



COTSWOLD DISTRICT COUNCIL

THE GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

The revised Statement of Licensing Principles was approved by Cotswold District Council on 15 December 2015~~18 December 2012~~

~~All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities 4th edition published July 2012~~

FOREWORD

The Gambling Act 2005 (the Act) received Royal Assent on 7 April 2005, introducing changes on gambling in England and Wales. As part of that change, Cotswold District Council (the Council) became the Licensing Authority for the District and will assume responsibility for licensing certain gambling premises within the District

To comply with the legislation, ~~Cotswold District~~ the Council must review the Statement of Principles every three years.

The Statement of Principles sets out the Council's responsibilities in relation to the duties under the Act.

Before the Council publishes its Sstatement consultation must be undertaken with various persons and representative bodies

The Statement of Principles (version 2) came into force on 31 January 2016~~3~~ and will expire in January 2019~~6~~.

This 'Statement of Principles' has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act, 2005.

In this revision any specific references to the Commission's publications and Guidance have been amended to signpost to the latest versions rather than always citing particular dates or editions.

Under Section 25 of the Gambling Act (the Act), the Commission is required to issue Guidance to licensing authorities. At the time of this Statement of Principles going to consultation (August 2015), the Guidance was issued in 2012 and was the 4th edition. This is due to be reissued in late 2015/early 2016. All references in this document refer to the 4th edition and may be subject to change once an updated edition is published. The Commission has revised its Guidance published in 2012. The revisions do not represent a change of policy or approach by the Commission, but incorporate new material on topics, such as poker and test purchasing, that have already been communicated to licensing authorities by other methods. The Guidance is intended as the principal reference document for licensing authorities to assist with gambling licensing matters. There was a need for it to be revised so that its content is up-to-date, succinct and consistent

Formatted: Superscript

Formatted: Superscript

Comments and queries should be directed to:

Mrs Michelle Bignell
Senior Licensing Officer
Licensing Section
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX

Email: licensing@cotswold.gov.uk

Formatted: Font: 11 pt

Formatted: Left

Further copies may be obtained from the above address or from the Council's website www.cotswold.gov.uk

~~Further copies of this Statement of Principles may be obtained from the Council's office as above or from its website www.cotswold.gov.uk~~

Formatted: Left

Cotswold District Council

Gambling Act 2005
Statement of Principles
Contents

Item	Page
Part A	
1. The licensing objectives	1
2. Introduction	1
3. Declaration	3
4. Responsible Authorities	4
5. Interested parties	4
6. Exchange of information	5
7. Enforcement	5
8. Licensing authority functions	7
<u>9. Risk Assessments and Local Area Profiles</u>	<u>7</u>
<u>910. Glossary of Terms</u>	<u>97</u>
Part B - Premises licences	
1. General Principles	<u>108</u>
2. Adult Gaming Centres	<u>1715</u>
3. (Licensed) Family Entertainment Centres	<u>1715</u>
4. Casinos	<u>1816</u>
5. Bingo	<u>1816</u>
6. Betting premises	<u>1816</u>
7. Tracks	<u>1947</u>
8. Travelling fairs	<u>2119</u>
9. Provisional Statements	<u>2119</u>
10. Reviews	<u>2220</u>
Part C - Permits / Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre gaming machine permits	<u>2422</u>
2. (Alcohol) Licensed premises gaming machine permits	<u>2523</u>
3. Prize Gaming Permits	<u>2624</u>
4. Club Gaming and Club Machines Permits	<u>2624</u>
5. Temporary Use Notices	<u>2725</u>
6. Occasional Use Notices	<u>2826</u>
7. Small Society Lotteries	<u>2826</u>
Part D – Annexes	<u>2927</u>

This Statement of Licensing Principles was approved by Cotswold District Council ~~Council~~ on ~~186~~ December 20125

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 4th Edition, published July 2012.

