.4 Holders of licensed premises gaming machine permits are required to comply with a code of practice issued by the Gambling Commission on the location and operation of machines.
- 25.5 In determining an application, the Licensing Authority will have regard to the licensing objectives and the Commission Guidance. It may also take account of any other matters that are considered relevant to the application.
- 25.6 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 being harmed or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures in place to ensure that persons under the age of 18 do not have access to the adult only gaming machines. Measures may include:
- The adult machines being in sight of the bar, or in the sight of staff who will ensure that the machines are not being used by persons under the age of 18;
  - Notices and signage;
  - Provision of information leaflets/helpline numbers for organisations such as GamCare.
- 25.7 If the Licensing Authority is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, it will refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.

25.8 The Authority may also cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- It would not be reasonably consistent with the promotion of the licensing objectives for the permit to have effect;
- Gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit;
- The premises are mainly used or to be used for making gaming machines available; or
- An offence under the Act has been committed on the premises.

25.9 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre Premises Licence.

## **26.0 Prize Gaming Permits**

26.1 Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

26.2 Prize gaming may take place without a permit at various premises which are casinos, bingo halls, adult gaming centres, licensed FECs and unlicensed FECs (restricted to equal chance prize gaming).

26.3 When exercising its functions in considering applications for permits, the Licensing Authority recognises that this type of gaming could appeal to children and young persons and therefore it will take the following factors into consideration in determining the suitability of the applicant:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- That the gaming offered is within the law; and
- Clear policies that outline the steps to be taken to protect children from harm.

26.4 The Licensing Authority can grant or refuse an application but cannot add conditions. It may only grant a permit if it has consulted the Chief Officer of Police about the application. The Licensing Authority will have regard to any objections raised by the Police which are relevant to the licensing objectives. Such considerations would include the suitability of the applicant in terms of any convictions they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.

26.5 Section 293 of the Act sets out four conditions that permit holders, AGCs, FECs and travelling fairs must comply with to lawfully offer prize gaming. These 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);
- Participation in the gaming must not entitle the player to take part in any other gambling.

## 27.0 Club Gaming and Club Machine Permits

27.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:

- Members clubs (including miners' welfare institutes) and;
- Commercial clubs.

27.2 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit.

27.3 The club gaming permit will enable the premises to provide gaming machines (three machines of categories B3A, B4, C or D), equal chance gaming, and games of chance as set out in the Regulations.

27.4 A club machine permit will enable the premises to provide gaming machines (three machines of categories B3A (except that category B3A machines may not be made available for use in commercial clubs), B4, C or D).

27.5 A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members;
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations<sup>10</sup>);
- It must be permanent in nature;
- It must not be established to make a commercial profit;
- It must be controlled by its members equally.

<sup>10</sup> At the time of preparation of this policy, this is restricted to games of bridge and whist.

Examples of these types of clubs include working men's clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations.

- 27.6 A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.
- 27.7 In determining a club's status, the Licensing Authority will have regard to the Gambling Commission's guidance when considering applications for and monitoring of club gaming or club permits.<sup>11</sup>
- 27.8 The Licensing Authority may only refuse an application on the grounds that:
- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which is has applied;
  - The applicant's premises are used wholly or mainly by children and/or young persons;
  - An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - A permit held by the applicant as been cancelled in the previous ten years; or
  - An objection has been lodged by the Commission or the Police.

### **Bingo in clubs**

- 27.9 Clubs and miners' welfare institutes are able to provide facilities for playing bingo under section 275 of the Act or in accordance with a permit under 271, provided that the restrictions in section 275 are complied with. These include:

- In any seven day period, the aggregate stakes or prizes for bingo must not exceed £2,000. (If that limit is breached the club must hold a
- bingo operator's licence and the relevant operating, personal and premises licences must be obtained);
- The bingo must comply with any code issued by the Commission under section 24 of the Act.

### **Betting in clubs**

- 27.10 Commercial betting, regardless of the level of stakes, is not allowed in clubs. Those who facilitate such betting - whether designated premises supervisors or club officials - are providing illegal facilities for gambling and are breaking the law. Even where designated premises supervisors or club officials accept bets on behalf of licensed bookmakers, or just facilitate betting through their own telephone accounts, they are acting as betting intermediaries and could be prosecuted.
- 27.11 Licensed bookmakers with a full or ancillary remote licence may accept telephone bets from a customer watching an event in a club, as long as that customer has an individual account with them. It is illegal for bookmakers to sit in the club taking bets themselves. Similarly, it is also illegal for operators to put their agent in clubs, for example, in a working men's club on a Saturday, to take bets.

