

## Licensing committee

### Informal Meeting

Date: **Monday, 06 February 2023**  
Time: **14:00**  
Venue: **Remote**

#### Committee members:

##### Councillors:

Stutely (chair)  
Fulton-McAlister (E) (vice chair)  
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## **Agenda**

### **1 Apologies**

To receive apologies for absence.

### **2 Declarations of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting).

### **3 Gambling statement of principles (gambling policy) 3 - 70**

**Purpose:** That members consider the attached draft statement of principles under the Gambling Act 2005 prior to consultation.

#### **Exempt items:**

(During consideration of these items the meeting is not likely to be open to the press and the public.)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part 1 of Schedule 12 A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, members are asked to decide whether, in all circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

Date of publication: **Friday, 27 January 2023**



**Committee name:** Licensing

**Committee date:** 06/02/2023

**Report title:** Gambling statement of principles (gambling policy)

**Portfolio:** Councillor Jones, Cabinet member for safe, strong and inclusive neighbourhoods

**Report from:** Executive director of development and city services

**Wards:** All wards

**OPEN PUBLIC ITEM**

**Purpose**

That members consider the attached draft statement of principles under the Gambling Act 2005 prior to consultation.

**Recommendation:**

To provide feedback on the draft statement of principles in respect of gambling prior to officers publishing the document for consultation, and for the draft statement to return to licensing committee for consideration and recommendation to Council for approval.

**Policy framework**

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the 'People live independently and well in a diverse and safe city' and 'The city has an inclusive economy in which residents have equal opportunity to flourish' corporate priorities.

## **Report details**

1. Norwich City Council is the licensing authority for the purposes of the Gambling Act 2005, which requires the Council to prepare a Gambling statement of principles that it proposes to apply in exercising its functions under the Act.
2. The Gambling 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 Gambling 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 Gambling statement of principles was adopted by the council in June 2020 and published July 2020.
5. The draft Gambling statement of principles is attached as Appendix A. The document has been reviewed by officers working with a solicitor who is a specialist in the licensing of gambling. There have been some amendments to ensure up to date content and to clarify wording but there are no significant changes in approach to the Gambling statement of principles.
6. A table summarising the amendments is attached as Appendix B.
7. The options available to members are:
  - To provide feedback on the draft Gambling statement of principles, prior to officers publishing the document for consultation, and for the draft statement to return to licensing committee for consideration and recommendation to Council for approval.
  - To continue with the current Gambling statement of principles which is not in compliance with the statutory requirements.

## **Consultation**

8. Consultation is critical to ensure any changes to the Gambling statement of principles are clear and transparent for businesses, responsible authorities and the public.

9. The legislation specifies those persons and groups that the Council has a duty to consult with. If the Licensing committee approves the proposed Gambling statement of principles, there will be a 4-week consultation period. This is a shorter consultation period than on previous reviews, but this length of time is felt appropriate as there are no significant changes to the Gambling statement of principles.
10. There are statutory consultees, and we intend to also consult with the responsible authorities and to publicising the consultation on the Council's website.
11. Any comments received will be analysed and any changes incorporated as appropriate. The Licensing committee will be asked to agree the final version and the revised Gambling statement of principles will be presented for approval at Full Council.
12. There is a statutory requirement to publish a notice of the intention to publish the Gambling statement of principles which can then come into effect after a month.

## **Implications**

### **Financial and resources**

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2022-26 and budget.

There are no proposals in this report that would reduce or increase resources.

## **Legal**

13. 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.
14. 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
15. 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.

### Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	One of the statutory licensing objectives is ensuring gambling is conducted in a fair and open way. The local area profile requires applicants to consider the specific area in which an application premises is and to risk assess for those who may be at risk of gambling related harm. No further measures proposed.
Health, social and economic impact	One of the statutory licensing objectives is protecting children and other vulnerable persons from being harmed or exploited by gambling. The local area profile requires applicants to consider the specific area in which an application premises is. Gambling welfare and local groups will be consulted. No further measures proposed.
Crime and disorder	One of the statutory licensing objectives is to prevent gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime. Norfolk Constabulary are a statutory consultee for this policy. No further measures proposed.
Children and adults safeguarding	One of the statutory licensing objectives is protecting children and other vulnerable persons from being harmed or exploited by gambling. Norfolk Safeguarding Children Board are a statutory consultee, gambling welfare organisations will also be consulted on the policy. No further measures proposed.
Environmental impact	No implications identified, no measures proposed.

## Risk management

Risk	Consequence	Controls required
Compliance	Licensing responsibilities not correctly discharged	Up to date policy framework with public consultation. Legal advice on policy and at meeting
Reputational risks to the council	Risk of challenge if non-compliant	Legal advice on policy and at meeting

## Other options considered

1. There are no reasonably viable options other than to provide feedback on the draft Gambling statement of principles for the officers to begin the public consultation.