Further Information

Appendix A
Appendix B
Appendix C

Table of delegations
Glossary of Terms
Policy Statement Consultees

PART A

1.0 Licensing Objectives.

The Gambling Act 2005 ('The Act') requires that in exercising most of its functions under the Act, Cotswold District Council ('The Licensing Authority') Licensing ~~authorities~~ must have regard to licensing objectives set out in section 1. The licensing objectives are:-

1. **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
2. **Ensuring that gambling is carried out in a fair and open way;**
3. **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

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

The Licensing Authority is aware that, as required by Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant Codes of Practice issued by the Gambling Commission under section 24
- in accordance with any relevant Guidance issued by the Gambling Commission under section 25
- in accordance with this Statement of Principles, and reasonably consistent with the licensing objectives.
- in accordance with the authority's statement of licensing policy

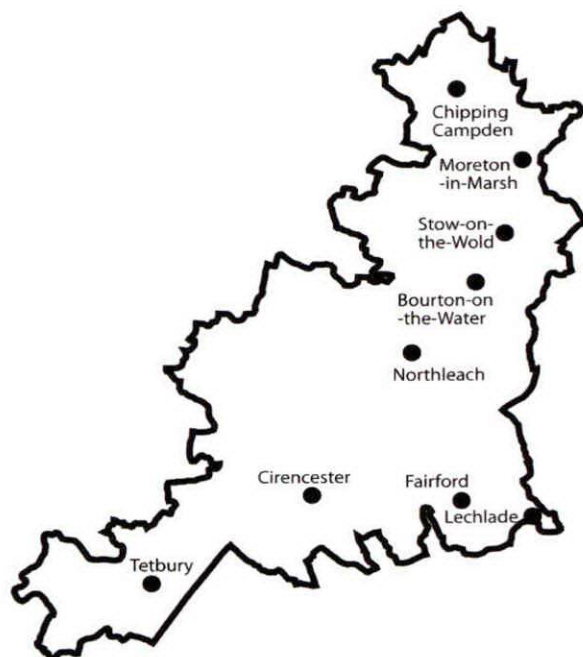
2.0 Introduction

The Act requires the Licensing Authority to prepare and publish a Sstatement that sets out the principles that the Licensing Authority proposes to apply when exercising its functions.

The Sstatement must be published at least every three years. This Sstatement has effect from the 31st January 20163 until 30th January 20169. The Sstatement must also be reviewed from "time to time" and any amended parts re-consulted upon. The Sstatement must be then re-published before any revision is given effect.

The Cotswold District

The Authority is one of six district councils within Gloucestershire. The Cotswold District is mainly a rural area based around 9 market towns Cirencester, Bourton-on-the-Water, Chipping Campden, Fairford, Lechlade, Moreton-in-Marsh, Northleach, Stow-on-the-Wold and Tetbury and has a population of 84,000. A map of the area [450 sq miles] is shown below:



Consultation

Cotswold District Council consulted widely upon this Statement for 9 weeks before finalising and publishing. ~~[12-week period of consultation]~~.

The Statement of Principles has been subject to formal consultation (required by the Gambling Act) with:-

1. Gloucestershire Constabulary;
2. Person(s) who appear to represent the interests of persons carrying on gambling businesses in the area;
3. Person(s)/bodies representing the interests of persons likely to be affected by the exercise of the authority's functions under the Gambling Act.

A full list of consultees is shown at **Appendix C**

In determining its Statement of Principles the Licensing Authority, must have regard to the ~~guidance~~ Gambling Commission's ~~G~~guidance for Local Authorities, and ~~having regard to that guidance~~, give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account included:

- who is making the representations (i.e. what is their expertise or interest)?;
- what their motivation may be for their views?;
- how many other people have expressed the same or similar views?;
- how far the representations relate to matters that the Licensing Authority should be including in its statement relevant to the Authority's policy statement?

The Licensing Authority looked at the views of consultees and considered carefully whether they should be taken into account and to what extent (having regard to the above factors). However, it can only consider those matters within the scope of the ~~G~~guidance, the Act and any Codes of Practice.

The consultation took place between ~~1720th~~ August 201~~25~~ and ~~162th~~ ~~November~~October 201~~25~~, and we followed the HM Government Code of Practice on consultation which is available at: www.bis.gov.uk/files/file47158.pdf

Following consultation, this Statement of Principles was put forward to Full Council to be adopted at its meeting on ~~16-18th~~ December 201~~52~~ in order for it to take effect on 31st January 201~~36~~. It will be reviewed as necessary, and in any case subjected to a formal review at least every three years.

