



LR.08 12/13

Licensing and Regulatory  
Committee

02 October 2012

C

**Subject: Review of Gambling Policy (Statement of Principles)**

Report by:

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Purpose / Summary:

This report details the steps taken and includes the comments made through the consultation process in the mandatory review of the Gambling Policy (Statement of Principles)

**RECOMMENDATION(S):**

**1) That Members approve the amended draft policy and refer to Council for formal adoption as The Gambling Policy (Statement of Principles) at the Council meeting of 22 October 2012. The revised document will become effective from January 2013.**

## **IMPLICATIONS**

### **Legal:**

Please see section 5.1

### **Financial:**

None as a result of this report

### **Staffing:**

None as a result of this report

### **Equality and Diversity including Human Rights:**

There has been no material change to the revised policy document to the previous document that has been in existence for 3 years. Further, no adverse impact has been identified as a result of the wide scale consultation process carried out over 11 weeks.

Please see Appendix 4

### **Risk Assessment:**

Please see Appendix 5

**Climate Related Risks and Opportunities:**

N/A

**Background Papers:**

The following background papers were used in the preparation of this report. If none were used then please state.

<b>Title:</b>	<b>Location of Background Papers:</b>
Gambling Act 2005	Licensing Office
Gambling Commission Guidance to Licensing Authorities 3 <sup>rd</sup> Edition May 2009	Licensing Office
Local Authority Coordinators of Regulatory Services (Lacors) Statement of Principles Template and Notes	Licensing Office

**Call in and Urgency:**

**Is the decision one to which Rule 14 of the Scrutiny Procedure Rules apply?**

Yes

No

**Key Decision:**

Yes

No

## **1 Introduction**

- 1.1 Section 349(1) of the Gambling Act 2005 requires that each Licensing Authority shall before each successive period of 3 years, prepare and publish a “statement of principles” that they propose to apply in exercising their functions under this act during that period. The current policy was adopted by Council on 30 November 2009.
- 1.2 Section 349(2) states that a Licensing Authority shall review their statement from time to time and if necessary revise the statement and publish before giving it effect.

## **2. Details of the report**

- 2.1 Section 2(1)(a)(i) of the Gambling Act 2005 defines a district council as a “Licensing Authority”.
- 2.2 Before determining the policy the Licensing Authority must consult with:
  - 
  - The Chief Officer of Police for the licensing authority’s area,
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area,
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under this Act.

All seven district and borough council’s have a representative as part of the Lincolnshire Licensing Liaison Group, at which the review of the gambling policy has been discussed. The obvious advantage to the gambling industry in applying a joined up approach is that a consistent process is applied, resulting broadly speaking, with a similar document across Lincolnshire, where possible. The revised policy was based around a template provided by the Local Authority Coordinators of Regulatory Services (LACORS) who encourage Local Authorities to utilise the template, again with the outcome of a consistent structure.

## **3. Consultation**

- 3.1 The list of persons to be consulted when reviewing the gambling policy is deliberately wide. This enables the licensing authority to undertake a comprehensive consultation exercise with anyone who may be affected by or otherwise have an interest in the policy.

3.2 The following consultation process was implemented:

- The draft revised gambling policy was placed prominently on the West Lindsey website where it could be viewed and give consultee's the opportunity to make any comments
- Copies of the draft policy were deposited in the WLDC reception areas at both Gainsborough and Market Rasen offices
- Copies of the draft policy were deposited at three local libraries around the district
- Letter with attached draft policy sent to all responsible authorities, either by hard copy or email
- The draft policy was sent to all district council members with an explanatory note via email
- Letter sent to seventy five parish clerks including Gainsborough, Market Rasen & Caistor Town Councils, inviting their organisation to take part in the consultation process
- Letter inviting approximately another twenty five "other" consultee's to take part in the consultation process ranging from Gamblers Anonymous, Relate and Samaritans to The British Greyhound Association and The Racecourse Association
- Over 150 consultee's were invited to take part in the review process overall
- The full list of consultee's can be seen at Appendix 2
- Two Member Champions have met with officers regarding the review of this policy also

#### **4. Responses to consultation process**

- 4.1 The consultation period commenced in May 2012 and ended August 2012 lasting eleven weeks. The consultation exercise concluded with just two responses to the draft policy.
- 4.2 The comments received from the respondents and the appraisal given to each of these individually can be seen at Appendix 1.
- 4.3 To summarise the responses submitted, No1 was thanking officers for their hard work involved with this matter and No2 made numerous comments to make the authority aware of their organisations viewpoint.

#### **5. Legal**

- 5.1 The Licensing Authority is legally obliged to consult, determine and publish its Statement of Principles every 3 years or earlier if necessary. Adoption of the Statement is a Council function which cannot be delegated to a Committee or Sub-Committee. Failure to adopt and publish the Statement of Principles would leave Licensing Authority decisions open to challenge.

#### **6. Conclusion**

- 6.1 Every effort has been made to comply with the legislation. The latest draft policy is attached at Appendix 3 for Committee's approval, before being recommended to Council for formal adoption on 22 October 2012.
- 6.2 Following formal adoption by Council the policy will remain in force for three years (although it can be reviewed earlier if required) after which it must be reviewed and formally adopted for a further three year period and so on.

## **7. Appendices**

- Appendix 1 Schedule of Responses from Consultee's
- Appendix 2 List of Consultee's
- Appendix 3 Revised draft policy
- Appendix 4 Equality Impact Assessment
- Appendix 5 Risk Assessment

# Appendix 1

## Schedule of Responses to review of Gambling Policy 2012 (Statement of Principles)

### Part I

Reference	Respondent	Comments	Appraisal	Response
1	WLDC Member (Cllr Anne Welburn)	No comment except thanks for all your hard work.	N/A	No change to policy
2	The Racecourse Association Limited	The comments from the Racecourse Association were in relation to Location of Racecourses, the authority's option to impose Conditions where necessary, avoiding duplication with other regulatory regimes and the request that no restrictions should be placed on the number of Betting Machines at racetracks.	Officers discussed the comments made with the representative of the Racecourse Association who confirmed that the purpose of the response was to enlighten the licensing authority of their view and were not seeking a change to the draft policy in relation to these matters.	No change to policy

## APPENDIX 2

### WEST LINDSEY DISTRICT COUNCIL STATEMENT OF GAMBLING STATEMENT OF PRINCIPLES TEMPLATE – Gambling Act 2005

(September 2012)

