

**HULL CITY COUNCIL
STATEMENT OF LICENSING POLICY
2022 - 2024**

Gambling Act 2005

Published January 2022

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PART A

1. The Licensing Objectives

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.

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”.

This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:-

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives (subject to the above) and
- In accordance with the authority’s statement of licensing policy (subject to the above).

2. Introduction

Hull City Council is a unitary authority and aspires to be a ‘family friendly’ city situated in the County of the East Riding of Yorkshire. The Council area has an estimated population of 260,000 making it the most densely populated local authority area in the Yorkshire and Humber region.

Males account for 50.5% of the total population in Hull whilst females account for 49.5%. In terms of area, the City covers 27.5 miles. The River Humber forms the southern boundary of the City whilst to the west, north and east the boundary is shared with the East Riding of Yorkshire Council. The Council area is wholly urban.

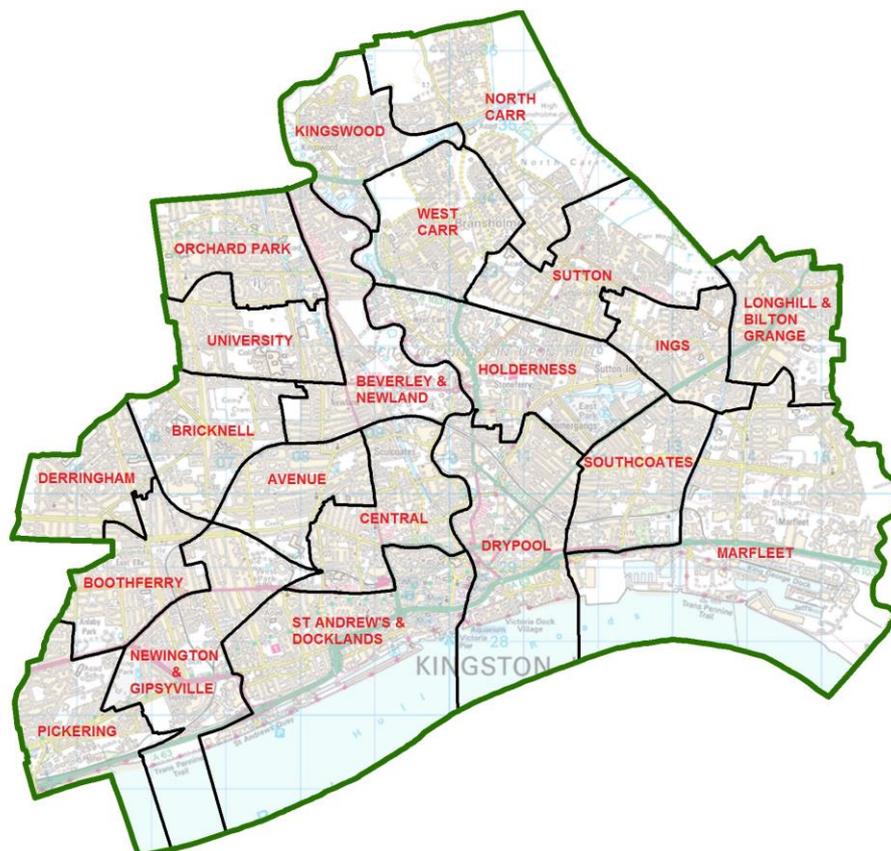
Hull continues to make huge strides forward in terms of its regeneration. Over the past few years Hull has welcomed the completion of a number of key projects. These include the KCOM Stadium, home of Hull City AFC and Hull FC rugby teams, the St Stephen’s development, a retail-led scheme which has added more big name stores, the Albemarle Music Centre and a new home for the widely acclaimed Hull Truck Theatre.

The public realm works can be seen throughout the city. They begin in the Paragon Interchange, can be found in some of the most important areas of the city and end in the historic marina. The marina, alone, had an £80m regeneration of Hull's Fruit Market on Humber Street. This regeneration has created an "urban village", comprising of new homes in the district's cobbled streets and warehouses and through the use of business, arts and leisure. There is a rapidly developing social scene coupled with an exciting programme of events, highlights of which have recently included the hugely successful Global Food Festival, Hull Street Food Nights, Freedom Festival, Humber Sesh, Maritime and Jazz festivals.

Hull was the UK's City of Culture 2017 and delivered a spectacular programme of events throughout 2017 and there is an ambition to secure a cultural legacy that will see the city benefit economically and culturally with increased investment and rise in visitor numbers beyond 2017.

Preparations for the City of Culture 2017 gave Hull a once in a lifetime opportunity to transform the City Centre and this has certainly been achieved.

Hull Ward Map



3. The Purpose of the Gambling Act 2005

The Gambling Act 2005, introduced throughout England and Wales on the 1st September 2007, provided a new regime for the regulation of gambling and betting. Gambling and betting is regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in the provision of gambling and betting, while Licensing Authorities issue licences for the premises where gambling takes place.

The Council is also required to licence other activities, including the registration of small society lotteries and this document sets out how we intend to approach this task.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a Statement of Principles that it proposes to apply in determining licences, permits and registrations under this Act. This Statement must be published at least every three years, starting from 31 January 2007.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives.