### **Exempt gaming**

- 27.12 Exempt gaming is generally permissible in any club. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 27.13 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally

<sup>11</sup> See Chapter 25 of the Commission's guidance to licensing authorities - 5<sup>th</sup> edition.

favourable to all participants. This would include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

27.14 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises and are set by Regulations.

27.15 Exempt gaming should comply with any code of practice issued by the Commission under section 24 of the Act.

27.16 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount that may be charged is as prescribed in Regulations.

27.17 In order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.

### **Fast-track procedure**

27.18 There is a fast-track procedure for clubs in England and Wales which hold a club premises certificate under section 72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced. This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the Licensing Act 2003, and it is therefore unnecessary to impose the full requirements of the Act. Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

27.19 The grounds on which an application under this process may be refused are that:

- The club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Act;
- In addition to the prescribed gaming, the applicant provides facilities for other gaming;
- A club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

27.20 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **28.0 Temporary Use Notices**

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

28.2 The Licensing Authority may only grant a Temporary Use Notice to a person or company holding a relevant operating licence.

28.3 Currently, the Regulations restrict the type of gambling to be offered under a Temporary Use Notice. These restrictions are:

- It can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration will be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both;
- Gambling may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises;

- It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner;
- Gaming machines may not be made available.

28.4 In relation to tournaments, the requirement that the gaming is "intended to produce a single overall winner" does not restrict the gaming to only one winner through the course of the tournament, although there will ultimately be one final tournament winner. It is considered acceptable for each qualifying round of the tournament; (for example comprising several hands/games of poker) to produce a single overall winner of that qualifying round, whose prize may be the right to progress to the next stage in the tournament. There can also be additional competitions run alongside or leading up to the main event, provided that each of these also only provides one winner.

28.5 Cash games are games where each hand provides a winner and are not permitted under a Temporary Use Notice.

28.6 The Licensing Authority will consider raising an objection to a notice where it appears that their effect would be to permit regular gambling in a place that could be regarded as one set of premises. For example, a large exhibition centre with a number of exhibition halls may come within the definition of "premises". A Temporary Use Notice will not then be granted for 21 days in respect of each of its exhibition halls. In relation to other covered areas, such as shopping centres, the Licensing Authority will give due consideration as to whether different units are in fact different "sets of premises", given that they may be occupied and controlled by different people.

## 29.0 Occasional Use Notices

29.1 Section 39 of the Act provides that where there is betting on a track on 8 days or fewer in a calendar year, betting may be

permitted by an Occasional Use Notice (OUN) without the need for a full premises licence. The intention behind Occasional Use Notices is to permit licensed betting operators with appropriate permission from the Gambling Commission, to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. The Notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The following matters should be noted:

- OUNs can only be relied upon for 8 days or fewer in a calendar year and therefore the Licensing Authority will keep a record of the number of notices served in relation to each track. The period of 8 days applies to the venue and not the individual who has submitted the notice;
- An OUN must be submitted for each day that betting activity will be conducted on the premises. If betting activity is to be held over a period of 8 consecutive days, the operator will be required to submit 8 separate notices;
- The notice must specify the day on which it has effect. An event running past midnight and ending on the following day accounts for 2 occasional use days, even though in practice it is one event;
- No objection or counter-notice (refusal) is possible unless the maximum number will be exceeded;
- Notice must be given to the Licensing Authority and Police, in writing, before the event starts;
- No premises licence can exist for the place which is the subject of the notice;
- Land can be used temporarily as a track, for example for a point-to-point race, provided that sporting events or races take place there. There is no need for a track to be permanently established.



29.2 The Licensing Authority has, therefore, very little discretion as regards Occasional Use Notices to accept bets at "tracks", aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. It will, however, consider the definition of a "track" and whether the applicant will need to demonstrate that they are in fact responsible for the administration of the "track" or is an occupier, and therefore permitted to avail themselves of the notice.

30.2 An appeal has to be commenced by the giving of a notice of appeal by the appellant to the local Magistrates' court within a period of 21 days beginning with the day on which the appellant was formally notified by the Licensing Authority of the decision to be appealed against.

30.3 Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

## PART D - Other Information

### 30.0 Rights of appeal and judicial review

30.1 The Act provides that decisions of the Licensing Authority may be subject to an appeal in accordance with the provisions of the Act and judicial review.

As is recommended by the Gambling Commission the Licensing Authority considers it best practice, when making determinations, to:

- Give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
- Wherever practicable, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.

