

**Rotherham Metropolitan Borough Council  
Gambling Act 2005 Statement of  
Licensing Policy**

**2020 - 2023**

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The following documents support, but do not form part of, this policy:

Appendix A	Map of the Rotherham Borough
Appendix B	Details of Consultees
Appendix C	Delegation of Functions

This Statement of Licensing Policy was approved by Rotherham Metropolitan Borough Council on [date to be inserted] This statement should be read in conjunction to the Gambling Commission's Guidance to Licensing Authorities, 5<sup>th</sup> Edition, published September 2015. All references to 'the guidance', refer to this document.

## PART A- General Information

### 1. Introduction

- 1.1. Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions throughout the area for which they are responsible.
- 1.2. This policy applies to the whole of the Borough of Rotherham, the extent of which is shown on the map attached as Appendix 1.
- 1.3. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 1.4. Rotherham Metropolitan Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided in Appendix 2. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.
- 1.5. 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.
- 1.6. A list of consultees is attached at Appendix 2.
- 1.7. The full list of comments made and the consideration by the Council of those comments will be made available by request to: Rotherham Metropolitan Borough Council, Licensing, Riverside House, Main Street, Rotherham, S60 1AE or via the Council’s website at: <http://www.rotherham.gov.uk>.
- 1.8. The policy was approved at a meeting of the Full Council on [date to be inserted once date of meeting is known] and was published via our website on [date to be inserted as appropriate]. Copies were placed in Riverside Library.
- 1.9. Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

The Licensing Manager,  
Rotherham Metropolitan Borough Council,  
Licensing,  
Riverside House,  
Main Street,  
Rotherham,  
S60 1AE

Email: [licensing@rotherham.gov.uk](mailto:licensing@rotherham.gov.uk)

- 1.10. It should be noted that this statement of licensing 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.

## **2. Declaration**

- 2.1. 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 any responses from those consulted on the statement.

## **3. Responsible Authorities**

- 3.1. 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.
- 3.2. In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Rotherham Children's Safeguarding Partnership for this purpose.
- 3.3. The contact details of all the Responsible Authorities under the Gambling Act 2005 are available from the Licensing team or via the Council's website.

#### 4. Interested parties

- 4.1. Interested parties can make representations about 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)”*

- 4.2. 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:

- 4.3. Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities. 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.

- 4.4. Interested parties can be persons who are democratically elected such as councillors and MPs. These parties do not need specific evidence of being asked to represent an interested person, as long as the councillor / MP represent the ward which is likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 4.5. 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 Governance Unit at: Governance Unit, Democratic Services, Town Hall, Moorgate Street, Rotherham, S60 2TH or email: [governance@rotherham.gov.uk](mailto:governance@rotherham.gov.uk)

## **5. Exchange of Information**

- 5.1. 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 respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 5.2. 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 on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 5.3. Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **6. Enforcement**

- 6.1. 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.
- 6.2. This licensing authority's principles are that enforcement will be:
  - Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - Consistent: rules and standards must be 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.
- 6.3. 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.
- 6.4. This licensing authority has adopted and implemented a risk-based inspection programme, based on:

- The licensing objectives
  - Relevant codes of practice
  - Guidance issued by the Gambling Commission,
  - The principles set out in this statement of licensing policy
- 6.5. The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 6.6. This licensing authority also keeps itself informed of developments in relation to the regulatory functions of local authorities.
- 6.7. If members of the public, or interested parties, wish to complain about individual premises covered by this policy, then they should contact the Licensing Service at: [licensing@rotherham.gov.uk](mailto:licensing@rotherham.gov.uk).

