

Gambling Act
Licensing Policy
Draft version 3
June 2006

South Cambridgeshire District Council

Gambling Act Licensing Policy

Definitions

The **Licensing Authority** means the Council acting as defined by Section 2 of the Gambling Act 2005. For all official correspondence, the address of the

Licensing Authority is
The Chief Environmental Health Officer,
South Cambridgeshire District Council
Cambourne Business Park, Cambourne, Cambridgeshire, CB3 6EA. All

Correspondence to be marked for the attention of the Licensing Officer.

The **Act** means the Gambling Act 2005.

The **Licensing Committee** means the full committee or a Sub-Committee of not less than three members.

The term **etc.** is used to denote the whole range of consents relating to the Act, including premises licences, authorisations for the temporary use of premises, occasional use notices and five different sorts of permits for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club gaming machines, variations, transfers, and renewals.

Child means an individual who is less than 16 years old. A **young person** means an individual who is not a child but who is less than 18 years old.

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This Gambling Act Licensing policy has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. The approved policy will be reviewed, as soon as is reasonably practical should these subsequently be found to materially affect the content of the approved policy. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.

PART A

1. The Gambling Act Licensing Objectives

1.1. In exercising most of their functions under the Gambling Act 2005, Licensing Authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

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

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

- In accordance with any relevant code of practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives and is
- In accordance with the authority's Gambling Act Licensing policy.

2. Introduction

2.1. South Cambridgeshire District Council is situated in the County of Cambridgeshire, which contains 103 villages in total. The Council area has a population of 130,000 covering an area of 90,163 Hectares. The Council area is mainly rural. These areas are shown in the map below.

Insert map of Council area.

2.2. Licensing authorities are required by the Gambling Act 2005 to publish a policy, which they proposed to apply when exercising their functions. This policy must be reviewed and published at least every three years. The policy may also be reviewed within this period and any amended parts re-consulted upon. The policy must be then re-published.

2.3. South Cambridgeshire District Council consulted widely upon this policy before finalising and publishing. A list of those persons consulted is provided below.

2.4. The Gambling Act requires that the following parties are consulted by Licensing Authorities:

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

2.5. List of persons this authority consulted:

- The police
- Social Services
- Gamcare and local community organisations that are known to SCDC as working with gamblers
- Parish Councils
- Faith Groups including: -
 - To be advised
-
- Citizen's advice bureau
- Primary Care Trust
- Trade associations including
 - Ladbrookes
 - William Hills
 - Coral
 - Gala
 - Independent bookmakers within the South Cambs area
 - Other trade representatives as may become apparent in due course

2.6. The consultation of this policy followed the Revised Code of Practice and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

2.7. The policy will be approved at a meeting of the Full Council and will be published via our website on x date. Copies will be available from the Council offices and via the South Cambridgeshire District Council website.

2.8. Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name: Mr M Bebbington
Address: Licensing Officer, South Cambridgeshire District Council,
Cambourne Business Park, Cambourne, Cambridgeshire, CB3 6EA
E-mail: licensing@scambds.gov.uk
Tel No 08450 450 400

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

3. Declaration

3.1. In producing the final statement, this licensing authority declares that it will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

4.1. The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate,

in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

4.2. In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the County Council Children's services, Box SS1002, Castle Court, Castle Hill, Cambridge CB3 0AP for this purpose.

4.3. The contact details (as at Appendix) of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.scambs.gov.uk . The Responsible Authorities are: -

- The Gambling Commission
- The Chief of Police for Cambridgeshire
- The Cambridgeshire Fire and Rescue Authority
- South Cambridgeshire Planning Authority
- South Cambridgeshire Environmental health Department
- County Council Children's Services
- HM Revenue and Customs
- Any other persons prescribed in regulations yet to be prescribed by the Secretary of State.

5. Interested parties

5.1. Interested parties can make representations about Gambling Act licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

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

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

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

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 and 8.15.
- It will also consider the Gambling Commission's Guidance that "has business interests" should be given a broad interpretation and include partnerships, charities, faith groups and medical practices.

5.3. The Gambling Commission has recommended that the licensing authority state that interested parties include trade associations and trade unions, and

residents and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

- 5.4. A class of person representing others may be for example a school head teacher or governor who might represent the interests of pupils or parents, or a community group may be permitted to represent vulnerable adults living near to proposed premises although they are not directly based in the vicinity. Trade unions may wish to make representations on behalf of employees who have a business interest in an application. This authority will consider such representations on their individual merits. In reaching a decision as to whether to accept such a representation the Authority will consider amongst other things whether the people being represented live close to the premises or have sufficient interest in the premises to be a valid representation and the guidance issued.
- 5.5. Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties.
- 5.6. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.7. If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing section at South Cambridgeshire District Council, Cambourne Business Park, Cambourne, Cambridgeshire CB3 6EA.

