



**Forest of Dean**  
— DISTRICT COUNCIL —



# **Gambling Act 2005 Statement of Principles 2012**

**FOREST OF DEAN DISTRICT COUNCIL**  
**STATEMENT OF PRINCIPLES 2012**

**Preface**

To comply with Section 349 of the Gambling Act 2005 the Forest of Dean District Council as the Licensing Authority must publish its Statement of Principles at least every 3 years.

The second Statement took effect on 31<sup>st</sup> January 2010 and was due for republishing in 2012. The Statement was revised in 2012 in accordance with guidance issued by the Gambling Commission. Consultation upon the Statement was carried out with various persons and representative bodies prior to the Statement being approved by Full Council on 13<sup>th</sup> December 2012. The Statement was published on 18<sup>th</sup> December 2012 on the Council's website, at the Council Offices and at public libraries within the district.

**Licensing Team**  
**Forest of Dean District Council**  
**Council Offices**  
**High St**  
**Coleford**  
**Glos. GL16 8HG**  
**Fax: 01594 812590**  
**Email: [licensing@fdean.gov.uk](mailto:licensing@fdean.gov.uk)**  
**Web [www.fdean.gov.uk](http://www.fdean.gov.uk)**

# Forest of Dean District Council Gambling Act 2005

## Statement of Principles

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## **Part A - Statement of Principles**

### **1.1 Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005 (The Act) 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**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

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

### **1.2 Authorised Activities**

‘Gambling’ is defined in the Act as either gaming, betting or taking part in a lottery:

- ‘gaming’ means playing a game of chance for a prize
- ‘betting’ means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true
- a ‘lottery’ is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Licensing Authority’s licensing team where appropriate.

### **1.3 Declaration**

This Statement of Principles is subject to formal consultation with: -

1. Gloucestershire Constabulary
2. Representatives of the holders of the various licences for premises within the District who may be affected by this Policy.
3. Persons/bodies representing the interests of persons likely to be affected by this Policy.

A full list of Consultees is attached at Appendix A

This “Statement of Principles” has been reviewed having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of The Act. Due consideration will be given to comments received following the period of consultation and the draft policy will be amended as appropriate before adoption by Full Council. This published Statement will be reviewed at least every three years, with any amendments being re-consulted.

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

### **1.4 Introduction to the Forest Of Dean District Council**

The Forest of Dean is one of six district Councils within Gloucestershire. It is one of the most distinctive parts of the UK, distinct geographically, topographically, culturally and historically. These characteristics create the area’s primary appeal as a destination for tourism. It is rural in nature and made up of four major towns of Coleford, Lydney, Cinderford and Newent which are all surrounded by numerous villages, with the remainder of the district comprising of wooded areas, farmland and open space. The main industry is manufacturing and primarily industrial with many light engineering firms. A map of the district is attached in Appendix D.

### **1.5 Types of Licences and Permissions authorised by the Licensing Authority**

Under the Act, the Gambling Commission is responsible for issuing premises licences and personal licences.

The Forest of Dean District Council in its capacity as a Licensing Authority is responsible for:

- the licensing of premises where gambling activities are to take place by issuing premises licences
- issuing provisional statements

- regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- issuing club machine permits to commercial clubs
- granting permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres
- receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- granting licensed premises, gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing prize gaming permits
- receiving and endorsing temporary use notices
- receiving occasional use notices
- providing information to the Gambling Commission regarding details of licences issued (see section 1.10) below on 'information exchange')
- maintaining registers of the permits and licences that are issued under these functions
- exercising its' powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

## **1.6 The Gambling Commission**

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission has issued guidance under section 25 of the Act about the manner in which Licensing Authorities exercise their licensing functions and, in particular, the principles to be applied.

The Commission is responsible for issuing Codes of Practice under Section 24 about the way in which facilities for gambling are provided, which may also include provisions about the advertising of gambling facilities.

The Gambling Commission can be contacted at:

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Email [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

## **1.7 General Statement of Principles**

This Statement of Principles is intended to meet the Licensing Authority's obligations under Section 349 of the Act. In carrying out its' functions, the Licensing Authority will generally aim to permit the use of premises for gambling as long as it is considered to be:

- in accordance with any relevant Codes of Practice issued by the Gambling Commission
- in accordance with any Guidance issued by the Gambling Commission
- in accordance with this Statement of Principles
- consistent with the licensing objectives.

