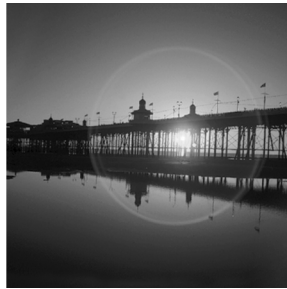


B L A C K P O O L C O U N C I L



# DRAFT STATEMENT OF POLICY AND PRINCIPLES UNDER THE GAMBLING ACT 2005



2004-2005  
Benefits Administration



Blackpool Council

BUILDING A BETTER COMMUNITY FOR ALL

## INDEX

<b>1.</b>	<b>Introduction</b>	2
1.1	General	2
1.2	Fundamental Principles	3
1.3	Gambling and Blackpool	3
1.4	Licensable Activities Covered	4
1.5	Responsible Authorities	4
1.6	Interested Parties	5
1.7	Children and Vulnerable People	6
1.8	Exchange of Information	7
1.9	Enforcement and Inspections	7
<b>2.</b>	<b>Premises Licences</b>	8
2.1	Licensing Objectives	9
2.2	Conditions	10
2.3	Door Supervisors	10
2.4	Multiple Licences	11
2.5	Casinos	11
2.6	Bingo Premises	12
2.7	Betting Premises	12
2.8	Adult Gaming Centre	13
2.9	Licensed Family Entertainment Centre	13
2.10	Tracks	14
2.11	Travelling Fairs	16
2.12	Provisional Statements	16
<b>3.</b>	<b>Reviews</b>	17
<b>4.</b>	<b>Statement of Principles on Permits</b>	17
4.1	Unlicensed Family Entertainment Centre	17
4.2	Licensed Premises Gaming Machine Permit	18
4.3	Prize Gaming Permit	19
4.4	Club Gaming & Club Machine Permit	19
<b>5.</b>	<b>Temporary Use Notice</b>	21
<b>6.</b>	<b>Occasional Use Notice</b>	21
<b>7.</b>	<b>Delegations</b>	22
<b>8.</b>	<b>Human Rights Act</b>	23
<b>9.</b>	<b>Miscellaneous</b>	24
	<b>Appendix 1</b>	25

## **1. Introduction**

The Gambling Act 2005 repeals the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976. The Gambling Commission will act as a unified regulator for gambling in Great Britain and will remove from licensing justices all responsibility for granting gaming and betting permissions. The Gambling Commission and licensing authorities will share between them responsibility for all matters previously regulated by licensing justices.

### **1.1 General**

This Statement of Licensing Policy sets out how Blackpool Council intends to exercise its functions under the Gambling Act 2005 and the principles that it intends to apply. This policy takes effect on 1<sup>st</sup> January 2007 and will remain in force for three years. The policy will be subject to periodic reviews and further consultation

This policy covers the administrative area of Blackpool (for map see Appendix 1)

In preparing this Statement of Licensing Policy, the Licensing Authority has consulted with the following:

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

A full list of persons consulted and representations received can be found at Annexe 2 (to follow)

Consultation on this draft document will take place between 26<sup>th</sup> June 2006 and 22<sup>nd</sup> September 2006 and will follow 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>

Any comments should be made in writing to:

Sharon Davies

Principal Solicitor (Licensing)

Blackpool Council

PO Box 1145

Rigby Road,

Blackpool

FY1 5WY

## **1.2 Fundamental Principles**

There are three licensing objectives set out in the Gambling Act, which the Council endorses and will promote:

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

## **1.3 Gambling and Blackpool**

The deregulation of gambling and the location of new casinos in the town would have the potential to transform Blackpool. Gambling will occur within the context of a rejuvenated, high quality entertainment resort destination, where operators and regulators work together to provide the visitor with a safe and secure environment in which to enjoy their visit experience. The Council will give effect to this principle by:

- Establishing a Gambling Forum comprising operators of casinos, bingo halls, betting offices, Adult Gaming Centres and Family Entertainment Centres together with the Council, Police, PCT, other public authorities and representatives of the public;
- Working with the Police, the Gambling Academy at Blackpool & Fylde College, Lancaster University and operators to assist the carrying out of research and investigation on patterns of crime and disorder associated with gambling;
- Working with casino operators and other gambling venues through the Gambling Forum to contribute to services aimed at reducing crime and disorder;
- Monitoring conditions imposed on licences for compliance and deal with non-compliance in accordance with enforcement policies.

The Gambling Commission has the responsibility for overseeing that gambling is conducted in a fair and open way. Local residents and visitors will be kept informed about the way that casinos and other gambling venues operate in the town and the impacts (both negative and positive) that they have on the community.

