

Report to Licensing committee
18 December 2018
Report of Head of citywide services
Subject Gambling Statement of Principles

Item

6

Purpose

That members consider the consultation process for the attached draft statement of principles in respect of gambling, under the Gambling Act 2005.

Recommendation

To authorise the head of citywide services to consult on the draft statement of principles in respect of gambling.

Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

Financial implications

Consultation costs to be met from existing budget.

Ward/s: All wards

Cabinet member: Councillor Maguire – Safe city environment

Contact officers

Tony Shearman, environmental protection, licensing and markets manager

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Background documents

None

Report

Background

1. The Council is the licensing authority for the purposes of the Gambling Act 2005, which requires the Council to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.
2. The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
3. The Act specifies that Local Authorities should “aim to permit” gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by starting out to prevent it altogether.
4. The current Statement was adopted by the council in November 2006, and published in January 2007, its available online [here](#).
5. The draft Policy does not include a Local Area Profile which will be produced as a stand alone document. This local area profile document is in the process of being produced.
6. From April 2016, all industry operators have had to undertake local area risk assessments to explore what risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people. The Local Area Profile will act as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments.

Consultation

7. Consultation is critical to ensure any changes to the Statement of Principles are clear and transparent for businesses, responsible authorities and the public.
8. The legislation specifies those persons and groups that the Council has a duty to consult with.
9. If the Committee approves the proposed Statement of Principles, we will follow our consultation standards over a 8 week period to ensure we consult with all the statutory consultees and will be:
 - Writing to the chief officer of police

- Publicising the consultation on the Council's website
- Writing to or emailing the responsible authorities listed in Appendix 1 of the Statement of Principles
- Writing to or emailing bodies that are either people representing the interests of persons carrying on gambling businesses or persons who may be affected, as listed in para. 2.12 of the proposed document.

10. We will then analyse the comments, prepare any changes considered appropriate to the Statement of Principles for final approval and present a further report to the Licensing Committee before recommendation to Full Council for formal adoption of the policy.

Legal Implications

11. Section 349(1) of the Gambling Act 2005 requires the Council, as licensing authority, to prepare and publish a statement of principles to cover each successive period of three years. Section 349(2) requires the Council to review the statement from time to time, revise the statement if thought necessary as a result of the review and publish the revision before giving effect to it.

12. In preparing the statement, the Council must consult the following people for its area:

- The chief officer of police
- People representing the interests of persons carrying on gambling businesses
- Persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act

13. Before a statement or revision comes into effect, the regulations require licensing authorities to publish a notice of their intention to publish a statement or revision. The notice must:

- specify the date on which the statement or revision is to be published
- specify the date on which the statement or revision will come into effect
- specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
- be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
 - a local newspaper circulating in the area covered by the statement
 - a local newsletter, circular, or similar document circulating in the area covered by the statement
 - a public notice board in or near the principal office of the authority
 - a public notice board on the premises of public libraries in the area covered by the statement.

14. Upon recommendation from the Licensing Committee, the revised Statement of Principles will be presented for approval at Full Council.

Conclusion

16. The Act requires the Council to review its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. A review of the Statement has been completed.
17. Following consultation, a further report will be presented to the Licensing Committee requesting a recommendation to adopt the Statement of Principles at Full Council.



NORWICH
City Council

Gambling Act 2005

**Statement of Principles
(Gambling Policy)**

2018

Approved by Norwich City Council ?????

To be published by ?????

Coming into force on ?????

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All references to the Commission's Guidance for local authorities refer to the guidance published in *Guidance to Licensing Authorities 5th edition September 2015 with Parts 17, 18 & 19 updated September 2016*. This is accessible via the Commission's website.

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>

Part A - General

1. The Gambling Licensing Objectives

1.1 In exercising most of its functions under the Gambling Act, 2005 (“the Act”), Licensing Authorities must have regard to the licensing objectives set out in section 1 of the Act. The three licensing objectives are:-

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

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

The City Council as Licensing Authority takes these objectives seriously and is committed to protecting all vulnerable people of whatever age from being harmed or exploited by gambling.