## Reasons for the decision/recommendation

It is recommended that members provide feedback on the draft statement of principles in respect of gambling, prior to officers publishing the document for consultation. This is to ensure statutory compliance.

**Background papers: None**

**Appendices: A – Draft Gambling statement of principles (gambling policy)  
B – Table summarising the proposed amendments**

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**NORWICH**  
City Council

**Gambling Act 2005**

**Statement of Principles**  
**(Gambling Policy)**

**2023**

Approved by Norwich City Council TBC

To be published by TBC

Coming into force TBC



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All references to the Gambling Commission (the Commission) Guidance for local authorities refer to the guidance contained in *Guidance to Licensing Authorities 5th published April 2021 (as updated)*. This is accessible via the Commission's website: <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

# Part A - General

## 1. The Gambling Licensing Objectives

1.1 In exercising their 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.**

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

1.3 In matters of regulation under the Gambling Act 2005 (the "Act") Norwich City Council as Licensing Authority recognises it is subject to the Regulators' Code. That Code imposes a number of obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow. Additionally, under the Code, when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. The Authority also recognises that under the Code it should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates.

## 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 may 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 Council’s Gambling Policy) in December 2006 following statutory consultation. The Gambling Policy has been published every three years since.
- 2.3 In preparing this version of the Statement of Principles (Gambling Policy), this Licensing Authority has undertaken a revision and amendment to take account of various issues. In particular, changes brought about by the Commission, changes to the law and updated practices.
- 2.4 The Gambling Commission (“the Commission”) introduced 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 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 provisions in the social responsibility code within the LCCP encourage local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This 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 this 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 has worked with other licensing authorities across Norfolk to develop guidance to assist gambling operators in undertaking and preparing their local (premises) risk assessments. This guidance provides 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 The LCCP requires licensees to undertake and review (and update as necessary) local risk assessments:

- to take account of any significant changes in local circumstances.
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- when applying for a variation of a premises licence; and
- when applying for a new premises licence.

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
- Gam Care
- Associated addiction/welfare bodies
- Citizens Advice Bureau
- Residents Groups
- Norfolk County Council
- Faith Groups
- Local Planning Authority
- Environmental Health
- Norfolk & Waveney Clinical Commissioning Group
- Relevant Residents Associations
- Relevant Trades Unions

2.13 Further consultation with these bodies has been undertaken on this updated 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 and geographical area

- 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 this 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:

[https://www.norwich.gov.uk/info/20014/licensing/3591/gambling\\_act\\_2005 -  
local\\_area\\_profile](https://www.norwich.gov.uk/info/20014/licensing/3591/gambling_act_2005_-_local_area_profile)

- 2.16 In summary, the geographical area in respect of which this Licensing Authority exercises its functions under the Act 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 approximately 144,000 (Office for National Statistics 2021 Census) making it the second largest in the county in terms of population. In terms of area, it is the smallest in the county, covering 15 square miles (Office for National Statistics). 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 published April 2021 (as updated) referred to in this document as “the Commission’s Guidance” and
  - any responses from those consulted on the Statement of Principles (Gambling Policy).

### 4. Responsible Authorities

- 4.1 This 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 this 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 Licensing 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

### 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 section 3 of part 8 of the Commission's Guidance (reproduced 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.

### **Section 3 - Interested parties**

*8.9 S.158 of the Act defines interested parties. To accept a representation from an interested party, the licensing authority must take the view that the person:*

- *lives sufficiently close to the premises to be likely to be affected by the authorised activities*
- *has business interests that might be affected by the authorised activities*
- *represents persons in either of these two groups. Licensing authorities will need to have regard to anything an interested party says about their status to make representations.*

*8.10 The approach taken by licensing authorities in determining who is an interested party should be dealt with in their policy statement. As with responsible authorities, regulations require this information to be in a separate section of the policy statement, as outlined in Part 6 at paragraph 6.18 onwards.*

*8.11 The following gives further advice on how licensing authorities can determine 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, MSPs, MSs 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 Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / Member of Parliament represents the ward likely to be affected. Other than these persons, this 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 sub-committee

dealing with the licence application. If there are any doubts, please contact the Authority's licensing team.

## 6. Information exchange

- 6.1 In fulfilling its functions and obligations under the Act, this Licensing Authority may exchange relevant information with other regulatory bodies. In exchanging such information, this Licensing Authority will conform to the requirements of data protection and freedom of information legislation and act in accordance with the Council's existing policies.
- 6.2 This 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.
- 6.4 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 where appropriate from Norfolk County Council Adult services and the Norfolk and Suffolk NHS Foundation Trust in respect of mental health services. Such agencies are not responsible authorities as defined in the Act, but this Licensing Authority will consider valid representations from such agencies if they are made as Interested parties representing local residents or businesses.