#### **1.4 Licensable Activities Covered**

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are taking 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 for the use of up to two gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to supply alcohol for consumption on the premises where more than two machines are required
- Register Small Society Lotteries below prescribed thresholds;
- Issue permits for prize gaming;
- Receive Temporary Use Notices; and
- Receive Occasional Use Notices;

#### **1.5 Responsible Authorities**

Section 157 of the Gambling Act lists those bodies designated as Responsible Authorities. A full list can be found in our supplementary publication – “advertising and submitting applications”.

In due course information on how to make representations to such bodies and what happens thereafter will be made available at Council offices and on the web site.

The licensing authority is required to state the principles it will apply in exercising its powers under Section 157(h) 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.

The body advising the Council about the protection of children from harm will be the Local Safeguarding Children Board.

## **1.6 Interested Parties**

The Gambling Act defines as an interested person in relation to an application or in respect of a premises licence, the person who:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- Has business interests that might be affected by the authorised activities; or
- Represents persons who satisfy paragraphs (a) or (b).

The Licensing Authority, in determining whether a person is an interested party, will consider each case on its merits. The Authority will not apply a rigid rule to its decision-making. In reaching its decision, the Licensing Authority will consider factors such as the likelihood of the person/business being affected by the licensable activities at the premises as well as the geographical proximity. Larger premises may affect people over a broader geographical area than smaller premises offering the same facilities.

“Business interests” will be given its widest possible interpretation and may include partnerships, charities, faith groups and medical practices.

Interested parties may also include trade associations, trade unions, residents' associations and tenants' associations where they have a member who can be classed as an interested party under the Gambling Act 2005. Democratically elected councillors and MPs may also be interested parties.

## 1.7 Children and Vulnerable People

We will place high priority on social responsibility and take a public health approach<sup>1</sup> to dealing with problems. In exercising its statutory powers, the Council will have due regard, where relevant to its statutory functions, to the need to:

- Prevent gambling related problems in individuals and groups at risk of gambling addiction;
- Promote informed and balanced attitudes, behaviours and policies towards gambling and gamblers by both individuals and by communities; and
- Protect vulnerable groups from gambling related harm.

The Council will work with operators and other public agencies through the Gambling Forum to encourage a commitment to social responsibility including responsible design, delivery, promotion and use of the product. The end goal will be to reduce the incidence of high-risk and problem gambling.

The Licensing Authority will consider, in relation to any particular premises whether any special considerations apply to the protection of vulnerable persons. Such considerations need to be balanced by the Licensing Authority's objective to aim to permit the use of premises for gambling. The Gambling Commission are obliged under section 176 of the Act to issue a Code of Practice on access to casino premises by children and young persons. Adherence to the code will be a condition on the premises licence.

Casino operators in particular would be expected to show that all staff coming into contact with the public have received suitable training to identify and deal with those people who could be classed as vulnerable.

The Council will require the holder of a casino premises licence to take specified steps to ensure that no child or young person enters premises or part of premises where an offence under section 47 of the Gambling Act would be committed.

Track operators will not necessarily have an operating licence issued by the Gambling Commission. The Council may wish to impose conditions to ensure that the environment in which betting takes place is suitable.

---

<sup>1</sup> Based on the work of David Korn in: *Examining Gambling Issues From a Public Health Perspective, 2005 published in e-Gambling issues*

## **1.8 Exchange of Information**

The Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 shall not be contravened. The Licensing Authority will have regard to any guidance issued by the Gambling Commission as well as any relevant regulations issued by the Secretary of State. In the event of protocols being established as regards information exchange with other bodies, they will be made available on the Council website.

## **1.9 Enforcement and Inspections**

Gambling in the town will be regulated by the Gambling Commission and through its powers as Licensing Authority by the Council. As a Licensing Authority, the Council is committed to facilitating the provision of a wide range of high quality gaming venues operated in a socially responsible manner.

Where it is considered that standards in existing venues are lacking, the premises will be encouraged to raise their standards. If standards are not raised to appropriate levels, the Council will consider what action to take which may involve using its powers, not renewing a licence, or even revoking one when appropriate to do so.

The main enforcement and compliance role for the Licensing Authority will be in relation to the premises licences and other permissions that it issues. The Gambling Commission will be the enforcement body for operating and personal licences. Concerns about the manufacture, supply or repair of gaming machines will be notified to the Gambling Commission.

Premises will be subject to appropriate risk-based enforcement on a multi-agency basis. The Authority's power to review premises not complying with conditions, or where complaints have been received will be used whenever necessary.

In carrying out its enforcement and prosecution powers, the Council will seek an appropriate response in accordance with the following criteria:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;



- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Target: regulation should be focused on the problem, and minimise side effects.

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

Regard will be had to further advice from the Gambling Commission on enforcement as and when it becomes available.