The Statement of Principles is published via ~~our~~Cotswold District Council's website and copies are placed in the public libraries of the area as well as being available ~~in~~at the Council's Offices at Trinity Road, Cirencester and the Moreton Area Centre at Moreton-in-Marsh.

Should you have any comments as regards this ~~P~~policy ~~s~~Statement please send them via e-mail or letter to the following contact:

Licensing Section
Cotswold District Council
Trinity Road
Cirencester
GL7 1PX
licensing@cotswold.gov.uk

It should be noted that this ~~S~~statement of ~~L~~licensing ~~P~~principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the ~~statutory~~ requirements of the ~~Gambling Act, 2005~~.

3.0 Declaration

In preparing its ~~S~~statement of ~~P~~principles the Licensing Authority is required to:

- Adhere to Regulations issued by the Secretary of State under Section 349(4) of The Act.
- Have regard to Guidance issued to local authorities by the Gambling Commission (Section 25(2) of the Act)
- Recognise the need to be consistent with the licensing objectives where applicable.

In producing the final statement, this Licensing Authority declares that it has had regard to the Licensing objectives of the ~~Gambling Act 2005~~, the Guidance to Licensing Authorities issued by the Gambling Commission and responses from those consulted on the statement.

4.0 Responsible Authorities

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area;
- and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

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

A list of Responsible Authorities can be found in the glossary of terms in **Appendix B** of this document

~~The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at:~~
http://www.cotswold.gov.uk/nqcontent.cfm?a_id=2176

5.0 Interested Parties

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

These parties are defined in section 158 the ~~Gambling Act 2005~~ as follows:

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

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

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

Each case will be decided upon its merits. The Licensing 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 at 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

"Interested Parties" can be persons who are democratically elected such as MP's, District Councillors and Town and Parish Councils. The Licensing Authority will not require specific evidence from such persons being asked to represent an interested person as long as the Councillor / MP represents the ward likely to be affected by the application. Likewise parish councils likely to be affected will be considered to be interested parties. Other than these however, this Licensing 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 will normally be sufficient proof of that fact.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillor(s) are not part of the Licensing Committee who could subsequently be required to deal with the licence application.

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.

6.0 Exchange of Information

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

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

Should any protocols be established regarding information exchange with other bodies then they will be made available.

7.0 Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

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

This Licensing Authority will revise and implement a risk-based inspection programme, based on;

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

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the ~~Gambling~~ Act. When undertaking test purchasing activities, this Licensing 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.

The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with premises licences together with other permissions which it authorises. The Gambling Commission is the enforcement body for both operating and personal licences. It is also worth noting that where the Licensing Authority receives concerns about the manufacture, supply or repair of gaming machines these matters will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission as responsible authority.

This Licensing Authority also keeps itself informed of developments as regards the work of the [Department of Business Innovation and Skills [BIS]] [Better Regulation executive] in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, the Council's Enforcement Policy is available upon request to the Public Protection (Commercial Team – Licensing Section, Cotswold District Council, Trinity Road, Cirencester GL7 1PX (01285) 623000 or email: licensing@cotswold.gov.uk)

The Authority will also follow the relevant principles set out in The Regulator's Compliance Code.

The Licensing Authority will seek to work actively with the Gambling Commission and the Gloucestershire Constabulary in enforcing licensing legislation and where

appropriate it will establish protocols with those partner agencies on enforcement issues to ensure an efficient use of resources.

Complaints against Licensed Premises

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, this Licensing Authority will, where appropriate, seek to arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their objections, or for any licence holder to decline to participate in a conciliation meeting.

8.0 Licensing Authority Functions

The Act requires this Authority 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
- Maintain registers of the permits and licences that are issued under these functions

Local licensing authorities will not be involved in licensing remote gambling. This will be regulated by the Gambling Commission via operating licences.

9. Risk Assessments and Local Area Profiles

9.1 Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which

Formatted: Font: Bold

Formatted: Font: Bold

they are situated. For example the proximity of schools, churches, etc and/or whether the business is located on a walking route for local schools.