#### List of Consultees

1	Lincs Police HQ & Licensing Section	
2	Lincolnshire Fire and Rescue Service	
3	Environmental Health and Pollution	
4	Health and Safety - Council	
5	Environment Agency	
6	Health Protection Agency	
7	Gambling Commission	
8	H.M. Customs and Revenue	
9	Lincolnshire Safeguarding Children Board	
10	LCC Trading Standards	
11	Local MP,	
12	Machine suppliers (Gamestec x 1)	
13	GAMCARE	
14	Lincolnshire Shared Services (Legal)	
15	Association of British Bookmakers (ABB)	
16	CAB - Gainsborough	
17	Racecourse Association	
18	British Beer and Pub Association	
19	Gamblers Anonymous	
20	MIND	
21	Relate	
22	Samaritans	
23	Lincolnshire Primary Care Trust (Tony McGinty)	
24	Planning Department	
25	British Greyhound Racing Board	
26	The Bingo Association	
27	William Hill x 2	
28	Ladbrokes x 2	
29	Done Brothers T/A Betfred x 2	
30	Teddys Amusements – Gainsborough	
31	Kings Bingo (Witnall Automatics)	
32	Local Libraries (x 3)	
33	WLDC Reception Gainsborough & M-Rasen	
34	All WLDC Councillors via email	} x 37
35	All Parish Clerks & Town Councils	} x 75
36	WLDC Website	



- 37 R.P. Noble Bookies at Market Rasen
- 38 Market Rasen Racecourse

154 consultee's in total

# **Gambling Act 2005 Statement of Principles**



# West Lindsey District Council Statement of Principles Gambling Act 2005

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The Gambling Act 2005 requires every Licensing Authority to publish a Gambling Policy (Statement of the Principles), which they propose to apply when exercising their licensing functions. This document is the Gambling Policy (Statement of Principles) of West Lindsey District Council.

Whilst all applications will be judged and determined on their individual merits the policy will be the basis of the Licensing Authority's decisions. The policy will be reviewed regularly to reflect the needs of the West Lindsey area.

*This Draft Statement of Principles will be submitted to the Council meeting of 22 October 2012 for formal approval.*

*All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities 3<sup>rd</sup> Edition, published May 2009.*

# West Lindsey District Council

## Statement of Principles – Gambling Act 2005

### Part A

#### 1. Introduction

1.1 West Lindsey District Council, (hereinafter referred to as the Licensing Authority) is responsible for the licensing of premises and the issue of permits and authorisation under the Gambling Act 2005. The Authority's main functions under the 2005 Act are:

- 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 the issuing of 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 premises licensed for the sale and consumption of alcohol on the premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol (for consumption on the licensed premises), under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue prize gaming permits
- Receive and endorse temporary use notices (TUNs)
- Receive occasional use notices (OUNs)
- Provide information to the Gambling Commission regarding details of licences and permits issued (see section in this Policy Statement on exchange of information)
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

1.2 This Policy (Statement of Principles) is intended to provide clarity to applicants, interested parties and responsible authorities on how this Licensing Authority will determine applications. Guidance is available to assist applicants: the aforementioned guidance does not form part of this Policy.



## 2. The Licensing Objectives

2.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

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

2.2 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”.

2.3 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:

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

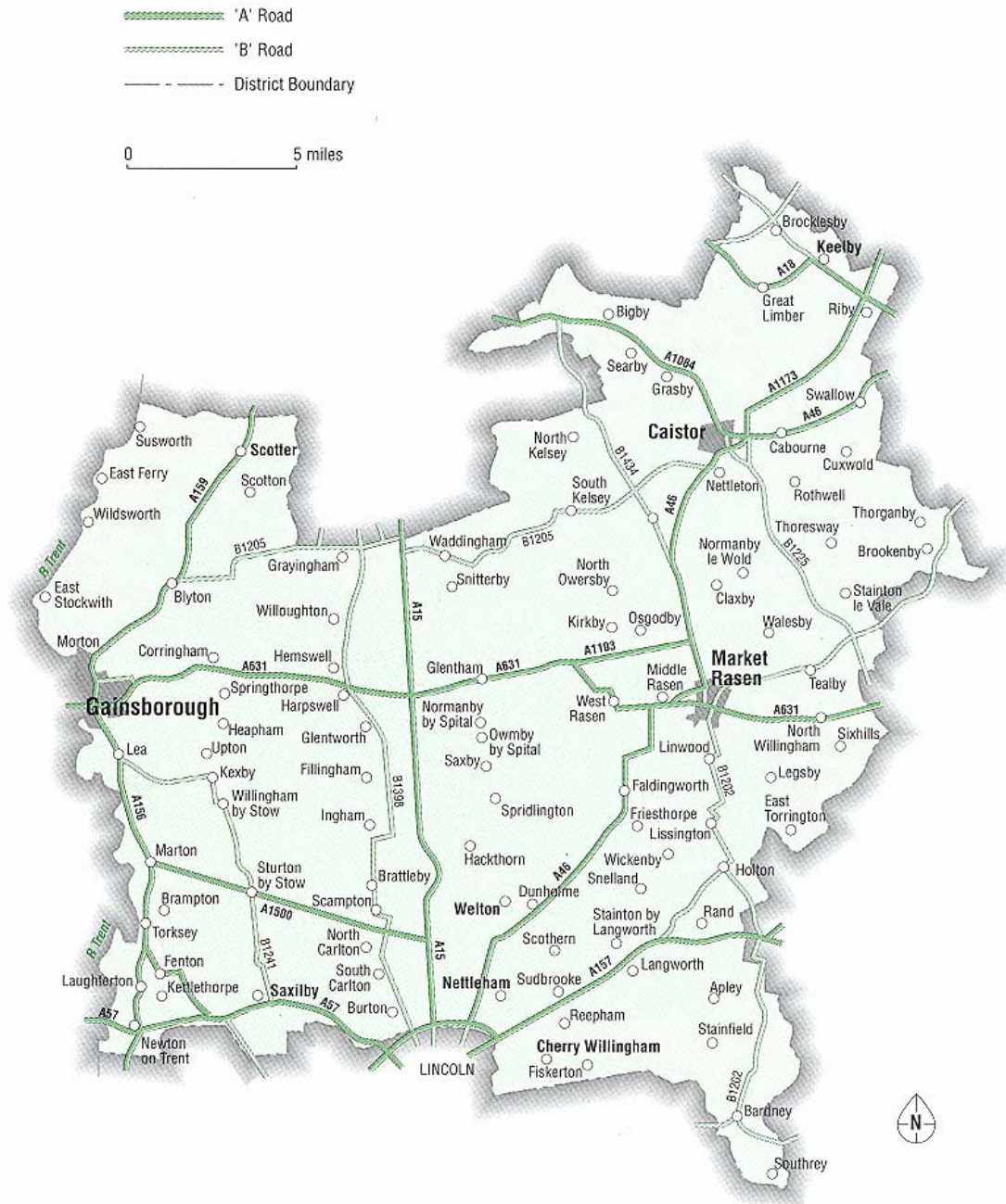
## 3. General Matters

3.1 West Lindsey District Council is situated in the county of Lincolnshire, which contains 7 district councils in total. The council area has a population of 89,400 in 2010 (ONS Mid-2010 Population Estimates). West Lindsey District Council covers an area of 447 square miles (1158 square kilometres) a density of 77 people per square kilometre. The largest settlement is Gainsborough with a population of 18,293 (ONS Mid-2010 Parish Population Estimates) with many other surrounding towns and villages up to a maximum of 5,697 (Welton). A map of the West Lindsey District Council area is shown on the following page.

3.2 At the time of adopting this policy the Licensing Authority was responsible for the following number of premises licences and permits:

Betting Premises (including tracks)	6
Bingo Premises	1
Adult Gaming Centres	1
Family Entertainment Centres (FEC)	0
Unlicensed FEC Permit (uFEC)	0
Small Society Lotteries	122

## West Lindsey District



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3.3 The Licensing Authority has worked in partnership with the other councils in the county in preparing this statement of principles, which is based on the draft statement of principles guidance issued by the Department of Culture, Media and Sport (DCMS), the Gambling

Commission (the commission) and The Local Authorities Coordinators of Regulatory Services (LACORS).

- 3.4 The Licensing Authority recognises its duties to consider the impact of all its' functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998 in adopting this statement of principles. The Licensing Authority acknowledges the benefits to the community of properly regulating gambling in the district.
- 3.5 The Licensing Act 2003 provides the delegated and procedural arrangements for the establishment of licensing authorities.
- 3.6 Licensing committees which were established under Section 6 of the Licensing Act 2003 are also the relevant committees for the purpose of gambling functions. Therefore, the same committee that deals with applications and other issues in relation to the Licensing Act 2003 will also be responsible for premise licence applications and other issues (i.e. permits) in relation to gambling.
- 3.7 The proceedings of the licensing committee are regulated by Section 9 of the 2003 Act (and regulations made under that section). Particular provision can be made for proceedings in relation to just the 2003 Act functions or just the 2005 Act functions.
- 3.8 The functions of the Licensing Authority under the Act may be carried out by the licensing committee, by a sub-committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1 of this document.
- 3.9 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon, the statement must be then re-published.
- 3.10 The Licensing Authority consulted widely upon this statement of principles before finalising and publishing. A list of the persons consulted is provided, in Appendix 2.
- 3.11 The Gambling Act requires that the following parties be consulted by licensing authorities:
  - The Chief Officer of Police
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005



- 3.12 The consultation will take place between **June and August 2012** and will be published on the council's website.
- 3.13 The statement of principles will be submitted for approval at a meeting of the full Council on **22 October 2012** and will be published via the council's website, shortly after that meeting. Copies will be available from the Council Offices at Guildhall, Marshall's Yard, Gainsborough, Lincolnshire DN21 2NA.
- 3.14 Should you have any comments regarding this statement of principles statement please send them via e-mail or letter to the following section:
- The Licensing Department, Public Protection**, West Lindsey District Council Guildhall, Marshall's Yard, Gainsborough, Lincs, DN21 2NA  
E-mail [licensing.2003@west-lindsey.gov.uk](mailto:licensing.2003@west-lindsey.gov.uk) or telephone 01427-676610
- 3.15 It should be noted that this statement of principles does not override the right of any person to make an application, or to make representations about an application, or to apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Further information is available on the council's website [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk).

#### **4. Declaration**

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

#### **5. Responsible Authorities**

- 5.1 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 and
  - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group and
  - That this body is experienced in dealing with the protection of children

The body considered competent by this Licensing Authority for this purpose is Lincolnshire Safeguarding Children Board.

## 6. Interested parties

6.1 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:

“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) e.g. members of parliament and ward councillors.

6.2 **Principles of determining Interested Parties:** 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 Licensing Authority, in determining whether a person is an Interested Party, will consider each case on its merits. The Authority will not apply a rigid rule to its decision making. In reaching its decision, the Licensing Authority will consider factors such as the likelihood of the person/business being affected by the licensable activities at the premises as well as the geographical proximity. Larger premises may affect people over a broader geographical area than smaller premises offering the same facilities.

“Business interests” will be given its widest possible interpretation and may include partnerships, charities, faith groups and medical practices.

Interested parties can be people who are democratically elected such as councillors and MPs. This will include county, district and parish councillors providing they represent the ward likely to be affected. Other than these persons, the Licensing Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activity/activities and/or business interest that might be affected by the authorised activity/activities. A letter from one of these persons requesting the representation is sufficient.

- 6.3 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 Committee Administration section on telephone number 01427 676595.

## **7. Exchange of Information**

- 7.1 The Licensing Authority may share information received in the exercise of its functions with the Gambling Commission, a responsible authority as defined by the act, an authorised officer of another Licensing Authority, The Gambling Appeal Tribunal, The National Lottery Commission or the Secretary of State.
- 7.2 The Licensing Authority will act in accordance with the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.
- 7.3 The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities as well as any relevant regulations issued by the Secretary of State under powers provided in the Gambling Act 2005.
- 7.4 The Licensing Authority will inform the Gambling Commission without delay if:
- Information that causes the Licensing Authority to question the suitability of a person or business holding or applying to hold an operating licence is received.
  - There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an Operating Licence.
  - It comes to the Licensing Authority's attention that alcohol-licensed premises, clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes that that make it possible that £2,000 in seven days is being exceeded.
  - Any other reasonable and relevant information that the Licensing Authority is of the opinion the Gambling Commission should be made aware of.
- 7.5 Should any protocols be established as regards information exchange with other bodies then they will be made available.
- 7.6 The council is a signatory to the joint protocol on information exchange under the provisions of Section 115 of the Crime and Disorder Act 1998 with the Lincolnshire Police and the Lincolnshire County Council. The council will seek to use that provision as appropriate.

## **8. Enforcement and Inspection**

8.1 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.