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, promotion of the licensing objectives, conditions, door supervision, layout of the premises and supervision of gaming facilities.

As well as betting premises licences, the council has the ability to issue permits for prize gaming, unlicensed family entertainment centres, temporary use notices, occasional use notices and small society lotteries.

The council is able to specify the information it requires as part of the application process to aid determination and this is described in the statement.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council in conjunction with the Gambling Commission.

The policy describes the Council's enforcement principles and the principles underpinning the right of review.

It should be noted that this statement does not override the right of any person to make an application, make representations about an application, or 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.

4. Consultation

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

Hull City Council has, also, consulted widely upon this policy statement before it became finalised and published. A list of the additional organisations we have consulted is provided below:-

A & S Leisure Group Limited
Apollo Resorts and Leisure Limited
Association of British Bookmakers
Astoria Bingo Club Limited
Bingo Association
British Amusement Catering Trade Association (BACTA)
Buzz Group Limited
Cashino Gaming Limited
Coral Racing Limited
Done Brothers Cash Betting / BetFred
East Riding of Yorkshire Council
Genting Casinos Uk Limited
Gambling Commission
GamCare
Health and Safety Executive
HMRC
Hospice Lotteries Association
Hull Gamblers Anonymous
Hull Advice and Citizen's Advice Bureau
Hull & Humber Chamber of Commerce
Hull City Council – Elected Members
Hull City Council – Food and Health and Safety
Hull City Council – Planning Services
Hull City Council – Environmental Regulations Section
Hull City Council – Neighbourhood Nuisance
Hull City Council – Trading Standards
Hull Safeguarding Children Partnership
Humberside Police (Chief Constable)
Humberside Fire and Rescue Service (Chief Fire Officer)
Ladbrokes Betting & Gaming Limited
Leisure Worldwide Limited
Lotteries Council
Mecca Bingo Limited / Rank Leisure / Grosvenor Casinos
Mr George Brady
Mr Peter Trevor Cole
North East Lincolnshire Council
North Lincolnshire Council
Novomatic Gaming UK Limited
Mr Peter Trevor Cole
Power Leisure Bookmakers Limited
Public Health
Rossy Bros
Sal Agc Limited
Shaw Pastimes Limited
Superstadium Management Company
Trafalgar Leisure
William Hill Organization Limited

Our consultation has taken place between 14 June 2021 and 03 September 2021, following the HM Government Code of Practice on Consultation.

The full list of comments made and the consideration by the Council of those comments is available by request to:

Licensing Section
Public Health and Adult Services
Hull City Council
33 Witham
Hull
HU9 1DB
Telephone: (01482) 300 300
Email: licensing.requests@hullcc.gov.uk

The policy was approved at a meeting of the Full Council on 18 November 2021 and was published via our website on January 2022. Copies were placed in the public libraries of the area as well as being available in the Guildhall and Licensing Offices at 33 Witham.

Should you have any comments regarding this policy statement please send them via e-mail or letter to the address shown above.

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or 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.

5. Declaration

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

6. Responsible Authorities

The Gambling Act 2005 empowers certain agencies to act as Responsible Authorities who offer advice and guidance to applicants, within their particular area of expertise, are able to make representations about licence applications, or apply for a review of an existing licence.

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 etc.

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities this authority designates the Hull Safeguarding Children Partnership for this purpose.

The contact details for Hull Safeguarding Children Partnership and for all the Responsible Authorities under the Gambling Act 2005 are included in this policy document at Appendix 'A' and are available via the Council's website at: www.hullcc.gov.uk

7. Interested Parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined by 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 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, or
- c) Represents persons who satisfy paragraph (a) or (b)”

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities. It will also consider the Gambling Commission's Guidance that 'has business interests' and this should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected, such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected.

Other than these persons, this authority will generally require written evidence that a person/body 'represents' someone who either lives sufficiently close to the premises and/or business interests and who is likely to be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views, then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts, then please contact the licensing department at the address shown on Page 8.

8. Exchange of Information

Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act, in accordance with the provisions of the Gambling Act 2005, in its exchange of information and this includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

9. Enforcement

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.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and 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 joined up and implemented fairly;
- Transparent: regulators should be open and keep regulations simple and user friendly;
- Targeted: regulation should be focused on the problem and minimise side effects.

This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme based on: -

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission;
- The principles set out in this statement of licensing policy.

Where there is a Primary Authority scheme in place, the licensing authority will seek guidance from the Primary Authority before taking enforcement action.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the Premises Licences and other permissions which it authorises. It is the Licensing Authority's responsibility to take enforcement action where premises are operated without the requisite licence or are operating illegal gambling. The Gambling Commission is the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities. It also complies with the principles in the Regulatory Enforcement and Sanctions Act 2008.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing department, the contact details of which are shown on page 4.

10. Licensing Authority functions

Licensing Authorities are required under the Act to : -

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*.
- Issue *Provisional Statements*.
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits.
- Issue *Club Machine Permits* to *Commercial Clubs*.
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and Endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Gambling Commission regarding details of licences issued (see section above 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 are not involved in licensing remote gambling which is regulated by Gambling Commission via Operating Licences.