1.2 This Licensing Authority is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

2. Introduction

- 2.1 Licensing authorities are required by the Act to publish a statement of the principles which it proposes to apply when exercising its functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. Following any amendment and consultation, the revised statement will then be re-published.
- 2.2 Norwich City Council as Licensing Authority (referred to in this document as “This Licensing Authority”) published its first Statement of Principles (generally referred to as the Councils Gambling Policy) in December 2006 following statutory consultation. The Gambling Policy has been published every three years since.
- 2.3 In preparing this (2018) version of the Statement of Principles (Gambling Policy) – this Licensing Authority has undertaken a significant revision and amendment to take account of various issues. In recent particular recent changes brought about by the Commission, changes to the law and updated current practices.
- 2.4 The Gambling Commission (“the Commission”) has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.
- The risk assessment will be premises specific and highlight factors relevant and related to the local area (ward) in which the premises are situated or proposed.

- 2.5 The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This movement towards increased partnership working is something that Norfolk authorities have been doing for a number of years. We have found that a risk-based approach to regulation enables the authority to prioritise resources where they are most needed and can be most effective.
- 2.6 The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.
- 2.7 This licensing authority is working with other licensing authorities across Norfolk to develop guidance to assist gambling operators in undertaking and preparing their local (premises) risk assessments. This guidance (to be published as a separate document) will provide a framework for the local risk assessment process that will provide a uniform approach across all non-remote gambling sectors. This will benefit the Council as Licensing Authority under the Act, as well as responsible authorities and interested parties when considering new and variation applications. The local risk assessments will also enable this licensing authority to establish a more progressive compliance inspection regime.
- 2.8 Gambling operators are required to undertake a risk assessment for all of their existing premises in April 2016. Following that date

operators must also undertake a review of those assessments when certain triggers are met. These triggers, along with this licensing authority's views on what would instigate either a new assessment or the review of an existing one will be detailed within the guidance document.

- 2.9 This licensing authority considers that these local risk assessments are a key component of the overall assessment and management of the local risks. This authority will assist operators in this process by providing specific information on its concerns surrounding gambling within the City and the impact that premises can have on the licensing objectives. This will be contained within the Statement of Licensing Principles (Gambling Policy) as detailed below.
- 2.10 This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

Consultation process on the Statement of Principles (Gambling Policy)

- 2.11 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - One of more persons who appear to the authority to represent the interests of persons who are likely to be affected by the

exercise of the authority's functions under the Gambling Act 2005.

2.12 Before finalising and publishing **its original** statement Norwich City Council has consulted with the persons contained in the list below.

- Norfolk Constabulary;
- Existing permit/licence holders
- Trade Organisations
- Gamblers Anon
- GamCare
- Associated addiction/welfare bodies
- Citizens Advice Bureau
- Residents Groups
- Norfolk County Council
- Church Organisations
- Local Planning Authority
- Environmental Health
- Norwich Primary Care Trust
- Relevant Residents Associations
- Relevant Trades Unions

2.13 **Further consultation with these bodies will be undertaken on this updated 2018 draft version of the statement of principles (Gambling Policy) prior to an updated statement being adopted.**

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

Local Area profile

2.15 A detailed local area profile has been prepared based on local knowledge and taking into account a wide range of factors, data and information held by the licensing authority and its partners. It is anticipated that the local area profile will give operators a better awareness of the local area and the risks, which includes both potential and actual risks. The local area profile document can be accessed via the council's website.

2.16 In summary the area is as follows:

Norwich City Council is situated in the County of Norfolk, which contains 7 District Councils in total. The City Council area has a population of 141,000 (2016 midyear estimate) making it the third largest in the County in terms of population. In terms of area it is the smallest, covering 15 square miles. The Council area is entirely urban. This is shown in the map attached.