### 31.0 Other matters

31.1 In order to ensure that applicants and persons who make representation have the necessary information to be able to do so, the following information will be available on the Council's website ([www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)) or by contacting the Licensing Service directly:

- Register of premises licences issued by the Licensing Authority;
- Fees;
- Guidance on how to make an application;
- List of responsible authorities and contact details;
- Application forms, where appropriate;
- Making representations;
- Applying for a review of a licence.

## 32.0 Table: The Licensing Authority Delegations

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Three year statement of licensing principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
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 premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional transfer		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## APPENDIX A

### Map of Portsmouth

## APPENDIX B

List of Consultees	
All current holders of licences, permits and registrations issued under the Gambling Act 2005	Safer Portsmouth Partnership <a href="http://www.saferportsmouth.org.uk">www.saferportsmouth.org.uk</a>
Association of British Bookmakers (ABB) <a href="http://www.abb.uk.com">www.abb.uk.com</a>	The Bingo Association <a href="http://www.bingo-association.co.uk">www.bingo-association.co.uk</a>
British Amusement Catering Trade Association (BACTA) <a href="http://www.bacta.org.uk">www.bacta.org.uk</a>	The Football Association <a href="http://www.thefa.com">www.thefa.com</a>
British Beer and Pub Association (BBPA) <a href="http://www.beerandpub.com">www.beerandpub.com</a>	Working Men's Club and Institute Union <a href="http://www.wmciu.org.uk">www.wmciu.org.uk</a>
British Holiday and Home Parks Association (BHHPA) <a href="http://www.bhHPA.org.uk">www.bhHPA.org.uk</a>	Ward Councillors
British Institute of Innkeeping (BII) <a href="http://www.bii.org">www.bii.org</a>	The Chief Officer of Police <a href="http://www.hampshire.police.uk">www.hampshire.police.uk</a>
Dransfields <a href="http://www.dransfields.com">www.dransfields.com</a>	The Gambling Commission <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>
Flick Drummond, MP for Portsmouth South	The Chief Fire Officer <a href="http://www.hantsfire.gov.uk">www.hantsfire.gov.uk</a>
Gam-Anon <a href="http://www.gamanon.org.uk">www.gamanon.org.uk</a>	Head of Planning Services <a href="http://www.portsmouth.gov.uk">www.portsmouth.gov.uk</a>
Gamblers Anonymous (UK) <a href="http://www.gamblersanonymous.org.uk">www.gamblersanonymous.org.uk</a>	Head of Regulatory Services <a href="http://www.portsmouth.gov.uk">www.portsmouth.gov.uk</a>
Gamble Aware <a href="http://www.gambleaware.co.uk">www.gambleaware.co.uk</a>	Head of Children's Social Care and Safeguarding Service <a href="http://www.portsmouth.gov.uk">www.portsmouth.gov.uk</a>
Greyhound Board of Great Britain (GBGB) <a href="http://www.gbgb.org.uk">www.gbgb.org.uk</a>	HM Revenues & Customs <a href="https://www.gov.uk/government/organisations/hm-revenue-customs">https://www.gov.uk/government/organisations/hm-revenue-customs</a>
GamCare <a href="http://www.gamcare.org.uk">www.gamcare.org.uk</a>	Public Health Portsmouth City Council <a href="http://www.portsmouth.gov.uk">www.portsmouth.gov.uk</a>
National Casino Forum <a href="http://www.nationalcasinoforum.co.uk">www.nationalcasinoforum.co.uk</a>	Racecourse Association Ltd <a href="http://www.britishracecourses.org">www.britishracecourses.org</a>
Penny Mordaunt, MP Portsmouth North <a href="http://www.pennymordaunt.com">www.pennymordaunt.com</a>	Portsmouth & SE Hampshire Chamber of Commerce & Industry <a href="http://www.hampshirechamber.co.uk">www.hampshirechamber.co.uk</a>

**Please note that this is not an exhaustive list and where it comes to light that other consultees should be included in the consultation, this will be carried out.**