## **2. Premises Licence**

The Licensing Authority's primary obligation is to permit the use of premises in so far as it thinks that is:

- In accordance with the relevant codes of practice issued by the Gambling Commission;
- In accordance with the guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement of Licensing Policy.

Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence. Each application will be considered on its merits without having regard to demand.

The Licensing Authority will, as far as possible, avoid imposing conditions on premises licences, which duplicate the requirements of other regulatory regimes.

When considering applications for premises licences the Licensing Authority will take a number of factors into consideration. These will include:

- Location. Whilst it has already been stated that demand is not a factor to be taken into account, the Licensing Authority will consider the proximity of the proposed premises to schools, vulnerable adult centres, or residential areas where there is likely to be a high concentration of families;
- Design: for example where access by children is prohibited to all or part of the premises, the design should be capable of demonstrating how access by children will be prevented;

- Social responsibility – the protection of children and young persons from being harmed or exploited by gambling is of significant concern. The Licensing Authority would expect to see the list of measures that would be taken to protect children, as well as the assistance that would be made available to all those with gambling problems;

## **2.1 Licensing objectives –**

The Licensing Authority is determined that the residents of, and visitors to Blackpool should be provided with high quality venues for betting and gaming, whilst reducing the risk of crime and disorder, and protecting children and the vulnerable. The Licensing Authority will expect detailed plans from operators to show how the objectives will be met.

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

The Gambling Commission will be taking a lead 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. Where an area has high levels of organised crime, this authority will consider whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

### **2.1.2 Ensuring that gambling is conducted in a fair and open way**

The Gambling Commission has stated that it would not generally expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as personal and operating licences will address this.

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

This means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at, or are, particularly attractive to children). The licensing authority will consider whether specific measures are required at particular premises. Appropriate measures may include supervision of entrances, segregation of areas.

Once further guidance from the Gambling Commission is available, the Licensing Authority will, with the assistance of the other responsible authorities, produce

information leaflets to provide potential applicants with guidance on what type of information the responsible authorities will be looking for when considering applications.

Each application however will be decided on its merits.

## **2.2 Conditions**

Conditions will only be attached to licences if they are necessary and proportionate. Conditions attached will be:

- Relevant to the need to make the proposed building suitable as a gambling facility,
- Directly related to the premises and the type of licence applied for,
- Fairly and reasonably related to the scale and type of premises, and
- Reasonable in all other respects.

Decisions on individual conditions will be made on a case-by-case basis. There is an expectation that the applicant will offer their own suggestions as to the way in which the licensing objectives can effectively be met.

The authority will wish to ensure that where category C 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 staff or the licence holder; and
- At the entrance to and inside such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

## **2.3 Door Supervisors**

In some cases there may be a need for door supervisors in terms of protection of children or preventing the premises becoming a source of crime. It cannot, however,

be a condition that door supervisors at casinos or bingo premises must be licensed by the Security Industry Authority. Where a requirement for door supervisors is identified in casinos or bingo halls, the licensing authority will determine specific requirements for door supervisors working at these venues on a case-by-case basis.

For premises other than casinos or bingo premises, door supervisors may be required to be registered with the SIA. It will not automatically be assumed that they need to be.

## **2.4 Multiple Licences**

The Licensing Authority 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, will take into account that:

The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be 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; and

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.

## **2.5 Casinos**

This licensing authority has submitted a proposal for a premises licence for a regional casino to the Independent Casinos Advisory Panel. Details of this proposal are available on request from the Licensing Service.

If this proposal is successful, there are likely to be a number of operators, who will want to run the casino. In this situation the Authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This competition will be conducted in accordance with any regulations/codes of practice issued under the Gambling Act 2005.

The Licensing Authority is minded not to pass a resolution not to issue casino premises licences due to the adverse effect that such a resolution would have on the economy of the Borough.

Licence Considerations/conditions – The Gambling Commission states "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". This guidance will be considered when it is made available.

Betting Machines – The licensing authority will take into account the size of the premises, the number of counter positions available for person to person transactions, the ability of staff to monitor the use of the machines by children, young people and other vulnerable people when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **2.6 Bingo Premises**

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

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 guidance will be considered when it is made available.

## **2.7 Betting premises**

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.

## **2.8 Adult Gaming Centres**

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.

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

## **2.9 (Licensed) Family Entertainment Centres:**

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.

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 / help-line 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.

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.

## **2.10 Tracks**

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

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority 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
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / help line numbers for organisations such as GamCare

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

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 therefore need to consider the location of gaming machines at tracks, and 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.

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.

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."

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”.

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.

## **2.11 Travelling Fairs**

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.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, s 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 crossing our boundaries is monitored so that the statutory limits are not exceeded.