11. Administration, Exercise and Delegation of Functions

The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub Committees to deal with them.

Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to City Council Officers.

The table shown overleaf sets out the agreed delegation of decisions and functions of Licensing Committee, Sub-Committee and Officers.

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

Summary of licensing authority delegations permitted under the Gambling Act

Matter to be dealt with	Full Council	Licensing Committee/Sub Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Applications for premises licences		Where representations have been made and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been made and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been made and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

PART B

PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Applicants for premises licences must hold or have applied for an Operating Licence from the Gambling Commission and adhere to any relevant Codes of Practice, prescribed by them, prior to making their application.

Premises Licences are also subject to the requirements laid out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions are 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.

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it: -

- 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 (subject to the above);
- In accordance with the authority's statement of licensing policy (subject to the above).

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Local Authority may take whatever steps are considered necessary to either limit access generally or introduce measures to prevent under-age gambling where it believes it is necessary to achieve the licensing objectives.

Applicants are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

Applicants are also encouraged to demonstrate responsible recruitment of staff in key areas and carry out enhanced Criminal Record Bureau Checks in appropriate circumstances.

Detailed Codes of Practice and guidance, to assist in the application making and operation of premises used for gambling, are provided by the Gambling Commission and can be found at www.gamblingcommission.gov.uk

Further information to applicants is provided in appendices 'B' to 'D' which do not form part of the Policy Statement

It is appreciated that '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 consideration by a licensing authority.

Definition of “Premises”

Premises is defined in the Act as “any place” and Section 152 of the Act prevents more than one premise licence applying to any place. But a single building could be subject to more than one premises licence provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large multiple unit premises such as pleasure parks, piers, tracks or shopping malls to obtain discrete premises licences where appropriate safeguards are in place. However this authority will pay particular attention if there are issues about sub-divisions of a single building or plot to ensure that the mandatory conditions relating to access between premises are observed.

This licensing authority takes 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 and other vulnerable persons 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 and other vulnerable persons are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating. Entrances 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 Access is not compromised, and that 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.

There are other factors which the licensing authority may take into account: -

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

This authority will consider these factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission’s Guidance to Local Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

Premises “ready for gambling”

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

If the applicant does not yet have a right to occupy the premises, then an application for a provisional statement should be made instead.

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

- Firstly, whether the premises ought to be permitted to be used for gambling.
- Secondly, 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. However conditions may not always be required as the Notice of Grant can be issued following the grant and the licence only issued once the premises have been inspected to ensure compliance with any requirements imposed.

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

Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime, however 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.

Ensuring that gambling is conducted in a fair and open way

This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be 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).

Protecting children and other vulnerable adult persons from being harmed or exploited by gambling

This licensing authority has noted 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). With regard to this licensing objective, the licensing authority will consider whether specific measures are required at particular premises. Appropriate measures may include supervision of entrances / machines and/or segregation of areas 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 gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

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

Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. 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.

Taking the licensing objectives into account, the Licensing Authority will, upon receipt of any relevant representation, look at specific building location issues including:

- The possible impact a gambling premises may have on any premises that provide services to children or young people;
- The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
- The size of the premises and the nature of the activities taking place;
- The levels of crime and disorder in the area.

When receiving grant or variation applications for a premises licence, the licensing authority will need to be satisfied that the particular location of the premises would not be harmful to the licensing objectives. From 6 April 2016 the Gambling

Commission's Licence Conditions and Codes of Practice (LCCP) require that applicants and licence holders assess the local risks posed to the licensing objectives, by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate these risks.

The LCCP also states that existing licence holders must review (and update as necessary) their local risk assessments to take into account any significant changes in local circumstance, or significant changes at the premises that may affect their mitigation of local risks.

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

- Whether the premises is in an area of deprivation;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The ethnic profile of residents in the area;
- The demographics of the area in relation to vulnerable groups;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;
- How vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include are : -

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this;
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored;
- The layout of the premises so that staff have an unobstructed view of persons using the premises;
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises;
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to attract passers-by etc.;
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality;
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to assist the licensing authority when making decisions about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Local Licensing Guidance

Each locality has its own character and challenges. Where there is an issue in a local area which impacts on how an applicant should complete their risk assessment, the licensing authority will provide local licensing guidance.

The local licensing guidance should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the measures suggested in the guidance and how they might be relevant to their application. The Local Licensing Guidance will be presented to any subsequent Licensing Sub-Committee when they determine an application that has received representations.

Duplication with other regulatory regimes

This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building regulations approval, in its consideration of it. However it will consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or building(s) consent unless the matter is relevant to the licensing objectives. 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.

Conditions

Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the licensing authority will attach individual conditions to address these.

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;
- Consistent with the licensing objectives;
- 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 measures this licensing authority will consider utilising should there be a perceived need, such as appropriate supervision and signage for adult only areas, etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be effectively met.

Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the licensing authority may consider licence conditions to cover issues such as : -

- Proof of age schemes;
- CCTV;
- Supervision of entrances;
- Supervision of machine areas;
- A reduction in the number of betting machines (betting premises);
- The manning of premises;
- Physical separation of areas;
- Location of entrance points;
- Notices / signage;
- Specific opening hours;
- A requirement that children must be accompanied by an adult ;
- Support to persons with gambling addiction;
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half terms and summer holidays;
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble;

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.