Figure 1 Map of Norwich City Council area showing the city centre and key suburbs



3. Declaration

3.1 In producing this **Statement of Principles (Gambling Policy)** this Licensing Authority declares that it has had regard to

- the licensing objectives of the Gambling Act 2005,
- the guidance issued by the Commission to licensing authorities (5th edition September 2015 with Parts 17, 18 & 19 updated September 2016) referred to in this document as “Commission’s Guidance” and
- any responses from those consulted on the Statement of Principles (Gambling Policy).

4. Responsible Authorities

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

- The need for the body to be responsible for an area covering the whole of the Licensing Authority’s area
- The need for the body to be answerable to democratically elected persons rather than any particular vested interest group.

In accordance with the Commission’s Guidance, this Authority designates the Norfolk Safeguarding Children’s Board for this purpose.

4.2 The contact details of all the Responsible Authorities under the Act for this licensing authority area are attached at Appendix 1

4.3 In seeking to achieve its aim to safeguard all vulnerable persons of whatever age, the City Council as Licensing Authority will work with the Norfolk Safeguarding Adults Board and seek input from Norfolk County Council Adult services and the Norfolk and Suffolk NHS Foundation Trust in respect of mental health services. Whilst such agencies are not responsible authorities as defined in the Act, this

Licensing Authority will treat representations from such agencies as if they were representations from Responsible Authorities.

5. Interested parties

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

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) have business interests that might be affected by the authorised activities, or
- c) represent persons who satisfy paragraph (a) or (b)

5.2 This Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits.
- This authority will not apply a rigid rule in making its decision; however, it will consider the examples provided in part 8 of the Commission's Guidance. (reproduced in figure 2 below) The authority will also consider the Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Figure 2 Examples contained in part 8 of the
Commission Guidance on determining whether
someone is an interested party.

People living close to the premises

8.12 There are a number of factors that licensing authorities should take into account when determining whether a person 'lives sufficiently close to the premises'. These might include:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
- the circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

8.13 Relevant factors will depend on the particular application. For example, it is reasonable for a licensing authority to consider that living sufficiently close to premises to likely be affected could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

The nature and scope of business interests that could be affected

8.14 It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain.

But that is unlikely to be enough to satisfy the test of being 'a person with business interests that might be

affected by the premises' under consideration.

For example, an operator in a particular sector be it casino, bingo, betting etc, should not be able to lodge representations on every application put in by a rival operator anywhere in the country, simply because they are in competition within the same gambling sector. Specifically, licensing authorities are reminded that the 'demand test' from previous gambling legislation does not apply under the Act.

8.15 The licensing authority should be satisfied that the relevant business is likely to be affected. Factors that are likely to be relevant include:

- the size of the premises
- the 'catchment' area of the premises, that is, how far people travel to visit the premises
- whether the person making the representation has business interests in that catchment area that might be affected.
- People representing those in the above categories

8.16 Interested parties can be people who are democratically elected such as councillors and MPs, as persons representing individuals in the other categories. This would include county, parish and town councillors. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

8.17 Save for democratically elected persons, licensing authorities should satisfy themselves on a case by case basis that a person does represent interested parties, and request written evidence where necessary. A letter from the interested person(s) they are representing would be sufficient.

- 5.3 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Other than these however, the Authority will generally require written evidence that a person/body (for example an advocate or relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.4 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Authority's licensing team (contact details, page 55).

6. Information exchange

- 6.1 In fulfilling its functions and obligations under section 29 (Licensing Authorities providing information to the Commission), section 30 (the provision of information by the Commission) and section 350 (exchange of information may be subject to conditions) of the Act the Licensing Authority may exchange relevant information with other regulatory bodies. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.
- 6.2 The Licensing Authority will also have regard to any Guidance issued by the Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

- 6.3 Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 7.2 This Licensing Authority's **principles** are that it will be guided by the Commission's Guidance and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

- 7.3 In accordance with the Commission's Guidance this Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