9.2 The Gambling Commission issue codes of practice under section 24 of the Gambling Act 2005, about the manner in which facilities for gambling are provided to ensure that:

- gambling is conducted in a fair and open way
- children and other vulnerable people are protected from being harmed or exploited by gambling
- assistance is made available to people who are, or may be, affected by problems related to gambling.

Formatted: Indent: Left: 1.25 cm, Hanging: 0.25 cm, Bulleted + Level: 1 + Aligned at: 1.9 cm + Indent at: 2.54 cm

9.3 Codes of practice are either:

- social responsibility code provisions - which must be adhered to by all licence holders
- ordinary code provisions – these do not have the status of licence conditions but failure to take account of them can be used as evidence in criminal or civil proceedings.

Formatted: Indent: Left: 1.25 cm, Hanging: 0.25 cm, Bulleted + Level: 1 + Aligned at: 1.98 cm + Indent at: 2.62 cm

9.4 New code provisions covering risk assessments and local authority area profiles will come into force in April 2016 More detail can be found by going to the Gambling Commission website at www.gamblingcommission.gov.uk. The following are extracts relating to this aspect:

9.5 Social responsibility code provision 10.1.1

Assessing local risk

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2. Licensees must review (and update as necessary) their local risk assessments:
 - a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing 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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.25 cm + Indent at: 1.89 cm

9.6 Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

Formatted: Indent: First line: 0 cm

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 on request.

Formatted: Indent: First line: 0 cm

9.7 Such risk assessments can make reference to the council.Licensing Authority's Area profile which may be compiled with respect to reported gambling-related problems in an area. At the time of preparing this edition of the Statement of Licensing Principles there has been no evidence presented to Cotswold District Council to support the assertion that any part of the dDistrict had or is experiencing problems from gambling activities. This position will be kept under review and, in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare an Area Profile accordingly.

9.8 Licence Conditions and Codes of Practice Operators should be mindful of the Commission's published Licence Conditions and Codes of Practice (LCCP) which were substantially updated in February 2015 and provide sector-specific advice about steps that a business should take to meet its social responsibilities and reflect the licensing objectives. In particular this relates to those business activities which fall under the responsibility of the Licensing Authority ie. in the areas of non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

Formatted: Indent: Left: 0 cm, First line: 0 cm

Formatted: Indent: First line: 0 cm

109.0 Glossary of Terms

A glossary of terms used within this draft policy document may be found at Appendix B to this document.

PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1.0 General Principles

Premises licences are subject to the requirements set-out in the ~~Gambling Act 2005~~ and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate

(i) Decision Making

When making decisions about premises licences this Licensing Authority will permit the use of premises for gambling in so far as it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Principles.

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 12) and also that unmet demand is not a criterion for a licensing authority.

This Licensing Authority also notes Gambling Commission Guidance on ensuring that betting is the primary activity of 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 licenses.

In making this determination, this Licensing Authority will have 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

(ii) Definition of Premises

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in ~~the fourth edition 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 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."

This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

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

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

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

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

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.24 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per para 7.23 / 7.24 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

(iii) Premises “ready for gambling”

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

If the 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.

Formatted: No underline

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Licensing 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.

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60-7.67 of the Guidance.

(iv) Location

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such 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.

(v) Planning

The Gambling Commission Guidance to Licensing Authorities states:
7.60 –

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

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

7.67 –

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

(vi) Duplication with other regulatory regimes

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

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

Licensing Objectives

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

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

This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.

Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (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

This Licensing Authority will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder.

In considering licence applications, the Licensing Authority will particularly take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, that procedures are in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted

Ensuring that gambling is conducted in a fair and open way objective

Generally, the Gambling Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the operating licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the personal licence). Both of these options fall under the Gambling Commission.

Where this Licensing Authority has concerns that gambling at any premises is not being conducted in a fair and open way this Licensing Authority will bring those concerns to the attention of the Gambling Commission.

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

This Licensing 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). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

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

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."

This Licensing Authority will consider this licensing objective on a case by case basis.