## 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 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 its own enforcement policy and 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 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 this Licensing Authority but should be notified to the Commission.

7.5 The Council's enforcement policy will be followed in respect of any compliance monitoring and enforcement action concerning gambling activities under this 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,
- 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. The current

Primary Authorities are detailed on the Gambling Commission website as per the following link

<https://www.gamblingcommission.gov.uk/authorities/guide/premises-assessments-toolkit#list-of-primary-authority-gambling-agreements>

- 7.9 This licensing authority will work together with the Commission and other responsible authorities 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 in accordance with statutory and other legal provisions. Fees are approved each year by the Full Council and are published on the Council's 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 (granted 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. 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 detailed in regulations issued by the Secretary of State. Licensing Authorities can 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 stated in the Commission's Guidance "moral and ethical objections to gambling are not a valid reason to reject applications for premises licences" . Also, that unmet demand is not to be a criterion that a licensing authority is permitted to consider when considering an application for a premises licence.<sup>1</sup>

#### 9.4 **Premises Types -**

In accordance with s.150 of the Act, premises licences can authorise the provision of facilities on:

- casino premises
- bingo premises
- betting premises, including tracks and premises used by betting intermediaries
- adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
- family entertainment centre (FEC) premises (for category C and D machines)
  - the licensing authority may issue a FEC gaming machine permit, which authorises the use of category D machines only.

9.5 By distinguishing between premises types, the Commission is of the view that the Act makes it clear that the gambling activity of the premises should be linked to the premises described. Thus, in a bingo premises, the gambling activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to existing casino licences (but not to licences granted under the Gambling Act 2005) and betting premises licences. The Licence conditions and codes of practice (LCCP) sets out in full the requirements on operators. Subject to the gaming machine entitlements which various types of licence bring with them (except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

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



**9.6 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. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks, or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However, the Commission suggests that licensing authorities should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

**9.7** This Licensing Authority takes note of the Commission's Guidance which states that whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority.

**9.8** This 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.

**9.9** This Authority appreciates that it is perfectly legitimate for an application to be made for a premises licence even though the premises are not finished (as an alternative to making an application for a provisional statement). In such cases this Authority will require sufficient detail to be submitted with the application to enable an application to be properly considered and determined.

**9.10 Location** - This Licensing Authority is aware that demand issues cannot be considered regarding the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Commission's 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. 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.

**9.11** 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:

- schools, and other educational establishments
- vulnerable adult centres
- residential areas where there may be a high concentration of families with children
- premises licensed under the Licensing Act 2003
- premises licensed under the Local Government (Miscellaneous Provisions) Act 1976
- areas of high deprivation

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.

**9.12 *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 relevant concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

**9.13 *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 crime and anti-social behaviour, 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). 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** below).

- 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's Guidance, whether specific measures are required at a particular premises, with regard to this 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.

This 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, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs." This Licensing Authority will consider this licensing objective on a case-by-case basis.

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

- relevant to the aim to permit the use of the premises for gambling.
- necessary to promote the licensing objectives.
- 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.

9.15 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 their own suggestions as to ways in which the licensing objectives can be met effectively.

9.16 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.

9.17 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 are not applicable to clubs and alcohol licensed premises as defined in Part 12 of the Act but will apply to premises including buildings where multiple premises licences are applicable.

9.18 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.

9.19 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, winnings or prizes.

9.20 Applicants may offer licence conditions to the licensing authority as a part of their application. The following are examples of conditions that may be applicable to the premises, and which may be included in the application:

1. There shall be a minimum of 2 staff (excluding back room staff) on duty at the premises at all times when it is open, whose duties are to include the age verification of persons entering the premises who appear to be under the age of 21 years.
2. "Challenge 21":
  - (a) The Licensee shall have a "Challenge 21" policy whereby all customers who appear to be under the age of 21 are asked for proof of their age.
  - (b) The Licensee shall prominently display notices advising customers of the "Challenge 21" policy.
  - (c) The following evidence of age are the only ones to be accepted:
    - Proof of age cards bearing the "Pass" hologram
    - UK Photo Driving licence
    - Passport
    - Military identity card

Alternatively, applicants may consider having a "Challenge 25" Policy.

3. The Licensee shall ensure that prominent signage shall be displayed in areas accessible to the public, promoting support organisations, such as, but not limited to, GAMSTOP, Gamcare, Samaritans and Citizens Advice.

4. The Licensee shall complete a risk assessment assessing the local risks to the licensing objectives posed by the provision of gambling facilities at the premises, and to have policies, procedures and control measures in place to mitigate those risks.

