



**Stockton-on-Tees**  
BOROUGH COUNCIL

**Gambling Act 2005**

**Statement of Licensing Principles**

**January 2019**

## **Preface**

A new regime for the licensing and regulation of gambling activities and businesses was introduced by the Gambling Act 2005. The Act transferred the responsibility for granting licences for betting and gaming premises or participating in a lottery, from the courts to local authorities whilst the responsibility for granting operating and personal licences remained with the Gambling Commission.

This Statement of Gambling Policy is reviewed regularly and amended where necessary. This review this time has incorporated the updated licence conditions and codes of practice published by the Gambling Commission.

In an attempt to tackle the potential harmful aspects of gambling the codes of practice include strengthened social responsibility provisions which are a condition of premise licences that operators must comply with. They also include provisions for ensuring children cannot access gambling; improvement for staff to help them interact better with customers and identify potential problem gamblers; Licensees should contribute to and participate in the development and effective implementation of multi-operator self-exclusions schemes with the aim of making available to customers the ability to self-exclude from facilities for gambling provided by other licensed operators within their local area(s); the requirement for operators of gambling premises to produce a local risk assessment evidencing that they have policies and procedures in place to mitigate these local risks.

I welcome the strengthened provisions for operators of gambling premises and businesses. Historically, in Stockton, we have worked towards maintaining a balance between the interests of our businesses and our residents. We want to ensure that the provisions of the Act are used to provide a positive and beneficial environment for businesses, residents and visitors alike.

Councillor Steven Nelson

Cabinet Member for Access, Communities & Community Safety

Stockton Borough Council

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## **Gambling Act 2005**

### **STATEMENT OF LICENSING**

#### **PRINCIPLES PART A**

##### **1. Introduction**

1.1 Stockton-on-Tees Borough Council is the Licensing Authority under the Gambling Act 2005 and is responsible for granting premises licences in the Borough of Stockton-On-Tees in respect of such premises as:-

- Casino premises;
- Bingo premises;
- Betting premises, including tracks;
- Adult Gaming Centres;
- Family Entertainment Centres.

1.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

1.3 The formal Statement of Licensing Principles will come into effect on the 31 January 2019 and will be available on the Council’s website at:

<https://www.stockton.gov.uk/community-safety/licensing/gambling-act-2005-licences/>

##### **2. Declaration**

2.1 In producing this statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

##### **3. The Borough of Stockton-On-Tees**

Stockton-on-Tees is a Borough of wide contrasts; a mixture of busy town centres, urban residential areas and picturesque villages. The Borough covers approximately 20,000 Hectares with a population of about 195,700 people living in 85,700 households.

3.1 The main urban areas are Stockton, Thornaby, Ingleby Barwick, Billingham and Yarm. These are shown on the map at Appendix B.

Across the Borough there is a unique social and economic mix, with areas of acute disadvantage situated alongside areas of affluence. Using Indices of Multiple Deprivation 2015<sup>1</sup>, the Borough is ranked 88th most deprived out of the 326 local authorities in England. However, whilst 28%<sup>2</sup> of the population live within the top 20% of most deprived areas of England, 28%<sup>2</sup> live in the 20 least deprived areas.

In addition, 34 out of the 120 Lower-layer Super Output Areas (LSOAs) across Stockton-On-Tees are within the 20% least deprived LSOAs in England, whereas 33 of the LSOAs are within the 20% most deprived LSOAs in England.

<sup>1</sup>English indices of deprivation 2015

<sup>2</sup>ONS Mid-2016 population estimates for LSOAs

- 3.2 The ethnic composition of the Borough's population is more diverse now than it was in 2001. In the Census 2011, 93.4% of the population classed themselves as belonging to a White: English/Welsh/Scottish/Northern Irish/British ethnic group, a decrease of 2.8% compared with the Census 2001.
- 3.3 The Council's vision, which is published in the Council Plan 2018 - 2021, and summarised is to create an economically prosperous Borough that is dynamic, a place where levels of crime and fear of crime are low and people feel safe and secure, a place where people are supported to be healthy, a great place to grow up, where children and young people are protected from harm and supported to be the best they can be in life.

#### **4 Other Data**

##### **4.1 Health on the High Street Report**

The Royal Society for Public Health on Health on The High Street underlined the importance of our High Streets to the health and well-being of our residents. The report acknowledged that:

Making high streets a diverse place in which to have fun, and enhance health and wellbeing will make them a more attractive destination for the public, which in turn may help rejuvenate many. The nation's high streets have huge potential to support the public's health and wellbeing. As places for people to interact, high streets can play an important role in bringing people together and help foster a sense of community.

The report also highlighted types of premises that the public believed discouraged healthy choices and had a negative impact on mental well-being health. Betting shops were amongst the types of premises identified.