## **7. Licensing authority functions**

- 7.1. 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

- Maintain registers of the permits and licences that are issued under these functions
- 7.2. It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.
- 7.3. The Council regulates the following types of premise or machine, which are defined by the Gambling Commission below:
- 7.3.1. Adult Gaming Centres:**  
Persons operating an adult gaming centre (AGC) must hold a 'gaming machines general operating licence (adult gaming centre)' from the Commission and a premises licence from the relevant licensing authority. They are able to make category B, C and D gaming machines available.
- 7.3.2. Licensed Family Entertainment Centres:**  
Persons operating a licensed FEC must hold a 'gaming machine general operating licence (Family Entertainment Centre)' from the Commission and a premises licence from the relevant licensing authority. They will be able to make category C and D gaming machines available.
- 7.3.3. Casinos**  
A casino is an arrangement whereby people are given an opportunity to participate in one or more casino games. Casino games are defined by the Act to mean a game of chance which is not equal chance gaming.
- 7.3.4. Bingo Premises:**  
Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:
- cash bingo, where the stakes paid are the cash prizes won
  - prize bingo, where various forms of prizes are won, not directly related to the stakes paid.
- The Commission believes that all bingo is equal chance gaming and a specific advice note titled 'What constitutes bingo' has been developed by the Gambling Commission.
- 7.3.5. Betting Premises:**  
Betting premises are considered off-course betting establishments which is betting that takes place other than at a track. Licensing authorities are responsible for issuing and monitoring premises licences for all betting premises.

#### **7.3.6. Tracks:**

The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

#### **7.3.7. Travelling Fairs:**

The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. The Act does not change the principles on which travelling fairs have been regulated under previous legislation.

### **8. Integrating strategies**

The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

#### **8.1. Public Health**

- 8.1.1. The Licensing Authority is very conscious of the critical role that public health agendas play in delivering data and advice that informs the Council's approach to the licensing of gambling establishments.
- 8.1.2. Public Health have critical knowledge to inform the prevention and support strategies that might be included within the Statement of Licensing Policy.
- 8.1.3. The Licensing Authority will work closely with Public Health to ensure that the theme of prevention and support is embedded, and influences key conditions that might be included, such as the development of gambling awareness obligations for workers within the industry, and measures that might be introduced to help gambling establishments better mitigate the risks of harm presented by gambling.
- 8.1.4. In particular the Licensing Authority will utilise data from Public Health to inform decision making, to identify particular locations in Rotherham where gambling is more likely to be harmful, and to identify potential mitigations and /or conditions to reduce the harm caused by gambling in local areas.

#### **8.2. Safer Rotherham Partnership**

- 8.2.1. The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Rotherham a safe and attractive borough.
- 8.2.2. In making decisions, the Licensing Authority will consider the objectives of the Safer Rotherham Partnership, especially relating to:

- Reducing the opportunities for crime to occur
- Tackling disorder and anti-social behaviour
- Reducing the fear of crime
- Combating the use of drugs

### **8.3. Planning**

- 8.3.1. Applications under the Gambling Act 2005 will be considered separately from other regimes such as planning and building control. This is in order to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned. However, applications for licences may be made to the Licensing Authority before relevant planning permission has been sought or granted by the planning authority.
- 8.3.2. Where a planning condition restricts usage of a premises to certain hours, and if these hours differ from those permitted on a premises licence, then the premises user must comply with the more restricted of the two sets of hours.

### **8.4. Culture and Tourism**

- 8.4.1. The Council is working to develop and promote Rotherham as a good place to live and work, which means more jobs, a vibrant cultural sector and good quality green spaces.
- 8.4.2. It is supporting the economic growth and the regeneration of the borough through work with partners to deliver a joined-up culture, sport and tourism offer and adopting the Town Centre Masterplan, alongside supporting the Council's Local Plan.
- 8.4.3. The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.
- 8.4.4. The strategy in relation to culture and tourism encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries.
- 8.4.5. This policy will operate in the spirit of the Council's approach to improving the borough's culture and tourism offer and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to

maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

## **8.5. Promotion of Equality**

8.5.1. In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups. This Policy also acknowledges the Council's Public Sector Equality Duty to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

8.5.2. The Licensing Authority also recognises that this policy should promote equality and has therefore assessed the potential impact on disadvantaged groups, alongside those with a protected characteristic. It has considered and consulted with this in mind.