The Licensee shall also ensure the following: -

- (a) All documents produced in compliance with the above shall be reviewed on a regular basis and kept up to date.
- (b) A copy of all the relevant documents shall kept at the licensed premises and made available for inspection by an officer of the Licensing Authority, Trading Standards or the Police.
- (c) The Licensee shall ensure that each member of staff has received adequate training on the contents of the relevant documents and that this is properly documented and training records kept. The training records to be kept on the licensed premises and made available for inspection by an officer of the Licensing Authority, Trading Standards or the Police.

5. Staff Competence and Training:

- (a) The Licensee shall keep a written record of all staff authorised to verify the age of customers, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by an officer of the Licensing Authority, Trading Standards or the Police.
- (b) The Licensee shall ensure that each member of staff authorised to verify the age of customers has received adequate training on the law with regard to under-age gambling and the procedure if an underage person enters the premises, and that this is properly documented and training records kept. The training records to be kept on the licensed premises and made available for inspection by an officer of the Licensing Authority, Trading Standards or the Police.
- (c) The Licensee shall ensure that each member of staff authorised to verify the age of customers is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question customers and check evidence of proof of age.

6. Refusals Book:

- (a) The licensee shall keep a register (Refusals Book) to contain details of self-excluded customers as well as the time and date, description of under-age persons entering the premises, and the name/signature of the salesperson who verified that the person was under-age.
- (b) The Refusals book to be examined on a regular basis by the licensee and date and time of each examination to be endorsed in the book.
- (c) The Refusals Book to be kept on the licensed premises and made available for inspection by an officer of the Licensing Authority, Trading Standards or the Police.

7. CCTV:

- (a) The CCTV system shall be maintained in a good working order and fully operational covering both internal and external areas when the premises are open to the public.
- (b) The medium on which CCTV images are recorded will be clearly identifiable, stored securely and shall be retained for a period of 31 days and shall be made available for inspection by the Police or an officer of the licensing authority, upon request.

9.21 **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.

9.22 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.

There is a specific exemption from SIA licensing requirements 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 licensed for such premises



## 10. Adult Gaming Centres

- 10.1 Persons operating an adult gaming centre (AGC) are able to make category B, C and D gaming machines available. No-one under the age of 18 is permitted to enter an AGC

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons, such as persons with dementia, 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 participate in adult-only gaming activities at 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 Persons operating a licensed Family Entertainment Centre (FEC) must hold a relevant operating licence issued by the Gambling Commission. They will be able to make category C and D gaming machines available. Children and young persons are permitted to enter an FEC and may use category D machines. They are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machines, so that under-18s do not have access to them.

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons, such as persons with dementia, 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 Operating 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 relevant regulations, including mandatory or default conditions, applicable to these Premises Licences.

## 12. Casinos

- 12.1 There are currently no casinos operating within Norwich. Norwich City Council recognises that current legislation (The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 No.1327) prevents the authority issuing a premises licence for a casino. However, should the legislation be altered to allow such a possibility the full Council may pass a resolution not to issue casino licences within the City of Norwich as provided for in Section 166 of the Gambling Act 2005. This resolution must be reviewed as necessary, and at least every three years. There is no right of appeal against this resolution. Potential licence applicants should note that if a 'no-casino' resolution has been passed by this Council, no applications for casino premises licence will be considered. Any applications received will be returned with a notification that a 'no casino' resolution is in place.

## 13. Bingo premises

- 13.1 Cash bingo is the main type of bingo played in commercial bingo premises. They can also offer prize bingo, largely as games played in the intervals between main stage games. Premises with a bingo premises licence will be able to offer bingo in all its forms.

This Licensing Authority will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is sought.

This Licensing Authority will need to be satisfied that any premises licensed for bingo will operate in a manner which a customer would reasonably be expected to recognise as premises licensed for the purposes of providing facilities for bingo.

- 13.2 The Act provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total

number of gaming machines on the premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available.

13.3 Children and young people may be 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. In considering applications for bingo premises licences this Authority will take account of these points.

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

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

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

13.5 **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 must continue to comply with 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. Children and young persons are not permitted to enter betting premises. This Licensing Authority will expect applicants and licence holders to take account of the structure and layout of their gambling premises in order to prevent underage gambling.

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** - 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 gaming machine entitlements)

**14.4 Self Service Betting Terminals (SSBTs)** - The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events.

Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter.

These 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.

14.5 This Licensing Authority may 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. When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the Authority, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people. 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. Tracks

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

Examples of other tracks include (this is not an exhaustive list):

- a point-to-point horserace meeting
- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event

There are differences between track premises licences and other premises licences. Tracks admit third-party operators to provide betting facilities, whereas other premises licence holders – for example, betting shops, bingo clubs and casinos – provide the gambling facilities themselves and are subject to the conditions of the operating licence as well as the premises licence.