##### **4.2 Gambling Participation Survey 2017 Findings**

The Gambling Commissions research found that overall, gambling participation has decreased since 2016 with 45% of people aged 16+ having participated in at least one form of gambling in the past four weeks in 2017 (48% in 2016).

Men are more likely to have gambled than women and those aged 55-64 are most likely to have gambled in the past four weeks. This is predominantly driven by participation in the National Lottery draws as when people who have only gambled in the National Lottery draws are excluded, participation is highest among 16-34 year olds.

Overall, 18% of people have gambled online in the past four weeks. Those aged 25-34 and 55-64 have seen the largest increases in online gambling participation whereas those aged 16-24 have seen a decline in online gambling participation in 2017. In terms of gambling activities:

- The National Lottery draws remain the most popular gambling activity, followed by scratch cards and other lotteries.
- Football and horse racing are the most popular betting activities.
- All gambling activities have seen an increase in online participation with the exception of betting on horse races and spread betting.
- In-person participation has declined for most activities.

## **Problem Gambling Estimates**

An estimated 0.8% of people were identified as a problem gambler according to the full Problem Gambling Severity Index (PGSI) 2 or DSM-IV screen with a further 3.9% identifying as at low or moderate risk.

## **Online Gambling Behaviour**

Although declining in use for gambling, laptops remain the most popular method of accessing online gambling in 2017 with 50% of online gamblers using a laptop. The use of mobile phones has seen the largest increase to 39% (an increase of 10 percentage points). The majority of online gamblers (97%) play at home. Male online gamblers were more likely than females to gamble outside of the home including on their commute, at work, at a venue or in a pub/club –as were younger age groups. Among online gamblers, 27% have bet in-play, with rates highest in 25-34 year olds but the largest increase was seen in 55-64 year olds. On average, online gamblers have four accounts with online gambling operators. 6% of online gamblers have bet on eSports during the past 12 months, with rates highest among 25-34 year olds.

## **5 Licensing Objectives**

5.1 The Gambling Act 2005 requires that the Council carries out its various licensing functions by having regard to promoting the following 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 carried out in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

5.2 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”.

5.3 This licensing authority is aware that, as per Section 153, 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 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 principles

## **6 The Licensing Framework**

6.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

6.2 The Gambling Commission issues operators licences and personal licences. Any

operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator's licence before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission.

The Council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

- 6.3 The Council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

## **7. Licensing Authority Functions**

- 7.1 'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

- Gaming means playing a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

- 7.2 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 via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- 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 on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions



## 8. Responsible Authorities

8.1 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

8.2 In accordance with the Gambling Commission's Guidance for local authorities this Council designates the Stockton on Tees Local Safeguarding Children Board for this purpose. The four Safeguarding Children Boards on Teesside have developed a Tees Local Safeguarding Children Boards' Procedures website at <http://www.teescpp.org.uk/>. Applicants may find this website useful as a point of reference and information, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.

The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Council's website at:

<https://www.stockton.gov.uk/community-safety/licensing/gambling-act-2005-licences/>

## 9. Interested Parties

9.1 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 follows:

9.2 "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

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

9.3 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:

9.4 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities. Note though that decisions on Premises Licences and temporary use notices must be "in accordance" with Gambling Commission Guidance (Section 153). It 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.

- 9.5 The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. This 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 e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 9.6 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. Likewise, parish councils likely to be affected, will be considered to be interested parties. Other than these, however, this authority will generally require written evidence that a person/body (e.g. an advocate / 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.
- 9.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department (see appendix for contact details).

## 10. **Consultation**

This Statement of Licensing Principles has been subject to formal consultation with:

1. Cleveland Police;
2. Representatives of the holders of the various licences for premises within the Borough who will be affected by this Policy;
3. Persons/bodies representing the interests of persons likely to be affected by this policy.

## 11. **Exchange of Information**

- 11.1 In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Council will conform to the requirements of General Data Protection Regulations and freedom of information legislation in accordance with the Council's existing policies.
- 11.2 The Council 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.
- 11.3 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.

## 12. **Enforcement**

- 12.1 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.

12.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities 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

12.3 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

12.4 This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing principles

12.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that 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.

12.6 This Authority will have regard to the Statutory Regulator's Code which came into force in April 2014. We support the principle of better regulation to promote efficient, proportionate and effective approaches to enforcement and inspection and also policy formulation that improve regulatory outcomes without imposing unnecessary burdens on business.

This Authority acknowledges the Primary Authority Scheme. This scheme allows businesses to be involved in their own regulation. It enables them to form a statutory partnership with one local authority, which then provides robust and reliable advice for other local regulators to take into account when carrying out inspections or addressing non-compliance. Where there is a Primary Authority Arrangement in place between a business operator and a local authority no enforcement action will be taken before consultation with the Primary Authority.