The Licensing Authority recognises the wide variety of premises that require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs, and amusement arcades.

The Licensing Authority does not seek to use the Act to resolve matters more readily dealt with under other legislation.

To ensure the licensing objectives are met the Licensing Authority has established a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Licensing Authority takes whatever steps are considered necessary to either limit access generally or by introducing measures to prevent under-age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect.

Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

However, the overriding principle is that all applications and the circumstances prevailing at each premise will be considered on their own individual merits. When applying these principles the Licensing Authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.

## **1.8 Responsible Authorities**

These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Licensing Authority if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- the Gambling Commission
- the Police
- the Fire Service
- the local Planning Authority
- Environmental Health
- HM Revenue and Customs
- A Licensing Authority in whose area the premises are situated (that is, the Authority itself and also any adjoining Authority where premises straddle the boundaries between the two).

Any concerns expressed by a responsible Authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Licensing Authority will not generally take into account representations which are deemed to be irrelevant.

Each representation will, however, be considered on its own individual merits.

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 Licensing 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

- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

In accordance with the Gambling Commission's Guidance for Licensing Authorities the Gloucestershire Area Child Protection Committee has been designated for this purpose.

The contact details of all the responsible authorities under The Act are available via the Council's website at [www.fdean.gov.uk](http://www.fdean.gov.uk)

## 1.9 Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Act 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 application is made, the person-

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

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

- (1) Each case will be decided upon its merits. The Licensing Authority will not apply a rigid rule to its decision-making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.
- (2) Interested parties can include trade associations, and residents'/tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Councillors and MPs may also be interested parties. Elected councillors may represent interested parties, providing they do not also sit on the Licensing sub-committee determining the application in question.
- (3) In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the Licensing Authority may take account of:

- the size of the premises
  - the nature of the premises
  - the nature of the authorised activities being proposed
  - the distance of the premises from the person making the representation
  - the circumstances of the complainant
  - the potential impact of the premises
- (4) The Licensing Authority will not consider representations that are frivolous or vexatious, or which relate to demand or need for gambling facilities. Decisions on whether representations are frivolous or vexatious will be made objectively and not on the basis of any political judgement. Where representations are rejected, the person making that representation will be given a written reason. A report will be made to the licensing committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.
- (5) A vexatious representation is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally taken to be one that is lacking in seriousness, or is unrelated to the licensing objectives, guidance issued by the Gambling Commission or this Statement of Principles.

### **1.10 Exchange of Information**

Licensing Authorities are required to include in their Statement of Principles to be applied by the Licensing 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.

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

Details of applications and representations which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

## 1.11 Enforcement

Licensing Authorities are required by regulation under the Act to state the principles to be applied by the Licensing 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.

The Forest of Dean District Council's principles are that:

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

- **proportionate:** it will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised
- **accountable:** with decisions being justifiable, and be subject to public scrutiny
- **consistent:** rules and standards will be joined up and implemented fairly
- **transparent and open:** Licence conditions will be kept simple and user friendly; and
- **targeted:** regulation should be focused on the problem, and minimise side effects.

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

The 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 in particular at part 36
- the Statement of Principles set out in this document

The Licensing Authority will seek to work actively with its partner agencies in enforcing licensing legislation and has established protocols with those partner agencies on enforcement issues to ensure an efficient use of resources.

The Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single named point of contact, who should be a senior individual, and whom the Licensing Authority will contact first should any compliance queries or issues arise.

The main enforcement and compliance role for this Licensing Authority in terms of The Act will be to ensure compliance with the Premises Licences and other permissions which it authorises.

The Gambling Commission is the enforcement body for the Operator 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 will be notified to the Gambling Commission.

The Licensing Authority keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

### **1.12 National and Local Strategies**

The Licensing Authority seeks to discharge its responsibilities with consideration to any Government Strategies in so far as they impact on the objectives of the licensing function.

Where appropriate, the Licensing Authority considers applications with reference to any relevant locally adopted strategies and policies.