- 7.4 This Licensing Authority's main enforcement and compliance role in terms of the Act will be to ensure compliance with the premises licences and other permissions that it authorises. The Commission is the enforcement body for Operating and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but should be notified to the Commission.
- 7.5 The Councils enforcement policy will be followed in respect of any compliance monitoring and enforcement action taken in concerning gambling activities under the licensing authority's enforcement jurisdiction. This is accessible via the council's website.
- 7.6 Enforcement inspections- This licensing authority has adopted and implemented a risk-based enforcement approach to inspections, based on;
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Commission, in particular at Part 36
 - The principles set out in this statement of licensing policy
- 7.7 As well as sanctions available under the Act this licensing authority will seek to use all appropriate powers available to it.
- 7.8 Where there is a Primary Authority scheme in place, this licensing authority will seek guidance from the Primary Authority before taking any enforcement action. At the time of drafting this document (May 2018) there were six Primary Authority arrangements with host local authorities:

Milton Keynes Council	Ladbrokes/Corals (with NIS)
Milton Keynes Council	Welcome Break
Reading Council	Paddy Power
Reading Council	BACTA

Reading Council	ABB
Reading Council	William Hill

7.9 This licensing authority will work together the Commission to identify and investigate organised or persistent illegal activity.

7.10 Fees for certain gambling permits and licensing transactions are set nationally by statute. They include

- Unlicensed Family Entertainment Centre Gaming Machine Permits
- Registration of Small Society Lottery (including an annual maintenance fee)
- Club Gaming Permits
- Club Gaming Machine Permits
- Alcohol Licensed Premises Gaming Machine Permits
- Prize Gaming Permit

However, fees for licences issued under the Act by this licensing authority are set by this licensing authority in accordance with statutory provisions. This licensing authority has sought to set fees at a level to cover the costs of undertaking the administration of the gambling licensing function. Fees are approved each year by the Full Council and are published on the Councils website

8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements

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

It should be noted that this Licensing Authority will not be involved in licensing remote gambling at all. This will fall to the Commission via operating licences.

Part B - Premises Licences

9. General Principles

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

9.2 In accordance with Section 153 of the Act, this Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's Statement of Principles (Gambling Policy).

9.3 It is appreciated that as per the Commission's Guidance "moral and ethical objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.¹

¹ UNMET DEMAND - The Licensing Authority should not consider whether there are enough gambling outlets within a given area to fulfil customer's needs, wants and expectations.

9.4 ***Appropriate Licensing Environment*** - This licensing authority also notes Commission guidance on this subject (previously known as primary gambling activity). It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A non-remote betting operating licence authorises its holder to ‘provide facilities for betting’ (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for ‘the provision of facilities for betting...’ (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

9.5 This authority notes the Commission’s view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises. Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

- 9.3 **Definition of 'premises'** - Premises is defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 9.4 This Licensing Authority takes particular note of the Commission Guidance which states that Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, 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.
- 9.5 The Licensing Authority will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Specific issues for consideration would be whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. Additionally, an overriding consideration would be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that would otherwise be prohibited under the Act.

- 9.6 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Therefore a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This Licensing Authority agrees with the Commission Guidance that it is a question of fact whether premises are finished to a degree that they can be considered for a premises licence. The Commission Guidance emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights
- 9.7 **Location** - This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Commission Guidance, this Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon in respect of areas where gambling premises should not be located, this statement will be updated to reflect that. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus on the applicant to show how potential concerns can be overcome
- 9.8 When determining an application to grant a Premises Licence or review a Premises Licence, careful consideration will be taken regarding the proximity of the premises to:

- a) schools, and other educational establishments

- b) vulnerable adult centres
- c) residential areas where there may be a high concentration of families with children
- d) premises licensed under the Licensing Act 2003
- e) premises licensed under the Local Government (Miscellaneous Provisions) Act 1976
- f)

The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

- 9.9 ***Duplication with other regulatory regimes*** - This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems wherever possible. This Authority will not consider whether a licence application is likely to obtain planning or building regulation consent, in its consideration of it. It will however listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 9.10 ***Licensing objectives*** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Commission's Guidance and some comments are made below.
- A. **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This Licensing Authority is aware that the Commission will be taking a leading role in preventing gambling from being a source of

crime. The Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors or CCTV. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

B. Ensuring that gambling is conducted in a fair and open way –

This Licensing Authority has noted that the Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence).