Further information on the scheme and an up to date list of arrangements can be accessed at:

<http://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Premises-assessments/Premises-assessments-toolkit.aspx>

- 12.7 Stockton Borough Council's Corporate Enforcement Policy is published on-line at <https://www.stockton.gov.uk/media/874787/enforcement-policy-march-2017.pdf>
- 12.8 In relation to the underage gambling controls, this licensing authority will follow the Better Regulation Delivery Office Code of Practice for Age Restricted Products and Services. We will consider the use of test purchase checks with young volunteers where there is evidence that it is necessary and proportionate to do so and will work in conjunction with the Gambling Commission where appropriate.
- 12.9 In relation to self-exclusion procedures, this licensing authority will consider the use of test purchase exercise where there is evidence that it is necessary to do so and will work in conjunction with the Gambling Commission where appropriate.

### **13. The Licensing Process**

- 13.1 The Council's licensing functions under the Act will be carried out by the Statutory Licensing Committee, supported by a number of sub-committees and by officers acting under the delegated authority of the committee. Further details can be found in the table of delegation of licensing functions at Appendix A.
- 13.2 Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness officers will for the most part, carry these out.
- 13.3 Where there are relevant representations in respect of an application the matter will be determined by the Licensing Sub Committee, as will any application for the review of a licence.
- 13.4 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, the Statement is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

## **PART B**

### **PREMISES LICENCES**

#### **14. General Principles**

- 14.1 Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 14.2 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 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 principles
- 14.3 Primary Gambling Activity – The Gambling Commission guidance states that by distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus in bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to existing casino licences (but not 2005 Act Casinos) and betting premises licences.
- 14.4 It is appreciated that as per the Gambling Commission's Guidance for licensing authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' – see section on Casinos below – page 15) and also that unmet demand is not a criterion for a licensing authority.
- 14.5 **Definition of "premises"** – Premises is defined in the Act as "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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 park, track or shopping mall to obtain discrete premise licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 14.6 The Gambling Commission states in its Guidance to Licensing Authorities that "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as 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 officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."
- 14.7 This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities 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 they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by more one or more premises licences should be separate and identifiable so that separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises without a permit.
- Customers should be able to participate in the activity named on the premise licence.

14.8 The Guidance also gives a list of factors, which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors (e.g. division walling would normally be expected to be full floor to ceiling height), in making its decision, depending on all the circumstances of the case.

14.9 **The Gambling Commissions relevant access provisions for each premise type are reproduced below from the guidance:**

#### **Casinos**

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

#### **Adult Gaming Centre**

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

#### **Betting Shops**

- Access must be from a street or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café  
– the whole area would have to be licensed.

#### **Tracks**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre

#### **Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

#### **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

Part 7 of the Gambling Commission’s Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

#### **14.10 Premises “ready for gambling”**

The guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

14.11 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

14.12 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

14.13 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission’s Guidance for local authorities, this 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.

14.14 **Local Risk Assessments** - The licensing authority will need to be satisfied that there is sufficient evidence that a particular location of a premise would not be harmful to the licensing objectives. Since the 6 April 2016, it has been requirement under section 10 of the Licence Conditions and Codes of Practice (LCCP) that licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy and also the Local Area Profile.

The LCCP also states that licensees must review (and update as necessary) their local risk assessments:

- To take account of significant changes in local circumstances, including those identified in this policy;
- 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 premise licence; and
- In any case, undertake a local risk assessment when applying for a new premise licence.

The licensing authority will expect the local risk assessment to consider as a minimum:

- Whether the premise is in an area with high levels of crime and/or disorder
- Whether the premise is in an area of high deprivation
- The demographics of the area in respect of vulnerable groups of people including those with gambling dependencies, where this information is available
- Location of services and amenities for children in the area such as schools, playgrounds, leisure facilities and other areas where children may gather.

The risk assessment may also include:

- Procedures in place to ensure staff are adequately trained in how to monitor and deal with customers suspected of excessive gambling (including brief intervention training for staff), vulnerable persons or children and also details and regularity of training given
- Details of supervisory and management procedures in place including number of staff available and their designated duties and responsibilities
- Details of any consideration given to the need for CCTV in the premise and if installed how the system will be operated and monitored and what coverage it is designed to give in the premise.
- Details of the signage and documents relating to games rules, gambling care providers and other relevant information including a consideration of whether information needs to be provided in another language that may be prevalent in the locality.

Such information may be used to inform the decision the Authority makes about whether to grant a licence, to grant a licence with special conditions or to refuse the application. The policy does not prevent an application made and each application will be decided on its merits with the onus being on the applicant to show how the concerns can be overcome.

#### 14.15 **CCTV**

Where CCTV is installed in a premise the system should:

Be maintained in good working order and be correctly time and date stamped.

The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed, whilst complying with Data Protection legislation.

Be capable of providing pictures of **evidential quality** in all lighting conditions,



particularly facial recognition. Be capable of a minimum of 31 days recording.

The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on a desktop computer.

Any Digital recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.

