

WARRINGTON BOROUGH COUNCIL

DRAFT STATEMENT OF PRINCIPLES

2022-2025

Gambling Act 2005



Content

Item	Page
Executive summary	2-3
Part A The Gambling Act 2005	
1. The licensing objectives	4-5
2. Introduction	5
3. Visions and Values	6
4. Consultation on the Policy	7
5. Declaration	7
6. Responsible Authorities	7-8
7. Interested parties	8
8. Exchange of information	9
10. Licensing authority functions	10
11. Gambling Prevalence and Problem Gambling	10-13
Part B – Promotion of the Licensing Objectives	
12. Licensing Objectives	14-20
Part C - Premises licences	
13. General Principles	21-23
14. Casino	23
15. Adult Gaming Centre	23
16. Betting Shops	23
17. Tracks	24
18. Bingo Premises	24
19. Family Entertainments Centres	24-25
20. Location of premises	25
21 Local Risk Assessments	25-27
22 Local Area Profile	27
23 Planning	28
24 Duplication with other regulatory regimes	28
25 Conditions	28-31
26 Door supervisors	31
27 Adult Gaming Centres	31-32
28 (Licensed) Family Entertainment Centres	32-33
29 Casinos	33-34
30 Bingo Premises	34-35
31 Betting Premises	35-36
32 Tracks	36-38
33 Application and plans	38-39
34 Travelling Fairs	39-40
35. Provisional Statements	40-41
36. Reviews	41-43
Part D - Permits / Temporary and Occasional Use Notices	

37. Permits	44
38. Unlicensed Family Entertainment Centre Gaming Machine permits	44-45
39. Gaming Machines in premises Licensed for alcohol	45-47
40. Prize Gaming Permits	47-48
41. Club Gaming and Club Machines Permits	48-50
42. Temporary Use Notices	50-51
43. Occasional Use Notices	51-52
44. Small Society Lotteries	52-53
Part E Enforcement Principles	
45 Enforcement	54-56
Part F – Appendices	
Appendix 1 List of Responsible Authorities	57
Appendix 2 Scheme of Delegation	58
Appendix 3 Gaming Machines and category entitlements	59-62
Appendix 4 Summary of gaming entitlements for clubs and alcohol Licensed premises	63
Appendix 5 List of consultees	64

*This Statement of Licensing Principles was approved by Warrington Borough Council on *****

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5th Edition, published in 2015(as amended April 2021)

Contact Details/ Advice and Guidance

Applicants can obtain further details about the gambling and application processes, including application forms, fees, and registers by contacting Warrington Borough Council at:- www.warrington.gov.uk

Or by Telephone on 01925 442517 by email to cexlicensing@warrington.gov.uk or by post to:-

Warrington Borough Council
Licensing Section
1 Times Square
Warrington
WA1 2NT

The Authority would encourage an informal discussion before the application process in order to resolve potential problems.

Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005, Warrington Borough Council as a Licensing Authority (“The Authority”) is required to publish a statement of principles that it proposes to apply when exercising its functions under the Act. This Statement must be published at least every three years starting from 31 January 2007. The statement must also be reviewed from “time to time” in response to emerging risks.

The purpose of the statement of principles is to set out the principles that The Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005. The Council is referring to its statement of principles as its’ Gambling Policy and will be referred to throughout this document as “the Policy”

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 which 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

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. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The Council is responsible for issuing permits for prize gaming and unlicensed family entertainment centres. The Council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club Gaming and Club Machine Permits are also issued by the Council. The process for this is described, along with other processes specified in the legislation for example Temporary Use Notices, Occasional Use Notices and Small Society Lotteries.

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.

The Policy will not override the rights of any person to make an application and to have it considered on its individual merits.

The Policy has five appendices, showing the list of Responsible Authorities under the Gambling Act 2005, list of consultees, scheme of delegation, a summary of machine provisions by premises and gaming machine categories and entitlements.

1. The Licensing Objectives

1.1 In exercising its functions under the Gambling Act 2005, (“The Act”) Warrington Borough Council 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.

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

1.3 Warrington Borough Council is aware that, as per Section 153 of The Act, in making decisions about Premises Licences and Temporary Use Notices it should aim to authorise the use of premises for gambling in so far as the permission is:-

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with this Policy

The Council’s Objectives

1.4 The Authority recognises the importance of gambling as a legitimate part of the leisure industry and will therefore not override the rights of any person to make an application and to have it considered on its relative merits.

1.5 The Authority shall ensure that premises have appropriate safeguards in place to protect children and the vulnerable from harm and will work with enforcement partners to realise this aim and to ensure that gambling does not become a source of crime and disorder within the local community.

1.6 The Authority will work with the trade to promote well run establishments and to ensure that gambling is conducted in a fair and open way.

1.7 As a Strategic Partnership, we are concerned about the increased prominence of gambling on the high street, TV, internet, and the increase in problem gambling. The Authority therefore recognises the impact that this can have on the health and wellbeing of the individual and their families, and the harm to vulnerable groups. This is a whole borough

issue which impacts on a range of other issues including homelessness, complex families, financial inclusion and associated addictions.

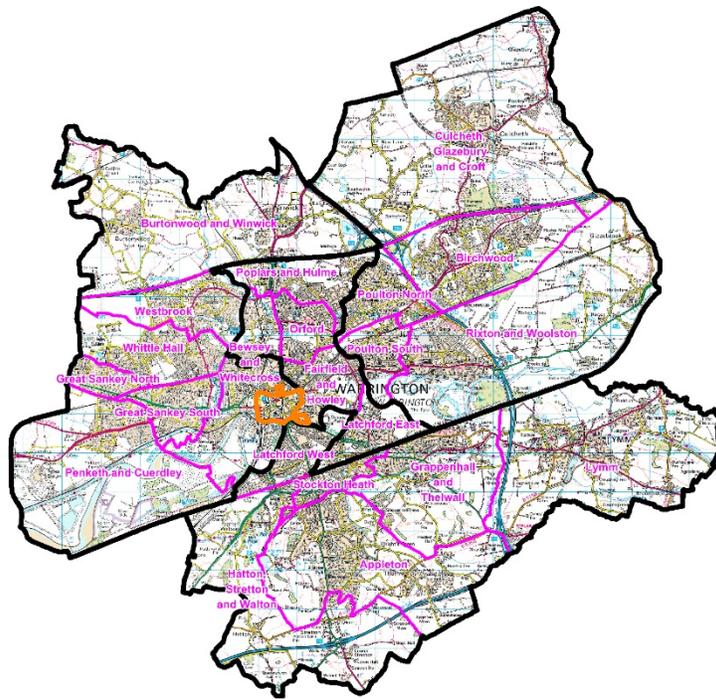
1.8 The Authority will work with the Gambling Commission, trade and partners to control the inappropriate clustering of shops and gambling outlets within the Authority's communities.