8.2 The Licensing Authority's principles are that:

It will be guided by the Gambling Commission's guidance for local authorities and, as per the Gambling Commission's guidance for local authorities, it 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 consistent 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

8.3 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.

8.4 As per the Gambling Commission's guidance for local authorities the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

8.5 The Licensing Authority has implemented 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 Principles.

- 8.6 This Licensing Authority **may carry out** risk based regular operations with other agencies including the Gambling Commission and the Police to ensure the objectives are being promoted. This includes test purchasing operations to ensure children and the vulnerable are being protected where required.
- 8.7 As a general rule the Licensing Authority will consider formal action where there is evidence that the Licensing Objectives are being adversely affected.
- 8.8 Premises licence holders are advised that where following the receipt of a warning or warnings in relation to a Premises Licence breach or breaches, an operator subsequently breaches the licence conditions, the Licensing Authority will seek to review the premises licence.
- 8.9 The Licensing Authority keeps itself informed of developments as regards the work of the better regulation executive in its consideration of the regulatory functions of local authorities.
- 8.10 In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:
- Article 1, Protocol 1 – peaceful enjoyment of possessions
  - Article 6 – right to a fair hearing
  - Article 8 – respect for private and family life
  - Article 10 – right to freedom of expression

## **Part B**

### **Premises licences**

#### **1. General Principles**

- 1.1 Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, 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.

The Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

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

- In accordance with any relevant guidance issued by the Gambling Commission
  - Reasonably consistent with the licensing objectives and
  - In accordance with the Licensing Authority's statement of licensing statement of principles
- 1.2 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a Licensing Authority.
- 1.3 Premises Licences authorise the provision of gambling facilities on the following:
- Casino premises
  - Bingo premises
  - Betting premises (including race tracks used by betting intermediaries)
  - Adult Gaming Centres (AGCs)
  - Family Entertainment Centres (FECs)
- 1.4 **Definition of "premises"** - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete Premises Licences, where appropriate safeguards are in place. However, the Licensing Authority will pay particular attention if there are issues about sub-division of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed. Each case will be judged on its individual merits.
- 1.5 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. That does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as 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 be properly regarded as different premises"

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 taking part in gambling, but also 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 one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

1.6 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?

The Licensing Authority will consider these and other relevant factors in making its decision depending on all the circumstances of the case.

1.7 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.25 of the Guidance)
- 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 (as per para 7.25 Guidance to Licensing Authorities) 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 should be able to access the premises directly from:
  - A casino
  - An adult gaming centre

## **Bingo premises**

- No customer should be able to access the premises 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.

- 1.8 **Premises 'ready for gambling'** – The Gambling Commission's Guidance to Licensing Authorities 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 the building or alterations required before the premises are brought into use.



- 1.9 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at the premises, this authority will determine applications on their merits, applying a two stage consideration process;
- First, whether the premises ought to be permitted 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.
- 1.10 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 can be made instead.
- 1.11 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to condition, but it is not obliged to grant such a licence.
- 1.12 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Gambling Commissions Guidance.
- 1.13 **Location** - The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives 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. Should any specific statement of principles be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such statement does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 1.14 **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 take into consideration any irrelevant matter. I.e. those not related to gambling and the licensing objectives. One example of an irrelevant factor would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.
- 1.15 This authority will not take into account any irrelevant matters as per the above Guidance. In addition this authority notes the following excerpt from the Guidance.

“When dealing with a premises 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 the relevant planning control and building regulation powers and not form part of the consideration for the premises 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 premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 1.16 **Duplication with other regulatory regimes** - The Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The 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, which cannot be met by licensees due to planning restrictions, should such a situation arise.
- 1.17 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 premises licence.
- 1.18 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission’s guidance to local authorities and some comments are made below.
- 1.19 **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 will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime 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. Issues of nuisance cannot be addressed via the Gambling Act provisions.

1.20 **Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below – page 22.

1.21 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, Child Protection Policies and Awareness Training etc.

This Licensing Authority is also aware of the Gambling commission Codes of Practice as regards this licensing objective in relation to specific premises.

As regards the term “vulnerable persons” 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.” This Licensing Authority will consider this licensing objective on a case by case basis.

1.22 **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.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming

machines, appropriate signage for adult only areas, Child Protection Policies and Awareness Training etc. There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

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

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.

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

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.

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

1.23 **Door Supervisors** - If there are concerns that premises may attract disorder or be subject to unauthorised access by children and young persons, then the Licensing Authority may require that Door Supervisors control entrances to the premises. The Licensing Authority recognises that each premises application shall be treated on its own merit. In addition, the Licensing Authority shall take into account the previous trading history of the type of premises proposed and that any decision shall be necessary and proportionate.

1.24 Where door supervisors are imposed as a condition on a Premises Licence (except casino or bingo premises), Section 178 of the 2005 Act requires that any person employed in that capacity will hold a relevant licence issued by the Security Industry Authority (SIA).

## 2. **Adult Gaming Centres**

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

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

- CCTV
- Supervision of entrances/machine areas (e.g. Use of door supervisors)
- 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.

2.3 The Licensing Authority will expect applicants to adopt an approved proof of age scheme (such as Challenge 21), for staff to be suitably trained and aware of the gambling laws, social responsibility and statutory requirements relating to age restrictions.

### **3. Licensed Family Entertainment Centres**

3.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Children and young persons are permitted to enter an FEC and may play on Category D machines. They are not permitted to play on Category C machines, and it is a requirement that there is clear segregation between the two types of machine, to prevent access by children and young persons to Category C machines.

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

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage (including the statutory requirement for Gamcare Stickers)
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

3.3 The 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.

### **4. Casinos**

4.1 **No Casinos resolution** - Full council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution. Any such resolution will be made by the Full Council.

## 5. Bingo premises

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

Para 18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a licence. This is a relevant consideration where the operator of an existing bingo premises 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 licence, for that or those excluded areas.

- 5.2 This authority also notes the Guidance at paragraph 18.8 regarding 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 sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

- 5.3 Children and young persons are allowed into bingo premises; however they are not permitted to participate in the bingo and if Category B and C machines are made available for use these must be separated from areas where children and young people are allowed.

