

Gambling Act Statement of Gambling Policy

Summary of Changes

The Gambling Act 2005 Statement of Licensing Policy is under its three yearly review. A number of changes have been made to reflect the latest Gambling Guidance document and general updates including the Area Profile.

Details of changes

Executive Summary: No changes

Part A

Page 5 – Paragraphs 1.9, and 2.1

Paragraph within 1.9 -

- 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.**

Paragraph within 2.1

- 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.

Page 6 – Visions and Values - Paragraphs 3.1-3.3

- 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.”

Page 7 Paragraph 4.2 and 4.3

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

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.

Page 9 – 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.

Page 10. – paragraph 9.2 and 10.1-10.12

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.**

10.1 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.

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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

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- Statistics on participation and problem gambling for the year to June 2021 - Gambling Commission
 - Information taken from Gamcare’s 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

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

Page 16 – 11.22

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.-**

Page 17 – Paragraph 11.6

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

Page 18 Paragraph – 11.31- 11.42 –

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)

Part C

Page 21 – Paragraph 12.7

- 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.”

Page 25 – 26 Paragraphs 12.22 – 12.23 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

Page 31 – Paragraph 13.1 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).**

Page 34- Paragraph – 15.5 Casinos

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.

Page 35 - Paragraph 17.5

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)

Page 36 -37 Paragraphs 18.1, 18.3-18.4- 18.5 and 18.8

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.

18.3 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.
- 18.8 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.

Page 38-39 - Paragraphs 19.1 – 19.3 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.

Page 40 Paragraphs 21.1 -21.3 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.

Part D

Page 44 Paragraph 24.1

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.

Page 51-53- Paragraph 29.1- 29.4, 30.4, 30.7, 30.9

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.

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

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.

30.9 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.

Part E

Page 54 –55 Paragraph 31.6-31.13 – Test Purchasing

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.

Part F

Page 59 & 61-62 wording Appendix 3 – Gambling Machines category and entitlement

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.

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