1.9 This can be achieved by:-

- Ensuring that applicants clearly set out how they will promote the licensing objectives.
- Carrying out research into the location of our licensed premises and the potential impacts on our community. This will form part of our local profile. **(page 27)**
- By increasing the strength of the public voice to increase local democracy and accountability.
- By ensuring that our own planning policies help us to shape our areas and to create places that we can all be proud of, where we protect the most vulnerable.
- By working with the trade to promote high standards of compliance.
- By working with enforcement partners to take firm, fair and robust action against those who chose not to comply.
- By signposting vulnerable gamblers and their families to appropriate care and support.
- By offering training to frontline staff on effects of gambling to appreciate the impacts of gambling on social, health and relationships wellbeing, and recognise gambling and/or other addictions within debt conversations and assessments.
- The Authority will continue to support and lobby for changes in addition to planning laws, which protects our local high streets from inappropriate clustering of gambling Ensuring that our family gaming centres protect children from harm.
- We will continue to monitor with interest and to support action to control **gambling machines in the High Street** ~~the use of Fixed Odds Betting Terminals,~~
- By listening to and responding to the views of our communities, representatives of the trade, partners and support groups.
- **We will redefine the work of the Gambling Harm Sub Group, which was initiated in 2019 and will focus on preventing gambling harm across the town.**

2. Introduction

2.1 Warrington Borough Council is situated in the heart of the Northwest, on both the River Mersey and the Manchester Ship Canal and lies approximately halfway between Manchester and Liverpool. Warrington is well served by public transport and has strong transport links. **The Council area has a population of 209,397 (Source: ONS Mid-Year Estimate 2020)** and it covers an area of 70.19 square miles. The Council is a mixture of both urban and rural with a densely populated central urban area. These areas are shown on the map below.



**CHESHIRE AND WARRINGTON
SUB-REGION**



- WARRINGTON
- HALTON
- CHESHIRE WEST AND CHESTER
- CHESHIRE EAST
- NEIGHBOURHOOD COORDINATION AREA
- 2004 WARD BOUNDARIES
- TOWN CENTRE AREA



3 VISIONS AND VALUES

3.1 Warrington Borough Council's priorities for 2020-2024 are set out in our Corporate Plan:

- Our residents live healthy, happy and independent lives
- Everyone benefits from our thriving economy
- Communities are safe, strong and our vulnerable are protected.
- Our town is clean, green and vibrant.

3.2 Additionally, partners across Warrington are committed to promoting the long term wellbeing of the people who live and work in Warrington and recognise that factors contributing to wellbeing cover a broad range of areas ranging from physical and mental health, to economic prosperity, to feelings of safety and a pleasant living environment. This means everyone in the borough has a role to play in promoting wellbeing; wellbeing is everyone's business.

3.3 The Warrington Health and Wellbeing Strategy sets a vision of:

“Communities Warrington is a place where we work together to create a borough with stronger neighbourhoods, healthier people and greater equality across all our communities.”

3.4 It highlights partners' commitment to achieving long term wellbeing for residents of the borough.

3.5 The Council's Gambling Policy has an important part to play in supporting the delivery of The Council's vision for Warrington.

4. Consultation on the Policy

4.1 The Council has consulted widely upon this statement before finalising and publishing it.

4.2 **S.349(3)** of the Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police.
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area.
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005.

4.3 **The Policy will be approved at a meeting of the Full Council on 6th December 2021 and will be published via the Council website, the Town Hall, Sankey Street, Warrington, and the Contact Centre Horsemarket Street, Warrington thereafter.**

4.4 Should you have any queries in relation to this Policy statement please send them by email to the following contact:

Katherine Parry, Licensing Manager cexlicensing@warrington.gov.uk

4.5 It should be noted that this Policy 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 Act.

5. Declaration

5.1 In producing this Policy, The Authority has had due regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

6. Responsible Authorities

6.1 The Authority is required by regulations to state the principles to be applied in exercising 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.

6.2 In accordance with the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Warrington Safeguarding Children Board for this purpose.

6.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via The Council's website at: www.warrington.gov.uk and is attached at **Appendix 1**.

7. Interested parties

7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence.

7.2 The Act defines "interested person 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)

7.3 The 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.

7.4 Each case will be decided upon its own 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 Licensing Authorities (**revised April 2021**) at 6.20 to 6.21. The Authority will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

7.5 Interested parties can be persons who are democratically elected such as councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities

and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 7.6 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 Section by email at cexlicensing@warrington.gov.uk
- 7.7 It is important to note that in order for a representation to be considered as relevant, interested parties are required to demonstrate that granting a licence would undermine any of the three licensing objectives under the Act (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 and protecting children and other vulnerable persons from being harmed or exploited by gambling). For clarity, unlike the Licensing Act 2003, the Gambling Act 2005 does not include the prevention of public nuisance as a licensing objective.

8. Exchange of Information

- 8.1 The Authority is required to include in its Policy 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 the Authority and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between ourselves and the other persons listed in Schedule 6 to the Act.
- 8.2 The Authority will act in accordance with the provisions of the Gambling Act 2005, in its exchange of information. This may include this Authority providing information to or receiving information from the Gambling Commission in connection with its functions as a licensing authority:-

Local Authority Compliance Events (LACE)

- In order to make the system of shared regulation as effective and efficient as possible, the Gambling Commission notifies licensing authorities of complaints and intelligence received regarding non-compliance and illegality in their geographical area which is primarily of a localised nature. These are referred to as Local Authority Compliance Events (LACE). The responsibility for the LACE referral is then discharged from the Gambling Commission to the Licensing Authority. The Licensing Authority will advise the Commission of what, if any, action is taken.

The Authority will also have due regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005 and to the Data Protection Acts(1998 and 2018) from time to time and the General Data protection Regulation. Should any protocols be established as regards information exchange with other bodies then they will be made available.

8.3 Please contact the Licensing Section by email at cexlicensing@warrington.gov.uk for further information on our protocols.

9. Licensing Authority functions

9.1 The Authority is required under the Act to:

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

9.2 It should be noted that the authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences. We will continue to engage with the Gambling Commission on this issue and to refer any **intelligence and review the Public Health stance to gambling harm to better protect the community at a Borough wide level.**

10. Gambling Prevalence and Problem Gambling

10.1 The Gambling Commission's regular collection of gambling data through telephone interviews released on 27th July 2021, which covers the year up to June 2021, focussed on 4010 adults. These adults aged 16 and over were contacted by telephone and interviewed on a quarterly basis in September and December 2020 and March and June 2021. It is noted that the June 2021 interviews took place during the time when COVID lockdown or restricted activity was in place.

10.2 The statistics showed that, according to the results of the survey, that:

- In year to June 2021, overall participation in any gambling activity (in the last four weeks) has fallen to 42% (a 3.5 percentage point decline compared to year to June 2020).
- In year to June 2021, the online gambling participation rate is 25% (an increase of 3 percentage points on year to June 2020), whilst in person participation is down 8 percentage points to 24%. It should be noted that much of the online increase can be explained by increasing proportions of respondents playing National Lottery draws online.
- The overall problem gambling rate is statistically stable at 0.4% (year to June 2021).
- The moderate risk rate has decreased significantly to 0.7% (year to June 2021) compared to 1.4% in year to June 2020.