Both of these options fall under the remit of the Commission.

However, in relation to the licensing of tracks this Licensing Authority's role will be different from other premises in that track operators will not necessarily have an operating licence. Tracks are defined in section 353 of the Act to mean horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place. In these circumstances, the Premises Licence may need to contain certain conditions to ensure that the environment in which betting takes place is suitable and that betting areas are properly administered (see **Tracks** – Page 31).

- C. **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This Licensing Authority has noted the Commission's Guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

As stated previously, this Licensing Authority when considering this objective, will seek to protect all vulnerable persons whatever their age and take into account advertising accordingly.

This Licensing Authority will therefore consider, as suggested in the Commission Guidance, whether specific measures are required at a particular premises, with regard to his licensing objective. Appropriate measures may include such matters as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises.

The Licensing Authority will also make itself aware of any Codes of Practice issued by the Commission concerning this licensing objective in relation to specific premises, such as casinos.

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

- 9.11 **Conditions** - Any conditions attached to licences will be proportionate and will be

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

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

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

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

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

barrier which is effective to prevent access other than through a designated entrance;

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

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

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

9.17 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences. These are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition (Operating Licences are issued by the Gambling Commission);
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership

requirement for casino and bingo clubs and this provision prevents it being reinstated); and

- conditions in relation to stakes, fees, winning or prizes.

- 9.18 **Door Supervisors** - The Commission advises in its Guidance that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- 9.19 Where it is decided that supervision of entrances and/or machines is appropriate for particular cases a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be. licensed as the statutory requirements for different types of premises vary (as per the Guidance)

It should be noted that there is a specific exemption from SIA registration for those persons directly employed by the operator of a bingo club or casino. Therefore, only third party contract staff are required to be SIA registered for such premises

10. Adult Gaming Centres

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

This Licensing Authority may consider measures to meet the licensing objectives such as:

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

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

11. (Licensed) Family Entertainment Centres

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

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring 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.

- 11.2 This Licensing Authority will refer to the Commission's website to view any conditions that apply to Operator Licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions on these Premises Licences, when they have been published.

12. Casinos

- 12.1 There are currently no casino premises in Norwich
- 12.2 On the 15th March 2006 the Council's Executive considered whether to submit a proposal to the Casino Advisory Panel to be permitted to

have a large or small a casino in Norwich. Members resolved not to submit a proposal.

- 12.3 **No casinos resolution** – This Licensing Authority has not passed a ‘no casino’ resolution under Section 166 of the Act, 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.

13. Bingo premises

- 13.1 This Licensing Authority notes that the Commission’s Guidance states

“ 18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue 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. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.”

- 13.2 This authority also notes that from 13 July 2011 a 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 which are available for use on the premises. A licence variation must be applied for if operators wish to take advantage of the change to the legislation.

- 13.3 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". In considering applications for bingo premises licences this authority will take account of these points.

- 13.4 **Bingo in clubs and alcohol licensed premises** - 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 low stakes and prizes activity. 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 from the Commission for future bingo games. The aim of these provisions is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

The threshold is that if bingo played during any seven-day period exceeds £2,000 (either money taken or prizes awarded), all further games of bingo played on those premises in the next 12 months will require an operating licence to be legal. The Commission has developed a statutory code of practice (The Code of Practice for gaming in clubs and premises with an alcohol licence) which is available on its website.

14. Betting premises

- 14.1 The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing.

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.

- 14.2 Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. The issuing of premises licences is discussed in Part 7 of the Commission Guidance.