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. 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 Persons under 18 years old are not permitted to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the 'betting ring', where betting takes place.

The exemption allowing children access to betting areas on tracks does not extend to areas within a track where category C or above machines are provided, or other premises to which under 18 year olds are specifically not permitted access. For example, where betting facilities are provided through a self-contained betting office on a track which has a separate betting premises licence, the betting operator of the self-contained premises is required to exclude under-18s from their premises.

The Act creates offences relating to gambling by children and young people and operating licence conditions require operators to have policies and procedures in place to prevent betting from persons who are under 18 years old. As under-18s are permitted to enter betting areas on tracks on event days, this needs to include policies and procedures to mitigate the likelihood of underage betting occurring. The track premises licence holder is also required to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

The Act prohibits the employment of anyone under 18 years old on tracks.

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.

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** - This Licensing Authority will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use their entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 15.4 **Betting machines** - Betting operators may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet with a member of staff. These self-service betting terminals (SSBTs) are not gaming machines; they automate the process that can be conducted in person and therefore are not regulated as gaming machines. There is no restriction on the number of SSBTs that may be in use, but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by persons under 18 years of age. This Licensing Authority will 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:

“It is a mandatory condition of premises licences that clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks.15.6

**Applications and plans** - The Act requires applicants to submit plans of the premises with their application, to ensure that this 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 this 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 indicates the main areas where betting might take place and provides sufficient information to enable them to assess the application.

## 16. Travelling Fairs

16.1 The Act defines a “fair” as wholly or principally providing amusements on a site that has been used for a fair for no more than 27 days in a calendar year. In addition, the fair must be provided wholly or principally by persons who travel from place to place for the purpose of providing fairs.

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.

Travelling fairs are also able to offer equal chance prize gaming without a permit, provided that, taken together, the facilities for gambling are an ancillary amusement at the fair.

Current stakes and prizes limits can be found in the Commission's guidance.

Higher stake category B and C gaming machines, like those typically played in adult gaming centres 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 Developers and others may wish to apply for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Act provides for a person to make an application to this Licensing Authority for a provisional statement in respect of premises that they:

- expect to be constructed;

- expect to be altered; or
- expect 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 this Licensing Authority for the necessary Premises Licence. Section 205 of the Act sets out how the Authority should consider this application.

17.3 However, this Licensing Authority recognises that it is perfectly legitimate for an application to be made for a premises licence even though the premises are not finished. For example, a Provisional Statement may be applied for if the applicant cannot provide adequate information for a full Licence application to be considered and determined.

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 statement stage;
- (b) which in the authority's opinion reflect a change in the applicant's circumstances; or
- (c) where the premises have not been constructed in accordance with the plans and information submitted with the application.

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:

- 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.

The request for the review may also be rejected if this Licensing Authority considers that the request is frivolous, vexatious, or whether it will certainly not cause this Authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

18.2 This Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence in the following circumstances:

- in relation to particular premises, this Licensing Authority may review any matter connected with the use made of the premises if:
  - o it has reason to suspect that premises licence conditions are not being observed, or
  - o for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.
- in relation to a class of premises, this Licensing Authority may review the use made of premises and in particular, the arrangements that premises licence holders have made to comply with licence conditions.

18.3 Once a valid application for a review has been received by this Licensing Authority, representations can be made by responsible authorities and interested parties during a 28 day consultation period. This period begins 7 days after the application was received by this Licensing Authority, who will publish notice of the application within 7 days of receipt.

- 18.4 This Licensing Authority must carry out the review as soon as reasonably practicable after the 28-day period for making representations has passed.
- 18.5 The purpose of the review will be to determine whether this Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Sub-Committee are:
- add, remove or amend a licence condition imposed by this Licensing Authority;
  - exclude a default condition imposed by the Secretary of State (e.g., opening hours) or remove or amend such an exclusion.
  - suspend the premises licence for a period not exceeding three months; and
  - revoke the premises licence.
- 18.6 In determining what action, if any, should be taken following a review, this Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 18.7 In particular, this Licensing Authority may take action on the grounds that a premises licence holder has not used the licence.

## 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)

- 19.1 Where the proprietor of a premises does not hold a premises licence but wishes to provide only category D gaming machines, they may apply to the licensing authority for a family entertainment centre gaming machine permit.

This category of permit provides an alternative to the family entertainment centre premises licence available under the Act (which allows the operation of higher-value gaming machines (Category C) but is subject to more rigorous application procedures).

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.

- 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 An application for a permit may be granted only if this Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and the chief officer of police has been consulted on the application.

A permit will remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act

- 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 being harmed or exploited by gambling. 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's 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) (Where the applicant is an individual) 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 this 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 drawn to an appropriate scale 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 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.