10.3 Other key statistics show that:

- 43.5% of males and 39.8% females reported gambling participation in the previous 4 weeks compared to 47.9% males and 42.4% for the same period in 2020
- The proportion of respondents participating in at least one form of in person gambling in the past four weeks 24% were male and 24/2% were female. For the same period in 2020, it was 33.3% male and 30.5% female. It is important to note that in person gambling could be reduced due to the COVID lockdown period and limited venues being open.
- Of the activities being completed in the previous 4 weeks, the top 5 were:
- National Lottery which was 26.3% of the respondents, compared with 28.7% the previous year
- Other lotteries reported 12.1% up to June 2021 against 12.6% for the previous period
- Scratchcards reported 7.4% usage against 9.2% the previous year
- Sports betting reported 5.5% usage against 5.8% the previous year
- Online slot machine style games / instant wins usage was 3.7% against 3.7% the previous year

Further specific detail including methodology can be found on the link below:

www.gamblingcommission.gov.uk/statistics-and-research/publication/statistics-on-participation-and-problem-gambling-for-the-year-2021

10.4 According to GamCare's Helpline Data Summary 2020-2021 – they advise that:

- there were over 41,000 calls in the period, a 9% increase on the previous year
- there were 27,024 callers to the Helpline in 2020/21, an 8% increase on the previous year – 78% of the callers were gamblers themselves, an increase from the 71% figure in the previous year
- online gambling was reported to be problematic by 84% of the callers, an increase from 73% in the previous year. This increase is likely caused by the COVID lockdown and the closure of betting shops etc and sporting activities being suspended during this time.
- 77% of the callers defined themselves as male gamblers, and 84% of affected others asking for help were female.

- As many as 66% of the callers to the helpline reported debt issues
- 6 out of 10 of the helpline callers were aged 35 and under
- The most common geographical areas calling the helpline were from London, the North West and the South East (13%)
- 75% of gamblers and 77% of significant others were employed

10.5 Gross Gambling Yield

10.6 The Gambling Commission also report that Gambling in Great Britain (the total gross gambling yield) was £14.2 billion for the period April 2019-March 2020, a decrease of 0.6% from the previous year. The Commission also note that the online gross gambling yield was £5.7 billion for the period April 2019-March 2020 which was an 8.1% increase from the previous year.

10.7 Gambling and young people

10.8 A study conducted by IPSOS MORI on behalf of the Gambling Commission in 2020 (which was impacted due to COVID pandemic) highlights the issues raised by gambling and young people. The survey was conducted with a sample of 1645 young people in school settings aged 11-16 in England and Scotland only and did not include Wales this time – therefore comparisons to previous years would be difficult as those figures also included the Welsh data.

10.9 Key data highlighted from the results included the following:

- 9% of 11-16 year olds in England and Scotland spent their own money on gambling activities in the seven days prior to taking part in the survey.
- Respondents were most likely to have placed a private bet for money (5%) or played cards for money with friends (3%) in the past seven days.
- 37% of 11-16 year olds in England and Scotland have gambled in the last 12 months
- Half (50%) have ever gambled of 11-16 year olds in England and Scotland have ever gambled, of which 51% of these respondents were with their parent or guardian the last time they gambled.
- 1.9% of 11-16 year olds in England and Scotland are classified as ‘problem’ gamblers and 2.7% are classified as ‘at risk’ according to the DSM-IV-MR-J screen.
- 58% of 11-16 year olds have ever seen or heard gambling adverts or sponsorship, of which 7% said this had prompted them to gamble when they weren’t already planning to.

10.10 Impact of COVID on gambling

10.11 In June 2021, the Gambling Commission produced a range of information highlighting the impact on gambling during the COVID period – the data period being March 2020-April 2021. It highlighted the online gambling and some offline gambling patterns, noting that premises had predominately been closed during the COVID period.

- Activity in the online market increased with the presence of the Grand National, with an increase on March of 4% in active accounts (This is the total number of times activity has taken place across all verticals; therefore, an active account may be counted more than once) and 3% in gross gambling yield (GGY), although the number of bets decreased by 2%.
- Slots gross gambling yield (remained relatively flat at £202m during the period from March to April. The number of bets and active players both decreased 1%.
- The number of online slots sessions lasting longer than an hour decreased by 4% (to 2.6m). The average session length decreased to 20.2 minutes, with nearly 8% of all sessions lasting more than one hour.

10.12 The Commission's report highlighted some key points regarding the impact of COVID on individuals and cited the following:

- *People will still be spending more time at home and online and many people are likely to be feeling more isolated and vulnerable as a result of the length of the pandemic period, the restrictions that are still in place and further uncertainty about their personal or financial circumstances.*
- *We know that some consumers, such as highly engaged gamblers who play a range of products, are likely to spend more time and money gambling and with high level sporting events taking place over the next few months will mean there are more opportunities for betting customers to gamble.*
- *We know that some people may gamble for the first time*

PART B - PROMOTION OF THE LICENSING OBJECTIVES

11. Licensing Objectives

- Statistics on participation and problem gambling for the year to June 2021 - Gambling Commission
- Information taken from Gamcares' Helpline Data Summary 2020/21
- Further specific detail including methodology can be found on the link below:
- Young People and Gambling 2020 - Gambling Commission
www.gamblingcommission.gov.uk/statistics-and-research/publication/young-people-and-gambling-2020
- Information taken from the Gambling Commission website press release – "Impact of COVID-19 on gambling behaviour – operator data from April 21

11.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Authority has considered the Gambling Commission's Guidance and some comments are made below.

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

Crime and Disorder

11.3 The Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

11.4 The Authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

11.5 Examples of the specific steps The Authority may take to address this area can be found in the various sections covering specific premises types in **Part C** of this document and also in **Part D** which covers permits and notices.

11.6 **Ensuring that is conducted in a fair and open way**

11.7 The Authority is aware that except in the case of tracks (See page 36) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. However, the Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice

11.8 Examples of the specific steps the Authority may take to address this area can be found in the various sections covering specific premises types in **Part C** of this document and also in **Part D** which covers permits and notices.

11.9 **Protecting children and other vulnerable persons from being harmed or exploited by gambling –**

Protection of children

- 11.10 The Authority has noted the Gambling Commission's Guidance 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).
- 11.11 The Act provides the following definition for child and young adult in Section 45:
- Meaning of “child” and “young person”
- (a) In this Act “child” means an individual who is less than 16 years old.
- (b) In this Act “young person” means an individual who is not a child but who is less than 18 years old.
- 11.12 For the purpose of this section protection of children will encompass both child and young person as defined by the Act.
- 11.13 The Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 11.14 The Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.
- 11.15 Examples of the specific steps the Authority may take to address this area can be found in the various sections covering specific premises types in **Part C** of this document and also in **Part D** which covers permits and notices.

Protection of vulnerable people

- 11.16 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.” The Authority will consider this licensing objective on a case by case basis.
- 11.17 An ‘adult at risk’ previously referred to as a vulnerable adult is defined as an adult (a person over the age of 18) in its area (whether or not ordinary resident there) who:
- a) has care and support needs regardless of whether or not the authority is meeting any of those needs and;
 - b) is experiencing, or is at risk of, abuse or neglect and;
 - c) as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.
- 11.18 In the case of premises licences the Authority is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice.