In addition:

There will be at all times a member of staff on duty (or contactable if part of a centralised system) who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Cleveland Police or any other Responsible Authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or less if urgently required for investigation of serious crime.

Notices should be displayed advising that CCTV is in operation.

**14.16 Planning** – The Gambling Commission Guidance to Licensing Authorities states:

In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

– When dealing with a premise licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premise licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premise licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

**14.17 Duplication with other regulatory regimes** - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions that cannot be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premise licence.

**14.18 Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

**14.19 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 Gambling Commission takes 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 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. 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.

- 14.20 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that, except in the case of tracks, the Gambling Commission states 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 addressed via operating and personal licences. However the Authority will communicate any concerns to the Gambling Commission about misleading advertising or absence of required games rules as set out in the Licensing Conditions and Codes of Practice.
- 14.21 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling 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). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective.

This may include such requirements as:-

- a) Supervision of entrances;
- b) Segregation of gambling areas from areas frequented by children;
- c) Supervision of gaming machines in licensed family entertainment centres

14.22 This licensing authority is also aware of the Gambling Commission's revised Codes of Practice as regards this licensing objective, in relation to specific premises.

14.23 As regards the term "Adult at Risk" it is noted that the Gambling Commission does not seek 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 gambling 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."

Section 42 of The Care Act now identifies 'an adult at risk', as an adult at risk of abuse or neglect is defined as someone who has needs for care and support, who is experiencing, or at risk of, abuse or neglect and as a result of their care needs - is unable to protect themselves.

14.24 The Authority is aware of the extensive requirements set out for operators in the Gambling Commissions Licence Conditions and Codes of Practice (LCCP) regarding the social responsibility provisions for operators. In this document the Gambling Commission clearly describe the policies and procedures that operators

should put in place regarding:

- Combating problem gambling – operators will need to demonstrate increased levels of both induction and refresher training for staff, to ensure effective interaction with customers
- Access to gambling by children and young persons – operators will need to consider for example the use of CCTV, mirrors, positioning of staff and counters to ensure staff can effectively monitor who is accessing their premises and have policies and procedures in place to deal with problems
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion – operators will be required to participate in self-exclusion schemes
- Employment of children and young persons

All applicants should familiarise themselves with the LCCP relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

Contact details for specialised services who offer advice and counselling for problem gamblers are set out in Appendix E.

This licensing authority will consider this licensing objective on a case-by-case basis.

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

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

14.26 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 an evidenced need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

14.27 This licensing authority will also consider specific measures that may be required for buildings that are subject to multiple premises licenses. 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.

14.28 This 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.

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

14.30 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. As per the Gambling 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.

14.31 It is noted that there are conditions that the licensing authority cannot attach to premises licences that are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- 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

14.32 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is satisfied that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

14.33 Where it is decided that supervision of entrances/ machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## 15. **Adult Gaming Centres**

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

15.2 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.

**16. (Licensed) Family Entertainment Centres (FEC):**

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

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

- CCTV ( see guidance for minimum requirements for CCTV in section 12.15)
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-Exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

- 16.2 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences.

**17. Casinos**

- 17.1 No Casinos resolution - This 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 this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.
- 17.2 Licence considerations / conditions – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's guidance and the Licence Conditions and Codes of Practice published by the Gambling commission.
- 17.3 Betting machines - This licensing authority will, as per 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.

## 18. **Bingo Premises**

There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act

The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.

### 18.1 This licensing authority notes that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a licence. This will be a relevant consideration where the operator of an existing bingo premise licence applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licenses, for that or those excluded areas.

### 18.2 This licensing authority notes this Guidance also states that: in the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate all the gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

### 18.3 Children and young people are allowed into bingo premises; however they are not permitted to participate in gambling other than on category D machines. Where category C or above machines are made available for use then the Authority will 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. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
- Only adults are admitted to the area where the machines are located
- Access to the area where the machines are located is supervised at all times
- The area where the machines are located is arranged so that it can be observed by staff
- 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
- Children will not be admitted to bingo premises unless accompanied by an adult.

The maximum stakes and prizes, as from 1 January 2014, for the different categories of gaming machines are set out in Appendix C.

## 19. **Betting Premises**

- 19.1 To assist operators of betting premises the Gambling Commission has published a document setting out the indicators that are to be used to assess as to whether the requirements for betting being the primary gambling activity in any particular premise are being met.
- 19.2 These include:
- a) The offer of established core products (including live event pictures and bet range)
  - b) The provision of information on core products and events
  - c) The promotion of gambling opportunities and product
  - d) The provision of sufficient betting facilities
  - e) The size of the premises
  - f) The delivering of betting facilities

This authority will consider all of the above factors when determining betting premise licence applications and primary use. Each case will be determined on its own merits to ensure that gaming machines are only made available in suitably licensed premises.

- 19.3 Betting machines - This licensing authority will, as per 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.