6. Exchange of Information

- 6.1. Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2. The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information 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 to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

7. Enforcement

- 7.1. Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2. South Cambridgeshire District Council is a signatory of the Cabinet Office's Enforcement Concordat. This licensing authority's principles are contained within the Environmental Health Enforcement Policy as published on the Council's website.
- 7.3. As per the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4. This Licensing Authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice. We are working with the Gambling Commission to produce a risk model for premises licences and this authority will consider that model once it is made available.
- 7.5. The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 7.6. This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.7. Bearing in mind the principle of transparency, enforcement/compliance protocols/written agreements will be available upon request to the licensing section.

8. Licensing Authority functions

- 8.1. Licensing Authorities are required under the Act to:
 - Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*.
 - Issue *Provisional Statements*.
 - Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
 - Issue *Club Machine Permits* to *Commercial Clubs*.
 - Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*.

- Receive notifications from alcohol-licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register *small society lotteries* below prescribed thresholds.
- Issue *Prize Gaming Permits*.
- Receive and Endorse *Temporary Use Notices*.
- Receive *Occasional Use Notices*.
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange').
- Maintain registers of the permits and licences that are issued under these functions.

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

8.3. The Gambling Commission has recommended that licensing authorities include a list of licensable activities in their policy statements. A definitive list from the Gambling Commission will be incorporated into this policy statement once provided.

PART B

PREMISES LICENCES

1. General Principles

1.1. Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations made there under, as well as specific mandatory and default conditions which will be 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.

1.2. This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it 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 authority's Gambling Act licensing policy.

1.3. It is appreciated that as per the Gambling Commission's Guidance for local authorities

- "Moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 10) and
- That unmet demand is not a criterion for a licensing authority.

2. Definition of “premises” –

2.1. Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

2.2. This licensing authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that:

- Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that South Cambridgeshire District Council will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. I
- In addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

2.3. It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to “the premises” are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

2.4. Premises yet to be built may, under certain circumstances, be permitted to apply for a provisional statement and this is covered in more detail under paragraph 17.

3. Location –

3.1. 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 can. As per the Gambling Commission’s Guidance for local authorities, this authority will pay particular attention to the protection of

children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific 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.

3.2. No such areas have been prior identified.

4. Duplication with other regulatory regimes –

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

5. Licensing objectives –

5.1. 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 local authorities

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

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

5.3. This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

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

5.4. This Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks, which is explained in detail in the 'tracks' section below – 13.

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

5.5. This Licensing Authority has noted the Gambling Commission's guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will therefore consider, 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.

5.6. This Licensing Authority will also make itself aware of the Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

5.7. As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case-by-case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

6. Conditions –

6.1. 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.

6.2. 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.

7. Betting premises: -

7.1. 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.

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

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where these machines are located;
- Access to the area where the machines are located is supervised;
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

8. Tracks: -

8.1. 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.

8.2. It is noted that there are conditions that 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.

9. Door Supervisors –

9.1. The Gambling Commission advises in its guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives for the protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). This Licensing Authority will therefore develop specific requirements for door supervisors working at casinos or bingo premises. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons.

9.2. Where possible the principles applied by the SIA will be followed.

9.3. For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

10. Adult Gaming Centres

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

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

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

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

11. (Licensed) Family Entertainment Centres:

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

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

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

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

11.3. This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

12. Casinos

12.1. At the time of producing this policy, 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. The Full Council will make any such decision.

12.2. This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations / codes of practice issued under the Gambling Act 2005.

12.3. This Licensing Authority has not applied for permission from the Secretary of State to permit a regional casino and has no plans to do so.

12.4. The Gambling Commission has stated, "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for local authorities - 17.30). This Licensing Authority will consider this guidance when it is made available.

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

13. Bingo premises

13.1. This licensing authority notes that the Gambling Commission's Guidance states:

18.4 - It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

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

13.2. This Licensing Authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of

bingo premises. This Licensing Authority will consider this guidance once it is made available.

14. Betting premises

14.1. *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

15. Tracks

15.1. 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.

15.2. 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.

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-baring 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.