8.5.3. The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
- The licensing objective of protecting children from harm will be promoted.
- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

8.5.4. The Licensing Authority is aware that there may be particular sensitivities of

certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

## **8.6. Disabled Access**

- 8.6.1. The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

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## **PART B - The Licensing Objectives**

### **1. Introduction**

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:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime (the prevention of crime and disorder objective).
- Ensuring that gambling is conducted in a fair and open way (the fairness and openness objective).
- Protecting children and other vulnerable persons from being harmed or exploited by gambling (the protecting children and other vulnerable people objective).

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:

- 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

### **2. The Licensing Objectives**

#### **2.1. Promoting the prevention of crime and disorder objective**

2.1.1. The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission’s Guidance, codes of practice and this policy statement.

2.1.2. The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.

2.1.3. Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officer and South Yorkshire Police before making a formal application.

2.1.4. 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, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

2.1.5. Whilst disorder is considered within a licensing objective, nuisance is not. Therefore, the Licensing Authority will make a 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.

## **2.2. Promoting the fairness and openness objective**

2.2.1. The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.

2.2.2. The council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

## **2.3. Promoting the protection of children and other vulnerable persons objective**

### Protection of children

2.3.1. Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

2.3.2. Section 45 of The Act provides the definition for child and young person:

- In this Act “child” means an individual who is less than 16 years old.
- In this Act “young person” means an individual who is not a child but who is less than 18 years old.

2.3.3. Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
- clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

2.3.4. The council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.

2.3.5. The council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc.

2.3.6. The Authority is committed to preventing and tackling all forms of Child Exploitation, including Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE). Rotherham’s Children Safeguarding Board can give support, advice and training for premise operators and staff. Operators are encouraged to engage with the Safeguarding Board to include appropriate conditions and provide the necessary training to staff, covering how to deal with child protection, or perceived problems relating to children in or around the premise.

2.3.7. It is recommended that licence holders are always aware of potential Child Exploitation and report this if they see something that does not look right. This can be done through making contact with the police, or the Authority’s

Multi-Agency Safeguarding Hub (MASH). Further information on Child Exploitation awareness is available from both the Police and Licensing Authority's Licensing Services.

#### Protection of vulnerable people

2.3.8. It is difficult to define the term "vulnerable person". The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:

*"who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs."*

2.3.9. The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- combating problem gambling
- access to gambling by children and young persons
- information on how to gamble responsibly and help for problem gamblers
- customer interaction
- self-exclusion
- employment of children and young persons

#### **2.4. Measures to protect children and vulnerable people from harm**

2.4.1. The Council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:

- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people.
- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry to premises.
- Windows, entrances and advertisements to be positioned or designed not to entice passers-by.
- Specific opening hours.
- Self-exclusion schemes.
- Notices/signage:
  - Stickers or notices on gaming machines to identify the stakes / prizes

- Fixed Odds Betting Terminals should clearly display the odds
  - Provision of information leaflets / helpline numbers for organisations such as GamCare.
  - ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information.
  - Training for staff which develops their ability to maintain a sense of awareness of how much customers are gambling, as part of measures to detect persons who are vulnerable. Training for the purpose of identifying and providing support to vulnerable persons
  - Measures / training for staff on how to deal with children on the premises, for example suspected truancy from school.
- 2.4.2. This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or suggestions proposed by the applicant. Any conditions attached to licences will be proportionate and follow the principles set out in this policy
- 2.4.3. 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.
- 2.4.4. The Licensing Authority is aware that tracks, i.e. a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place, may be subject to 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.
- 2.4.5. The Licensing Authority will seek to ensure that operators are following conditions laid down by the Gambling Commission to provide information

on how to gamble responsibly and how to access information about problem gambling. Information should be made available in accessible form e.g. large print.

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## **PART C - Premises Licences: Consideration of Applications**

### **1. Introduction**

1.1. 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.

### **2. Decision-making**

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

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

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

2.3. The licensing authority will discharge its functions under the Act in accordance with the scheme of delegation outlined in Appendix 3.