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.

The above list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

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);
- Conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

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

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Gambling Commissions Guidance), however, where door supervisors are provided, the operator should ensure that any persons employed in that capacity are fit and proper to carry out such duties.

2. Adult Gaming Centres

The Gambling Act 2005 allows adult gaming centres to be able to make category B3, B4,C and D gaming machines available for use and persons under 18 years of age will not be permitted to enter such premises.

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

Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice, or by the applicant, the licensing authority may consider licence conditions to address such issues, examples of which are provided in the 'Conditions' section above.

3. (Licensed) Family Entertainment Centres

Licensed family entertainment centres will be able to make unlimited category C and D gaming machines available for use providing there is clear segregation in place so that persons under 18 years of age will not be permitted to access areas where the category C machines are located.

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

Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice, or by the applicant, the licensing authority may consider licence conditions to address such issues, examples of which are provided in the 'Conditions' section above.

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

4. Casinos

The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. Such games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

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

Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice, or by the applicant, the licensing authority may consider licence conditions to address such issues, examples of which are provided in the 'Conditions' section above.

No Casinos resolution

This Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act but it is aware that it has the power to do so. Should this licensing authority decide to pass such a resolution in the future, it will update this policy statement with details of that resolution and any such decision will be made by the Full Council.

Large Casino

This licensing authority was granted the power to issue one premises licence for a Large Casino. In 2010 the local authority ran a 'competition' under Schedule 9 of the Gambling Act 2005. There was one application made under Stage One of the competition and a Provisional Statement for the Large Casino development was awarded to that applicant in January 2011.

5. Bingo premises

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B3, B4, or C machines are made available for use these must be separated from areas where children and young people are allowed.

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

Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice, or by the applicant, the licensing authority may consider licence conditions to address such issues, examples of which are provided in the 'Conditions' section above.

6. Betting premises

Betting premises are premises where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises, however, within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self contained facilities at race courses as well as the general betting premises licences that track operators will require.

The licensing authority is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. This licensing authority will 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.

Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B3-B4) including any category B2 Fixed Odds betting terminals (FOBTs) then applicants should consider the control measures related to the protection of vulnerable persons.

Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice, or by the applicant, the

licensing authority may consider licence conditions to address such issues, examples of which are provided in the 'Conditions' section above.

7. Tracks

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Multiple betting outlets are usually located on tracks such as 'on-course' betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be 'off-course' betting operators who may operate self contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

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, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided. The licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children and young persons do not have access to adult only gaming facilities.

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 children and young persons are excluded.

Betting machines - The licensing authority is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure that they are in a properly segregated area where children are not permitted.

Applications and plans – Regulations made under Section 159 of the Gambling Act require applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

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.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

8. Travelling Fairs

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

The licensing authority will also consider whether the application falls within the statutory definition of a travelling fair. The Act defines a travelling fair as "wholly or principally" providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. The Act does not change the principles on which travelling fairs have been regulated under previous legislation.

It is 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.

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

9. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she : -

- Expects to be constructed;
- Expects to be altered;
- Expects to acquire a right to occupy.

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.

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

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless : -

- They concern matters which could not have been addressed at the provisional statement stage,
- They reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters : -

- Which could not have been raised by objectors at the provisional statement stage;
- Which in the authority's opinion reflect a change in the operator's circumstances;
- Where the premises has not been constructed in accordance with the plan submitted with the application. (This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision).

10. Reviews

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 raises issue as to whether the operation of the premises is : -

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives;
- In accordance with the authority's Statement of Licensing Policy.

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 representations or requests for review.

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 is appropriate.

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

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

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 or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

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.

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 representations
 - The Chief Officer of Police or Chief Constable;
 - Her Majesty's Commissioners for Revenue and Customs

PART C

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

1. Unlicensed family entertainment centre gaming machine permits

An 'unlicensed family entertainment centre' is defined in the Gambling Act as premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. In such cases the premises 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).

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 licensing authority may 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);
- That staff are trained to have a full understanding of the maximum stakes and prizes.

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

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm and exploitation. 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 and / or training for staff with regard to suspected truanting or missing school children on the premises.

Procedures and / or training regarding how staff could deal with unsupervised, very young, or children, being perceived as causing problems being on or around the premises, could also be implemented.

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to be DBS checked.

2. (Alcohol) Licensed premises gaming machine permits

Automatic Entitlement: 2 machines

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

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice, issued by the Gambling Commission about the location and operation of the machine, has been complied with);
- The premises are mainly used for gaming;
- An offence under the Gambling Act has been committed on the premises.

Permit : 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 issued 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 other vulnerable persons from harm or being exploited by gambling. It will also be expected that the applicant satisfies the authority that there will be sufficient measures to ensure that under persons under 18 years old 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 other vulnerable persons, these applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

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

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.

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 Permits

A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities, for gaming, with prizes on specified premises. Section 288 of the Gambling Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing, the amount paid for or raised by the gaming.