11.19 In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self-exclusion
- Employment of children and young persons

11.20 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The Authority will communicate any concerns to the Gambling Commission about any absence of this required information.

11.21

Applicants may also like to make reference to Warrington Safeguarding Adults Board which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed via <http://www.warrington.gov.uk>.

11.22 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.7)
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self-exclusion schemes - **Social Responsibility Code Provision 3.5.6 requires that all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility.-**
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice passers-by.

11.23 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

- 11.24 The Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant

Selling of Lottery tickets and Scratchcard games

- 11.25 The Authority recognises that the National Lottery Commission regulates all aspects of the operation of the National Lottery, including the draw-based games, scratchcards and what are known as the Instant Win Games (which you refer to as the 'virtual cards' on the internet); the Gambling Commission regulates other forms of gambling in the UK. Further information regarding the role of the National Lottery Commission can be found on their website www.natlotcomm.gov.uk.
- 11.26 Shops and supermarkets are the most popular places for children to get tickets for National Lottery games and scratchcards. It is hugely important to note that it is an offence to sell a lottery tickets or scratch cards to children and young **people under the age of 18. The legislative change will therefore come into force on 1st October 2021 but online sales to 16 and 17 year olds ended in April of this year (2021)**. The penalty for selling to an underage person is a fine of up to £5,000 and/or 2 years imprisonment
- 11.27 Should the Authority receive any complaints of irresponsible retailing from operators on lottery tickets or scratchcards, the Authority will look to work collaboratively with the, Gambling Commission, the Licensing Enforcement Team, Trading Standards and the Police Authority to carry out enforcement practices.

How should operators protect themselves?

- 11.28 Lottery and scratch cards are age-restricted products.
- 11.29 There are several checks and measures that operators can put into place to protect themselves from prosecution.
- Consider introducing an age verification policy such as Challenge 21/25 whereby anyone who appears to be under the age of 21/25 is asked to prove their age.
 - If you are in doubt as to a customer's age you should always ask for proof of age
 - You should request them to produce a reliable, acceptable form of proof of age such as a valid passport, a valid photo card driving licence, H.M. Forces Warrant Card or a Proof of Age Standards Scheme (PASS) ID Card. The PASS scheme is the UK's national Proof of Age Standards Scheme and all cards meeting this standard bear an accredited hologram.
 - Birth certificates and National Insurance cards should not be accepted as proof of age. They do not show a photograph of the person producing the document and

National Insurance cards are issued before a person has reached their sixteenth birthday

- Keep a refusals register, written or electronic. This is a record of all the times that you refuse to sell an age-restricted product. Details kept in the register should contain a description of the person, their name and address (if you are able to obtain or know it), their approximate age, the date and time of the attempted purchase, the type of product that was requested and finally the reason for refusing the sale
- Display all age restriction notices prominently. You can get these from the Business Compliance Team (e-mail tradingstandards@warrington.gov.uk)
- Train all of your staff on the relevant legislation and hand out the written instructions on the checks that should be carried out.
- Keep a training record for each member of staff and keep it up to date. Ask staff to sign a copy of the instructions that they receive, to show that they have read and understood the contents. Ask them to sign and date the training record as well.
- Regularly check your systems and procedures to ensure staff are following them
- Keep up to date with changes in legislation that may affect your business

11.30 The Authority also operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Gambling Commission, Police Authority, or any of the other responsible authorities under the Gambling Act 2005, or working with colleagues from other Council departments or outside agencies.

The meaning of 'available for use'

11.31 S.242 of the Act makes it an offence for a person to make a gaming machine available for use, where they do not hold an operating licence or other permission covering gaming machines and where no other exemption applies.

11.32 The Act does not define what 'available for use' means, but the Gambling Commission considers that a gaming machine is 'available for use' if a person can take steps to play it without the assistance of the operator.

11.33 More than the permitted number of machines may be physically located on a premises but the onus is on licensees to demonstrate that no more than the permitted number are 'available for use' at any one time.

11.34 A machine that can operate at more than one category, which is operating at a lower category, does not contribute to the number of machines 'available for use' at a higher

- category until it switches to that category. Licensees must ensure no more than the permitted number are 'available for use' at any one time.
- 11.35 Systems in which a number of machines are networked so that the player can select which game and category they play are permitted but licensees must still adhere to any restrictions on the number of machines at a certain category.
- 11.36 Gaming machine entitlements in AGC or bingo premises set out that only 20% of machines can be category B machines in order to ensure a balanced offering of gambling products and restrict harder gambling opportunities.
- 11.37 Machine design has changed in recent years and space-saving gaming machines - in the form of tablets, multi-player units and narrow/in-fill machines - have become available. Some of these machines appear to have been designed primarily to maximise category B machine entitlements.
- 11.38 The Gambling Commission updated its 'available for use' guidance¹¹ in 2019 to make it clear that for the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. For example, the Gambling Commission would consider that a multi-position machine that technically allows two or more players to play simultaneously but in reality requires those players to stand very closely together or adopt unnatural participation positions, to the effect that a second player would be discouraged from attempting to use the machine, could not be classed as two or more machines.
- 11.39 In relation to tablets, licensees should ensure that there is sufficient floor space in the premises to permit counted tablets to be used simultaneously.
- 11.40 Electronic Bingo Terminals (EBTs) that offer gaming machine content in addition to bingo content are gaming machines and subject to adherence with the above principles. Licensees are reminded however that an EBT must only allow participation in one gambling activity at a time and should not therefore contain functionality which allows participation in bingo and gaming machine activity simultaneously.
- 11.41 The Gambling Commission has published its 'available for use' guidance¹² on the Commission website, and provided additional information specifically in relation to when is a gaming machine 'available for use' in AGC or bingo premises under the 20% regulations.
- 11.42 S.172(7), as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total

number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (SI 2007/2158: Categories of Gaming Machine Regulations 2007) (but not B3A) and B4 machines, as per the Gambling Commission's guidance within Part 16. For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. This includes tablets. (See section 17 for further information)

12. General Principles

12.1 Premises licences are subject to the permissions/restrictions set out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

Decision-making

12.2 The Authority is aware that in making decisions about premises licences it should aim to authorise the use of premises for gambling:-

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

12.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos – page 33 and also that unmet demand is not a criterion for a licensing authority.

12.4 The Authority will also have due regard to the Gambling Commission's guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licences.

12.5 In making this determination, the Authority will have due regard to the six indicators of betting as a primary gambling activity:

- The offer of established core products (including live event pictures and bet range)
- The provision of information on products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

Definition of "premises"

- 12.6 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, particular attention will be paid where there are issues about sub-divisions of a single building or plot to ensure that mandatory conditions relating to access between premises are observed.
- 12.7 The Gambling Commission states in the fifth edition (as amended April 2021) of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."
- 12.8 The Authority will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Authority will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- 12.9 The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Authority will consider before granting such applications include the following measures:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the

premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity names on the premises licence.
- The Guidance also gives a list of factors which the Authority should be aware of, which may include:
 - Do the premises have a separate registration for business rates?
 - Is the premises' neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?