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

- 20.1 There is provision in the Act for some premises licensed to sell alcohol for consumption on the premises, to automatically have no more than a total of 2 gaming machines of categories C and/or D. The premises must satisfy the



conditions in the Act, notify the Licensing Authority and pay the relevant fee. The conditions restrict the entitlement to premises:

- with an on-premises alcohol licence,
- that have a bar at which alcohol is served, and
- without a requirement that alcohol is only served with food

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., the requirements that written notice has been provided to this 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 gaming machine has been complied with).
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

20.2 If relevant alcohol licensed premises wish to have more than 2 machines, then the alcohol premises licence holder must apply for a licensed premises gaming machine permit for any number of category C and/or D machines. This would replace any automatic entitlement under the Act. This 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 other 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 being harmed or exploited by gambling and will expect the applicant to satisfy this 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 this 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 of 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 should be noted that 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.
- 20.4 A permit may be varied or transferred. An annual fee is payable, but a permit does not require renewal. The permit will lapse if the alcohol premises licence ceases to have effect.
- 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 gaming machines.

## **21. Prize Gaming Permits - (Statement of Principles on Permits – Gambling Act 2005 Schedule 14)**

- 21.1 Gaming is “prize gaming” if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes are determined by the operator before play commences.

Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

A prize gaming permit is a permit issued by this Licensing Authority to authorise the provision of facilities for prize gaming on specified premises occupied, or proposed to be occupied, by the applicant.

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 this Statement of Principles which requires (where the applicant is an individual) a ‘basic’ Disclosure & Barring Service (BDS) disclosure dated no earlier than one calendar month on from the day the application is received by this Licensing Authority. Holders of operating licences issued by the Gambling Commission are exempt from this requirement. In addition, the applicant should set out the types of gaming that they are intending to offer and the applicant should be able to demonstrate:

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

21.3 In making its decision on an application for a permit this Licensing Authority need not (but may) have regard to the licensing objectives but must have regard to any Commission Guidance. A permit will remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act.

21.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that this 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 Machine Permits

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

- members' clubs
- commercial clubs
- miners' welfare institutes

Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (a maximum of three gaming machines of category B, C or D), equal chance gaming and games of chance as set out in the regulations.

Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (a maximum of three gaming machines of category B, C or D).

A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. The Act states that members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming unless the gaming is restricted to that of a prescribed kind (currently bridge or whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.

Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

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 this Authority will take into account a number of matters as outlined in the Commission’s 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 for either permit on the grounds that:

- (a) the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- (b) the applicant’s premises are used wholly or mainly by children and/or young persons.
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.
- (d) a permit held by the applicant has been cancelled in the previous ten years;  
or
- (e) an objection has been lodged by the Commission or the police.

If this Licensing Authority is satisfied that the first or second ground applies, it must refuse the application. In exercising its functions in relation to club permits the Authority will have regard to any relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives

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. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are

reduced. 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.

This Licensing Authority may grant or refuse a permit, but it may not attach conditions to a permit.

A permit will normally remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act. However, a permit granted under the "fast track" process does not require renewal, but it will lapse if the club premises certificate ceases to have effect.

## 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 to 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 a 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 for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

23.3 Temporary use notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. 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 considering whether a place falls within the definition of "a set of premises", this Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises.

The holder of an operating licence must give notice to the Licensing Authority in whose area the premises are situated. A temporary event notice must be given to this Licensing Authority not less than three months and one day before the day on which the gambling event will begin.

The application must be copied to:

- the Gambling Commission,
- the chief officer of police for the area in which the premises are situated,
- HM Revenue and Customs, and
- if applicable, any other licensing authority in whose area the premises are also situated.

Gaming machines may not be made available under a temporary use notice.

23.4 This Licensing Authority will carry out its functions in relation to temporary use notices by applying the same principles as those applied in determining premises licence applications

## 24. Occasional Use Notices

24.1 Occasional use notices may be used to authorise infrequent betting at tracks on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g., gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly served notices to be refused by this Licensing Authority.

The definition of track premises is not restricted to permanent premises but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the notice is an occupier of the track or is responsible for the administration of events at the track.

The notice must be given to this Licensing Authority and the chief officer of police, in writing, before the event starts. No fee is payable.

Occasional use notices allow the giver of the notice to invite operators who hold a General Betting Operating Licence to accept bets on the premises. Such persons must hold a relevant betting operating licence and comply with the requirements of any conditions attached to that licence.

## 25. Small Society Lotteries

25.1 Small society lotteries are required to be registered with the local authority in the area where their principal office is located.

The Act defines a small society lottery by reference to two areas:

- society status - the society in question must be 'non- commercial'
- lottery size - 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.