15.4. *Gaming machines* - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority notes the Commission's guidance that licensing authorities need to consider the location of gaming machines at

tracks. Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

- 15.5. *Betting machines* - This Licensing Authority will, as per the Gambling Commission's guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 15.6. *Condition on rules being displayed* - The Gambling Commission has advised in its guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."
- 15.7. *Applications and plans* - This Licensing Authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- 15.8. South Cambridgeshire District Council would in the event of no specific requirements relating to applications and plans as referred to in para 15.7, being made available by the Secretary of State expect that applicants would submit a detailed set of plans of the premises, a list of all persons involved in the running of the business including the responsible person for day to day activities. We would also expect to see clear details on the type and frequency of any operation applied for along with any relevant permissions granted from other bodies for example the Gambling Commission. This Council recognises however that the Secretary of State may in due course issue regulations that render this paragraph obsolete.
- 15.9. This Licensing Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track

operator and the off-course betting operator running a self-contained unit on the premises.

15.10. This Licensing Authority accepts this view and will therefore require separate premises licences.

16. Travelling Fairs

16.1. It will fall to this 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.

16.2. The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

16.3. It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, 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.

17. Provisional Statements

17.1. This Licensing Authority notes the guidance from the Gambling Commission states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

17.2. In terms of representations about premises licence applications, following 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 authority 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 is in the authority's opinion reflect a change in the operator's circumstances.

17.3. This authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

18. Reviews:

18.1. Interested parties or responsible authorities can make requests for a review of a premises licence. It is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly

not cause this 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;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of licensing policy.

18.2. The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

PART C

Permits / Temporary & Occasional Use Notice

1. **Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)**

1.1. Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

1.2. The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing 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)

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

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

1.5. Statement of Principles _

1.5.1. 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.

1.5.2. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. **(Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**

2.1. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

2.2. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

2.3. If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"

2.4. This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help.

2.5. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 2.6. 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.
- 2.7. It should be noted that the licensing authority could decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.8. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

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

- 3.1. The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.
- 3.2. This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations;
 - And that the gaming offered is within the law.
- 3.3. In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4. It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- The limits on participation fees, as set out in regulations, must be complied with;
 - All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - Participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

- 4.1. Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a 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. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

- 4.2. Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 4.3. The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
 - (a) The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) The applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) A permit held by the applicant has been cancelled in the previous ten years; or
 - (e) An objection has been lodged by the Commission or the police.
- 4.4. There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
 - 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."
- 4.5. There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

- 5.1. There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance states "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. 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", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

6. Occasional Use Notices:

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

7. Fees

7.1 Fees will be set by a banding system yet to be determined by the Secretary of State. South Cambridgeshire District Council will be permitted to set fees within these prescribed bands to cover the cost of recovery. The Policy for fee recovery will be determined by Cabinet and thereafter on an annual basis by the Portfolio holder for Environmental Health.

8. Delegation table

Matter to be dealt with	Full Council	Sub-Committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		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
Review of premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club		X	

machine permits			
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

9. Hearings

9.1. In dealing with applications members of the Licensing Committee will act in accordance with South Cambridgeshire District Councils constitution but in particular in making decisions on applications, Members of the Committee will:

- Act fairly and openly
- Approach each application with an open mind
- Carefully weigh up all the material considerations
- Avoid undue contact with interested parties
- Ensure that reasons for decisions are clearly stated.

9.2. All hearings in respect of the Gambling Act 2005 will be heard by Licensing Act 2003 committee or it's sub-committees, where there is a conflict of interest by a member, if the interest is prejudicial then this Authority will follow the guidelines laid out in the Procedural Guidance for members and officers in Development and Conservation Control and Licensing – supplemental to the Code of Conduct Guidance adopted by the Council on 25th April, 2002, Section 51 of the Local Government Act 2000

10. Public Registers

10.1. The Secretary of State will be making regulations about the public registers that licensing authorities must maintain. Once these regulations have been made South Cambridgeshire District Council will comply with the regulations

APPENDIX A

RESPONSIBLE AUTHORITIES

As required by the Act, one copy of each application must be sent to each of the following responsible authorities: where a variation is to be requested.

The Chief of Police (licensing)
Cambridgeshire Constabulary
Parkside Police station
Parkside
Cambridge
CB1 1JG

Cambridge Fire and Rescue service (Licensing)
Cambridge fire and rescue
Parkside fire station
Cambridge
CB1 1JF

Childrens services
Designated officer
Box ss1007
Castle Court
Castle Hill
Cambridge
CB3 0AP

Chief Environmental Health Officer
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridgeshire
CB3 6EA

Planning Directorate
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridgeshire
CB3 6EA

The Gambling Commission
4th Floor
Victoria Square House
Victoria Square
Birmingham
B2 4BP

HM Revenue & Customs
National Registration Unit
Portcullis House
21 India House
Glasgow
G2 4PZ