- 5.4 In accordance with the Gambling Commission's Guidance, the Licensing Authority recognises that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on Category D machines. Where Category C or above machines are available in the bingo premises to which children are admitted, the Licensing Authority will seek to ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

- 5.5 Where Bingo is provided in alcohol-licensed premises and it reaches a certain threshold, it will no longer be authorised as equal chance gaming and a Bingo Operating Licence will need to be obtained from

the Gambling Commission. The aim of this provision is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

## 6. Betting premises

- 6.1 The Licensing Authority is responsible for issuing and monitoring Premises Licences for all betting premises. Children and young persons are not permitted entry to a premise with a Betting Premises Licence. They may, however, be permitted entry to tracks and special rules will apply. The Licensing Authority recommends that an applicant for gaming machines in betting premises considers carefully the location of betting machines to ensure that they are not in sight of the entrance of the premises.
- 6.2 ***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.

## 7. Tracks

- 7.1 The District contains a well-known and prestigious horseracing racetrack at Market Rasen.
- 7.2 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.
- 7.3 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.
- 7.4 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:



- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage (including the statutory requirement for GamCare Stickers)
- Specific opening hours
- Self-barring 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.

- 7.5 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.
- 7.6 Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 7.7 Applications and plans – The Gambling Act (section 151) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity. (See the Guidance to Licensing Authorities, para 20.28)
- 7.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29)
- 7.9 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 circumstances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).
- 7.10 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 premises do not need to be defined (See Guidance to Licensing Authorities, Para 20.32)

- 7.11 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 so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting area subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan (see Guidance to Licensing Authorities Para 20.33)

## **8. Travelling Fairs**

- 8.1 This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit are 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.
- 8.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, applies on a 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.

The Licensing Authority will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

## **9. Provisional Statements**

- 9.1 Developers may wish to apply to this authority for a Provisional Statement 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.
- 9.2 Section 204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:
- Expects to be constructed;
  - Expects to be altered; or
  - Expects to acquire a right to occupy.

- 9.3 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.
- 9.4 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 and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of the 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.
- 9.6 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 premises have 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.

## 10. **Reviews**

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried-out.

This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of licensing principles.
- 10.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representation(s) or request(s) for review.
- 10.3 The Licensing Authority can also initiate a review of a particular Premises Licence, or a particular class of Premises Licence on the basis of any reason which it thinks appropriate.
- 10.4 Once a valid application for review has been received by the Licensing Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 10.5 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:
- Add, remove or amend a licence condition imposed by the Licensing Authority;
  - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such a condition;
  - Suspend the premises licence for a period not exceeding three months; and
  - Revoke the licence.
- 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 representation.
- 10.7 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.
- 10.8 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 Gambling Commission
- Any person who made a representation
- The Chief Officer of Police or Chief Constable
- Her Majesty's Commissioners for Revenue and Customs.

## **11. APPEALS**

- 11.1 There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to Lincoln Magistrates' Court.

## **Part C**

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

#### **1. Unlicensed Family Entertainment Centre gaming machine permits (statement of principles on permits – schedule 10 para 7)**

- 1.1 Where a premise does not hold a premises licence but wishes to provide Category D 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).

#### **1.2 This Licensing Authority notes that:-**

- 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 statement of principles 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. (24.6)

- 1.3 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)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

- 1.4 **Statement of Principles** - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This Licensing Authority will also expect, 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.

## 2. Alcohol licensed premises gaming machine permits and notifications

- 2.1 **Notifications of 2 or less machines** There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, from a bar, (without a requirement that alcohol is served only with food) 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

2.2 **Permits for 3 or more machines** 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 under section 25 of the Gambling Act 2005, and “such matters as they think relevant.” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from 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 helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

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

2.4 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

2.5 It should also be noted that the holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.

### 3. Prize Gaming

3.1 This Licensing Authority notes that 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”.

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

- that they understand the limits to stakes and prizes that are set out in Regulations;

- and that the gaming offered is within the law
  - clear policies that outline steps to be taken to protect children from harm
- 3.3 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.
- 3.4 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.

#### **4. Club Gaming and Club Machines Permits**

- 4.1 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 set out in regulations. A club gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 4.2 **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 regulation and these cover bridge and whist clubs, which replicates the position under the Gambling 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."**
- 4.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:



- (a) the applicant does not fulfil the requirements for a members' or 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.
- 4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **5. Temporary Use Notices**

- 5.1 Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 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.
- 5.3 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, which in practice means poker tournaments.

- 5.4 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’s Guidance to Local 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.
- 5.5 The 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.

## **6. Occasional Use Notices**

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

## **7. Lotteries**

- 7.1 The Licensing Authority registers and deals with Small Society Lotteries. Promoting or facilitating a lottery falls within one of the following categories:
- Licensed Lotteries (requiring an Operating Licence from the Gambling Commission);
  - Small Society Lotteries (registered with the Licensing Authority); and
  - Exempt Lotteries
- 7.2 Lotteries permitted to be conducted without a licence from the Gambling Commission and these are:
- Small Society Lotteries (registered with the Licensing Authority);
  - Incidental Non-Commercial Lotteries;
  - Private Lotteries: (Private Society Lottery, Work Lottery, Residents’ Lottery);
  - Customer Lotteries
- 7.3 Societies may organise lotteries if they are licensed by the Gambling Commission, registered with the Licensing Authority or fall within the exempt category. The Licensing Authority recommends those seeking to run lotteries take their own legal advice on which type of lottery category they fall within. However, guidance notes with regard to all

lotteries, limits placed on small society lotteries and information setting out financial limits is available by contacting the Licensing Authority.

- 7.4 Applicants for lottery licences must apply to the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes that the Society's principal office is situated in another area it will inform the Society as soon as possible and where possible, will inform the other Licensing Authority.
- 7.5 The Licensing Authority will keep a Public Register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the Register is completed, the Licensing Authority will notify the applicant of registration.
- 7.6 The Licensing Authority will ask applicants to set out the purposes for which the Society is established and will ask the Society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The Licensing Authority may seek further information from the Society and in particular may require a copy of the society's constitution.
- 7.7 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.
- 7.8 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the Society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.
- 7.9 With regards to where Small Society Lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all Small Society Lotteries it registers:
- tickets should not be sold in a street. Street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
  - Tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence conditions imposed by the Gambling Commission upon operators of large lotteries.