25.2 This Authority must be satisfied that the 'society' is established and conducted:

- for charitable purposes (as defined in S2 of the Charities Act 2006).
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural nature activity; or
- for any other non-commercial purpose other than private gain.

In determining whether the Society is non-commercial this Authority may require applicants to provide copies of the society's constitution or terms of reference.

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 would need to be licensed by the Commission to operate large lotteries.

- 25.4 For new applications and where there is a change of promoter, this 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 Authority must refuse an application for registration if, within the past five years, either of the following applies:
- an operating licence held by the applicant for registration has been revoked, or
  - an application for an operating licence made by the applicant for registration has been refused

In addition, this Authority may refuse an application for registration if, within the past five years, either of the following applies:

- the applicant is not a non-commercial society,
  - a person who is or may be connected with the promotion of the lottery has been convicted of a relevant offence (listed in Schedule 7 of the Act), or
  - information provided in or with the application for registration is false or misleading.
- 25.6 Where this 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 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 revocation will take place unless the Society has been given the opportunity to make representations. This 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 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

## Part D - Exempt Gaming

- 26.1 Exempt gaming is equal chance gaming generally permissible in a club or alcohol-licensed premises that satisfy the criteria in the Act. Gaming should be ancillary to the purposes of the premises. This provision is automatically available to all such premises but is subject to compliance with conditions in the Act, including 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 limits 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 an application or 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 application or licence in question.
- 27.4 The Authority's authorised Licensing Officers will deal with all other licensing applications where no relevant representations have been received.
- 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 reasons for the decision. There is no right of appeal against a determination that representations are not accepted.
- 27.6 The table shown at Appendix 2 sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.
- 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.

27.8 In taking licensing decisions this Licensing Authority will be mindful of the public sector equality duty under the Equality Act 2010. Decisions will be taken with due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

## 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 989400  Email: <a href="mailto:licensing@norwich.gov.uk">licensing@norwich.gov.uk</a>  Website: <a href="http://www.norwich.gov.uk/info/20014/licensing">www.norwich.gov.uk/info/20014/licensing</a>
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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: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a> Website: <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>
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# Appendix 1

## Responsible Authority Contact Details

### **Gambling Commission**

4th floor Victoria Square House  
Victoria Square  
Birmingham B2 4BP

Tel: 0121 230 6666

[info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)  
<http://www.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

[licensingteam@norfolk.pnn.police.uk](mailto:licensingteam@norfolk.pnn.police.uk)

### **The Fire Authority**

Fire Safety Department  
Norfolk Fire Service  
Norwich Fire Station  
Bethel Street  
Norwich NR2 1NW

Tel: 01603 621461

[carrowadmin@fire.norfolk.gov.uk](mailto:carrowadmin@fire.norfolk.gov.uk)

### **Health and Safety**

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

[foodandsafetyteam@norwich.gov.uk](mailto:foodandsafetyteam@norwich.gov.uk)

**HM Revenue and Customs**

HM Revenue and Customs

Excise Processing Teams

BX9 1GL

Tel: 0300 322 7072

[NRUBetting&Gaming@HMRC.gsi.gov.uk](mailto:NRUBetting&Gaming@HMRC.gsi.gov.uk)

**Planning Authority**

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

NR2 1NH

[planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)

**Child Protection**

Norfolk Safeguarding Children Board  
County Hall  
Martineau Lane  
Norwich  
NR1 2UG

[nscb@norfolk.gov.uk](mailto:nscb@norfolk.gov.uk)

## 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

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee</b>	<b>Officers</b>
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

#### Summary of machine provisions by premises

Premises type	Machine category
<b>Pre-2005 Act casino</b>	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead
<b>Betting premises and tracks occupied by pool betting</b>	Maximum of 4 machines categories B2 to D (except B3A machines)
<b>Bingo premises<sup>1</sup></b>	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
<b>Adult gaming centre<sup>2</sup></b>	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
<b>Licensed family entertainment centre<sup>3</sup></b>	No limit on category C or D machines
<b>Family entertainment centre (with permit)<sup>3</sup></b>	No limit on category D machines
<b>Clubs or miners' welfare institute (with permits)<sup>4,5</sup></b>	Maximum of 3 machines in categories B3A or B4 to D
<b>Qualifying alcohol-licensed premises</b>	1 or 2 machines of category C or D automatic upon notification
<b>Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)</b>	Number of category C-D machines as specified on permit
<b>Travelling fair</b>	No limit on category D machines

<sup>1</sup> **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.

<sup>2</sup> **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.

<sup>3</sup> **Family entertainment centres** - Only premises that are wholly or mainly used for making gaming machines available may hold an FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. Category D machines may be provided in both types of FEC. There is no power for the licensing authority to set a limit on the number of machines under the FEC licence or permit.