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

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

Casinos

- The principal access entrance to the premises must be from a street (defined as any bridge, road, lane, footway, subway, square, court, alley, or passage whether a thoroughfare or not).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
(See paragraph 16 for further details on Casinos)

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.
(See paragraph 14 for further details on Adult Gaming Centres)

Betting Shops

- Access must be from a street (see definition above) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.
(See paragraph 18 for further details on Betting Shops)

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre.
 (See paragraph 19 for further details on Tracks)

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.
 (See paragraph 17 for further details on Bingo Premises)

Family Entertainment Centre

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

12.12 Gambling Commission’s Guidance to Licensing Authorities contains further guidance on this issue, which this Authority will take into account.

12.13 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.
(See paragraph 14 for further details on Family Entertainment Centres)

Premises “ready for gambling”

12.14 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the 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.

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

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

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the

situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

12.18 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58 – 7.63 of the Gambling Commission Guidance.

Location

12.19 The Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, the 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.

12.20 With regards to these objectives the Authority will upon receipt of any relevant representations look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area.
- 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
- any levels of organised crime in the area.

12.21 The Authority will take into account the Local Area profile (see below) and Applicants are advised to have regard to it when considering if a Premises Licence in a particular location would undermine the licensing objectives and should consider if any possible harm could be mitigated by the attaching of appropriate conditions. Each application will be considered on its own merits.

Local Risk Assessments

12.22 ~~From 6 April 2016, it is a requirement of~~ The latest version of the **Gambling Commission's Licence Conditions and Codes of Practice (LCCP) was updated on 30th October 2020, under section 10**, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

12.23 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:

- a. to take account of significant changes in local circumstance, including those identified in this policy;
- b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c. when applying for a variation of a premises licence; and
- d. in any case, undertake a local risk assessment when applying for a new premises licence.

The Social Responsibility Code 10.1.1R provision is supplemented by an ordinary code provision indicating that licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. Both provisions took effect from April 2016

12.24 The 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

12.25 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected and a copy must be retained on the premises.

12.26 Other matters that the assessment may include:

- 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 entice 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.

12.27 Such information may be used to inform the decision the Authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

12.28 It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome

Local Area Profile

12.29 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, The Council has published a local area licensing guidance in partnership with responsible authorities, other local agencies such as public health, mental health, housing, education, community welfare group and community safety groups and organisations such as the Gamcare or equivalent local organisations. It can be obtained from the Licensing Section or via the Council's website www.warrington.gov.uk.

12.30 The Local area profile 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 Area Profile will be presented to any subsequent Licensing sub-committee when they determine an application that has received representations.

12.31 The Authority recognises that it cannot insist on applicants using the Local Area Profile when completing their risk assessments. However, an applicant who decides to disregard it may face additional representations and the expense of a hearing as a result.

Planning

12.32 The Gambling Commission Guidance to Licensing Authorities states:

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

- 12.33 Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building. The Authority will give due regard to the Gambling Commission Guidance on the consideration of Planning and Building Regulations and on the use of Provisional statements in respect of unbuilt or unfinished premises.
- 12.34 The Authority 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.
- 12.35 The Authority will bear in mind that a premises licence, once it comes into effect, authorises premises to be used for the gambling activity named on the licence.

Duplication with other regulatory regimes

- 12.36 The Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The Authority cannot not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it.
- 12.37 When dealing with a premises licence application for finished buildings, the Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. However, it will consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.
- 12.38 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

- 12.39 The Authority is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Authority will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

- 12.40 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, The Authority will attach individual conditions to address this.
- 12.41 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 12.42 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures The Authority will consider utilising should there be a perceived need, such as the use of supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.
- 12.43 The Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 12.44 The 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. For this purpose a rope, floor markings or similar provision will not suffice and the licensing authority may insist on a permanent barrier of at least 1 meter high;
 - 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.
- 12.45 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the 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
- Enhanced DBS checks of the applicant and/or staff
- Self-exclusion schemes
- Support to persons with gambling addiction e.g. provision of information leaflets/helpline numbers for organisations such as GamCare.
- 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
- Any one or a combination of the measures as set out under Part B of this document.

12.46 This list is neither mandatory nor exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements the Authority and the Responsible Authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

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

12.48 The 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, The 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.

12.49 It is noted that there are conditions which the Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

- 12.50 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 to this effect.
- 12.51 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 automatically be assumed that they need to be licensed, as the statutory requirements for different types of premises.
- 12.52 It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a Disclosure and Barring Service (DBS) on potential staff and for such personnel to have attended industry recognised training.

13. Adult Gaming Centres

- 13.1 **Gaming machine provisions by premises are set out at Appendix 3 Table 2. S.172(1) of the Act, as amended, provides that the holder of an AGC premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on those premises. Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises (see Appendix 3).**
- 13.2 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 13.3 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

Authority may consider licence conditions to address such issues, examples of which are provided at paragraph 12.45.

14. (Licensed) Family Entertainment Centres

14.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.

14.2 Licensed family entertainment centres are able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (**see Appendix 3**).

14.3 Where category C or above machines are available in premises to which children are admitted then the Authority will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the licensing authority may insist on a permanent barrier of at least 1 meter high.
- only adults are admitted to the area where the machines (category C) are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

14.4 The 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 licensing authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

14.5 The Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

14.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises

- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Cheshire Police and the Authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the Police and the Authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

14.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be DBS checked.

14.8 The Authority will, as per the Gambling Commission's Guidance, also refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Authority will also consider any mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences, when they have been published.

15. Casinos

15.1 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino 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.

15.2 The Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but are aware that The Authority has the power to do so. Should such a resolution be passed, this Policy will be updated. Any such decision will be made by the Full Council.

15.3 Conditions will be attached to Casino Premises Licences according to the principles set out in part 9 of the Gambling Commission's Guidance, bearing in mind the mandatory conditions listed in part 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

15.4 In accordance with the Gambling Commission's Guidance the 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.

- 15.5 The current regulatory framework prescribes that Category B gaming machines may only be made available in licensed gambling premises and not in locations which may prompt more ambient gambling such as pubs. Maintaining distinctions between different gambling venues allows individuals to make a deliberate choice whether to enter that particular gambling environment. In accordance with the Gambling Commission's Guidance the Authority will also take into account that a premises applying for or licensed as a casino is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for casino games and/or games of equal chance.

16. Bingo premises

- 16.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (**see Appendix 3**)

- 16.2 The Authority notes that the Gambling Commission's Guidance states:

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

- 16.3 From 13 July 2011 a holder of bingo premises licences may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises.

- 16.4 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. The Authority will expect premises to apply the following measures:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and The Council may insist on a permanent barrier of at least one meter high
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is supervised at all times

- the area where the machines are located is arranged so that it can be observed by staff at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
- children will not be admitted to bingo premises unless accompanied by an adult.

17. Betting premises

17.1 Betting premises are premises such as bookmakers 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.

17.2 In accordance with the Gambling Commission's Guidance the 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.

17.3 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted in paragraph 11.22.

17.4 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, licence conditions to address such issues may be considered.

17.5 S.172(8) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines (the terminals commonly in use are able to provide both B2 and B3 content)

18. Tracks

18.1 S.179 provides that a betting premises licence in respect of a track may not authorise pool betting to take place, other than in respect of dog or horse racing and only where the acceptance of bets is by the holder of the betting premises licence, or in accordance with arrangements made by them. In the case of dog racing, this preserves the existing arrangements at dog tracks where the totalisator is operated by or on behalf of the occupier of the track.

18.2 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and also general betting, often known as “fixed-odds” betting. 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.

18.3 Betting on tracks is organised in different ways and can take place in different parts of the track in many different forms. These include the following:

- ‘Betting rings’ The ring can be dispersed throughout the track, and can include ‘temporary’ rings at large meetings, but all different locations form part of the betting area. On-course betting operators will be located in the betting ring according to a position (pitch) allocated to them under the commercial arrangement they have with the track owner.
- Betting counters or kiosks: A betting counter or booth may be a permanent or temporary outlet from which a bookmaker provides betting facilities. Examples include manned stands or porta-cabins located at football grounds on match days, and the temporary kiosks used by bookmakers at cricket grounds during test matches.
- Mobile betting: Mobile betting machines (often handheld) operated by employees of betting operators allow customers to place a bet or receive pay-outs away from betting kiosks or the betting ring, most commonly in hospitality areas.
- Self-service betting terminals (SBBTs): SSBT, lack the direct human intervention of a betting counter staffed by a cashier, and can be located at different parts of tracks...
- Pool betting: This involves the pooling of stakes on a given event, and the splitting of the total pool, less a commission for the operator amongst the winners. Pool betting at horseracing and greyhound tracks can be offered under a pool betting operating licence – be that the owner of the track or a third party provider. Tracks may also conduct inter-track pool betting when other tracks are holding races.

Off-course betting

18.4 Off-course betting operators are typically those who provide betting facilities from betting premises such as those found on the high street. In addition to such premises, betting operators may operate self-contained betting premises or designated areas such as a row of betting kiosks within the track premises. These premises provide facilities for off-course betting (in effect, the opportunity to bet on other events not just those taking place on the track), although they normally operate only on race days.

- 18.5 The provision of off-course betting facilities as described above is generally conducted in reliance on the track premises licence held by the occupier of the track and consequently the off-course operator is prohibited from making any gaming machines available for use unless they hold a separate betting premises licence in relation to part of the track. The track premises licence holder will need to vary their existing premises licence so that it does not have effect in relation to the area where the additional betting premises licence is located. The additional betting premises licence would need to be secured by the holder of an appropriate betting operating licence. Such a premises would then be subject to the conditions outlined in Part 19 of the Gambling Commissions' revised guidance.
- 18.6 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.
- 18.7 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Authority will consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 18.8 This Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 18.9 This Authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - A requirement that children must be accompanied by an adult
 - Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble
 - Self-exclusion schemes
 - Provision of information leaflets/helpline numbers for organisations such as GamCare.

- 18.10 The above list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 18.11 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 18.12 *Betting machines* - This Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

19. Applications and plans

- 19.1 An application for a premises licence may only be made by persons (which includes companies or partnerships):
- who are aged 18 or over and
 - who have the right to occupy the premises and
 - who have an operating licence which allows them to carry out the proposed activity. Details of operators that hold an operating licence are available on the Commission's website or
 - who have applied for an operating licence to allow them to carry out the proposed activity. The premises licence cannot be determined until an operating licence has been issued.
- 19.2 The exception to this is an applicant for a premises licence to allow a track to be used for betting, as these applicants are not required to hold an operating licence if they are merely providing space for other people to provide betting (and those other people hold valid betting operating licences). However, if a track owner is also acting as a betting operator, for example, running pool betting, they will have to have the relevant type of operating licence.
- 19.3 An application must be made to the relevant licensing authority in the form prescribed in regulations laid down by the Secretary of State or Scottish Ministers, and must be accompanied by:
- the prescribed fee
 - the prescribed documents namely a plan of the premises – the plan needs to be to scale, however, a specific scale has not been prescribed.
- 19.4 The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the 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 Authority to plan future premises inspection activity.

- 19.5 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.
- 19.6 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.
- 19.7 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.
- 19.8 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 in order that we can satisfy ourselves that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

20. Travelling Fairs

- 20.1 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see **Appendix 3**).
- 20.2 The 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.
- 20.3 The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 20.4 It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The 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.

21. Provisional Statements

- 21.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).
- 21.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by objectors at the provisional licence stage; or
 - b) which in the authority's opinion reflect a change in the operator's circumstances.
- 21.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.
- 21.4 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.
- 21.5 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 21.6 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.
- 21.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made. Tracks do not require an operating licence.

21.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. There is some constraint in the matters considered when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

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

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

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

22. Reviews

22.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.

22.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

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

22.3 The Authority may reject the application for a review if it considers that the grounds on which the review is sought

- are frivolous,
- are vexatious,
- will "certainly not" cause this Authority to wish to alter/revoke/suspend the licence or remove or amend one or more of the conditions on the licence, is substantially the same as previous representations or requests for review (and the Authority will take into account any lapse of time since the previous representation or request)

- Fails to raise a ground which is relevant to the licensing objectives
- 22.4 The Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any appropriate reason.
- 22.5 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins seven days after the application was received by the Authority. The Authority will publish notice of the application for review within that seven days period. .
- 22.6 The Authority must carry out the review as soon as possible after the end of the 28 day period for making representations has passed.
- 22.7 The purpose of the review will be to determine whether the Authority should take any action in relation to the licence. If action is justified, the options are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; or
 - (d) revoke the premises licence.
- 22.8 In determining what action, if any, should be taken following a review, the Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 22.9 The 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.
- 22.10 Once the review has been completed, The 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; and
 - Her Majesty's Commissioners for Revenue and Customs.

23. PERMITS

- 23.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.
- 23.2 The Authority is responsible for issuing the following permits:
- (a) unlicensed family entertainment centre gaming machine permits;
 - (b) alcohol-licensed premises gaming machine permits;
 - (c) prize gaming permits;
 - (d) club gaming permits and club machine permits.
- 23.3 The Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

24. (Unlicensed) Family Entertainment Centre gaming machine permits

- 24.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a 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. 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 of the Gambling Act 2005). **As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.**
- 24.2 An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing authorities might wish to consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
 - that staff are trained to have a full understanding of the maximum stakes and prizes.

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

24.4 The Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- appropriate measures/training for staff as regards suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised very young children being on the premises;
- measures/training covering how staff would deal with children causing perceived problems on or around the premises.
- measures/training covering how staff would identify the signs and symptoms of persons engaged in the illegal use of controlled drugs.
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Cheshire Police and the Authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

25. Gaming machines in premises licensed for the sale of alcohol

25.1 There is provision in the Licensing Act 2003 for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The holder of a premises licence under the Licensing Act 2003 with the licensable activity for the sale of alcohol on the premises must notify the Authority of their intention to make the gaming machines available for use and must pay the prescribed fee.

25.2 The 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 (s.282 requires that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

3 or more machines

- 25.3 A person or organisation holding a Premises Licence for the sale of alcohol on the premises pursuant to the Licensing Act 2003 may apply for a licensed premises gaming machine permit where more than two machines are required setting out the number and category of gaming machines sought. The 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.*”
- 25.4 The Authority will consider applications on a case by case basis but will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The applicant will be expected to demonstrate that there will be sufficient measures to prevent children or young persons accessing the adult only gaming machines. Such steps may include (but are not limited to);
- locating the adult machines within sight of the bar area
 - measures/training covering how staff would deal with unsupervised young children being on the premises
 - CCTV/surveillance measures
 - Notices/signage

Applicants will be expected to demonstrate how vulnerable persons will be protected from harm. This may include the availability of leaflet/helpline numbers for organisations such as GamCare.

Each application will be determined on its own merits and applicants will need to consider how their proposal can best engage with the licensing objectives. Applicants should also note the Code of Practice for gaming machines in Clubs and premises with an alcohol licence available on the Gambling Commission’s website.

- 25.5 It is recognised that some premises licensed for the sale or supply of alcohol under the Licensing Act 2003 may apply for a gambling premises licence for areas which do not benefit from the alcohol licence. Such applications will be processed under the relevant provisions of the Act.
- 25.6 It should be noted that the Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for or can refuse the application. Before doing so, the Authority may consult with the Gambling Commission and Police and will invite submissions (either orally or in writing) from the Applicant. If after considering the submissions the Authority refuses the application or grants with a smaller number of machines and/or a different category of machines than that applied for the Authority will provide reasons. There is a right of appeal.
- 25.7 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.

25.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and **Appendix 4** of this document.

26. Prize Gaming Permits

26.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.

26.2 A prize gaming permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises. The Authority must consult with the Chief Officer of Police before granting a permit and must have regard to any objection made by the police.

26.3 When considering the suitability of an applicant for a prize gaming permit the Authority expects that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm. These may include:
 - appropriate measures and training for staff as regards suspected truanting children on the premises
 - measures and training covering how staff would deal with unsupervised very young children being on the premises
 - measures and training covering how staff would deal with children causing perceived problems on or around the premises.
 - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of Cheshire Police and the licensing authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

26.4 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be DBS checked

- 26.5 The Authority in making a decision on an application for this type of permit does not need to but may have due regard to the licensing objectives but must have due regard to any Gambling Commission guidance. (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 26.6 Applicants only need to address the Policy when making their initial applications and not at renewal time.
- 26.7 Mandatory conditions prescribed by the Act will be attached to the permit, if granted. These 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 where the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.
 - No further conditions will be attached.
- 26.8 The Authority will not refuse an application for a permit without first giving the application to make submissions (either in writing or in person) which the Authority will consider. If thereafter refused, the Authority will give reasons. There is a right of appeal.

27. Club Gaming and Club Machines Permits

- 27.1 Members' Clubs and Miners' Welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The 'Club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming i.e. poker, bingo etc. A 'Club Machine Permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D).
- 27.2 Members' Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit only. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.
- 27.3 The Gambling Commission's Guidance states:

“Members' clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by

separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs, which must be permanent in nature, not established to make commercial profit and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

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

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

27.5 Before granting the permit the Authority must be satisfied that the premises meets the requirements of a members' club and that the majority of members are over 18.

27.6 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

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

27.7 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs who hold a Premises Licence under the Licensing Act 2003 cannot use the fast-track procedure.

27.8 As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

(c) that a Club Gaming Permit or Club Machine permit issued to the applicant in the last ten years has been cancelled."

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

28. Temporary Use Notices

28.1 Temporary Use Notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

28.2 The 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.

28.3 A temporary use notice must be lodged with the 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

28.4 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices. The relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

28.5 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

28.6 In considering whether a place falls within the definition of "a set of premises", the Authority will consider, amongst other things, the ownership/occupation and control of the premises.

28.7 The Authority may object to notices where it appears that their effect would be to authorise regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

29. Occasional Use Notices:

29.1 Notices must be served on the Authority and copied to the Chief of Police by the administrator of the event or the occupier of the track. S.39 of the Act provides that where there is betting on a track on 8 days or fewer in a calendar year, betting may be permitted by an OUN without the need for a full premises licence. The Secretary of State has the power to increase or decrease the number of occasional use notices that an operating licence holder could apply for each calendar year. 'Day' is defined as midnight to midnight, so an event that starts on one calendar day and ends on the following day would count as two days. OUNs are designed to allow licensed betting operators to provide betting facilities at genuine sporting events (such as point-to-point racecourses and golf courses for major competitions) within the boundaries of the identified venue on a specific date, without the need for a full betting premises licence. An OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The following should be noted in relation to an OUN:

- OUNs can only be relied upon for eight days or fewer in a calendar year and therefore licensing authorities should keep a record of the number of notices served in relation to each track. The period of eight days applies to the venue and not the individual who has submitted the notice.
- an OUN must be submitted for each day that betting activity will be conducted on the premises. If betting activity is to be held over a period of eight consecutive days, the operator will be required to submit eight separate notices.
- the notice must specify the day on which it has effect. An event running past midnight and ending on the following day accounts for two occasional use days, even though in practice it is one event.
- no objection or counter notice (refusal) is possible unless the maximum number will be exceeded.
- notice must be given to the licensing authority and the police, in writing, before the event starts.
- no premises licence can exist for the place which is the subject of the notice.
- land can be used temporarily as a track, for example for a point-to-point race, provided that sporting events or races take place there. There is no need for a track to be permanently established.

29.2 Applications made in respect of land which does not constitute a "track" within the definition set out in the Act will be refused. While tracks are normally thought of as permanent racecourses, authorities should note that the meaning of 'track' in the Act covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place (s.353(1)). The Gambling Commission's guidance relating to tracks is contained in Part 20 of the guidance.

29.3 This means that land which has a number of uses, one of which fulfils the definition of track, can qualify for the occasional use notice provisions, for example agricultural land upon which a point-to-point meeting takes place. The point-to-point and hunter race chase calendar ([opens in new tab](#)) lists each fixture, and is a useful tool for licensing

authorities to check that they are being notified of all possible OUNs. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

Use (and misuse) of OUNs

- 29.4 Local sporting clubs or other venues seeking to become tracks through a contrived sporting event have utilised OUNs to solely or primarily facilitate betting taking place on events occurring away from the identified venue, examples include the Cheltenham Festival and Grand National meeting. Whilst the Gambling Commission has not introduced a new licence condition limiting the betting to the outcomes of a race, competition or other sporting event taking place at the track in question whilst the OUN is in force, the situation is being kept under review.
- 29.5 Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice.

30. Small Society Lotteries

- 30.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 30.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.
- 30.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by The Council for small societies who have a principal office in Warrington and want to run such lottery.
- 30.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. **If the operator plans to exceed either of these values then they may need to be licensed with the Gambling Commission to operate large lotteries instead.**
- 30.5 The Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. We consider that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
 - submission of incomplete or incorrect returns;
 - breaches of the limits for small society lotteries.