A betting operating licence authorises the holder to 'provide facilities for betting' and a betting premises licence authorises premises to be used for the 'provision of facilities for betting'. Thus, the primary gambling activity of the premises should be betting with gaming machines as an ancillary offer on the premises.

- 14.3 **Gaming machines** - Section 172(8) 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. (Appendix 3 below summarises current machine entitlements)

- 14.4 **Self Service Betting Terminals (SSBTs)** - Section 235(2)(c) 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 SSBTs are not 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.

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.

This Licensing Authority notes it is the Commission's view that the use of SSBTs is a form of remote communication and that a remote licence will be required if SSBTs are used to facilitate the making or accepting of bets by others.

This authority also notes that 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 to a casino premises licence where betting is permitted in the casino).

15. Tracks

- 15.1 This Licensing Authority is aware that tracks (as defined in section 353 of the Act) may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 15.2 This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority may consider measures to meet the licensing objectives such as:

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

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

- 15.3 **Gaming machines** - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, the machines (other than category D machines) should be located in areas from which children are excluded
- 15.4 **Betting machines** - This Licensing Authority will, in accordance with the Commission's Guidance, take into account the size of the premises, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 15.5 **Condition on rules being displayed** - The Commission has advised in its Guidance that:

“...Licensing Authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

- 15.5 **Applications and plans** - The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.

This Licensing authority will need to satisfy themselves that the plan submitted provides sufficient information to enable them to assess the application.

16. Travelling Fairs

- 16.1 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. Current stakes and prizes can be found in the Commission guidance.

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 Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

This Licensing Authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

- 16.2 This Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 16.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

17. Provisional Statements

17.1 Section 204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

17.2 Once the premises are constructed, altered or acquired the holder of a provisional statement can apply to the Licensing Authority for the necessary Premises Licence. Section 205 of the Act sets out how the Authority should consider this application.

17.3 The Licensing Authority notes the Commission Guidance which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.

17.4 In terms of representations about Premises Licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or

- (b) which is in the authority's opinion reflect a change in the operator's circumstances.

17.5 The authority has noted the Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

18. Reviews

18.1 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, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the Licensing Authority to consider whether to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:

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

18.2 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Part C: Permits/Temporary & Occasional Use Notice

19. Unlicensed Family Entertainment Centre (FEC) gaming machine permits

(Statement of Principles on Permits – Gambling Act 2005 Schedule 10 paragraph 7)

19.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

19.2 The Act states that a Licensing Authority may prepare a statement of principles that it proposes to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission. The Commission's Guidance also states:

“In its policy statement, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.”

19.3 This authority notes that the Commission Guidance also states:

.....

“...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.”

19.4 It is noted that this licensing authority cannot attach conditions to this type of permit.

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

19.6 This Licensing Authority will require the following to be submitted in addition to the application form and fee:

- (1) Proof of the applicant's identity and age;
- (2) Proof of the applicant's right to occupy the premises for which the permit is sought;
- (3) (Where the applicant is an individual) a 'basic' Criminal Records disclosure dated no earlier than one calendar month on the day the application is received by the Licensing Authority. Holders of operating licences issued by the Commission are exempt from this requirement.
- (4) An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity.
- (5) A plan scale 1:100 of the premises showing:
 - a. The boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public.
 - b. The location of any fixed or temporary structures.
 - c. The location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises.
 - d. The location of any public toilets within the boundary of the premises.
 - e. The location of CCTV cameras.
 - f. The location of any ATM or other cash/change machines.
 - g. The proposed location of the Category 'D' machines.
 - h. Details of non-category 'D' machines (e.g. skill with prizes machines).

20. (Alcohol) Licensed Premises Gaming Machine Permits - (Gambling Act 2005 Schedule 13 paragraph 4(1))

20.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. This licensing authority is aware it can remove the automatic authorisation in respect of any particular premises if it is satisfied that:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the 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.