## APPENDIX C

<b>Glossary of Terms</b>	
<b>Applications</b>	Application for licences and permits under the Gambling Act 2005.
<b>Betting ring</b>	An area that is used for temporary "on course" betting facilities.
<b>Betting machine</b>	A machine designed or adapted for use to bet on future real events (not a gaming machine).
<b>Bingo</b>	A game of equal chance.
<b>Casino</b>	An arrangement whereby people are given an opportunity to participate in one or more casino games.
<b>Child</b>	Individual who is less than 16 years old.
<b>Club gaming machine permit</b>	Permit to enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D).
<b>Club gaming permit</b>	Permit to enable the premises to provide gaming machines (3 machines of categories B3A (except that category B3A machines may not be made available or use in commercial clubs), B4, C or D), equal chance gaming and games of chance.
<b>Code of Practice</b>	Any relevant code of practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.
<b>Council</b>	Portsmouth City Council.
<b>Default conditions</b>	Conditions that will apply unless the Licensing Authority decide to exclude them. This may apply to all premises licence, to a class of premises licences or licences for specified circumstances.
<b>Delegated powers</b>	Decisions delegated either to a Licensing Committee, Sub-Committee or Officers.
<b>Disorder</b>	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
<b>Equal Chance Gaming</b>	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.
<b>Gaming</b>	Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
<b>Gaming machine</b>	Machine covering all types of gambling activity, including betting on virtual events.

<b>Guidance</b>	Statutory Guidance issued by the Gambling Commission under section 25 of the Gambling Act 2005.
<b>Information exchange</b>	Exchanging of information with other regulatory bodies under the Gambling Act 2005.
<b>Irrelevant representations</b>	Where other legislation can address the representation made or if it relates to demand for gambling premises.
<b>Licences</b>	As defined in paragraph 9.0 of this policy statement.
<b>Licensing Authority</b>	Portsmouth City Council.
<b>Licensing Committee</b>	A committee of no less than 10 but no more than 15 councillors appointed by the Council to represent the Licensing Authority.
<b>Licensing objectives</b>	As set out in paragraph 3 of this policy document.
<b>Licensing Sub-Committee</b>	A sub-committee of members appointed from the Licensing Committee to whom the functions of the Licensing Committee can be delegated under the Gambling Act 2005 to determine applications.
<b>Mandatory conditions</b>	Conditions that must be attached to a licence. This may apply to all premises licences, to a class of premises licences or licences for specified circumstances.
<b>Members club</b>	A club that must: <ul style="list-style-type: none"> <li>• Have at least 25 members;</li> <li>• Be established and conducted "wholly or mainly" for purposes other than gaming;</li> <li>• Be permanent in nature;</li> <li>• Not established to make commercial profit; and</li> <li>• Controlled by its members equally.</li> </ul>
<b>Notifications</b>	Notifications of temporary and occasional use notices.
<b>Occasional use notice</b>	To permit betting on a "track" without the need for a full premises licence.
<b>Off course betting</b>	Betting that takes place other than at a track, i.e. at a licensed betting shop.
<b>On course betting - Tracks</b>	Betting that takes place on a track while races are taking place.
<b>Operating Licences</b>	Licences issued by the Gambling Commission to permit individuals and companies to provide facilities for certain types of gambling including remote or non-remote gambling.
<b>Permits</b>	Authorisations to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.

<b>Personal Licences</b>	Formal authorisation issued by the Gambling Commission to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
<b>Pool Betting - Tracks</b>	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.
<b>Premises</b>	Defined as "any place". It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
<b>Premises Licence</b>	Licence issued by the Licensing Authority to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.
<b>Prize gaming</b>	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
<b>Prize gaming permit</b>	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
<b>Provisional statement</b>	Where an applicant can make an application to the Licensing Authority in respect of premises that he/she: <ul style="list-style-type: none"> <li>• Expects to be constructed;</li> <li>• Expects to be altered;</li> <li>• Expects to acquire a right to occupy.</li> </ul>
<b>Regulations</b>	Regulations made under the Gambling Act 2005
<b>Relevant representations</b>	Representations that relate to the licensing objectives or that raise issues under the Statement of licensing policy or the Gambling Commission's Guidance or Codes of Practice.
<b>Responsible authorities</b>	Responsible authorities can make representations about licence applications or apply for a review of an existing licence. For the purposes of the Gambling Act 2005, the following are responsible authorities in relation to premises: <ul style="list-style-type: none"> <li>• The Council's Licensing Authority in whose area the premises are wholly or mainly situated;</li> <li>• The Gambling Commission;</li> <li>• Hampshire Constabulary;</li> <li>• Hampshire Fire &amp; Rescue Service;</li> <li>• Planning Service, Portsmouth City Council;</li> <li>• Environmental Health Service, Portsmouth City Council;</li> <li>• Children's Social Care and Safeguarding Service;</li> <li>• HM Revenues &amp; Customs.</li> </ul>