<sup>4</sup> **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.

<sup>5</sup> **Commercial clubs with club machine 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)
<b>A</b>	Unlimited – No category A gaming machines are currently permitted	
<b>B1</b>	£5	£10,000*
<b>B2</b>	£2	£500
<b>B3A</b>	£2	£500
<b>B3</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D – non-money prize</b>	30p	£8
<b>D – non-money prize (crane grab machines only)</b>	£1	£50
<b>D – money prize</b>	10p	£5
<b>D – combined money and non-money prize</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D – combined money and non-money prize (coin pusher or penny falls machines only)</b>	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:

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/appendix-b-summary-of-gaming-machine-categories-and-entitlements>

## 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
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<b>Poker</b> £1000 / week £250 / day £10 /person per game  <b>Other gaming</b> No limit	<b>Poker</b> £1000 / week £250 / day £10 / person per game <b>Other gaming</b> No limit	<b>Poker</b> £100 / premises per day <b>Other gaming</b> £5 / person per game <b>Cribbage &amp; dominoes</b> No limit
<b>Limits on prizes</b>	No limit	No limit	<b>Poker</b> £250 / game <b>Other gaming</b> No limit	<b>Poker</b> £250 / game <b>Other gaming</b> No limit	<b>Poker</b> £100 / game <b>Other gaming</b> No limit
<b>Max participation fees – per person per day</b>	<b>Bridge /whist*</b> £20 <b>Other gaming</b> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<b>Bridge/ Whist*</b> £18 <b>Other gaming</b> £3 commercial club £1 members' club	<b>Bridge/ Whist*</b> £18 <b>Other gaming</b> £1	None permitted
<b>Bankers/ unequal chance gaming</b>	Pontoon <i>Chemin de fer</i>	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo **</b>	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.

Paragraph	Amendment
2.7	Removal of reference to planned work on local area profile as that was completed in 2020
2.8	Change in paragraph wording to reflect the now established requirements of the Licence Conditions and Codes of Practice (LCCP)
2.12	Reviewed consultee list
2.15	Link to the local area profile on <a href="http://norwich.gov.uk">norwich.gov.uk</a>
2.16	Changes to statistics of the city
3.1	Link to updated version of Gambling Commission's guidance
5.2	Rewording on interested parties as defined in legislation
7.2	Inclusion of reference to our own enforcement policy
7.8	Updated link to list of primary authorities
9.3	Rewording on premises as defined in the legislation
9.7	Rewording on location as defined in the legislation
9.11	Inclusion of words 'necessary to promote the licensing objectives' in relation to conditions on licences as defined in the legislation
9.14	Clarification that preceding information is not applicable to clubs and alcohol licensed premises as defined in the legislation
9.18	Addition of military identification card as proof of evidence of age
10.1	Inclusion of paragraph detailing what an adult gaming centre is as defined in the legislation
11.1	Inclusion of paragraph detailing what a licensed family entertainment centre is as defined in the legislation
12	Rewording to clarify no casinos as defined in current legislation
13.1	Inclusion of paragraph detailing what a bingo premises is as defined in the legislation
13.2	Change to reflect legislative update on number of machines permitted as defined in the legislation
13.4	Separation of paragraph on bingo in clubs and alcohol licensed premises from bingo premises for increased clarity
14.4	Rewording on self-service betting terminals – no change to approach
15.1	Inclusion of paragraph detailing what a track is as defined in the legislation
15.2 – 15.3	Paragraph on preventing gambling by under 18's at tracks, sets out measures expected from operators
16	Inclusion of paragraph detailing what a travelling fair is as defined in the legislation
17	Inclusion of paragraph detailing what a provisional statement is as defined in the legislation
18	More detail on the review process as defined in the legislation
19	Inclusion of paragraph detailing what an unlicensed family entertainment centre permit is as defined in the legislation
20	Inclusion of paragraph detailing what an alcohol licensed premises gaming machine permit is as defined in the legislation
21	Inclusion of paragraph detailing what a prize gaming permit is as defined in the legislation

21.2	Inclusion of requirement for a basic disclosure for new applicants. Into line with other permits, excludes licensed operators
22.1	Inclusion of paragraph detailing what a club gaming permit and club machine permit are as defined in the legislation
23	More detail on the application process for temporary use notices as defined in the legislation
24	Inclusion of paragraph detailing what an occasional use notice is as defined in the legislation
25	Inclusion of paragraph detailing what a small society lottery is as defined in the legislation
25.4	Inclusion of requirement of a basic disclosure for new applicants / promoters. Was previously a discretionary requirement
Appendix 1	Reviewed responsible authority contact details
Appendix 3	Link provided to Gambling Commission website for up-to-date stakes and prizes information as defined in the legislation