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

This licensing authority has prepared a Statement of Principles stating 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 : -

- The limits to stakes and prizes set out in the regulations are understood. That the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to be DBS checked..

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply with, 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. On one day, the day the chances are allocated, the game must be played and completed with the game result being made public in the premises.
- 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);
- Participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

A club gaming permit is available to members' clubs or miners' welfare institutes, but not commercial clubs. This allows the club to offer equal chance gaming such as; Poker, Bingo, Games of Chance (Pontoon and Chemin de fer only) and up to three gaming machines, in total, of categories B3A, B4, C or D, but by agreement, only one machine can be of category B3A.

There are no limits on stakes and prizes, except bingo where there is a stakes and prize restriction limit of £2,000, in any seven day period. There is also a limit on participation fees, £20 per person, per day for Bridge and / or Whist (if played on a day in which no other kind of gaming is provided by the relevant club).

In any other circumstances, there would be a £3 fee for all other gaming (including Poker).

A club machine permit is available to members' clubs, miners' welfare institutes, and commercial clubs. This allows the club to offer equal chance gaming such as poker, bingo and up to three gaming machines, in total, of categories B3A, B4, C or D, but by agreement, only one machine can be of category B3A (B3A not permitted for commercial clubs).

There are restrictions on the gaming which include Bingo, Poker, Bridge and Whist.

The following restrictions are for each game : -

- Bingo - a £2,000 limit, in any seven day period, on stakes and prizes.
- Poker - there is a limit of £10 per person, per game on stakes (within a premises limit of £250 in stakes per day and £1,000 a week) and a limit on prizes of £250 per game.
- Bridge and Whist – there is an £18 limit on participation fees per person, per day (if played on a day in which no other kind of gaming is provided by the relevant club) and this includes £1 for other gaming (including Poker) and £3 where it is a commercial club.

A Members' club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming unless the gaming is permitted by separate regulations.

The Secretary of State has made regulations that 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.

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

- The machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised;
- Notices and signage;
- The provision of information leaflets / helpline numbers for organisations such as GamCare.

The licensing authority may only refuse an application on the grounds that : -

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

There is also a 'fast-track' procedure available, for premises which hold a Club Premises Certificate, under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced.

The grounds upon which an application under the process may be refused are : -

- That the club is established primarily for gaming;
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- That a club gaming permit or club machine permit issued to the applicant in the last ten years, has been cancelled.

5. Temporary Use Notices

Where there is no Gambling Premises Licence in place, a Temporary Use Notice allows a gambling operator to use premises temporarily to provide 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.

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.

Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises, which cannot reasonably be viewed as separate, are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes “a set of premises” will be a question of fact, in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as a set of premises.

A temporary use notice must be lodged with the licensing authority not less than three months and one day, before the day on which the gambling is due to take place.

Detailed information about how to serve a temporary use notice will be available in a separate guidance note.

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

6. Occasional Use Notices

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 need to consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

7. Small Society Lottery Registrations

A lottery refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

A small society lottery is a lottery, promoted on behalf of a non commercial society, as defined in the Gambling Act, which also meets specific financial requirements set out in the Act. These will be administered by the licensing authority for small societies who have a principal office in Hull and want to run such a lottery.

A lottery is small if the total value of tickets put on sale in a single lottery draw is £20,000 or less and the aggregate proceeds from lotteries in a calendar year is £250,000 or less.

To be 'non-commercial' a society must be established and conducted for charitable purposes, or the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or for any other non-commercial purpose other than that of private gain.

Appendix 'A'

CONTACT DETAILS FOR THE VARIOUS RESPONSIBLE AUTHORITIES

Hull City Council

Licensing Section
33 Witham
Kingston upon Hull
HU9 1DB

Telephone: (01482) 300300
Email: licensing.requests@hullcc.gov.uk

Humberside Police

Alcohol Licensing Department
Police Headquarters
Priory Road Police Station
Priory Road
Hull HU5 5SF

Telephone: (01482) 976754/976759/976760/976761
Fax: (01482) 305063
Email: communitieslicensing@humberside.pnn.police.uk

Humberside Fire and Rescue Service

Public Safety Centre
Summergroves Way
Hessle
HU4 7BB

Telephone: (01482) 567133
Email: publicsafetycentre@humbersidefire.gov.uk

Environmental Regulations Section

Hull City Council
33 Witham
Kingston upon Hull
HU9 1DB

Telephone: (01482) 300300

Fax: (01482) 615554

Email: environmentalprotection.jobrequests@hullcc.gov.uk

Planning Services

Hull City Council
The Guildhall
Alfred Gelder Street
Hull HU1 2AA

Telephone: (01482) 300300

Fax: (01482) 612350

Email: vicky.johnson@hullcc.gov.uk

Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Email: info@gamblingcommission.gov.uk

Safeguarding Children Partnership

4th Floor
Kenworthy House
98-104 George Street
Hull
HU1 3DT

Telephone: (01482) 379090

Email: jane.henderson@hullcc.gov.uk

Appendix 'B'

CODE OF SOCIAL RESPONSIBILITY **AND GOOD PRACTICE**

The responsibility for an individual's gambling is their own; the responsibility to exercise a duty of care is that of the Site Operator

Procedures and policies that a Premises Licence Holder could adopt to demonstrate serious commitment to being socially responsible:

Industry Code of Conduct

Premises Licence Holders and their facilities are subject to both national and local regulation and are likely to be part of a trade association. There will also be a number of in-house rules designed to protect the business, ensure safety of staff and enhance the experience for the customer. Therefore it is important that:

- All personnel should be made aware of, and understand company and trade association codes of practice.
- All aspects of the codes that apply to a particular site or aspect of the business transacted are adhered to.
- Regulatory requirements are adhered to.