## **8. Review**

The statement of principles will remain in existence for a period of three years and will be subject to review and further consultation before December 2015. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

## **9. Glossary**

A glossary of terms is attached at Appendix 3

## APPENDIX 1

### Summary of Licensing Authority delegations permitted under the Gambling Act

#### GAMBLING ACT 2005 – PROPOSED SCHEME OF DELEGATIONS

1. The power of the Licensing Authority
  - a. as a responsible authority, to make representations in respect of premises licences under Part 8 of the Act;
  - b. to propose to attach a condition to a premises licence in accordance with section 169(1)(a) of the Act in addition to the mandatory or default conditions;
  - c. to propose the exclusion of a default condition from a premises licence under S169(1)(b) of the Act;
  - d. as a responsible authority, to request a review of a premises licence under sections 197 or 200 of the Act;
  - e. to give a notice of objection to a temporary use notice under S221 of the Act;
  - f. to serve notification of intended refusal of any of the following:-
    - i. Family Entertainment Centre Gaming Machine Permit (Sch 10 Para 10)
    - ii. Prize gaming Permits (Sch 14 Para 11)
    - iii. Licensed Premises Gaming Machine Permits (Sch 13 Para 6)  
And also, in the latter case, notice of intention to grant the application but for a smaller number of machines than specified and/or a different category of machines from that specified in the application.
  - g. Serve notification of lapse of a Family Entertainment Centre Gaming Machine Permit (Sch 10 Para 14 and 15 (1)(b));
  - h. Serve notice of intention to cancel or vary any of the following:-
    - i. Club Gaming permit or Club Gaming Machine permit (Sch 12 Para 21)
    - ii. Licensed Premises Gaming Machine permits (Sch 13 Para 16)
  - i. Create and amend the Authority's application procedures in relation to applications for the following in accordance with any relevant legislation:-
    - i. Family Entertainment Centre Gaming Machine Permits (sch10 paras 5 and 7)
    - ii. Licensed Premises gaming Machine Permits (Sch 13 Para 2)
    - iii. Prize Gaming Permits (Sch 14 paras 6 and 8); and
  - j. to appoint authorised persons under s 304 of the Act
  - k. determine that any representations received under Part 8 of the Act are vexatious, frivolous, or certainly will not influence the Authority's determination of an application; and
  - l. reject all or part of any application for a review of a premises licence in accordance with Section 198 of the Act

- shall be delegated to the **Public Protection Service Manager**

2. In relation to the following matters in the attached table the Authority will, in the majority of cases, adhere to the table of delegated functions set out below. This table indicates the lowest level of the Authority which will normally exercise the delegation though the Authority reserves the right, where appropriate, for any particular matter to be dealt with at a higher level whilst having due regard to statutory requirements. For example, an Officer may choose not to exercise their delegated power and refer the matter to the Sub-Committee or the Sub-Committee itself may choose to refer the matter to the Full Committee.

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of Licensing Committee</b>	<b>Public Protection Service Manager</b>
Final approval of three year licensing statement of principles	All Cases		
Statement of principles not to permit casinos	All Cases		
Fee setting (when appropriate)	All Cases		
Application for premises licence (including applications for re-instatement under S195)		Representation made and not withdrawn (S154 (4)(a))and/or  Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action	No representation made or representations have been withdrawn  The only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application.

		and that a hearing is unnecessary	
Application to vary premises licence		<p>Representation made and not withdrawn (S154(4)(b))</p> <p>and/or</p> <p>Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b) unless the applicant and any persons making representations agree to this course of action and that a hearing is unnecessary (S187(3))</p> <p>If the application for variation is to remove a default condition and there are no reps and there are no proposals by the Authority to otherwise alter the conditions this could be dealt with at officer level without a hearing</p>	<p>No representation made or representations have been withdrawn</p> <p>The only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application</p>
Application for		Representation	All other cases

transfer of premises licence		made by the Commission S154 (4) (c)  Representations made and not withdrawn under S161	where no representation made by the Commission, including cases where the only representations received are vexatious, frivolous, or certainly will not influence the Authority's determination of the application
Application for a provisional statement		Representation made and not withdrawn S154 (4)(d)  and/or  Where the Licensing Authority considers that a condition should be added to the licence under S169(1)(a) or a default condition should be excluded under section 169(1)(b)	No representation made or representations have been withdrawn
Revocation of a premises licence due to non-payment of an annual fee. S193			All Cases
Review of a premises Licence		All cases go to Licensing Sub Committee S154 (4)(e)	
Application for Club Gaming/Club machine permits, renewals and variations (including those leading to cancellation of		Objection made and not withdrawn (Sch 12 Para 28 (2))  Refusal of permit proposed on the	No objection made or objections have been withdrawn  Refusal of permit proposed on the



permit) under Sch12 Para 15		grounds listed in Sch 12 paragraph 6(1)(a)-(d) , or paragraph 10(3) as applicable unless Authority and all relevant parties agree that a hearing is unnecessary (Sch 12 Para 7)	grounds listed in Sch 12 paragraph 6(1)(a)-(d) or paragraph 10(3) as applicable, where Authority and all relevant parties agree a hearing is unnecessary (Sch 12 Para 7)
Cancellation of Club Gaming /Club Machine Permits under Schedule 12 Paragraph 21		All Cases	
Consideration of Temporary Use Notices (including notices modified under section 223)		All cases where an objection notice has been received unless each person who would be entitled to make representations agrees that a hearing is unnecessary.  All cases where a counter notice may be required (S232(3))	All other cases
Decision to give a counter notice to a temporary use notice		All Cases	
Applications for other permits registrations. and notifications		All cases where the officer serves notice of intention of refusal and representations are received or proposes to grant for lesser number of machines.	All cases except where the officer serves notice of intention of refusal and representations are received or proposes to grant for lesser number of machines.
Cancellation of licensed premises gaming machine		All Cases	

permits. Sch 13 paragraph 16			
Cancellation of licensed premises gaming machine permits for non payment of fee			All Cases
Registration of small society lotteries		Where officers believe there is a reason to refuse the application for registration	All other cases
Cancellation of a small society lottery due to non-payment of annual fee			All cases

N.B. - The summary of Licensing Authority delegations permitted under the Gambling Act 2005, contained within Appendix 1 above, is for information purposes only and does not form part of the Statement of Principles. The delegations may be amended at any time without further consultation.

## APPENDIX 2

### WEST LINDSEY DISTRICT COUNCIL STATEMENT OF GAMBLING OF PRINCIPLES Gambling Act 2005

**(June 2012)**

This list to be updated once consultation has taken place.