### **1.13 Integrating Strategies**

The Licensing Authority recognises in particular the importance of the co-ordination and integration of the Statement of Principles with other policies that may from time to time be in being. Where other such 'plans and strategies exist, it will be this Licensing Authority's intention, as far as possible, to co-ordinate them.

Relevant plans and strategies include: -

- **Crime and Disorder Strategy** – The Licensing Authority will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the District.
- **Local Transport Plan**
- **Racial Equality** – The Licensing Authority is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact on these issues on the Statement of Principles will be monitored and amendments will be made as necessary.
- **Human Rights** – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local Licensing Authority to act in a way which is incompatible with a Convention right. The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights: -

Article 6 that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;

Article 8 that everyone has the right to respect for his home and private and family life;

Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.

- **Planning** – The Forest of Dean District Council’s Licensing Committee provides reports, when appropriate, to the Planning Committee including the number of licensed premises and the general impact of gambling related crime and disorder in the area, to enable the Planning Committee to have regard to such matters when taking its decisions.

## **Part B - Premises Licences**

### **2.1 Premises Licence**

A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting on tracks
- adult gaming centres
- family entertainment centres

Other than an application for a betting premises licence in respect of a track, the Licensing Authority is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

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

### **2.2 Applications**

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

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

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

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

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

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

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

### **2.3 Decision Making**

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

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

### **2.4 Other Mechanisms to address unruly behaviour**

In carrying out its licensing functions the Licensing Authority also recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including: -

1. Planning controls;
2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of this Licensing Authority;
3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
4. The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

In determining an application the Licensing Authority may not have regard to the expected demand for the facilities, which it is proposed to provide.

## **2.5 Location**

In determining an application or a request to review a Premises Licence, the Licensing Authority will have regard for the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

## **2.6 Definition of “Premises”**

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. 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, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, Licensing Authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the Fourth edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

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

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to

participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

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

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

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

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

### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.26 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

### **Adult Gaming Centre**

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

### **Betting Shops**

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

## **Tracks**

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

## **Bingo Premises**

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

## **Family Entertainment Centre**

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

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

### **2.7 Premises "ready for gambling"**

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

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, this Licensing Authority will determine applications on their merits, applying a two-stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58-7.67 of the Guidance.

## **2.8 Planning**

The Gambling Commission Guidance to Licensing Authorities states:

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

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

7.67 - When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have to 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 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.

## **2.9 Duplication with other regulatory regimes**

This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems. It will however listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions. 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 other regulations and must not form part of the consideration for the premises licence.

## **2.10 Licensing Objective - Prevention of crime and disorder**

This Licensing Authority places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998. A high standard of control is therefore expected to be exercised over licensed premises.

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

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

1. The design and layout of the premises;

2. The training given to staff in crime prevention measures appropriate to those premises;
3. 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;
4. Where premises are subject to age restrictions, that procedures are in place to conduct age verification checks;
5. The likelihood of any violence, public order or policing problem if the licence is granted.

### **2.11 Licensing Objective - Ensuring that gambling is conducted in a fair & open way**

Generally, the Gambling Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way. This will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the remit of the Gambling Commission.

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

### **2.12 Licensing Objective - Protection of children and other vulnerable persons**

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

This Licensing Authority may seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

This Licensing Authority may consult with Gloucestershire Area Child Protection Committee on any application that may give cause for concern over access for children or vulnerable persons.

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

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

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

This Licensing Authority will judge each separate application on its own merits before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as: -

1. Supervision of entrances;
2. Segregation of gambling areas from areas frequented by children;
3. Supervision of gaming machines in non-adult gambling specific premises.

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 Act 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.

### **2.13 Vulnerable Persons**

This Licensing Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means; and
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

### **2.14 Door Supervisors**

The Gambling Commission Guidance advises that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

This Licensing Authority will normally expect door supervisors employed at Gambling Premises to be S.I.A. registered. Where applicants propose to employ door supervisors who are not S.I.A. registered this Licensing Authority will expect the Applicant to show that they (the door supervisors) are trained to S.I.A. standards.