Advertising & promotion

It is appropriate that gambling activities and venues are advertised and that a Premises Licence Holder is able to promote the facilities available. However:

- All promotion should conform to current and relevant guidelines of the Advertising Standards Authority's Committee of Advertising Practice, Independent Television Commission (ITC) and Radio Authority (RA), codes of practice or guidance issued under the Gambling Act 2005.

Principles

- *All advertisements should be legal, decent, honest and truthful.*
- *All advertisements should be prepared with a sense of responsibility to consumers and to society.*
- *All advertisements should respect the principles of fair competition generally accepted in business.*
- *No advertisement should bring advertising into disrepute.*

Betting and gaming

- *The gaming industry and the advertising business accept responsibility for ensuring that advertisements contain nothing that is likely to lead people to adopt styles of gambling that are unwise.*
- *Advertisements and promotions should be socially responsible and should not encourage excessive gambling.*
- *Care should be taken not to exploit the young the immature or those who are vulnerable through a mental disability or illness.*
- *Advertisements should not be directed at people under 18 through the selection of media, style of presentation, content or context in which they appear. No medium should be used to advertise betting and gaming if more than 20% of its audience is under 18 years old*
- *People shown gambling should not be, nor should they appear to be, under 21 years of age.*

In addition to statutory requirements:

- There should be honesty at all times with regard to the chances of winning, the likelihood of a big win, and the odds of payout ratio that applies to the gambling on offer.
- Similar to the cautionary statement that appears on financial investment documentation; promotional material should carry a reference to the need to keep gambling under control.
- It should never be suggested or implied that gambling is a means of getting out of financial difficulty.

Product purchase

It is perfectly appropriate to make customers feel welcome, advise them about the gambling activities on offer and help them if they do not understand. However, customers should never be **enticed** to:

- Re-stake their winnings; it should be their own decision
- Increase the amount they have decided to commit to the gambling activity.
- Chase their losses.
- Continue playing when they have indicated that they wish to stop.
- Continue gambling as a means of obtaining more credits on a smart card.

The facility of changing coins back into notes must be made available to customers.

Enforcement of Age Restriction

It is a fundamental and statutory requirement that persons under the age of 18 years do not have access to category 'A', 'B' or 'C' gaming machines. Measures that minimise such access include:

- Clear and prominent signage at the street entrance(s) to Betting or Gaming premises or entrances to the designated area(s) within a Bingo Premises or Family Entertainment Centre, stating that the minimum age of entry is 18 years of age.
- A sufficiently controlled and supervised point of entry so as to make transgression of the rule difficult.
- Where there is doubt over whether a person has attained the age of 18 years, that person shall be required to produce documentary evidence of their age before they are allowed access. An approved 'Proof of Age' scheme should be operated and publicised.
- Making it a disciplinary offence for any member of staff who is negligent in carrying out appropriate checks or who knowingly allows underage persons to enter the premises or designated area(s).
- Ensuring that all staff are made aware of the requirement to be vigilant and have been trained to deal with customers who are, or who appear to be, underage.
- Not making the outside of an Adult Gaming Centre that is visible from the street, or in the case of a designated area(s) within a Family Entertainment Centre, attractive to children.

Staff training

The need for staff training is apparent for a number of aspects of the business, including that around the subject of social responsibility. The training should:

- Include an input for senior management down to the most junior member of staff.
- Encourage ownership of a policy and procedures that are designed to minimise harm.
- Raise awareness of the issues, emphasise the importance of taking social responsibility seriously and enable staff to confidently deal with relevant situations.
- Inform and develop staff awareness at all levels, provide the basis for written guidelines and staff instructions, and give staff the skills and confidence to respond appropriately when customers express concern about their gambling.
- Incorporate social responsibility requirements as a routine aspect of both induction and on-going staff training.

Protecting those who seek assistance

Responding to someone who admits to having a problem with their gambling is a delicate matter that needs to be approached sensitively an appropriate response should include:

- Rules and procedures relating to a policy of responding to problem gamblers should be clearly formulated and incorporated into the day-to-day operation of the premises.
- One or more members of staff on duty at all times should have been trained to deal with situations that might require a response.
- A positive response including communicating sources of help and the possibility of self exclusion to any customer who admits to having lost control of their gambling.
- A 'self exclusion' policy for any customer who wishes to voluntarily self exclude himself/herself from any premises that stipulates a minimum exclusion period of six months.
- Drawing to the attention of family relatives, who express concern about a customer's gambling ,the options available to the gambler should they wish to address the extent of their gambling.
- A company policy that clearly states that staff must not collude with customers who ask staff to lie on their behalf.