### **3. Definition of "premises"**

3.1. In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, 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.

3.2. The Gambling Commission states in the fifth 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.”

- 3.3. 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.
- 3.4. The third licensing objective seeks to protect children from being harmed by gambling. This 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.
- 3.5. 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.
- 3.6. Customers should be able to participate in the activities named on the premises licence.
- 3.7. 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 each of the premises be accessed from the street or a public passageway?
  - Can the premises only be accessed from any other gambling premises?
- 3.8. This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

## **4. Access provisions in relation to licensed premises.**

### **4.1. Casinos**

- The principal access entrance to the premises must be from a street (as defined in 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 premise which holds a gambling premises licence.

### **4.2. Adult Gaming Centre**

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

### **4.3. Betting Shops**

- Access must be from a street (as per the 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.

### **4.4. Tracks**

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

### **4.5. 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

### **4.6. 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.

## **5. Premises "ready for gambling"**

- 5.1. 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.
- 5.2. 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.
- 5.3. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
  - First, whether the premises ought to be permitted to be used for gambling
  - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 5.4. Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 5.5. More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

## **6. Location**

- 6.1. This licensing authority is aware that demand issues cannot be considered for the location of premises but that considerations of the licensing objectives are relevant to decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay 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.

## 7. Planning

7.1. The Gambling Commission Guidance to Licensing Authorities states:

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

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

*“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”.*

## 8. Duplication with other regulatory regimes

8.1. This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning 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.

8.2. When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or 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.

## 9. Consideration of Licensing objectives

9.1. 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 Licensing Authorities and some comments are made below.

## 10. Conditions

10.1. 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.

10.2. 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.

10.3. 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.

10.4. 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.

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

10.6. 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.

10.7. 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.

## **11. Door Supervisors**

11.1. 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.

11.2. 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).

## 12. Provisional Statements

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

12.2. 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.

12.3. 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.

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

12.5. 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.

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

- which could not have been raised by objectors at the provisional statement stage;

- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

### 13. Reviews

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

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

13.2. The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

13.3. The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

13.4. 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.

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

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

- add, remove or amend a licence condition imposed by the authority;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;

- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

13.7. 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.

13.8. 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.

13.9. 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

## **14. Information relevant to specific premises**

### **14.1. Adult Gaming Centres**

14.1.1. 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.

14.1.2. 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/ helplines for organisations

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

## **14.2. Licensed Family Entertainment Centres:**

14.2.1. 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.

14.2.2. This licensing authority may consider measures to meet the licensing objectives such as:

- 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.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

14.2.4. 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.

## **14.3. Casinos**

14.3.1. 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.

#### **14.4. Bingo premises**

- 14.4.1. Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain prescribed threshold. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit – see the section on prize gaming permits later in this Statement of Principles. Other types of bingo will require a bingo operating licence from the Gambling Commission and in addition a premises licence from the Licensing Authority. The holder of a bingo premises licence may make available for the use of category B machines (restricted to B3 or B4 machines) and any number of category C or D machines. Category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises. Children and young persons are permitted on a bingo premises but are unable to participate in the bingo. If there are any category C or D machines made available for use on the premises, these must be separated from areas where children and young people are allowed.

#### **14.5. Betting premises**

- 14.5.1. 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.

#### **14.6. Tracks**

- 14.6.1. At present this Authority does not have any licensed Tracks however 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 would 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.
- 14.6.2. This authority would 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.

14.6.3. 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

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

## **14.7. Machines**

14.7.1. **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.

14.7.2. **Betting Machines:** This licensing authority would 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.

## **14.8. Applications and plans**

14.8.1. The Gambling Act (s51) 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 would also be used for the licensing authority to plan future premises inspection activity.

14.8.2. 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.

- 14.8.3. 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
- 14.8.4. 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.
- 14.8.5. This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

#### **14.9. Travelling Fairs**

- 14.9.1. This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 14.9.2. The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 14.9.3. 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.

## **PART D - Permits and Temporary or Occasional Use Notices**

### **1. Prize Gaming Permits**

1.1. 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 proposes to consider in determining the suitability of the applicant for a permit'.

1.2. The Licensing Authority requires the applicant to (a) set out the types of gaming that they are intending to offer, (b) submit a plan of the building indicating the location of the gaming and (c) 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.

1.3. 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.

1.4. 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.

1.5. 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.