#### List of Consultees

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## APPENDIX 3

### GLOSSARY OF TERMS UNDER THE GAMBLING ACT 2005

Council:	West Lindsey District Council
Applications:	Applications for licences and permits as stated in the Statement of Principles
Notifications:	Notifications of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Premises Licence	Issued by the Licensing Authority to authorise premises to be used for the activities as defined by Section 150 of the Gambling Act
Operator Licence	Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Gambling Act
Personal Licence	Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Gambling Act
Family Entertainment Centre	The Act creates two classes of Family Entertainment Centres – Licensed: which provide category C and D gaming machines and require a premises licence Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit
Adult Gaming Centre	Premises which provide category B, C and D gaming machines and require an operating licence and a premises licence
Gaming Machine	A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act
Betting Machine	A machine designed or adapted for use to bet on future real events as defined by Section 235(2)(c) of the

	Gambling Act
Remote Gambling	Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act
Remote Communication	Communication using - The internet Telephone Television Radio, or Any other type of electronic or other technology As defined by Section 4(2) of the Gambling Act.
Travelling Fair	A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and  On a site used for fairs for no more than 27 days per calendar year  As defined by Section 286 of the Gambling Act
Money Prize Machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009.
Non- Money Prize Machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize as defined in regulation 3(7) of the Categories of Gaming Machine (Amendment) Regulations 2009. For non-money prize machines in general, the maximum stake (charge for use) must be no more than 30 pence, and the maximum prize value must be no more than £8.
Crane Grab Machine	A crane grab machine is defined as a non-money prize machine in respect of which two conditions are satisfied. The first is that every prize which can be won as a result of using the machine consists of an individual physical object (such as a stuffed toy). The second is that whether or not a person using the machine wins a prize is determined by the person's success or failure in manipulating a device forming part of the machine so as to separate and keep separate one or more physical objects from a group of such objects. The maximum stake may be anything up to and including £1, and the maximum prize value may be anything up to and including £50
Coin Pusher or Penny Fall Machine	These machines are commonly found in seaside arcades and are defined in regulation 2(3) of the Categories of Gaming Machine Regulations 2007 with the additional requirement that the machine be neither a money-prize

nor a non-money prize machine. The maximum stake may be anything up to and including 10 pence, and the maximum prize value may be anything up to and including £15.

**With effect from July 2011**

Other Categories of Gaming Machines

A – No category A gaming machines are currently permitted

B1 – Maximum Stake: £2, Maximum Prize: £4000

B2 – Maximum Stake: £100 (in multiples of £10)  
Maximum Prize: £500

B3A – Maximum Stake: £1 Maximum Prize: £500

B3 – Maximum Stake: £2, Maximum Prize: £500

B4 – Maximum Stake: £1, Maximum Prize: £250

C – Maximum Stake: £1, Maximum Prize: £70

D – (money prize, other than a coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize:£5

D – combined money and non – money prize (other than a coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize:£8 (of which no more than £5 may be a money prize)

D – combined money and non – money prize (coin pusher or penny falls machine) Maximum Stake: 10p Maximum Prize:£15 (of which no more than £8 may be a money prize)

Code of Practice:

Means any relevant code of practice under section 24 of the Gambling Act 2005

Responsible Authority:

For the purposes of this Act, the following are responsible authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated (The District of West Lindsey);
2. The Gambling Commission;
3. Lincolnshire Police;
4. Lincolnshire Fire and Rescue Service;
5. Planning Department, West Lindsey District Council;
6. Environmental Protection Team, West Lindsey District Council
7. Lincolnshire Safe Guarding Children's Board, Lincolnshire County Council;
8. HM Customs and Excise.

Interested Party:

For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application 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;
- c) Represents persons who satisfy a) or b) above.



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## APPENDIX 4 EQUALITY IMPACT ASSESSMENT

<b>Section:</b> Public Protection		<b>Names of those undertaking assessment:</b> Phil Hinch; Jackie Oxby; Gordon Brumby, Julie Taylor and David Kirkup Additional review in September 2012 by Sarah Gamble and Phil Hinch (as directed by H Clover and S Towns)	
<b>Name of Policy to be assessed:</b> Gambling Policy (Statement of Principles)	<b>Date of Assessment:</b> 30.09.09. Initial Amended 13.10.09. and 18.09.2012.	<b>Is this a new or existing policy?</b> Existing	
<b>Policy aims</b>			
<b>What is the purpose of the policy or function? What outcomes are required?</b>			
<p>The Gambling Act 2005 requires the Authority to prepare and publish a Policy (Statement of Principles) that they propose to apply in exercising their functions under the Gambling Act 2005, whilst promoting the licensing objectives.</p> <p><b>Purpose of the Policy:</b></p> <p>The purpose of the Policy (Statement of Principles) is to provide clarity to applicants, interested parties and responsible authorities on how this Licensing Authority will determine applications. In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:-</p> <ul style="list-style-type: none"> <li>a) preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime</li> <li>b) ensuring gambling is conducted in a fair and open way; and</li> <li>c) protecting children and other vulnerable persons being harmed or exploited by gambling</li> </ul> <p>It is important therefore, that the council understands</p> <ul style="list-style-type: none"> <li>a) what the law requires/expects and</li> <li>b) what the needs and priorities are in terms of ensuring the safe delivery and execution of its services.</li> </ul>			

**Who is intended to benefit from the policy?**

All sections of the community, but in particular children and other vulnerable adults in so much as they are specifically referred to within the defined objectives.

**Who are the main stakeholders in relation to the policy?**

The Act defines a number of responsible authorities and interested parties.  
Responsible Authorities include :-

- the Council as licensing authority
- the Gambling Commission
- the Police
- the Fire and Rescue Service
- the Planning Authority
- the Environmental Health Service
- HM Custom's and Revenue
- Lincolnshire Safeguarding Children's Board

A number of responsible authorities are designated in the policy, including the Police and Children's Services. Bodies representing interests of persons carrying on gambling businesses and one or more persons who represent the interest of persons who are likely to be affected by the authority's exercising of its functions under this act, have been consulted as part of this exercise also.

Other community organizations such as Gamcare, Health Protection Agency, MIND, Relate, Samaritans, British Beer and Pub Association, and Gamblers Anonymous have been consulted in addition to advocacy organizations (e.g. Citizens Advice Bureau). The list was kept deliberately wide. There is a process in place for Interested Parties or any of the Statutory consultee's to apply for a review of a premises licence, if necessary.

Other consultee's included: - Primary Care Trust, Racecourse Association and Lincolnshire Shared Services (Legal).