Conditions

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

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

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

This Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

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

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

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the ~~Gambling Act 2005~~ specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

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

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

2.0 Adult Gaming Centres

The Licensing Authority will specifically have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it (The Authority) that there will be in place sufficient measures to, for example, ensure that persons under the age of 18 year do not have access to the premises.

The Licensing Authority will expect applicants to offer in their applications appropriate measures that they propose to take to promote to meet the licensing objectives, measures which could cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

3.0 (Licensed) Family Entertainment Centres:

The Licensing Authority will specifically have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority, for example, that there will be sufficient measures to ensure that persons under the age of 18 do not have access to the adult only gaming machine areas

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, such measures to cover issues such as:

- CCTV
- Supervision of entrances / machine areas

- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes [Self-exclusion schemes]
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

The Authority will, in accordance with the Gambling Commission's Guidance, refer to the Commission's website to examine any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Authority will also make itself aware of any mandatory or default conditions on these premises licences, where they have been published.

4.0 Casinos

There are currently no casinos operating within the Cotswold District.

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

5.0 Bingo Premises

This Licensing Authority notes that the Gambling Commission's Guidance states: Paragraph 18.4 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.

This Licensing aAuthority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Paragraph 18.7 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.

6.0 Betting Premises

Betting machines – The Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of

counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7.0 Tracks

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Licensing 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.

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

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.

Betting machines - This Licensing Authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

Applications and plans

Application

Different premises licences cannot apply in respect of a single premises at different times.

Other than an application for a premises licence in respect of a track, applications for a premises licence can only be made by a person who either holds;

- an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or
- has made an application for an operating licence which has not yet been determined.

Anyone wishing to make an objection to an application must do so by writing to the Licensing Authority and would normally be expected to relate their objection to one of more of the licensing objectives, or to issues raised within this Statement of Principles, the Gambling Commissions Guidance or codes of practice before the Licensing Authority will be able to consider it.

Where an application attracts an objection conditions will only be considered where they are necessary to promote the Acts objectives and proportionate to the circumstances.

Where it is necessary to attach conditions to a licence in order to promote the Act's objectives such conditions will not be overly onerous and will be proportionate to the risks involved.

The Licensing Authority will not, as a general rule, seek to attach conditions to a licence to mitigate concerns that are already adequately covered by other legislation.

The Licensing Authority Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and promote equality and good relations between persons of different racial groups.

Submission of Plans

The ~~Gambling Act~~ (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

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

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

(See Guidance to Licensing Authorities, para 20.32).

This Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

8.0 Travelling Fairs

It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair and if it does will require all gaming machines at travelling fairs to require a permit.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9.0 Provisional Statements

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

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

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

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

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the

case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

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

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

In addition, the Licensing 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 licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10.0 Reviews:

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

This Licensing Authority will consider requests for a review of a premises licence only where that request is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this Licensing Authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.;

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- is reasonably consistent with one or more of the licensing objectives; and
- in accordance with the Authority's statement of licensing policy.
- consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is relevant.

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

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

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

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

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

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

Permits, Temporary & Occasional Use Notice

1.0 Unlicensed Family Entertainment Centre gaming machine permits (statements of Principles on Permits- Schedule 10 paragraph 7)

Premises that do not hold a premises licence but wish to provide gaming machines may apply to the Authority for an Unlicensed Family Entertainment Centres permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of The Act).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance to Licensing Authorities also states: "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.6)

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

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

Statement of Principles - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training, covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. The Licensing Authority will also expect as per Gambling Commission Guidance that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2.0 (Alcohol) Licensed Premises - Gaming Machine Permits. (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

The Act allows premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises licence holder merely needs to notify the Licensing Authority by completing the requisite application form, paying the prescribed fee and also complying with any relevant Code of Practice issued by the Gambling Commission (Section 282).

The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- the provision of the machines is not reasonably consistent with the pursuit of the Acts licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to The 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 Act has been committed on the premises.

Permit: 3 or more machines

Any premises wishing to have more than 2 machines must apply for a permit. Where the Authority receives such an application it will consider that application based upon the licensing objectives, any guidance by the Gambling Commission issued under Section 25 of the Act, and such matters as it may think relevant.