## **2. Unlicensed Family Entertainment Centres (FEC)**

- 2.1. Unlicensed Family Entertainment Centres will cater for families, including unaccompanied children and young persons. As they operate on a permit they will only be allowed to have Category D Gaming machines, which can be played by young people.
- 2.2. 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 and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, garages and petrol filling stations, taxi offices or non-arcade premises.
- 2.3. The Licensing Authority will, in relation to applications for unlicensed family entertainment centres, take into account the following statement of principles when determining the suitability of the applicant:
- 2.4. The Licensing Authority will expect the applicant to submit a plan of the building and 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.
- 2.5. 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.

## **3. Alcohol Licensed Premises**

- 3.1. Premises licensed to sell alcohol for consumption on the premises have an automatic right to have two machines of categories C and/or D. Any increase on these limits will require a permit. These applications will be considered on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited. The applicant will be expected to ensure that under 18s do not have access to the adult only gaming machines.
- 3.2. This could include being in sight of the bar or in sight of the staff who monitor that such machines are not used by those under 18. In relation to

vulnerable persons the applicant could consider the provision of information for support services that offer advice.

#### **4. Club Gaming and Club Machine Permits**

4.1. Members Clubs are defined as having more than 25 members and being established for purposes other than gambling and Miner's Welfare Institutes are defined as associations established for recreational or social purposes.

4.2. Members Clubs and Miners' Welfare Institutes may apply for these. A Club Gaming Permit will enable premises to provide three machines of either categories B, C or D and equal chance and other forms of gaming, as set out in regulations. A club gaming machine permit if applied for will enable premises to provide three machines of categories B, C or D only.

#### **5. Temporary Use Notices**

5.1. Temporary Use Notices allow the use of 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.

5.2. These notices should not be used to permit regular gambling in a place that could be described as one set of premises. The 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. Occasional Use Notices**

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

## 7. Small Society Lotteries

7.1. The Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. The Council 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

7.2. Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

## **PART E - The Local Risk Profile and Risk Assessments by Operators – Licensing Conditions and Codes of Practice (LCCP)**

### **1. Introduction**

1.1. The Gambling Commission publishes the general licence conditions and codes of practise which apply to licensed gambling operators in Licensing Conditions and Codes of Practice (LCCP) which is revised from time to time. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed at the Gambling Commission website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

1.2. The code requires operators:

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- To have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- To produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

### **2. Risk Assessments**

2.1. Such risk assessments are required from new applicants, and from existing premises licence holders seeking to vary a licence. The LCCP strongly encourages all operators of Casino's, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

2.2. Operators are expected by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for a new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

2.3. Any failure to provide a competent risk assessment will be taken into account by the Council in determining the application, and such inferences will be made about potential harm to the licensing objectives as appear appropriate.

2.4. The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks.

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and the Council expects the Local Area Risk Profile and the following matters to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends such as increased levels of gambling activity which, for example, correspond with pay days or benefits payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment, entertainment type facilities, schools, and venues that attract vulnerable adults;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc;
- The ethnicity, age, economic makeup of the local community.

2.5. The risk assessment should cover the risks and character of the local area, the gambling operation and the design of the premises.

### **3. The Local Area**

3.1. The Council expects the following matters to be considered by operators when making their risk assessment.

3.2. Matters relating to children and young persons, including:

- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people;
- Significant presence of young children;
- Institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc.;
- Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted;
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
- Recorded incidents of attempted underage gambling;
- Transport links and parking facilities;

- Community centres;
- High crime area;
- Other gambling premises in the vicinity.

### 3.3. Matters relating to vulnerable adults, including:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as hospitals, mental health providers, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.;
- Homeless or rough sleeper shelters, hostels and support services;
- Transport links and parking facilities;
- Community centres;
- High crime area;
- High unemployment area;
- Pawn broker / pay day loan businesses in the vicinity;
- Other gambling premises in the vicinity.