## 20. **Tracks**

- 20.1 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. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 20.2 This 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.
- 20.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
  - CCTV
  - Supervision 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.

- 20.4 Gaming machines – Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 20.5 Betting machines - This licensing authority will, as per Part 6 the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 20.6 **Applications and plans**  
The Gambling Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premise inspection activity. (See Guidance to Licensing Authorities, para 20.43).
- 20.7 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 the regulations. (See Guidance to Licensing Authorities,).
- 20.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premise licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities).
- 20.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary of the premises do not need to be defined. (See Guidance to Licensing Authorities.).
- 20.10 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. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See guidance to Licensing Authorities. Para).
21. **Travelling Fairs**
- 21.1 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.
- 21.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.



21.3 It is noted that the 27-day statutory maximum for the land being used as a fair, applies on a per calendar year basis, 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 that crosses our boundaries is monitored so that the statutory limits are not exceeded.

## 22. **Provisional Statements**

22.1 Developers may wish to apply to this authority 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.

22.2 S204 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.

22.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

22.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

22.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premise has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has

with the applicant before making a decision.

## 23. Variations

- 23.1 Should the authority receive an application to vary a premises licence for a bingo or betting in order to extend the opening hours, then in accordance with the Gambling Commission Guidance this authority will need to be satisfied that the reason for the application is in line with the requirements on primary gambling activity (i.e. the need for operating licence holders to ensure that the gambling activity appropriate to the licence type (“the primary activity” or “the principal activity”) is actually offered at those premises and not replaced by the making available of gaming machines). Therefore the applicants will be expected to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement which is an activity ancillary to the primary activity of the premises, namely betting or bingo.

## 24. Reviews

- 24.1 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:

- is it in accordance with any relevant code of practice issued by the Gambling Commission
- is it in accordance with any relevant guidance issued by the Gambling Commission
- is it reasonably consistent with the licensing objectives and
- is it in accordance with the authority’s statement of licensing principles

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

- 24.3 The licensing authority can also initiate a review of a premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate. Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application is received by the licensing authority, who will publish notice of the application within 7 days of receipt.

- 24.4 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

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

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and

(d) revoke the premises licence.

- 24.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 24.7 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 24.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant for review (if any)
  - the Commission
  - any person who made representations
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs

## **PART C**

### **Permits / Temporary & Occasional Use Notice**

25. **Unlicensed Family Entertainment Centre Gaming Machine Permits** (Statement of Principles on Permits – Schedule 10 para 7)
- 25.1 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).
- 25.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose 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 under section 25. The Gambling Commission's Guidance for local authorities 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."
- 25.3 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 applicants 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. (24.7)

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

25.5 **Statement of Principles** - This 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 arrangements for supervision of the premise including use of CCTV is appropriate (see guidance in section 14.15 for recommended minimum requirements for CCTV systems)

This licensing authority will also expect, as per 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.

26. **(Alcohol) Licensed Premises Gaming Machine Permits** – (Schedule 13 Para 4(1))

**Automatic entitlement: 2 machines**

26.1 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:

- 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

**Permit: 3 or more machines**

26.2 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.”

26.3 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 harm 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 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.

- 26.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre premises licence.
- 26.5 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.
- 26.6 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.

## 27. **Prize Gaming Permits**

- 27.1 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”.
- 27.2 **Statement of Principles** - This 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 arrangements for supervision of the premise including use of CCTV is appropriate (see guidance in section 14.15 for recommended minimum requirements for CCTV systems).

This Authority will also expect the applicant to 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.

- 27.3 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3))
- 27.4 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.

## 28. Club Gaming and Club Machines Permits

28.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club 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 prescribed in regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

28.2 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. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicates 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."

28.3 The Licensing Authority will therefore require applicants for permits to supply sufficient information and documents to enable it to satisfy itself that the club meets the requirements of the Act to obtain a Club Gaming Permit.

28.4 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 Commission or the police.

Clubs must have regard to their obligation to protect children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:

- the machines being in close proximity to the bar, or in any other area where they

are capable of being adequately supervised

- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare.

28.5 There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing 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."

28.6 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.

## 29. **Temporary Use Notices**

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

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

29.3 The Secretary of state has the power to determine what form of gambling can be authorised by Temporary Use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: 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. Examples of equal chance gaming includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

29.4 There are a number of statutory limits as regards temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. 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", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

29.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of

premises, as recommended in the Gambling Commissions Guidance to Licensing Authorities.

### 30. **Occasional Use Notices** (Tracks)

- 30.1 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.