20.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Commission under Section 25 of the Act, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures

to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 20.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 20.4 This licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached to a permit.
- 20.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

21. Prize Gaming Permits - (Statement of Principles on Permits – Gambling Act 2005 Schedule 14 paragraph 8 (3))

- 21.1 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

21.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

21.3 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Commission Guidance.

21.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the Licensing Authority cannot attach conditions.

The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

22. Club Gaming and Club Machines Permits

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

Members clubs and miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). N.B. Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

- 22.2 This Licensing Authority notes that the Commission's Guidance states:

"25.44 The Local Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit." In doing so it will take into account a number of matters as outlined in the Commission Guidance. These include the constitution of the club, the frequency of gaming and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

- 22.3 The Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- (a) (i) for a club gaming permit the applicant is not a members' or miners' welfare institute

.....

- (II) for a club machine permit the applicant is not a members' or miners' welfare institute or commercial club
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

22.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. As the Commission's Guidance states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

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

23. Temporary Use Notices

23.1 Temporary use notices (TUNs) 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 TUN, according the Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a TUN to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

- 23.2 The Secretary of State has the power to determine what form of gambling can be authorised by TUN, and the relevant regulations - The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 - state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 23.3 There are a number of statutory limits as regards TUNs. Commission Guidance is noted that "the meaning of 'premises' in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.
- 23.4 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Commission's Guidance.

24. Occasional Use Notices

- 24.1 Section 39 of the Act provides that where there is betting on a track on eight 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 Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

25. Small Society Lotteries

- 25.1 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact the Licensing Authority for further advice.

- 25.2 This Licensing Authority will register and administer smaller (non-commercial) society lotteries and applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located.
- 25.3 The society in question must be 'non-commercial' and the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries

in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

- 25.4 For initial applications and where there is a change of promoter, this licensing authority reserves the right to require the promoter of the lottery to produce a 'basic' criminal records disclosure. For new applications, the licensing authority shall require the promoter of the lottery to produce a 'basic' Criminal Records disclosure dated no earlier than one calendar month on the day the application is received by the Authority.
- 25.5 This Licensing Authority may refuse an application for registration if in their opinion:
- The applicant is not a non-commercial society;
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
 - Information provided in or with the application for registration is false or misleading.
- 25.6 Where this Licensing Authority intends to refuse registration by a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion. In any event, the Authority will make clear its procedures on how it handles representations.
- 25.7 This Licensing Authority may revoke the registered status of a lottery if it thinks that they would have had to, or would be entitled to; refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

25.8 This Licensing Authority will adopt a risk based approach towards enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

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Part D - Exempt Gaming

- 26.1 Exempt gaming is equal chance gaming generally permissible in any club or alcohol-licensed premises. Gaming should be ancillary to the purposes of the premises. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 26.2 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 26.3 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 in alcohol-licensed premises. Current limits are summarised in appendix 3 below.

Part E - Committee, Officer Delegation and Contacts

27 Committee decisions and scheme of delegation

- 27.1 This Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 27.2 Licensing Sub-Committees made up of three Councillors from the main Licensing Committee will sit to hear applications where relevant representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.
- 27.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.
- 27.4 The Authority's authorised Licensing Officers will deal with all other licensing applications where either no relevant representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 27.5 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by the Authority's authorised Licensing Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected,

the person making that representation will be given written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

27.6 The table shown at Appendix 2 sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers. (It is derived from the details specified in section 154 of the Act and the Norwich City Council Constitution)

27.7 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

28. Contacts

28.1 Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:-

The Licensing Team Norwich City Council City Hall, St Peter's Street, Norwich NR2 1NH	Phone: 01603 212761 / 212760.
	Email: licensing@norwich.gov.uk
	Website: www.norwich.gov.uk/info/20014/licensing

Information is also available from:-

The Gambling Commission 4th floor, Victoria Square House, Victoria Square, Birmingham, B2 4BP	Phone: 0121 230 6666
	Fax: 0121 230 6720
	Email: info@gamblingcommission.gov.uk
	Website: www.gamblingcommission.gov.uk

