



Gambling Act 2005: Statement of Principles

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Approved by
Norwich City Council 28 November 2006



NORWICH
City Council



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This Statement of Principles has been drafted at a time when a number of regulations, Operating/Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.



Part A - General

1. The Licensing Objectives

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

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

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

1.2 The 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:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission



-
- reasonably consistent with the licensing objectives and
 - in accordance with the Licensing Authority's statement of licensing policy



2. Introduction

- 2.1 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 125,000 (2004 mid year estimate) making it the third largest in the County in terms of population. In terms of area it is the smallest, covering 15 square miles. The Council area is entirely urban. This is shown in the map attached.



- 2.2 The City Council as a Licensing Authority is required by the Act to publish a statement of the principles which it proposes to apply when exercising its functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. Following any amendment and consultation, the revised statement will then be re-published.
- 2.3 Before finalising and publishing this statement Norwich City Council has consulted with the persons contained in the list at 2.5 below.



2.4 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.

2.5 List of persons this authority consulted:

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

2.6 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.



3. Declaration

- 3.1 In producing this Statement of Gambling Policy the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the Policy.



4. Responsible Authorities

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

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

In accordance with the Gambling Commission's Guidance for Licensing Authorities, this Authority proposes to designate the Norfolk Local Safeguarding Children's Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are attached at annex A



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 Gambling Act 2005 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 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits.
- This authority will not apply a rigid rule in making its decision; however, it will consider the examples provided in paragraphs 8.14 and 8.15 of the Gambling Commission's Guidance for Licensing Authorities. The authority will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

5.3 The Gambling Commission has recommended in section 8.17 of its Guidance that the Licensing Authority state that interested parties include trade associations and trade unions, and residents' and tenants' associations. It is understood that the Gambling Commission has subsequently stated that this mistake in its Guidance which will be rectified and notified on its website. The Licensing Authority will not however generally view these bodies as



interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 (i.e. lives sufficiently close to the premises to be likely affected by the activities being applied for).

- 5.4 In accordance with paragraph 8.11 of the Gambling Commission's Guidance for Local Authorities, interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Other than these however, the Authority will generally require written evidence that a person/body (for example an advocate or relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.



6. Information exchange

- 6.1 In fulfilling its functions and obligations under section 29 (Licensing Authorities providing information to the Gambling Commission), section 30 (the provision of information by the Gambling Commission) and section 350 (exchange of information may be subject to conditions) of the Gambling Act 2005 the Licensing Authority may exchange relevant information with other regulatory bodies. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.
- 6.2 The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.



7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This Licensing Authority's **principles** are that it will be guided by the Gambling Commission's Guidance and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 7.3 In accordance with the Gambling Commission's Guidance the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 The Licensing Authority's main enforcement and compliance role in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions that it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.



8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

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



(The Gambling Commission has recommended that licensing authorities include a list of licensable activities in their policy statements. LACORS has requested a definitive list from the Gambling Commission and this will be incorporated into this policy statement once provided).



Part B - Premises Licences

9. General Principles

- 9.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 9.2 In accordance with Section 153 of the Gambling Act, the 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 Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission ;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the Authority's statement of licensing policy.
- 9.3 The Licensing Authority is aware that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution') and also that unmet demand is not a criterion for a licensing authority.
- 9.4 **Definition of 'premises'** - Premises is defined in the Act as 'any place'. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single



building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

- 9.5 The Licensing Authority takes particular note of the Gambling Commission Guidance which states that Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- 9.6 The Licensing Authority will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Specific issues for consideration would be whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. Additionally, an overriding consideration would be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that would otherwise be prohibited under the Act.
- 9.7 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has



advised that reference to "the premises" are to the premises in which gambling may now take place. Therefore a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Licensing Authority agrees with the Gambling Commission Guidance that it is a question of fact whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission Guidance emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights

- 9.8 **Location** - The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. In accordance with the Gambling Commission Guidance, the Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon in respect of areas where gambling premises should not be located, this statement will be updated to reflect that. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus on the applicant to show how potential concerns can be overcome
- 9.9 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, vulnerable adult centres or residential areas where there may be a high concentration of families with children. 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.

9.10 ***Duplication with other regulatory regimes*** - The Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems wherever possible. The Licensing Authority will not consider whether a licence application is likely to obtain planning or building regulation consent, in its consideration of it. The Licensing Authority will however listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

9.11 ***Licensing objectives*** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's Guidance to local authorities 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** - The Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Licensing 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. The 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** – The Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the remit of the Gambling Commission.

However, in relation to the licensing of tracks the Licensing Authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In these circumstances, the Premises Licence may need to contain certain conditions to ensure that the environment in which betting takes place is suitable and that betting areas are properly administered (see **Tracks** – Page 33).

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



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

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

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

9.12 **Conditions** - Any conditions attached to licences will be necessary, proportionate and enforceable. Paragraph 9.26 of the Gambling Commission’s Guidance to Local Authorities states that conditions should be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;



- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

9.13 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures the 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. The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

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

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is



supervised;

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

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

9.16 The 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 Gambling Commission's Guidance, the Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

- any condition on the premises licence which makes it impossible to comply with an operating licence condition (Operating Licences are issued by the Gambling Commission);
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.



- 9.18 ***Door Supervisors*** - The Gambling Commission advises in its Guidance for local authorities 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.

Where operators and Licensing Authorities decide that supervision of entrances and/or machines is appropriate for particular cases it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.



10. Adult Gaming Centres

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

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- 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 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the 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.

The 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 The Licensing Authority will, in accordance with the Gambling Commission's guidance, refer to the Commission's website to view any conditions that apply to Operator Licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will also make itself aware of



any mandatory or default conditions on these Premises Licences,
when they have been published.



12. Casinos

- 12.1 On the 15th March 2006 the Council's Executive considered whether to submit a proposal to the Casino Advisory Panel for a casino in Norwich. Members resolved not to submit a proposal. The report to Executive and subsequent minute can be accessed from the following links:

http://www.norwich.gov.uk/intranet_docs/corporate/public/committee/reports/2006/executive/REP_Executive_Casinos_Call_for_Proposals_2006_03_15.pdf

http://www.norwich.gov.uk/intranet_docs/corporate/public/committee/minutes/2006/MIN_Executive_2006_03_15.pdf

- 12.2 **No casinos resolution** – The Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.
- 12.3 **Casinos and competitive bidding** - The Licensing Authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the Licensing Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. There will be a two-stage process for considering applications and the authority will run such a competition in line with any regulations / codes of practice issued under the Gambling Act 2005.
- 12.4 **Licence considerations / conditions** - The Gambling Commission has stated that "further guidance will be issued in due course about



the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for local authorities - 17.30) This guidance will be considered by the licensing authority when it is made available.

- 12.5 **Betting machines in Casinos** - The Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.



13. Bingo premises

13.1 The Licensing Authority notes that the Gambling Commission's Guidance (paragraph 18.4) states:

"It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate 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 the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18."

13.2 The Licensing Authority is also aware that the Gambling Commission has stated that it is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. Any such guidance will be considered by the Licensing Authority once it is made available.



14. Betting premises

- 14.1 **Betting machines** - The Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.



15. Tracks

- 15.1 The 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 Gambling Commission's Guidance, the 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 The Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- 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** - Further guidance from the Gambling Commission is awaited as regards to where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The Licensing Authority notes the Commission's Guidance that licensing authorities therefore need to 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 his 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** - The Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 15.5 **Condition on rules being displayed** - The Gambling Commission has advised in its Guidance for Licensing Authorities that:



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

15.5 Applications and plans - The Licensing Authority awaits regulations setting out any specific requirements for applications for premises licences but would expect to receive the information contained in the Gambling Commission's suggestion that:

"to ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and

"Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

The Licensing Authority is of the view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises. This view is shared by the Gambling Commission.



16. Travelling Fairs

- 16.1 It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 16.2 The 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. The Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.



17. Provisional Statements

- 17.1 Section 204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 17.2 Once the premises are constructed, altered or acquired the holder of a provisional statement can apply to the Licensing Authority for the necessary Premises Licence. Section 205 of the Gambling Act sets out how the Authority should consider this application.
- 17.3 The Licensing Authority notes the Gambling Commission Guidance which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.
- 17.4 In terms of representations about Premises Licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or



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

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



18. Reviews

18.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause the Licensing Authority to consider whether to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:

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

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



Part C: Permits/Temporary & Occasional Use Notice

19. Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits – Gambling Act 2005 Schedule 10 paragraph 7)

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

19.2 The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles (*see paragraph 19.5 below*) 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 Gambling Commission. The Gambling Commission's Guidance also states:

"In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues."

19.3 The Gambling Commission Guidance also states:



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

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

19.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.

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



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

20.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The licensing authority 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 Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

20.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” The Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.



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

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



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

- 21.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.
- 21.2 The Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - and that the gaming offered is within the law.
- 21.3 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.
- 21.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions.

The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the



day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.



22. Club Gaming and Club Machines Permits

- 22.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 22.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 22.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or



- (e) an objection has been lodged by the Gambling Commission or the police.

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

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

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



23. Temporary Use Notices

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



24. Occasional Use Notices

- 24.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.



Appendix 1

Responsible Authority Contact Details

The Gambling Commission

4th floor Victoria Square House

Birmingham

B2 4BP

t: 01212 306576

f: 01212 331096

The Chief Officer of Police

Chief Constable

C/O Licensing Section

Central Area Headquarters

Norfolk Constabulary

Norwich Police Station

Bethel Street

Norwich NR2 1NN

The Fire Authority

Fire Safety Department

Norfolk Fire Service

Norwich Fire Station

Bethel Street

Norwich NR2 1NW

t: 01603 621461

f: 01603 229034



Health and Safety

Mr Peter Riseborough
Health and Safety Team Leader
Norwich City Council
City Hall
St Peter's Street
Norwich NR2 1NH
t: 01603 212321

Customs and Excise

Gambling Unit
Norwich
t: 01693 704175

Planning Authority

Mr Stuart Orrin
Head of Planning
Norwich City Council
City Hall
St Peter's Street
Norwich NR2 1NH
t: 01603 212530

Child Protection

Norfolk Local Safeguarding Children's Board
Paul Shreeve
LSCB Administrator
Childrens Services
County Hall
Martineau Lane
Norwich
NR1 2SQ
t: 01603 223409



Appendix 2

Table of delegations (subject to the relevant commencement orders and other relevant legislation being enacted)

Matter to be dealt with	Full council	Sub-committee	Officers
Final approval of three year licensing policy	All cases		
Policy not to permit casinos	All cases		
Fee setting (when 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



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

Gambling Act 2005: Statement of Principles

January 2007

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Norwich City Council 28 November 2006**



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