## **2.12 Provisional Statements**

This licensing authority notes the Guidance for the Gambling Commission which 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”.

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 in the authority's opinion reflect a change in the operator's circumstances.

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."

### **3. Reviews:**

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of:

1. 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 licensing policy.
2. Consideration as to whether the request is frivolous, vexatious
3. Whether the review will certainly not cause this authority to wish to alter/revoke/suspend the licence, or
4. Whether it is substantially the same as the previous representations or requests for review.

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

### **4. Statement of Principle on Permits**

Whilst awaiting formal guidance from the Gambling Commission, it is possible to indicate at this stage, that the Licensing Authority will pay particular attention to the location of the premises, the design and layout of the premises, and the measures the applicant intends to put into place to deal with child protection and crime concerns.

#### **4.1 Unlicensed Family Entertainment Centre Gaming Machine Permit**

Where a premises 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.

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. 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.

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

#### **4.2 Licensed Premises Gaming Machine Permit**

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 or D. The premises merely need to notify the licensing authority. This automatic authorisation can be removed by the licensing authority if:

- Provision of the machines is not reasonably consistent with the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of section 282;
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

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.*” 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 harm or being exploited by gambling. The applicant will be expected to show that there will be sufficient measures to ensure that under 18-year-olds do not have access to adult only gaming machines. Measures may include the adult machines being placed in sight of the bar, or in the sight of staff that will monitor the use of the machines. The applicant may also wish to consider the provision of information leaflets/help-line numbers for organisations such as Gamcare.

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.

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.

#### **4.3 Prize Gaming Permit**

The Licensing Authority is concerned that premises with the benefit of a prize gaming permit will particularly appeal to children and young persons. When considering an application, the Licensing Authority will give significant weight to child protection issues, and will need to be satisfied that the granting of a permit will not place children and young persons at risk as a consequence.

- 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.

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.

#### **4.4 Club Gaming and Club Machines Permits**

Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming

Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D)

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."

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

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

There is also a 'fast-track' procedure available under the Act for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). 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."

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**

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance notes "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:**

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 though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

To ensure that this policy is implemented, we will set out and monitor the following key indicators of the effects of the implementation of the policies:

- Prevalence of problem gambling in Blackpool and gambling behaviours;
- The percentage of residents who are satisfied with the licensing service and believe that gambling is effectively regulated;
- Crime levels and disorder associated with gambling, particularly acquisitive crime;
- Revenues accruing to the Council from casino operators and how this is used to benefit the local community;

- Any harm or exploitation arising to children or vulnerable adults clearly linked to gambling.

**7. Delegation**

It is normal practice in routine, uncontested decisions for the Council to authorise a senior officer to deal with the matter on their behalf. In this way, the Council can discharge its functions in an efficient manner and avoid delay to business development and entrepreneurial activity. The administrative systems, the licence service and procedures will be subject to programmed review and powers will, wherever possible be delegated to officers and licensing panels.

The following table sets out the delegated functions:

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of licensing committee</b>	<b>Officer delegation The Head of Legal and Democratic Services</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for 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 have been received from the Commission
Application for a		Where	Where no

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of licensing committee</b>	<b>Officer delegation The Head of Legal and Democratic Services</b>
provisional statement		representations have been received and not withdrawn	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 have been made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of a temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## **8. Human Rights Act**

In formulating this policy we have taken into account the Human Rights Act and in particular:



- **Article 1** – the right to peaceful enjoyment of possessions;
- **Article 6** – the right to a fair hearing;
- **Article 8** – the right to respect for private and family life;
- **Article 10** – the right to freedom of expression.

**9. Miscellaneous**

The Licensing Authority shall as far as possible carry out its functions so as to avoid duplication with other regulatory regimes.

Nothing in this statement shall override the right of any person to make an application under the Gambling Act or to have that application considered on its merits.

Nothing in this Statement shall undermine the right of any person to make representations on an application or seek review of a licence where provided for under the Gambling Act.

This draft Statement has been drawn up having regard to the licensing objectives of the Gambling Act and the Guidance to Licensing Authorities, Consultation Document 2005. In finalising this Statement, the Council will have regard to the licensing objectives of the Gambling Act, the guidance issued by the Gambling Commission and the responses from those consulted on its draft policy Statement.

Appendix 1



Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. All rights reserved. Blackpool Borough Council 100019178, 2006.



Organisational Change Unit  
 Tourism & Regeneration Department  
 P.O. Box 77, Corporation Street,  
 Blackpool, FY1 1AD  
 corporatepolicy@blackpool.gov.uk



Title: Map with Blackpool Borough Boundary  
 Scale: 1:50000  
 Date: 20/06/2006 Printed by: RW