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Appendix 1

Responsible Authority Contact Details

The Gambling Commission

4th floor Victoria Square House
Victoria Square
Birmingham
B2 4BP
Email: info@gamblingcommission.gov.uk

The Chief Officer of Police

Chief Constable
C/O Licensing Section
Central Area Headquarters
Norfolk Constabulary
Norwich Police Station
Bethel Street
Norwich
NR2 1NN

The Fire Authority

Norfolk Fire Safety Department
Carrow Fire Station
63 Bracondale
Norwich NR1 2EE

Health and Safety

Food and Safety Team
Norwich City Council
City Hall
St Peter's Street
Norwich
NR2 1NH

HM Revenue and Customs

National Registration Unit Betting & Gaming
Portcullis House
21 India Street
Glasgow
G2 4PZ
Email: NRUBetting&Gaming@HMRC.gsi.gov.uk

Planning Authority

Head of Planning
Norwich City Council
City Hall
St Peter's Street
Norwich
NR2 1NH

Child Protection

Norfolk Safeguarding Children Board,
Room 60 Lower Ground Floor
County Hall
Martineau Lane
Norwich
NR1 2UG

<http://www.nscb.norfolk.gov.uk/Contacts.asp>

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Appendix 2

Table of delegations

Matter to be dealt with	Full Council	Committee or Sub-committee	Officers
Final approval of three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee setting (when appropriate)		As appropriate	All cases
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission

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Matter to be dealt with	Full Council	Sub-committee	Officers
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		All cases	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		All cases	
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	

Appendix 3

Summary of Gambling Entitlements (as at 1.4.2018)

Summary of machine provisions by premises

Premises type	Machine category
Pre-2005 Act casino	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead
Betting premises and tracks occupied by pool betting	Maximum of 4 machines categories B2 to D (except B3A machines)
Bingo premises ¹	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 No limit on category C or D machines
Adult gaming centre ²	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 No limit on category C or D machines
Licensed family entertainment centre ³	No limit on category C or D machines
Family entertainment centre (with permit) ³	No limit on category D machines
Clubs or miners' welfare institute (with permits) ⁴	Maximum of 3 machines in categories B3A or B4 to D
Qualifying alcohol-licensed premises	1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)	Number of category C-D machines as specified on permit
Travelling fair	No limit on category D machines

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¹ **Bingo premises licence** are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. [The Gambling Act 2005 (Gaming Machines in Bingo Premises) Order 2009]. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

² **Adult gaming centres** are entitled to 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. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

³ Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

⁴ **Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit**, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

⁵ **Commercial clubs with club machine or gaming permits** are entitled to a total of three machines in categories B4 to D.

Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only

Stakes and prizes for gaming machines are likely to change from time to time. For up to date details consult the Gambling Commission website:

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>

Summary of gaming entitlements for clubs and alcohol licensed premises

	Members' club or MW institute with club gaming permit	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 / week £250 / day £10 / person per game Other gaming No limit	Poker £1000 / week £250 / day £10 / person per game Other gaming No limit	Poker £100 / premises per day Other gaming £5 / person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 / game Other gaming No limit	Poker £250 / game Other gaming No limit	Poker £100 / game Other gaming No limit
Max participation fees – per person per day	Bridge /whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge/ Whist* £18 Other gaming £3 commercial club £1 members' club	Bridge/ Whist* £18 Other gaming £1	None permitted

	Members' club or MW institute with club gaming permit	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol-licensed premises
Bankers/unequal chance gaming	Pontoon <i>Chemin de fer</i>	None permitted	None permitted	None permitted	None permitted
Limits on bingo **	Maximum of £2,000 / week in stakes or prizes.	No bingo permitted	Maximum of £2,000 / week in stakes or prizes.	Maximum of £2,000 / week in stakes or prizes.	Maximum of £2,000 / week in stakes or prizes.

* On a day when no other facilities for gaming are provided.

** If more than the maximum, then an operating licence will be required.