The Licensing Authority considers that such matters will be determined on a case by case basis but, generally, there will be regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling and [the applicant will be expected] will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority that there will be no access may include placing the adult machines within sight of any bar, or that the machines are capable of continuous monitoring being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

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

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

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

3.0 Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

The ~~Gambling Act 2005~~ states that a licensing authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit".

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

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

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

It should be noted that there are conditions in the ~~Gambling Act 2005~~ by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4.0 Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming Regulations.

Members Clubs and Miners' welfare institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming Regulations. NB Commercial

Clubs may not site category B3A gaming machines offering lottery games in their club.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gambling Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Licensing Authority will only refuse such an application if:

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

The Act also provides for a 'fast-track' procedure for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Gambling Commission's Guidance for local authorities states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an Authority can refuse a permit are reduced. and the grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

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 of such a permit complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

5.0 Temporary Use Notices

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

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

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

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

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

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

6.0 Occasional Use Notices:

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

When receiving such notices this Licensing Authority will consider the definition of a 'track' and whether the notice giver is permitted to avail him/herself of the notice.

This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

7.0 Small Society Lotteries

This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers 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

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 charitable proposes
- to enable participation in, or support of sporting athletic or cultural activities

PART D

Further Information

Further information about the ~~Gambling Act 2005~~, this Policy Document or the application process can be obtained from:-

~~Commercial Team~~ - Licensing Section Tel: 01285 ~~62 3439 / 3440 /~~
Cotswold District Council ~~3415623000~~
Council Offices Fax: 01285 623911
Trinity Road E-mail: licensing@cotswold.gov.uk
Cirencester Website: www.cotswold.gov.uk
GL7 1PX

Further information may also be obtained from:-

Gambling Commission Tel: 0121 230 6500
Victoria Square House Fax: 0121 233 1096
Victoria Square E-mail: info@gamblingcommission.gov.uk
Birmingham Website: www.gamblingcommission.gov.uk
B2 4BP

Department for Culture Media & Sport Tel: 020 7211 6200
2-4 Cockspur Street Website
London, SW1Y 5DH www.culture.gov.uk

~~General Enquiries~~
~~Open Monday to Friday 9:30 a.m. – 4:30 p.m.~~

APPENDIX A

PROPOSED TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	Full Council	Licensing Committee	Licensing Sub-Committee	Officers
Licensing policy	X			
Policy not to issue casino premises licences	X			
Fee Setting – when appropriate				X (to be approved by Cabinet)
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	Where no representations received from the Commission
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Request to review a premises licence				X (in consultation with the Head of Legal and Democratic Services)
Review of a premises licence		X		
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X		
Applications for other permits				X
Cancellation of licensed premises gaming machin permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice				X

APPENDIX B

GLOSSARY OF TERMS

Act:	The Gambling Act 2005.
Application(s):	Application(s) for licences and permits as required by The Gambling Act 2005.
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005.
Cotswold District:	The area of Gloucestershire administered by Cotswold District Council.
DCMS	Department of Culture, Media and Sport
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by The Authority.
Gaming Machines	Regulations define four categories of gambling machine as per Section 236 of the Act with category B divided into a further five subcategories according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. The maximum stake and prize is revised by the Gambling Commission.
Guidance	Guidance issued to licensing authorities by the Gambling Commission as required by Section 25 of the Gambling Act 2005.
Interested Party:	As defined in Section 158 of The Gambling Act 2005. <i>"For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</i> <ul style="list-style-type: none"> <i>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</i> <i>b) Has business interests that might be affected by the authorised activities;</i> <i>c) Represents persons who satisfy a) or b) above."</i>
LACORS	Local Authorities co-ordinators of regulatory services www.lacors.gov.uk .
Licences:	As defined in The Gambling Act 2005.
Licensing Authority:	The Cotswold District Council
Licensing Objectives:	As defined in The Gambling Act 2005 (see page 1).