Stay in Control Advice

Without breaching the principle that customers are responsible for their own gambling, the nature of the activity suggests that they should be reminded of the need to exercise caution Signage, in the form of a poster should:

- Give clear guidance that in order to keep gambling a fun social activity the customer needs to 'stay in control'
- Draw attention to further information, such as leaflets, that are available at the venue.
- Indicate sources of help such as the national GamCare Helpline telephone number.
- Be large enough and written in language so as to be easily seen and understood.
- Be prominently displayed in the centre
- Maintained in a clean and tidy condition, preferably in a glass fronted frame

These points are satisfied by having a GamCare 'Stay in Control' poster in a frame and prominently displayed within the premises or designated area(s) More than one poster should be displayed in larger venues, so that all customers are able to see and to easily read them.

Advertising sources of help

At the core of exercising a duty of care is the principle of assisting customers who may wish to express concern about their gambling. This tenet should be drawn to the attention of customers in the following ways:

- The prominent display of an appropriate poster (see above)
- Adjacent to each poster there should be a holder or rack containing leaflets that emphasise the need to keep gambling under control and where to seek help should anyone be concerned about their own or a family member's gambling.
- These leaflets-should at all times be available for customers to discreetly take one without having to ask a member of staff, and there should be an effective stock control system to ensure that such leaflets are always available to supply.

Supporting social impact initiatives

It is important for the industry and organisations addressing social impact issues to work together. This may be achieved by:

- Recognition that the demonstration of a socially responsible approach is advantageous to the company as well as to its customers
- Contributing appropriate financial support to develop treatment, training, education and research programmes that are provided by organisations addressing the social impact of gambling.
- Supporting and encouraging the work of such organisations and giving a high profile to joint initiatives undertaken with them
- Consulting with social impact organisations at product planning, design and promotion stages.
- Inviting appropriate organisations to contribute to the development of socially responsible procedures including induction and on-going training programmes.

Commitment

- Recognise that social responsibility is essential to the healthy development of the gambling industry
- Develop a culture throughout the company that is supported by policies and procedures that demonstrate total commitment to social responsibility
- Strive to achieve an appropriate and fair balance between maximising opportunity and minimising harm

Appendix 'C'

Humberside Fire and Rescue Service

The Gambling Act 2005

Fire Safety GUIDELINES

These guidelines are issued to assist local licensees to provide suitable and sufficient fire safety measures in any premises under the Gambling Act 2005. They DO NOT replace existing legislation relating to Health and Safety.

GENERAL

As part of the licensing process the applicant has to submit an 'Operating' Schedule. This schedule should contain a **Fire Risk Assessment** highlighting any significant findings, arising out of the assessment and any remedial actions necessary.

Applicants should include in their submission a **Plan** on a scale of **1:100** indicating the fire safety provisions in place, this should include available **Exits** and associated routes, **Fire Alarm** if fitted, **Emergency Lighting** and **Fire Fighting Equipment**.

The applicant should clearly state the **Occupancy** of the premises. For further information on how to compile a Fire Risk Assessment and calculate an appropriate occupancy figure this available on the Humberside Fire and Rescue Service website www.humbersidefire.gov.uk

Where existing legislation does not provide adequately for the safety of the public or club members the Licensing Authority may include additional conditions to ensure the safety of occupants.

The licensee shall, to the best of his/her ability, maintain and keep good order and decent behaviour on the said premises during the time of the public entertainment and notwithstanding the generality of the foregoing the licensee shall:

- (a) Provide an acceptable system of:
 - (i) Controlling entry.
 - (ii) Identifying the number of persons present on the premises at any given moment in time.
 - (iii) Stewarding the premises where the number of people admitted exceeds 60.
- (b) Produce on demand to any authorised officer of the Authority, the Police and Fire and Rescue Service evidence of the number of persons present on the premises.

DOORS

The premises shall be provided with an adequate number of exits of sufficient dimension clearly indicated by a pictogram symbol or a combination of text and pictogram in accordance with either the British Standard 5499: Part 1 (specification for fire safety signs) or alternatively with the Safety Signs and Signals Regulations 1996. The signs shall be illuminated by both mains and secondary lighting and conform to the relevant Code of Practice.

NB Test only notices do not comply with the Health and Safety (Signs and Signals) Regulations 1996. They require replacement or supplementing with new signs.

The means of ingress and egress and the passages and gangways shall, during the whole time that the premises are used for the purposes of licensed activities, be kept free, unobstructed and adequately illuminated, both inside and outside the premises.

All final exit doors must be fitted with fastening devices which can be easily and immediately opened from inside without the use of keys.

Any door required for means of escape in case of fire, if fastened during the time the public are in the premises, shall be secured during such time by panic mechanisms only. Doors fitted with panic mechanisms shall be indicated either '**PUSH BAR TO OPEN**' or '**PUSH PAD TO OPEN**' in conspicuous and distinctive block lettering.

All doors required as means of escape in case of fire shall open in the direction of egress or where this is not possible be securely fastened in the open position at all times when the public are present on the premises. If this is not possible, limited occupancy will be imposed.