## **2.15 Adult Gaming Centres**

This Licensing Authority will have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy The Licensing Authority that there will be in place 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 in their application appropriate measures that they propose to take that will promote the licensing objectives, measures which could cover issues such as:

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

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

## **2.16 Licensed Family Entertainment Centres:**

This Licensing Authority will specifically have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing 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, measures cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self exclusion schemes
- 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, in accordance with 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, where they have been published.

## **2.17 Casinos**

There are currently no casinos operating within the District.

At present this Licensing Authority has not passed a resolution not to issue casino premises licences. However, this Licensing Authority reserves the right to review this situation and may, at some time in the future, make such a resolution. Any such resolution will be made by the Full Council and this Statement of Principles will be updated. In addition, The Licensing Authority's Statement of Principles will include details about how the Licensing Authority has taken or will take a decision to pass (or not to pass) a casino resolution. In considering whether or not to pass a resolution relating to casinos The Licensing Authority will take into account the licensing objectives and may have regard to any relevant principle or other matter.

## **2.18 Bingo Premises**

The Gambling Commission's Guidance states:

18.4 - Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This is a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

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

18.6 - Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

## **2.19 Betting Premises**

Betting machines – This Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for

those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **2.20 Tracks**

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

This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children and young persons 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 also expects applicants to volunteer their own measures to meet the licensing objectives such as

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

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

**Gaming Machines** - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

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

**Applications and plans** - The Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the

necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to target future premises inspection activities. (See Guidance to Licensing Authorities, paragraph 20.28).

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

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

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, paragraph 20.32).

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

## **2.21 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.

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

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

## 2.22 Provisional Statements

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

S204 of The Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

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

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

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

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

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

- which could not have been raised by objectors at the provisional statement stage;
- which in the Licensing Authority's opinion reflect a change in the operator's circumstances; or
- where the premises have 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.

## 2.23 Reviews:

Requests for a review of a premises licence can be made by interested parties or Responsible Authorities. However, it is for the Licensing Authority to decide whether the review is to be carried out. This Licensing Authority will consider requests for a review of a premises licence only where that request is relevant to the matters listed below;

- 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 one or more of the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Principles;
- consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

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

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

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

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

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

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

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

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

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

## **2.24 Complaints against Licensed Premises**

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

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

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

## **Part C – Permits, Temporary Use Notices and Occasional Use Notices**

### **3.1 Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits**

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 under section 238 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Act states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 24.

An FEC gaming machine permit cannot be granted unless the Chief Officer of Police has been consulted, and no conditions may be imposed upon the grant of a permit. Therefore the Licensing Authority will wish to be satisfied as to **the applicant's suitability before granting a permit. Unlicensed FECs, by definition, will not be subject to scrutiny by the Gambling Commission as no operating (or other) licences will be applied for and issued.**

## Statement of principles

Applicants will be expected 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 background checks on staff, training for staff in dealing with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises.

Applicants will be expected to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
- that staff are trained to have a full understanding of the maximum stakes and prizes; and
- an awareness of local school holiday times and how to inform the local education office should truants be identified.

The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised Licensing Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

### **3.2 Alcohol Licensed Premises Gaming Machine Permits**

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

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

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

- an offence under The Act has been committed on the premises.

Should it be necessary for the Licensing Authority to issue a section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order and consider any representations which might be made. The Licensing Authority will hold a hearing if the licensee requests.

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 under Section 25 of The Act, and "such matters as they think relevant."

### Statement of principles

The Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under-18 year olds do not have access to the adult-only gaming machines. The Licensing Authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

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

### **3.3 Prize Gaming Permits**

The Licensing Authority has prepared a statement of principles which they will apply in exercising their functions which, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit.

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.

An applicant should set out the types of gaming they are intending to offer and 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

It should be noted that there are conditions in The Act which the permit holder must comply with, but the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

Applications may only be made by people who occupy or plan to occupy the premises, are aged 18 or over (if an individual), and no premises licence or club gaming permit under The Act may be in force.

### Statement of principles

The Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under-18 year olds do not have access to unequal chance prize gaming. The Licensing Authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.

### **3.4 Club Gaming and Club Machines Permits**

Members' clubs (but not commercial clubs) may apply for a club gaming permit or a club gaming machine permit.

## Club Gaming Permit

A Club Gaming Permit allows the premises to provide

- up to three machines of categories B, C or D
- equal chance gaming and
- games of chance as set out in regulations.