### 31.0 **Small Society Lottery Registrations**

- 31.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 31.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.
- 31.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Stockton and want to run such lottery.
- 31.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

To be 'non-commercial' a society must be established and conducted:

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

- 31.5 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. This includes raffles held at non-commercial events such as school fetes. If you require guidance on the different categories of lotteries please contact the Licensing Team.
- 31.6 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

### 32 **Further Information**

Further information about the Gambling Act 2005, this Statement of Licensing Principles and about the application process, including application forms and guidance notes can be obtained from:

Licensing Department  
Stockton on Tees Borough Council  
Municipal Buildings  
Stockton on Tees



TS18 1LD  
Telephone (01642) 526558  
E-mail [licensing.administration@stockton.gov.uk](mailto:licensing.administration@stockton.gov.uk)  
Website:  
[www.stockton.gov.uk/community-safety/trading-standards-and-licensing/](http://www.stockton.gov.uk/community-safety/trading-standards-and-licensing/)

Information is also available from the

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Telephone 0121 230 6666  
Fax 0121 230 6720  
E-mail [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)  
Website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

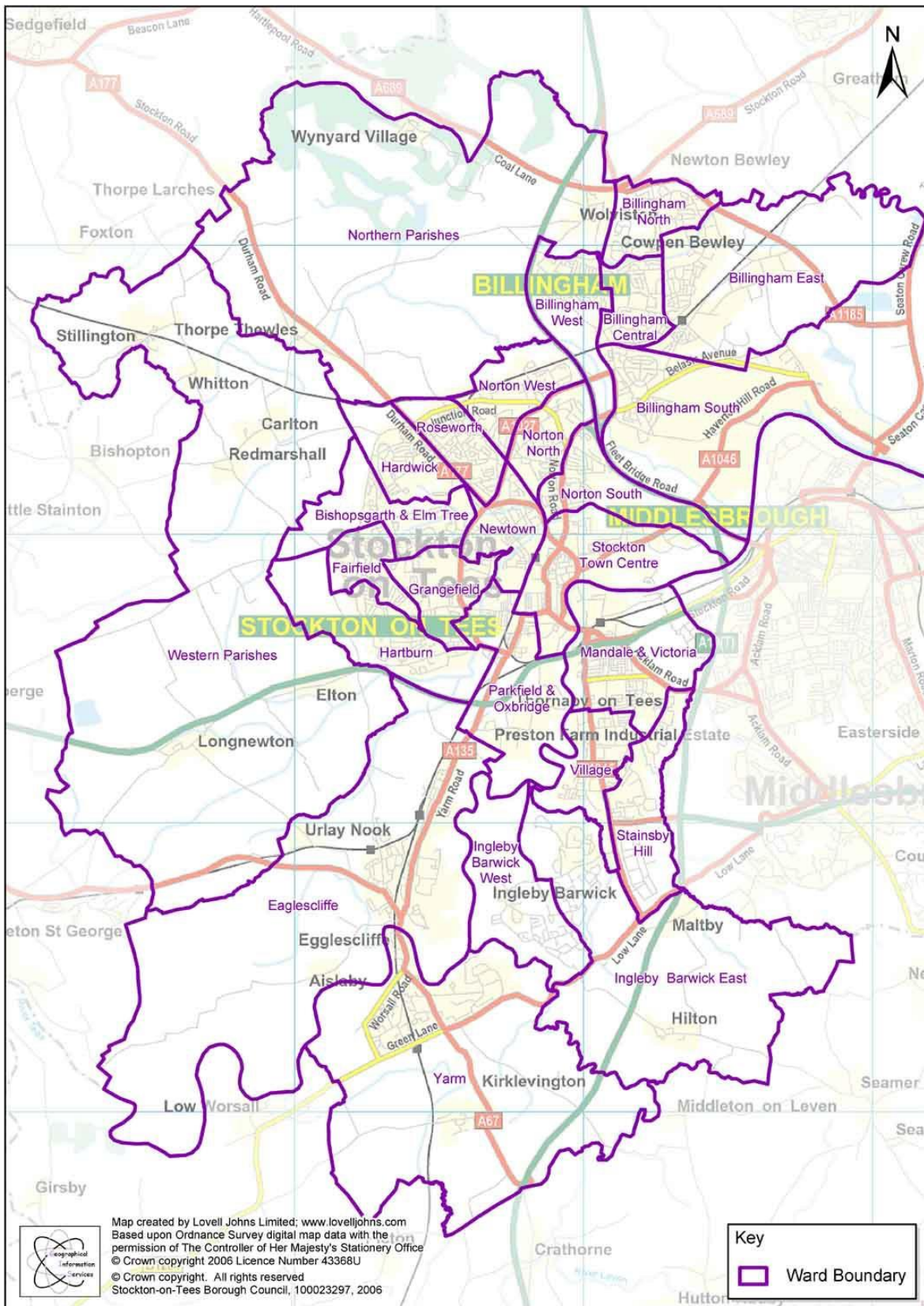
**APPENDIX A**

The Council will delegate its functions under The Gaming Act 2005 as follows:

| <b>Matter To Be Dealt With</b>                           | <b>Full Council</b> | <b>Sub-Committee</b>  | <b>Officers</b>  |
|--|---------------------|---|--|
| Final approval of three year licensing policy            | X                   |   |  |
| Policy not to permit casinos                             | X                   |   |  |
| Fee Setting - when appropriate                           |                     |   | X  |
| Application for premises licences                        |                     | Where relevant representations have been received and not withdrawn   | Where no relevant representations received/representations have been withdrawn |
| Application for a variation to a licence                 |                     | Where relevant representations have been received and not withdrawn   | Where no relevant representations received/representations have been withdrawn |
| Application for a transfer of a licence                  |                     | Where relevant representations have been received from the Commission | Where no relevant representations received from the Commission                 |
| Application for a provisional statement                  |                     | Where relevant representations have been received and not withdrawn   | Where no relevant representations received/representations have been withdrawn |
| Review of a premises licence                             |                     | X   |  |
| Application for club gaming /club machine permits        |                     | Where relevant representations have been received and not withdrawn   | Where no relevant representations received/representations have been withdrawn |
| Cancellation of club gaming/ club machine permits        |                     | X   |  |
| Applications for other permits                           |                     |   | X  |
| Cancellation of licensed premises gaming machine permits |                     |   | X  |

|   |  |   |   |
|---|--|---|---|
| Removal of the right to two gaming machines and/or the right to gaming on licensed premises |  | X |   |
| Consideration of temporary use notice   |  |   | X |
| Decision to give a counter notice to a temporary use notice                                 |  | X |   |
| Consideration of occasional use notices   |  |   | X |
| Authority to grant and cancellation of small lottery registrations                          |  |   | X |
| Appointment of authorised persons   |  |   | X |
| Authority to institute legal proceedings in respect of offences under the Act               |  |   | X |
| Authority to provide information to the Gambling Commission                                 |  |   | X |

Map of Council Area



**Maximum stakes and prices, January 2014**

Gaming machines (fruit machines, slot machines) fall into categories depending on the maximum stake and prize available:

| <b>Category of machine</b>   | <b>Maximum stake (from Jan 2014)</b>                              | <b>Maximum prize (from Jan 2014)</b>                 |
|--|---|--|
| <b>A</b>   | Unlimited – No category A gaming machines are currently permitted |  |
| <b>B1</b>  | £5  | £10,000*   |
| <b>B2</b>  | £100  | £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) |

## List of Contacts

| Useful Contacts                                 | Contact Details  |
|---|--|
| Application Packs and Guidance Notes            | Customer Service Centre<br>Stockton Central Library<br>Church Road<br>Stockton on Tees<br>TS18 1TU<br>Telephone: (01642) 526558<br>e-mail: <a href="mailto:licensing.administration@stockton.gov.uk">licensing.administration@stockton.gov.uk</a>                |
| Policy Related Issues                           | Licensing<br>Stockton on Tees Borough Council<br>Municipal Buildings, Church Road<br>Stockton on Tees<br>TS18 1LD<br>Telephone: (01642) 526558<br>e-mail: <a href="mailto:licensing.administration@stockton.gov.uk">licensing.administration@stockton.gov.uk</a> |
| Technical Issues                                | Licensing<br>Stockton on Tees Borough Council<br>Municipal Buildings, Church Road<br>Stockton on Tees<br>TS18 1LD<br>Telephone: (01642) 526558<br>e-mail: <a href="mailto:licensing.administration@stockton.gov.uk">licensing.administration@stockton.gov.uk</a> |
| Environment Matters i.e. Noise, Health & Safety | Health & Environment Manager<br>Stockton on Tees Borough Council<br>16 Church Road<br>Stockton on Tees<br>TS18 1TX<br>Telephone: (01642) 526555<br>e-mail: <a href="mailto:environmental.health@stockton.gov.uk">environmental.health@stockton.gov.uk</a>        |
| Crime & Disorder                                | Community Safety Manager<br>Stockton on Tees Borough Council<br>Stockton Police Station<br>The Square<br>Stockton on Tees<br>Telephone: (01642) 527616<br>e-mail: <a href="mailto:communitysafetyteam@stockton.gov.uk">communitysafetyteam@stockton.gov.uk</a>   |