**Does the policy contribute to the achievement of the Council's Equality and Diversity Policy? Can any aspects of the policy contribute to inequality?**

There should be no criteria/requirements or aspects which contribute to inequality. Each application is processed on a case by case basis, (providing the applicant has met the required procedure as set out in the regulations set by the government), which takes into account any representations from responsible authorities and interested parties by providing a robust hearing procedure to deal with any objections fairly, should applications be challenged.

**Evidence**

**What are the existing sources of evidence and mechanisms for gathering data?**

A sample of data is collected via the 10/10 customer surveys which collates business satisfaction information and equality and diversity data also. Public registers are available for inspection by the public.

**Is there any evidence, or other reason to believe, that there is a higher or lower level of participation or uptake among different groups?**

There is no specific information/data currently held to determine this point accurately, however every application that has been made to the authority has been granted, so no individual or group has been dealt with differently.

**Is there any evidence that different groups have different needs, experiences, issues and priorities in relation to the particular policy or function?**

There is insufficient information/data currently held to determine this point accurately, however the widespread consultation carried out does suggest that there is no area of contention highlighted which suggests there are any issues of adverse impact or evidence that different groups have different needs or priorities.

**Is there any informal feedback from managers, staff or voluntary organisations?**

The licensing authority has now been involved with the granting of licenses and permits made under the Gambling Act 2005 since 2007 and during that time there has only ever been a very small amount of licenses applied for, all of which have been subsequently granted. We currently licence 8 premises, which are made up of 6 betting premises, 1 bingo premises and 1 adult gaming centre. The majority of the applications are from major high st betting shops e.g. Ladbrokes, Bet Fred etc which are part of national betting chains and therefore not individual applicants that can be easily discriminated against. Taking this into account there is no

reason to believe that there is any adverse effect contained within this revised policy, which has been in existence since 2007. The policy is designed to promote the Licensing Objectives as set out above. The public will be affected both directly and indirectly. Potential stakeholders have been consulted on the policy using the following methods:

- General Public – Gambling Policy accessible on West Lindsey District Council website. Also hard copies available to view at all of West Lindsey District Council offices.
- Existing providers of gambling facilities – letter advising consultation on website
- Specific external bodies as per Gambling Commission advice – letter advising consultation on website
- Police
- Other council departments / sections – eg Health and Safety, Environmental Protection (part of Public Protection) made aware of the revision to policy.
- Draft Policy sent to all West Lindsey District Council Members and 72 Parish Clerks
- Draft copies of the policy deposited at local libraries

There were no adverse implications identified from any part of the consultation.

**What further evidence is needed to understand the impact upon equality?**

The current policy has been in place for almost 3 years without challenge. The revised policy was extensively consulted upon with no area of contention highlighted which suggests there are any issues of adverse impact.

**Does the data show different impact upon different groups? As above.**

Race

Gender

Age

Religion

Disability

Sexual Orientation

People on low incomes, young people and people with learning disabilities or mental health problems may be at higher than normal risk of being harmed or exploited by gambling and the crime and disorder it could cause (Cornish, 1978; Desai, 2007; Korn and Schaffer, 1999).

**Disability**

The Gambling Act 2005 contains an objective to protect vulnerable persons from being harmed or exploited by Gambling; however other legislation will oversee the provision of access by the disabled to licensed premises.

**Age**

Generally speaking, Gambling is not permitted under the age of 18 and the Gambling Act 2005 contains an objective to protect children from being harmed or exploited by Gambling. However, the legislation allows children and young persons to enter Family Entertainment Centre's (F.E.C's) and may play category D machines (the lowest category available) providing the licensing authority is satisfied that there are sufficient measures in place to meet the licensing objectives.

**Do these differences amount to an adverse impact?**

The legislation requires that applications are dealt with in accordance with the legal framework and are considered on their individual merit in accordance with the three licensing objectives. This should not cause any adverse impact as decisions are made in line with the Licensing Authority policy, government guidance and any codes of practice on a case by case basis.

**Future actions:**

Officers identified the following areas for consideration:

- The Gambling Policy and accompanying background documents should be available in accessible formats – e.g., Braille and different languages, and published on the internet when formally adopted
- Support will be given to applicants for, or holders of, licenses and permits who are socially excluded (e.g., have English as a second language, have learning disabilities)
- Member and officer training to be provided accordingly

Signed:

Date:18 September 2012.

## References

Cornish, B., (1978) *Gambling – A Review of the Literature and its Implications for Policy and Research*. London, Her Majesty's Stationary Office

Desai, R. A., Desai, M. M. & Potenza Marc N., (2007) Gambling, Health, and Age: Data from the National Epidemiologic Survey on Alcohol and Related Conditions. *Psychology of Addictive Behaviors*, 21 (4), pp431-440

Korn, D.A. & Schaffer, H., (1999) Gambling and the Health of the Public: Adopting a Public Health Perspective. *Journal of Gambling Studies*, 15 (4), pp289-365

Risk Assessment										
Committee Report Title: Review of Gambling Policy										
Committee: Licensing and Regulatory Committee										
Officer Responsible: Phil Hinch										
Date of Risk Assessment: September 2012										
No.	Category of Business Risk	Brief Summary of Identified Business Risk	Explanation of Identified Business Risk	Likelihood of the Risk	Impact of the Risk	Risk Magnitude	Trigger - Extreme or High Only	Method of Control	Control Mechanism	Nominated Individual
<b>The risks associated with not adopting the recommendation</b>										
1	Legal	Legal Challenge	The licensing authority is legally obliged to consult, determine and publish its Statement of Principles, failure to do so would be contrary to the Gambling Act 2005 and would leave licensing authority decisions open to challenge.	Probable	Critical	High		Tolerate	N/A	PR Hinch
2	Reputation and Partnership	Damage to reputation	Damage to Council reputation by failing to adopt and publish a revised policy.	Almost Certain	Major	High		Tolerate	N/A	PR Hinch
<b>The risk associated with adopting the recommendation</b>										
Officers from West Lindsey District Council Licensing Authority have worked in partnership with other Lincolnshire Licensing Authorities and carried out a										



Risk Assessment										
Committee Report Title: Review of Gambling Policy										
Committee: Licensing and Regulatory Committee										
Officer Responsible: Phil Hinch										
Date of Risk Assessment: September 2012										
No.	Category of Business Risk	Brief Summary of Identified Business Risk	Explanation of Identified Business Risk	Likelihood of the Risk	Impact of the Risk	Risk Magnitude	Trigger - Extreme or High Only	Method of Control	Control Mechanism	Nominated Individual
very wide consultation and no risk has been identified with adopting the recommendation.										