<b>SIA</b>	The Security Industry Authority
<b>Skills with prizes</b>	A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance, e.g. trivia game machine, Formula 1 simulators, shooting games. Skill machines are unregulated.
<b>Statement of Licensing Policy</b>	Policy statement issued by the Licensing Authority which indicates those matters which will be taken into account when considering an application for a licence or permit.
<b>Temporary use notice</b>	To allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
<b>Totalisator or Tote</b>	Pool betting on tracks.
<b>Track</b>	Sites where races or other sporting events takes place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
<b>Travelling fair</b>	A fair that "wholly or principally" provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
<b>Vehicles</b>	Defined as trains, aircraft, seaplanes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
<b>Vessel</b>	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.
<b>Vessel and relevant Licensing Authority</b>	The relevant Licensing Authority is that for the area in which the vessel is usually moored or berthed.
<b>Vulnerable persons</b>	Includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental impairment, alcohol or drugs. For example this may include those persons who are under the influence of alcohol and/or are drunk.
<b>Young person</b>	An individual who is not a child but who is under the age of 18 years.



## Appendix D

Contact Details for Licensing Authority and other Responsible Authorities	
<p>Licensing Service Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9283 4607 or 023 9268 8367 Fax: 023 9283 4811 Email: <a href="mailto:licensing@portsmouthcc.gov.uk">licensing@portsmouthcc.gov.uk</a></p>	<p>The Chief Officer of Police Hampshire Constabulary Portsmouth Licensing and Violent Crime Reduction Licensing Office Civic Offices Guildhall Square Portsmouth PO1 2AL</p> <p>Tel: 0845 045 4545 Direct Dial: 023 9268 8754 Fax: 023 9268 8513 Email: <a href="mailto:force.licensing@hampshire.pnn.police.uk">force.licensing@hampshire.pnn.police.uk</a></p>
<p>Environmental Health Service (Pollution) Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9268 8366 Email: <a href="mailto:publicprotection@portsmouthcc.gov.uk">publicprotection@portsmouthcc.gov.uk</a></p>	<p>Environmental Health (Business Support) Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9268 8362 Email: <a href="mailto:publicprotection@portsmouthcc.gov.uk">publicprotection@portsmouthcc.gov.uk</a></p>
<p>Head of Planning Service Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9283 4334 Fax: 023 9283 4660 Email: <a href="mailto:planning@portsmouthcc.gov.uk">planning@portsmouthcc.gov.uk</a></p>	<p>Children's Social Care and Safeguarding Service Portsmouth City Council Civic Offices Guildhall Square Portsmouth Hants PO1 2AL</p> <p>Tel: 023 9282 2251 Email: <a href="mailto:safeguardingnotifications@portsmouthcc.gov.uk">safeguardingnotifications@portsmouthcc.gov.uk</a></p>

<p>The Chief Fire Officer Hampshire Fire and Rescue Service HQ Leigh Road Eastleigh Hants SO50 9SJ</p> <p>Tel: 023 9285 5180 Fax: 023 9288 5175 Email: <a href="mailto:csprotection.admin@hantsfire.gov.uk">csprotection.admin@hantsfire.gov.uk</a></p>	<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>Tel: 0121 230 6666 Fax: 0121 233 1096</p> <p>Email: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a></p>
<p>HM Revenue &amp; Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</p> <p>Tel: 0141 555 3492 Email: <a href="mailto:nru.betting&amp;gaming@hmrc.gsi.gov.uk">nru.betting&amp;gaming@hmrc.gsi.gov.uk</a></p>	
<p><b>In respect of vessels only:</b></p>	
<p>Navigation Authority:</p> <p>Queen's Harbour Master Semaphore Tower PP70 HMS Nelson HM Naval Base Portsmouth Hants PO1 3LT</p> <p>Tel: 023 9272 3124 <a href="http://www.qhmpportsmouth.com">www.qhmpportsmouth.com</a></p>	<p>Environment Agency Hampshire and IOW Area Office Wessex Business Park Wessex Way Colden Common Winchester Hants SO21 1WP</p> <p>Tel: National Call Centre <b>08708 506 506 (Mon – Fri 8-6)</b></p>
<p>Maritime and Coastguard Agency Spring Place 105 Commercial Road Southampton Hants SO15 1EG</p> <p>Tel: 0870 6006505 Email: <a href="mailto:www.infoline@mcga.gov.uk">www.infoline@mcga.gov.uk</a></p>	



Portsmouth  
CITY COUNCIL

Licensing Service  
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