## Club Gaming Machine Permit

A Club Gaming Machine Permit will enable the premises to provide up to three machines of categories B, C or D.

The Licensing Authority will wish to be satisfied that applicants for these permits meet the statutory criteria for members' clubs contained in sections 266 and 267 of the Act. Clubs which hold a club premises certificate under the Licensing Act 2003 are entitled to benefit from a fast-track application procedure.

### **3.5 Temporary Use Notices**

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 Temporary Use Notices, according to the Gambling Commission would include hotels, conference centers and sporting venues.

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

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

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of

premises, as outlined in the Gambling Commission's Guidance to Licensing Authorities.

### **3.6 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. The Licensing Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

### **3.7 Automated Teller Machines (ATM's)**

The Licensing Authority is very concerned that the availability of these machines may encourage players to draw out more money than they initially intended. It has therefore been decided that no such machines shall be located in the same premises that holds a premises licence granted by them under The Act.

## Appendix A List of Consultees

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

- The Chief Officer of Police
- One or more persons who appear to the Licensing Authority represent the interests of persons carrying on gambling businesses in the Licensing Authority's area. The Licensing Authority has therefore consulted:
  - Gamestec Leisure Ltd
  - Bacta
  - Business in Sport and Leisure
  - British Beer & Pub Association
  - Recaf Equipment Ltd
  - Association of British Bookmakers
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority's functions under The Act:
  - Head of Planning and Development, Forest of Dean District Council
  - Group Manager Environmental Services, Forest of Dean District Council
  - Gloucestershire Court Service
  - Forest of Dean Parish Councils
  - Gloucestershire Fire and Rescue Service
  - Trading Standards
  - Gloucestershire Area Child Protection Committee
  - Citizen's Advice Bureau - Forest of Dean
  - Gamcare

## Appendix B Glossary of Terms

<b>Licensing Objectives:</b>	As defined in The Gambling Act 2005 (The Act).
<b>Licences:</b>	As defined in The Gambling Act 2005 (The Act) and section 1.5 of this Statement of Principles.
<b>Application(s):</b>	Application(s) for licences and permits as required by The Gambling Act 2005 (The Act) and defined in section 1.5 of this Statement of Principles or an application for a review of such a licence
<b>Notifications:</b>	Means notification of temporary and occasional use notices.
<b>The Act:</b>	The Gambling Act 2005.
<b>Regulations:</b>	Regulations made under the Gambling Act 2005 (The Act)
<b>Premises:</b>	As defined in The Gambling Act 2005 (The Act), being, "Any place, including a vehicle, vessel or moveable structure"
<b>Code of Practice:</b>	Means any relevant Code of Practice under section 24 of the Gambling Act 2005 (The Act).
<b>Mandatory Condition:</b>	Means a specified condition provided by regulations that are required to be attached to a licence.
<b>Default Condition:</b>	Means a specified condition provided by regulations to be attached to a licence, unless excluded by The Licensing Authority.
<b>Responsible Authority:</b>	For the purposes of the Act, the following are responsible authorities in relation to premises: <ol style="list-style-type: none"><li>1. The Licensing Authority in whose area the premises are wholly or mainly situated ("Forest of Dean District Council");</li><li>2. The Gambling Commission;</li><li>3. Gloucestershire Constabulary;</li><li>4. Gloucestershire Fire and Rescue Service;</li><li>5. Development Control Manager, Planning Dept, Forest of Dean District Council;</li><li>6. Group Manager, Environmental Services, Forest of Dean District Council;</li><li>7. Gloucestershire Area Child Protection Committee;</li><li>8. HM Customs and Excise.</li></ol>

**Statement of Principles:** Forest of Dean District Council's Statement of Principles.

**Interested Party:** As defined in Section 158 of The Gambling Act 2005 (The Act) "For the purposes of the Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- 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;
- c) Represents persons who satisfy a) or b) above."

## Appendix C Table Of Delegations Of Licensing Functions

MATTER TO BE DEALT WITH	Full Council	Licensing Committee	Officers
Statement of Principles	X		
Policy not to issue casino premises licences	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Request to review a premises licence			X (in consultation with the Legal Team Manager)
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

# Appendix D Map of the Forest of Dean