|                                  |   |
|----------------------------------|---|
| Cleveland Police                 | Divisional Licensing Unit<br>Bridge Street West<br>Middlesbrough<br>TS2 1AB<br>Telephone: (01642) 302360<br>e-mail: <a href="mailto:stockton.licensing@cleveland.pnn.police.uk">stockton.licensing@cleveland.pnn.police.uk</a>  |
| Cleveland Fire Service           | Cleveland Fire Brigade<br>Fire Safety Division<br>Endeavour House<br>Stockton Road<br>Hartlepool<br>Telephone: (01429) 872311<br>e-mail: <a href="mailto:hpfs@clevelandfire.gov.uk">hpfs@clevelandfire.gov.uk</a>   |
| Protection of Children From Harm | Childrens Social Care - Licensing<br>1 <sup>st</sup> Floor<br>Municipal Buildings<br>Church Road<br>Stockton on Tees<br>TS18 1LD<br>Telephone: (01642) 527456<br>e-mail: <a href="mailto:cslicensing@stockton.gov.uk">cslicensing@stockton.gov.uk</a>   |
| Residents Associations           | Stockton Residents & Community Groups Association<br>Marlborough House<br>Suite 4, 1 <sup>st</sup> Floor<br>30-32 Yarm Road<br>Stockton on Tees<br>Telephone: (01642) 733912<br>e-mail: <a href="mailto:info@srcga.co.uk">info@srcga.co.uk</a>  |
| Planning Matters                 | Planning Manager<br>Stockton on Tees Borough Council<br>Planning & Environment<br>Municipal Buildings<br>Church Road<br>Stockton on Tees<br>TS18 1LD<br>Telephone: (01642) 526022<br>e-mail: <a href="mailto:planningdevelopmentservices@stockton.gov.uk">planningdevelopmentservices@stockton.gov.uk</a> |
| Building Control Matters         | Building Control Manager<br>Stockton on Tees Borough Council<br>Building Control<br>Municipal Buildings<br>Church Road<br>Stockton on Tees<br>TS18 1LD<br>Telephone: (01642) 526022<br>e-mail: <a href="mailto:building.control@stockton.gov.uk">building.control@stockton.gov.uk</a>                     |

|  |  |
|--|--|
| Safer Stockton Partnership               | C/O Stockton on Tees Borough Council<br>Community Protection Division<br>PO Box 232<br>16 Church Road<br>Stockton on Tees<br>TS18 1XD<br>Telephone: (01642) 527075<br>e-mail: <a href="mailto:communitysafetyteam@stockton.gov.uk">communitysafetyteam@stockton.gov.uk</a>                     |
| CCTV                                     | Security Service Manager<br>Stockton on Tees Borough Council<br>Surveillance Centre<br>The Square<br>Stockton on Tees<br>Telephone: (01642) 527608<br><u><a href="mailto:security.surveillance@stockton.gov.uk">e-mail: security.surveillance@stockton.gov.uk</a></u>                          |
| Care For Your Area (Cleansing)           | Care for Your Area<br>Stockton on Tees Borough Council<br>Cowpen Lane Depot<br>Cowpen Lane<br>Billingham<br>TS23 4DD<br>Telephone: (01642) 527739<br>e-mail: <a href="mailto:careforyourarea@stockton.gov.uk">careforyourarea@stockton.gov.uk</a>  |
| Economic Growth and Development Services | Economic Growth and Developments Services<br>Business Engagement<br>Stockton on Tees Borough Council<br>Municipal Buildings<br>Stockton on Tees<br>TS18 1LD<br>Telephone: (01642) 526010<br>e-mail: <a href="mailto:business.enquiries@stockton.gov.uk">business.enquiries@stockton.gov.uk</a> |
| Public Health                            | Public Health Team<br>Stockton on Tees Borough Council<br>Municipal Buildings<br>Stockton on Tees<br>TS18 1LD<br>Telephone: (01642) 528474<br>e-mail: <u><a href="mailto:Public.HealthTeam@stockton.gov.uk">Public.HealthTeam@stockton.gov.uk</a></u>  |



## Useful Links

Stockton on Tees Licensing website

<https://www.stockton.gov.uk/community-safety/licensing/gambling-act-2005-licences/>

Department of Culture Media and Sport – Gambling & racing

<https://www.gov.uk/government/policies/gambling-regulation>

Gambling Commission

<http://www.gamblingcommission.gov.uk>

Guidance to Licensing Authorities

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

HMSO – The Gambling Act 2005

<http://www.opsi.gov.uk/acts/acts2005/20050019.htm>

Casino Advisory Panel

<http://webarchive.nationalarchives.gov.uk/+http://www.culture.gov.uk/cap/>

Independent Betting Arbitration Service

<http://www.ibas-uk.co.uk>

## Problem Gambling

The number of adult problem gamblers in Great Britain was approximately 370,000 according to the DSM-IV, 300,000 according to the PGSI and approximately 430,000 according to either screen. The anticipation and thrill of gambling creates a natural high that can become addictive. Full details regarding this research can be found at

<http://www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2015.pdf>

The internet has made gambling more accessible, allowing more and more people to do it from home. This is thought to be one of the reasons for the increase in the number of women gamblers.

There are a number of specialised services that offer advice, assistance and counselling for problem gamblers:

GamCare – the main support organisation in the UK, which runs the National Gambling Helpline (0808 8020 133) or visit <http://www.gamcare.org.uk>

National Problem Gambling Clinic

<http://www.cnwl.nhs.uk/cnwl-national-problem-gambling-clinic/>

Gamblers Anonymous UK

<http://www.gamblersanonymous.org.uk/>