SECURITY DEVICES

Any security devices other than panic mechanisms shall be removed whenever the premises are occupied.

CURTAINS ACROSS DOORWAYS

Curtains across doorways shall be adequately supported. They shall not conceal any notice other than a 'Push Bar to Open' notice and shall be so arranged as to draw easily from the centre and slide freely. All curtains shall be so hung that they are 75mm clear of the floor.

FIRE ALARM

An approved means of giving warning in case of fire shall be provided. Where an electrical system is provided it should be installed, maintained and tested in accordance with the current relevant British Standard Specification.

A relay system shall be fitted into the fire alarm circuit, which will in the event of the fire warning system actuating interrupt the power supply to any music sound system. This will alleviate the possibility of the alarm not being heard over any such system.

NOTICES

Notices giving instruction on how to call the Fire and Rescue Service must be prominently displayed adjacent to alarm call points and telephones in the premises.

EMERGENCY LIGHTING

An emergency lighting system should be provided, maintained and tested in accordance with the current relevant British Standard Specification. The system provided in the premises and associated escape routes should fulfil the following functions:

- (i) Indicate clearly the escape routes.
- (ii) Provide illumination along escape routes to allow safe movement towards and through the exits provided.
- (iii) Ensure that the fire alarm call points and fire fighting equipment provided along escape routes can be readily located.
- (iv) Provide illumination to external means of escape arrangements.
- (v) Where people are unfamiliar with the premises, or there is provision for dimming of the lights and/or alcohol is consumed then generally Final Exits and intermediate luminaries must be on a **Maintained System** (illuminated at all times premises are in use).

FIRE FIGHTING EQUIPMENT

Fire fighting equipment shall be provided appropriate to the risk and sited in a location under the supervision of the staff. The equipment shall be tested and examined by a competent person at periods not exceeding 12 months. All members of the staff at the premises shall be given instruction and training as to their duties in the event of fire or other emergencies and records as to such training shall be kept in a logbook on the premises.

OVERCROWDING

Overcrowding in such a manner as to endanger the safety of the public or to interfere unduly with their comfort shall not be permitted in any part of the premises; procedures should be put in place to prevent this.

EMERGENCY SERVICE ACCESS

Clear access into the premises must be maintained once evacuation has been completed and full access for fire appliances and crews maintained. Appropriate re-entry measures once clearance has been given by emergency services must be written into the Risk Assessment.

Adequate access shall be provided for emergency vehicles at all times.

QUEUES

In cases in which persons wait in queues for admission, the licensee shall take all reasonable steps to ensure that such persons do not obstruct exits, passageways, stairways and ramps leading to the outside of the premises.

LOCATION OF CLOAKROOMS

Provision for coats and hats or cloaks shall not be made in corridors, passageways or gangways or any exit way used by the public.

ACCUMULATION OF RUBBISH AND STORAGE OF COMBUSTIBLE MATERIALS

No rubbish or waste paper shall be stored or allowed to accumulate in any part of the premises. Storage of necessary combustible materials shall be in such a position as may be approved by the Fire and Rescue Service.

Further information with regards any fire precautions can be obtained from your local Fire and Rescue Service by telephoning:

01482 565333

APPENDIX 'D'

GAMBLING PREMISES

These guidelines are issued to assist applicants, for premises licences, to provide sufficient measures to prevent noise and environmental pollution.

Noise Control

Many amusement arcades and Bingo halls have used speakers in the doorways to demonstrate to potential customers that they are open for business. Similarly the TV feed to bookmaker's shops may be loud to add to the excitement of the gambling. Customers arriving at and departing from Casinos may cause a nuisance due to their shouting or the closing of vehicle doors and the revving of engines. This may result in complaints to Environmental Health regarding noise pollution. Therefore, in order to stop complaints arising, it is recommended that gambling premises should adopt a noise control policy.

Measures in the noise control policy may include but not be restricted to:

- No loudspeakers open to the street
- Doors and windows to be kept closed during noisy events
- Acoustic lobbies to be included in amusement arcades
- A dispersal policy for those premises open after 23.00 hours
- Suitable locations for the entry and exit of patrons and properly located taxi bays and car parks e.g.

Litter Control

Many gambling activities involve the use of cards or slips that may be disposed of outside the premises and cause litter. Therefore it is recommended that gambling premises should adopt a litter control policy especially for those premises that use betting slips or scratch cards.

Measures may include but not be restricted to:

- An adequate number of bins inside the premises
- A scheduled regular clean up
- Notices reminding customers not to dispose of their stubs or cards by littering
- Provision of bins outside the premises (subject to consultation with the Highways Department)
- Regular litter picks around the exterior of the premises

Further information is available in the DEFRA document “Reducing litter caused by ‘Food on the Go’ – A Voluntary Code of Practice for local partnerships”. Although this refers to food establishments, the advice is still pertinent for gambling establishments.

Light Pollution

Some gambling establishments have illuminated signs to the exterior and illuminated canopies. These should not be so bright as to cause excessive sky glow or nuisance to neighbouring occupiers. Advice regarding the acceptable levels of illumination and methods for acceptable lighting are available in ‘The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution.’