### 3.4. Other issues that may be considered could include:

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

## 4. The Gambling Operation

4.1. In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

### 4.2. The assessor may wish to consider:

- How the gambling operation will relate to how the operator conducts its business;
- What gambling products it provides in the premises;
- The facilities to enable gambling within the premises;
- The staffing levels within the premises;
- The level and requirement for staff training;

- Whether loyalty or account cards are used or not;
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP;
- The security and crime prevention arrangements it has in place; • How it advertises locally and on the premises;
- The marketing material within the premises;
- The display and provision of information, etc.

## **5. The Design of Premises**

5.1. The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted. For example:

- The premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter.
- The assessor may identify that the design of the entrance to the premises is not sufficiently covered by CCTV to enable the identification of offenders.
- Premises which are located within an area which has a high number of children and young people present throughout the day may identify that their standard external design means that children and young people can see into the premises and see gambling taking place.
- If the premises have a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.

5.2. These would be identified risk factors that would need to be documented.

5.3. This list is not exhaustive and other factors not in this list that are identified may also be taken into consideration.

## **6. Local Area Risk Profile**

6.1. The Gambling Commission guidance advises that licensing authorities provide a risk profile of their borough. This will assist operators undertaking the risk assessments of their premises, and will also be taken into account when considering applications for new and variations to licences and reviews of licences.

6.2. The Licensing Authority will endeavour to ensure an up to date Local Area Risk Profile for the Rotherham Borough is published and readily available.

6.3. Whilst not forming part of this policy, the Local Area Risk Profile for the Rotherham Borough should aim to include data and maps which show the distribution of gambling premises and sensitive locations and vulnerable communities. For example:

- Educational establishments;
- Relevant leisure facilities;
- Medical facilities, care homes, and temporary accommodation etc.;
- Places of worship;
- Hot spot areas combining the educational establishments/leisure facilities / medical facilities
- Areas of deprivation;
- Areas of unemployment;
- Areas where residents claim working age benefits;
- Areas of poor mental health;
- Violence hot spots;
- Drug and alcohol hot spots.

6.4. If an application for a new licence or variation is submitted that is within 400 metres of a sensitive building or vulnerable community, operators are encouraged to provide details of the measures to be implemented that would overcome any risks relating to one or more of the licensing objectives, namely:

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

**APPENDIX 1 – the Borough of Rotherham (the area to which this policy applies)**



## **APPENDIX 2 – Details of Consultees**

Chief Constable, South Yorkshire Police  
Chief Fire Officers, South Yorkshire Fire and Rescue Service  
Director of Public Health for the Authority area  
Health and Wellbeing Board  
Clerks to Parish Councils  
Licensees within the borough  
Rotherham Children's Safeguarding Board  
Rotherham Adult's Safeguarding Board  
RMBC Ward Councillors  
Safer Rotherham Partnership Board Members  
Member of Parliament for Rotherham  
Member of Parliament for Rother Valley  
Member of Parliament for Wentworth and Dearne

In addition, the Council will open the consultation to the public.

### **Consultation methods**

- Use social media to inform the public about this consultation and direct them to the questionnaire
- On-line consultation
- Consultation documents at Council reception areas
- Press Releases
- Direct correspondence to statutory consultees
- Information provision to all ward members
- Public Notice in the local press
- Drop-in sessions across the borough
- Attendance at representative boards and forums.

### **APPENDIX 3 - Delegation of Functions**

<b>Matter to be dealt with</b>	<b>Council</b>	<b>Cabinet</b>	<b>Licensing (sub) committee</b>	<b>Officers</b>
Three year licensing policy	✓			
Policy not to permit casinos	✓			
Fee setting (when appropriate)		✓		
Application for premises licences			If a relevant representation made and not withdrawn	If no relevant representation made/ representations have been withdrawn
Application to vary a licence			If a relevant representation made and not withdrawn	If no relevant representation made/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations have been received from the Commission
Application for a provisional statement			If a relevant representation made and not withdrawn	If no relevant representation made/ representations have been withdrawn
Review of a premises licence			✓	
Applications for club gaming /club machine permits			Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn
Cancellation of club gaming /club machine permits			✓	
Applications for other permits (including small society lottery registrations)				✓
Cancellation of licensed premises gaming machine permits				✓
Consideration of temporary use notice				✓
Decision to give counter Notice to a temp. use notice			✓	