- 30.6 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
 - to enable participation in, or support of, sporting, athletic or cultural activities.
- 30.7 Charities and community groups should contact this Authority on **01925 442517** to seek further advice. **Further information can be found on the Gambling Commission's website within its Feature article: Small society lottery applications – things to consider.**
- 30.8 The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.
- 30.9 **Licensing authorities are required by paragraph 44 of Schedule 11 of the Act to record details of the society on a register. The authority holds a public register and once the application for registration has been accepted and entered on the local register, the licensing authority will then notify both the applicant and the Gambling Commission of the registration as soon as practicable.**

31 Enforcement

31.1 The Authority is required to state the principles to be applied 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:-

31.2 The Authority will work closely with the Responsible Authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

31.3 The Authority shall in carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act, be guided by the Gambling Commission's Guidance to Licensing Authorities and will 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 co-ordinated 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.

31.4 As per the Gambling Commission's Guidance to Licensing Authorities the Authority will avoid duplication with other regulatory regimes so far as possible.

31.5 The 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, in particular at Part 6.36
- The principles set out in this Policy.

Test purchasing and age verification

31.6 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Act. When undertaking test purchasing activities, this Authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place.

Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

- 31.7 Test purchasing is one method by which either the Gambling Commission or licensing authorities may measure the compliance of licensed operators or groups of licensed operators, with aspects of the Act subject to Primary Authority (PA) arrangements. See Gambling Commission Guidance.
- 31.8 The authority in relation to the sale of age restricted products follow current guidance in order to ensure that tests are carried out in a manner that is risk-based and fair, with due regard to the welfare of young people involved in the test purchasing.
- 31.9 It is up to operators to ensure they are compliant with the Act and the associated regulations. This approach is in line with the responsibilities set out for regulators and enforcers in the Code of Practice: age restricted products and services published by the Better Regulation Delivery Office³⁰ (Age Restricted Products and Services: A Code of Practice for Regulatory Delivery), which applies to England and Wales.
- 31.10 The Gambling Commission encourages operators to manage the business risk associated with both underage access to premises and permitting a young person to gamble.
- 31.11 The authority will consult with operators in the first instance where they have concerns about the underage access and age verification policies or whose premises they plan to test purchase. This will enable them to identify what programmes are in place to manage the business risk and take these into account in planning a test purchase exercise.
- 31.12 The authority will consult with the Gambling Commission before planning such exercises in order to ensure that there is no conflict between any ongoing investigation or enforcement activity related to either the premises or the operator that we have initiated and the test purchase operation.
- 31.13 The Local authority while undertaking any test purchase operations will share any test purchasing results with the Gambling Commission.

Compliance role

- 31.14 The Authority's main enforcement and compliance role will be to ensure compliance with the premises licences and other permissions authorised. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Authority but should be notified to the Gambling Commission.
- 31.15 The Authority will also keep informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 31.17 The Council has published a Regulatory Code and Enforcement Policy which sets out the approach to enforcement.

31.18 Licensing Authority functions

31.19 The Authority is required under the Act to:

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

Appendix 1**List of Responsible Authorities**

Force Licensing Department Cheshire Constabulary Headquarters Clemonds Hey Oakmere Road Winsford CW7 2UA	The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP
H M Revenue & Customs National Registration Unit (Betting & Gaming) Portcullis House 21 India Street Glasgow, G2 4PZ	The Divisional Commander Cheshire Fire Authority Fire Station Winwick Road Warrington WA2 8HH
Principal Planning Officer Warrington Borough Council Environment & Regeneration Directorate 1 Times Square Warrington WA1 2NT	Environmental Protection Team Manager Warrington Borough Council Environment & Public Protection Services 1 Times Square Warrington WA1 2NT
Business Compliance Manager Warrington Borough Council Environment and Public Protection Services 1 Times Square Warrington WA1 2NT	

Appendix 2

Scheme of Delegation

Licensing Authority Scheme of Delegation under the Gambling Act 2005

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Final approval of the Licensing Authority Statement of Policy	X		
Policy not to permit Casinos	X		
Fee Setting (when appropriate)	X		
Application for Premises Licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission or responsible authority	Where no representations received from the Commission or responsible authority
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		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

Appendix 3 Gaming Machines category and entitlements

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply.

- Table 2 below shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 - (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
B2	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 - (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £8 may be a money prize)

Table 2
Summary of Machine provisions by premises

Machine Category							
Premise Type	A	B1	B2	B3	B4	C	D
Large casino(machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)	Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)
Pre-2005 Act casino(no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead	Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)	Maximum of 4 machines categories B2 to D (except B3A machines)	Maximum of 4 machines categories B2 to D (except B3A machines)	Maximum of 4 machines categories B2 to D (except B3A machines)	Maximum of 4 machines categories B2 to D (except B3A machines)
Bingo premises 1				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines
Machine category							

Premises Type	A	B1	B2	B3	B4	C	D
Adult gaming centre - 2				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines
Licensed family entertainment centre - 3							No limit on category C or D machines
Family entertainment centre (with permit) - 3							No limit on category D machines
Clubs or miners' welfare institute (with permits) - 4				Maximum of 3 machines in categories B3A or B4 to D	Maximum of 3 machines in categories B3A or B4 to D	Maximum of 3 machines in categories B3A or B4 to D	Maximum of 3 machines in categories B3A or B4 to D
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification	1 or 2 machines of category C or D automatic upon notification
Qualifying alcohol-licensed premises (with licensed gaming machine permit)						Number of category C-D machines as specified on permit	Number of category C-D machines as specified on permit
Travelling fair							No limit on category D machines

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.
2. Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.
3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence.

Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D

Appendix 4 Summary of gaming entitlements for clubs and alcohol licensed premises

	Members' club or MW institute with club gaming permit	Clubs established to provide facilities for gaming of a prescribed kind (currently bridge or whist clubs)	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 / week £250 / day £10 /person per game Other gaming No limit	Poker £1000 / week £250 / day £10 /person per Game Other gaming No limit	Poker £100 / premises per day Other gaming £5 / person per game Cribbage & Dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 / game Other gaming No limit	Poker £250 / game Other gaming No limit	Poker £100 / Game Other gaming No limit
Max participation fees – per person per day	Bridge/whist † £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge/whist † £18 Other gaming £3 (for a commercial club) £1 (members' club)	Bridge/whist † £18 Other gaming £1	None permitted
Bankers/unequal chance gaming	Pontoon Chemin de fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo ††	Maximum of £2,000 / week in stakes or prizes	No bingo permitted	Maximum of £2,000 / week in stakes or prizes	Maximum of £2,000 / week in stakes or prizes.	Maximum of £2,000/week in stakes or prizes

† On a day when no other facilities for gaming are provided.

†† If more than the maximum, then an operating licence will be required.

Appendix 5 GAMBLING ACT 2005 CONSULTEES

All Councillors
Parish Councils
Warrington Trading Standards
All responsible authorities for Warrington
Gambling Commission
HM Revenue and Customs
Children's Safeguarding Services
Relevant trade associations
All current Premises Licence holders with Warrington Borough Council
All Current Permit holders with Warrington Borough Council
All current small lottery licences with Warrington Borough Council
Gamcare
Gamblers Anonymous UK
NHS Warrington
Citizen Advice Bureau
Responsible Gambling Trust