Glossary of Terms continued

Mandatory Condition:	Means a specified condition provided by regulations that are required to be attached to a licence.
Notifications:	Means notification of temporary and occasional use notices.
Premises:	As defined in The Gambling Act 2005, being, <i>"Any place, including a vehicle, vessel or moveable structure"</i>
Regulations:	Regulations made under the Gambling Act 2005.
Responsible Authority:	For the purposes of this Act, the following are responsible authorities in relation to premises: <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated ("Cotswold District Council"); 2. The Gambling Commission; 3. Gloucestershire Constabulary; 4. Gloucestershire Fire and Rescue Service; 5. Development Control Manager, Planning Dept, Cotswold District Council; 6. Food and Safety Manager, Cotswold District Council; 7. Gloucestershire Area Child Protection Committee; 8. HM Customs and Excise.
The Authority	Cotswold District Council in its capacity as Licensing Authority
The Policy Document	Cotswold District Council's statement of principles.

APPENDIX C

LIST OF CONSULTEES

Responsible Authority	Address	Telephone number
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6666
Gloucestershire Constabulary	Licensing Unit Community Engagement Dept Police Headquarters No 1 Waterwells Quedgeley Gloucester GL2 2AN	01452 754482
Gloucestershire Fire and Rescue Service	Head Quarters Waterwells Drive Quedgeley Gloucester GL2 2AX	01452 753333
Gloucestershire Safeguarding Children Board	Safeguarding Children Service 63 Lansdown Road Cheltenham GL51 6QT Gloucestershire Safeguarding Children Board Room 128, 1st Floor, Block 4 Shire Hall Westgate Street Gloucester GL1 2TG	01452 425000 01452 583629
Environmental Services - Public Protection	Cotswold District Council Council Offices Trinity Road Cirencester GL7 1PX	01285 623000
Planning and Regulatory Services	Development Control Cotswold District Council Council Offices Trinity Road Cirencester GL7 1PX	01285 623000

Trade Organisations

BACTA 134-136 Buckingham Palace Road London SW1W 9SA Email: info@bacta.org.uk	National Casino Industry Forum (NCiF) Carlyle House 235 - 237 Vauxhall Bridge Road London SW1V 1EJ Email: director@nci-forum.co.uk
Casino Operators Association The COA (UK) 86 Jermyn Street, London, SW1Y 6JD Email: gensec@coa-uk.org.uk	British Holiday & Home Parks Association Pullman Court Great Western Road Gloucester GL1 3ND Email: enquiries@bhpha.org.uk
Business In Sport & Leisure [BISL] Email: info@bisl.org	

Companies/Agents with premises within Cotswold District Council

Austin Leisure Moran House 153/154 Victoria Road Swindon Wilts SN1 3BU	Leisure Link 2 The Maltings Wetmore Road Burton on Trent Staffordshire DE14 1SE
Recaf Equipment Limited Wainwright Road Shire Business Park Worcester WR4 9FA info@recap.co.uk	Gamestec Leisure Ltd Low Lane Horsforth Leeds LS18 4ER
Ladbroke Racing Ltd Imperial House Imperial Drive Rayners Lane Harrow HA2 7JW	Graham T Bexston Palace Racing c/o Rosemary Cottage 34 Alderminster Stratford Upon Avon CV37
Bookys Options Ltd Leven House Bow Lane Bourton on the Water, Glos	Coral Racing Ltd 10 Cricklade Street Cirencester Gloucestershire GL7 1JH
Mr S J Roughley 6 Upper Terrace Greenway Road Blockley Moreton in Marsh	Mr R Foard 27A London Street Fairford GL7 4AQ
Mr R Sharpe c/o Mr D Sharpe 20 Charlton Road Tetbury Gloucestershire GL8 8DY	

Other Consultees

| All Cotswold District Council Elected Members
www.cotswold.gov.uk/nqcontent.cfm?a_id=1948&tt=cotswold

| All Town & Parish Councils within the Cotswold District Council area
www.cotswold.gov.uk/nqcontent.cfm?a_id=3011&tt=cotswold

Cotswold District Council – Corporate Team

| Tony Dix Cotswold District Crime and Disorder Reduction Partnership

| Inspector Karen Ellis Local Policing Team, Cirencester Police Station, The Forum,
Cirencester, Gloucestershire, GL7 2PG

| Police address to be updated: