

Gambling Act 2005

Draft Statement of Principles

PREFACE

Under the Gambling Act 2005, a new regime for regulating gambling and betting will be introduced throughout the United Kingdom from 1st September 2007. Apart from the National Lottery and spread betting, all gambling and betting will be regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Huntingdonshire District Council, along with other licensing authorities, has a duty under the Act to licence premises where gambling and betting is taking place and to license certain other activities (for example the registration of small lotteries). This document explains how the District Council, as the licensing authority for Huntingdonshire, intends to approach its responsibilities under the Act.

All references in this document to 'the licensing authority' means the Huntingdonshire District Council.

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This Statement of Principles has been drafted at a time when a number of regulations, operating and personal licence conditions, codes of practice and guidance have yet to be published. Should these impact upon the content of this document after their publication, this statement may require amendment at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance to Licensing Authorities refers to the Guidance published in April 2006.

PART A
GENERAL

1. INTRODUCTION

- 1.1 This Statement of Licensing Principles was approved by the licensing authority at a meeting of the Council held on _____ in accordance with section 349 of the Gambling Act 2005 ('the Act'). Copies are available on request from the licensing authority at Pathfinder House, St Mary's Street, Huntingdon, Cambs. PE29 3TN, and can viewed at public libraries in Huntingdonshire and on the Council's website at www.huntingdonshire.gov.uk
- 1.2 This Statement of Principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its merits and in accordance with the statutory requirements of the Act.

2. HUNTINGDONSHIRE

- 2.1 Huntingdonshire District Council is one of five district councils situated in the County of Cambridgeshire. Huntingdonshire has a population which is currently estimated at 161,700 and covers an area of 906 square kilometres. Huntingdonshire has grown rapidly in recent years but still remains predominately rural with a number of market towns, the largest of which are St. Neots, Huntingdon and St Ives. A map of the District is attached as Appendix A.
- 2.2 The District is prosperous economically with good communications links and lower than average unemployment levels, although relatively small pockets of deprivation exist in the market towns.
- 2.3 There are no areas within the District that are considered particularly suitable or unsuitable for the provision of facilities for gambling. Potential operators should refer to the Development Plan and the emerging Local Development Framework for details about the local planning authority's approach to planning permission for development where such activities may take place by contacting the Planning Division or visiting the authority's website at www.huntingdonshire.gov.uk.

3. GAMBLING COMMISSION

- 3.1 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.
- 3.2 The Commission issued guidance to licensing authorities in April 2006 under

section 25 of the Act about the manner in which they should exercise their licensing functions under the Act and, in particular, the principles to be applied. Further guidance is to be issued in two further documents, one concentrating on licensing authorities' responsibilities in respect of society lotteries and the other on the compliance and enforcement responsibilities of authorities. Licensing authorities are required to take account of such guidance.

3.3 The Commission also will issue codes of practice under section 24 of the Act about the way in which facilities for gambling are provided and which may include provisions about how facilities for gambling are advertised or described.

3.4 The Gambling Commission can be contacted at -

The Gambling Commission
Victoria Square House,
Victoria Square
Birmingham
B2 4BP.

Website: www.gamblingcommission.gov.uk
e-mail: info@gamblingcommission.gov.uk

4. LICENSABLE ACTIVITIES

4.1 '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 or process, the likelihood of anything occurring or not occurring, or whether anything is or is not true.

A 'lottery' is an arrangement where persons are required to pay in order to take part in the arrangement, during the course of which one or more prizes are allocated by a process or processes which relies wholly on chance.

4.2 Private gaming in a private dwelling and on a domestic occasion 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 company is also exempt. Non-commercial gaming and betting (where no part of the proceeds is for private gain) may be subject to certain exemptions.

4.3 Further advice should be sought (where appropriate) from the licensing authority's licensing section at the above address or by telephoning 01480 387075.

5. THE LICENSING OBJECTIVES

- 5.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the three licensing objectives defined in section 1 of the Act. These 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; and
 - ◆ protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.2 The Gambling Commission has stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.
- 5.3 The licensing authority is aware that, in accordance with Section 153 of the Act and in making decisions about premises licences and temporary use notices, it should aim to permit the use of premises for gambling in so far as it thinks it -
- ◆ in accordance with any relevant code of practice issued by the Gambling Commission;
 - ◆ in accordance with any relevant guidance issued by the Gambling Commission;
 - ◆ reasonably consistent with the licensing objectives; and
 - ◆ in accordance with the authority's statement of licensing principles.

6. LICENSING AUTHORITY FUNCTIONS

- 6.1 Under the Act, the Gambling Commission is responsible for the issue of operating licences and personal licences.
- 6.2 The licensing authority will -
- ◆ be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences;
 - ◆ issue provisional statements;
 - ◆ regulate members' clubs that wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits;
 - ◆ issue club machine permits to commercial clubs;
 - ◆ grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres;
 - ◆ receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
 - ◆ issue licensed premises gaming machine permits for premises licensed to sell and supply alcohol for consumption on licensed premises, under the Licensing Act 2003, where there are more than two machines;
 - ◆ register small society lotteries below prescribed thresholds;
 - ◆ issue prize gaming permits;

- ◆ receive and endorse temporary use notices;
 - ◆ receive occasional use notices;
 - ◆ provide information to the Gambling Commission regarding details of licences issued (see section below on information exchange);
 - ◆ maintain registers of the permits and licences that are issued by the authority; and
 - ◆ exercise its powers of compliance and enforcement under the Act in association with the Gambling Commission and other relevant responsible authorities.
- 6.3 The licensing authority will not be involved in the licensing of remote gambling which is the responsibility of the Gambling Commission through the issue of operating licences.
- 6.4 A definitive list of licensable activities for inclusion in this statement of licensing principles has been requested from the Commission and, if supplied, will be incorporated into the statement once received.

7. STATEMENT OF PRINCIPLES

- 7.1 Each licensing authority is required by the Act to publish a statement of the principles which it proposes to apply when exercising its functions. This statement must be published at least every three years, with this first statement coming into effect on 27th January 2007. The statement shall be reviewed and revised from time to time, subject to consultation on any parts thereof which are revised. The statement then will be re-published.
- 7.2 The licensing authority acknowledges that a wide variety of premises will require a licence or a permit, including casinos, tracks, betting shops, bingo halls, pubs, clubs and amusement arcades.
- 7.3 To meet the licensing objectives, the licensing authority will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities. The authority will not seek to use the powers contained in the Act to deal with matters that can be more readily dealt with under other legislation.
- 7.4 Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the licensing authority may take 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.
- 7.5 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 premises 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.

- 7.6 The three licensing objectives contained in the Act are referred to more specifically below.

Preventing gambling from being a source of crime and disorder

- 7.7 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 7.8 Anyone applying to the licensing authority for a premises licence will have to hold an operating licence from the Commission before a premises licence can be issued. Therefore the authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability do arise, the authority will bring those concerns to the attention of the Commission.
- 7.9 If an application for a licence or a permit is received in relation to premises which are in an area noted for particular problems with organised crime, the licensing authority will consider, in consultation with the police and other relevant authorities, whether special controls need to be applied to prevent those premises from being a source of crime.
- 7.10 There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The licensing authority does not therefore intend to use the Act to deal with general nuisance issues relating for example to parking problems, which can be dealt with under existing alternative powers.
- 7.11 Issues of disorder will only be dealt with under the Act if the disorder amounts to activity that is more serious and disruptive than mere nuisance and it can be shown that gambling is a source of that disorder. For example, a disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor that could be taken into account is how threatening the behaviour was to those who see or hear it and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 7.12 When making decisions in this regard, the licensing authority will give due weight to any comments by the police.

Ensuring gambling is conducted in a fair and open way

- 7.13 The Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be either a matter for the management of the gambling business or will relate to the suitability and actions of an individual. These issues will be addressed by the Commission through the operating and personal licensing regimes respectively.
- 7.14 Because track betting operators do not require an operating licence from the

Commission, the licensing authority may require conditions to be attached to the licence, in certain circumstances, relating to the suitability of the environment in which betting takes place.

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

- 7.15 With limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are adult only environments.
- 7.16 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 7.17 When considering whether to grant a premises licence or permit, the licensing authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs and betting tracks.
- 7.18 In seeking to protect vulnerable persons, the licensing authority will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.
- 7.19 Children (defined in the Act as under 16s) and young persons (16 and 17 year olds) may take part in private and non-commercial betting and gaming but the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as a person aged 18 or over. In summary -
- ◆ betting shops cannot admit children and young persons;
 - ◆ bingo clubs may admit children and young persons but must have policies to ensure that they do not gamble on the premises, except on category D machines;
 - ◆ adult entertainment centres cannot admit children and young persons;
 - ◆ family entertainment centres and premises with a premises licence under the Licensing Act 2003 that includes the sale of alcohol can admit children and young persons but they may not play category C machines which are restricted to adults;
 - ◆ clubs with a club premises certificate under the Licensing Act 2003 can admit children and young persons but they must have policies to ensure that they do not play machines other than category D machines; and
 - ◆ tracks will be required to have policies to ensure that children and young persons do not participate in gambling other than on category D

machines.

- 7.20 The licensing authority will treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable persons will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

8. RESPONSIBLE AUTHORITIES

- 8.1 The Act defines a number of public bodies as responsible authorities that must be notified of applications submitted for premises licences and who are entitled to make representations to the licensing authority if they are relevant to the licensing objectives. These are -

- ◆ a licensing authority in whose area the premises are situated in whole or in part (i.e. Huntingdonshire District Council and any neighbouring authority where a premises straddles the boundary);
- ◆ the chief officer of police;
- ◆ the fire and rescue authority;
- ◆ the local planning authority;
- ◆ the local environmental health authority;
- ◆ HM Revenues and Customs; and
- ◆ a body designated by the licensing authority to advise about the protection of children from harm (see below)

- 8.2 The Secretary of State may also prescribe any other person as a responsible authority.

- 8.3 The licensing authority is required by regulations to state the principles it will apply in exercising its duty to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. Those 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.

- 8.4 In accordance with the suggestion in the Gambling Commission's guidance for local authorities, the licensing authority designates the Office of Children and Young People's Services of Cambridgeshire County Council for this purpose.

- 8.5 The contact details of all the responsible authorities are set out in Appendix B and available on the licensing authority's website at www.huntingdonshire.gov.uk.

- 8.6 Any representations by a responsible body in relation to their own functions cannot be taken into account unless they are relevant to an application itself and the licensing objectives. In this regard, the licensing authority generally will not take into account representations which are not deemed to be relevant,

such as -

- ◆ there are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account);
- ◆ the premises are likely to be a fire risk (because public safety is not a licensing objective);
- ◆ the location of the premises is likely to lead to traffic congestion (because this does not relate to the licensing objectives);
- ◆ the premises will cause crowds to congregate in one area causing noise and nuisance (because this can be dealt with under other legislative powers and public nuisance is not a licensing objective).

8.7 Each representation will be considered on its own individual merits.

9. INTERESTED PARTIES

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

9.2 “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)”.

9.3 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. These are:

9.4 Each case will be decided upon its merits. The authority will have regard to the examples contained in the Gambling Commission’s guidance to licensing authorities (paragraphs 8.14 and 8.15), i.e.:

(a) Persons living close to the premises

‘The factors that licensing authorities should take into account when determining what ‘sufficiently close to the premises’ means (in each case) might include -

- ◆ the size of the premises;
- ◆ the nature of the premises;
- ◆ the distance of the premises from the location of the person making

- the representation;
- ◆ the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- ◆ the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.'

(b) Persons with business interests that could be affected

'It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain. But that is unlikely to be enough to satisfy the test of being 'a person with business interests that might be affected by the premises' under consideration. For example, an operator in a particular sector (be it casino, bingo, betting etc.) should not be able to lodge representations on every application put in by a rival operator anywhere in the country, simply because they are in competition within the same gambling sector. The licensing authority should be satisfied that the relevant business is likely to be affected. In this respect, licensing authorities should bear in mind that the 'demand test' in the 1963 and 1968 Acts has not been preserved in the 2005 Act. Factors that are likely to be relevant include -

- ◆ the size of the premises;
- ◆ the 'catchment' area of the premises (i.e. how far people travel to visit); and
- ◆ whether the person making the representation has business interests in that catchment area that might be affected.

- 9.5 The licensing authority will also have regard to the Gambling Commission's guidance that 'has business interests' should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 9.6 Interested parties can include trade associations and trade unions, and residents' and tenants' associations. The licensing authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act, i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 9.7 Interested parties can be persons who are democratically elected such as councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the councillor or MP represents the ward or constituency likely to be affected. Likewise town and parish councils likely to be affected will be considered to be interested parties. Other than these, the licensing authority will generally require written evidence

that a person or body (e.g. an advocate/relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities. A letter from one of those persons requesting the representation will be sufficient.

- 9.8 If an interested party wishes to approach a councillor to ask him/her to represent their views then care should be taken that the councillor is not part of the Licensing Sub Committee dealing with the licence application. The licensing authority has adopted a Members' Licensing Code of Good Practice which forms part of its constitution which is available on the authority's website at www.huntingdonshire.gov.uk. If in doubt, an interested party may contact the licensing section for further information.
- 9.9 The licensing authority will not consider representations that are frivolous or vexatious or which relate to demand or need for gambling facilities. A decision on whether representations are frivolous or vexatious will be made objectively and if a representation is rejected, the interested party making the representation will be informed of the reason in writing. A vexatious representation is generally one that is repetitive, without foundation or made for some other reason such as malice. A frivolous representation is generally one that is lacking in seriousness or is unrelated to the licensing objectives, Gambling Commission guidance or this statement of licensing principles.
- 9.10 In the absence of regulations to the contrary, representations should in general -
- ◆ be made in writing (including by electronic communication);
 - ◆ indicate the name and address of the person or organisation making the representation;
 - ◆ indicate the premises to which the representation relates;
 - ◆ indicate the proximity of the premises to the person making the representation. A sketch map or plan would be helpful; and
 - ◆ clearly set out the reason(s) for making the representation.

10. EXCHANGE OF INFORMATION

- 10.1 The licensing authority is required to include in its statement the principles to be applied by the authority in exercising its functions under sections 29 and 30 of the Act with regard to the exchange of information between it and the Gambling Commission and its functions under section 350 of the Act with regard to the exchange of information between it and the other bodies listed in Schedule 6 to the Act.
- 10.2 The principle that the licensing authority will apply 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 licensing authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the Act.

10.3 In the event of any protocols being established with regard to information exchange with other bodies then these will be made available by the licensing authority. (Discussions between the Gambling Commission and LACORS on information exchange between the Commission and licensing authorities are understood to be at an early stage.)

11. ENFORCEMENT

11.1 A licensing authority is required by regulation under the Act to state the principles to be applied by the authority in exercising its functions under Part 15 of the Act with regard to the inspection of premises and its powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

11.2 The licensing authority's principles are that it will be guided by the Gambling Commission's guidance to licensing authorities and will endeavour to be -

- ◆ proportionate: the authority will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised;
- ◆ accountable: the authority must be able to justify its decisions and be subject to public scrutiny;
- ◆ consistent: rules and standards will be joined up and implemented fairly
- ◆ transparent and open: licence conditions will be simple and user friendly; and
- ◆ targeted: regulation should be focused on the problem and side effects minimised.

11.3 The licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

11.4 The licensing authority will adopt a risk-based inspection programme. (Whilst the Gambling Commission's guidance suggests that the criteria that a licensing authority will adopt in this respect are included in this statement, this has not been possible. At the time of the preparation of the statement, the Commission has not published its risk criteria, nor have regulations specifying mandatory or default conditions nor codes of practice been published. LACORS is working with the Gambling Commission to produce a risk model for premises licences and the authority will consider that model once it has been made available.)

11.5 The main enforcement and compliance role for the licensing authority in terms of the Act will be to ensure compliance with the premises licences and other permissions which it has authorised. The Gambling Commission will be the enforcement body for operating and personal licences and concerns about manufacture, supply or repair of gaming machines will be referred by the authority to the Commission.

11.6 The licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of authorities.

11.7 Bearing in mind the principle of transparency, the licensing authority's

enforcement and prosecution policies are available upon request from the authority's licensing section. The risk based inspection methodology will also be available upon request after its adoption.

12. CONSULTATION

12.1 The licensing authority has consulted widely upon this statement before its confirmation and adoption by the authority. A list of those persons consulted is provided at Appendix C, including the following statutory consultees required by the Act -

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

12.2 The consultation took place between 14th September and 23rd November 2006. A full list of comments made and their consideration by the authority is available on request to the licensing section on 01480 387075 and via the Council's website at www.huntingdonshire.gov.uk.

12.3 The policy was approved at a meeting of the Council held on _____ and was published via the authority's website on _____. Copies have been placed in public libraries in the District and are available at the authority's offices at Pathfinder House, St Mary's Street, Huntingdon, Cambs, PE29 3TN.

12.4 Any comments with regard to this statement of principles should be addressed to the Licensing Officer by e-mail at greg.peck@huntsdc.gov.uk on or by writing to the above address. This statement of principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

13. DECLARATION

13.1 In producing this statement of licensing policy, the licensing authority declares that it has had regard to the licensing objectives contained in the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

PART B

PREMISES LICENCES

14. GENERAL PRINCIPLES

- 14.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be defined in regulations issued by the Secretary of State. The licensing authority may exclude default conditions and attach others where this is believed to be appropriate.
- 14.2 The licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it -
- ◆ in accordance with any relevant code of practice issued by the Gambling Commission;
 - ◆ in accordance with any relevant guidance issued by the Gambling Commission;
 - ◆ reasonably consistent with the licensing objectives; and
 - ◆ in accordance with the authority's statement of principles.
- 14.3 The authority is aware of the Gambling Commission's guidance which states that "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see the section on Casinos below) and that unmet demand is not a criterion for a licensing authority.

15. DEFINITION OF "PREMISES"

- 15.1 Premises are defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However it is possible for a single building to be subject to more than one premises licence, provided they relate to different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 15.2 The licensing authority takes particular note of the Gambling Commission's guidance to authorities which states that -
- ◆ licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the

separation of different premises is not compromised and that people do not 'drift' into a gambling area; and

- ◆ licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access, compatibility of the two establishments, and the ability to comply with the requirements of the Act. In addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

Provisional Statements

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

15.4 A person therefore may make an application to the authority for a provisional statement in respect of premise that he/she expects to be constructed, expects to be altered or expects to acquire a right to occupy. It should be noted that, following the grant of a provisional statement, no further representations from responsible 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. The authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters -

- ◆ which could not have been raised by objectors at the provisional statement stage; and
- ◆ which, in the opinion of the authority, reflects a change in the applicant's circumstances.

Location

15.5 The licensing authority is aware that the question of demand cannot be considered with regard to the location of premises but that location may be a consideration insofar as it relates to the licensing objectives. The authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon with regard to areas where gambling premises should not be located, this statement will be updated. It should be noted that this policy does not preclude any application from being made and each application will be decided on its merits, with the onus upon the

applicant to show how potential concerns can be overcome.

Duplication with other regulatory regimes

- 15.6 The licensing authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. The authority will not consider whether premises are likely to be granted planning permission or building regulations approval in its consideration of an application. It will however listen to and consider carefully any concerns about conditions which are not able to be met by licence holders due to planning restrictions, should such a situation arise.

Licensing objectives

- 15.7 The grant of a premises licences must be reasonably consistent with the licensing objectives.

Conditions

- 15.8 Any conditions attached to a licence by the licensing authority will be proportionate and will be -
- ◆ relevant to the need to make the proposed building suitable as a gambling facility;
 - ◆ directly related to the premises and the type of licence applied for;
 - ◆ fairly and reasonably related to the scale and type of premises; and
 - ◆ reasonable in all other respects.
- 15.9 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures that the licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signs for adult only areas etc. Specific comments are made in this regard under some of the licence types referred to below. The authority will also expect an applicant for a licence to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 15.10 The licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.
- 15.11 The authority will ensure that where category C or above machines are provided 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 in preventing 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.
- 15.12 The licensing authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's guidance, the authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas that they are not permitted to enter.
- 15.13 The authority acknowledges that there are conditions that cannot be attached to premises licences which are -
- ◆ any condition 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 which is specifically prevented by the Act; and
 - ◆ conditions in relation to stakes, fees, winning or prizes.

Door Supervisors

- 15.14 The Gambling Commission guidance provides for a licensing authority to consider whether there is a need for door supervisors in terms of the licensing objectives of protecting children and vulnerable persons from being harmed or exploited by gambling and of preventing premises becoming a source of crime. Door supervisors at casinos or bingo premises are not subject to the licensing regime of the Security Industry Authority (SIA). The licensing authority therefore may find it necessary to impose specific requirements for door supervisors working at casinos or bingo premises which are licensed in recognition of the nature of their work in terms of searching individuals, dealing with potentially aggressive persons, etc.
- 15.5 For premises other than casinos and bingo premises, operators and the licensing authority may decide that the supervision of entrances/machines is appropriate in particular cases. A decision will need to be taken as to whether supervisors in such circumstances will need to be SIA licensed as it will not be automatically assumed that they need to be.

Credit

- 15.6 Section 177 of the Act does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit and debit cards providing that the arrangement is subject to a

requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service provider and does not profit from the arrangement nor make any payment in connection with the machines.

16. ADULT GAMING CENTRES

16.1 Adult gaming centres may provide category B, C and D machines. (The various categories of machine are defined in Appendix D attached.) The licensing authority will have specific 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.

16.2 The licensing authority will expect applicants to offer their own measures to meet the licensing objectives which may cover issues such as -

- ◆ proof of age schemes;
- ◆ CCTV;
- ◆ supervision of entrances/machine areas;
- ◆ physical separation of areas;
- ◆ location of entry;
- ◆ notices/signs;
- ◆ specific opening hours;
- ◆ self-barring schemes; and
- ◆ provision of information leaflets/helpline numbers for organisations such as GamCare.

16.3 This list is not mandatory, nor exhaustive, and is merely indicative of possible examples of the measures that may be taken.

17. LICENSED FAMILY ENTERTAINMENT CENTRES

17.1 Licensed family entertainment centres may provide category C and D machines. The licensing authority will have specific 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.

17.2 The authority will expect applicants to offer their own measures to meet the licensing objectives which may cover issues such as -

- ◆ CCTV;
- ◆ supervision of entrances/machine areas;
- ◆ physical separation of areas;
- ◆ location of entry;
- ◆ notices/signs;
- ◆ specific opening hours;
- ◆ self-barring schemes;

- ◆ provision of information leaflets/helpline numbers for organisations such as GamCare; and
- ◆ measures/training for staff on how to deal with suspected truant school children on the premises.

17.3 This list is not mandatory, nor exhaustive, and is merely indicative of possible example of the measures that may be taken.

17.4 The authority will refer to the Gambling Commission's website to view any conditions that apply to operating licences covering the way in which the area containing category C machines should be delineated. The authority will also make itself aware of any mandatory or default conditions on premises licences when they have been published.

18. CASINOS

18.1 The licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. If the authority decides to pass such a resolution in the future, it will update this policy statement with details of that resolution.

18.2 The authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators who will want to run the casino. In such circumstances, the authority comply with the provisions of Schedule 9 of the Gambling Act 2005 and any regulations made thereunder.

19. BINGO PREMISES

19.1 Bingo is a class of equal chance gaming that will be permitted on premises licensed for the supply of alcohol and in clubs, provided that it does not exceed certain thresholds. Rules are laid down in the Act about the playing of bingo in those premises within exempt gaming allowances but where these are exceeded, a bingo operating licence will be required from the Gambling Commission. The holder of a licence can provide any type of bingo game, including both cash and prize bingo.

19.2 Prize bingo is subsumed within the allowances for prize gaming in adult entertainment centres, both licensed and unlicensed family entertainment centres and travelling fairs (or premises with a prize gaming permit). Commercial bingo halls will require a bingo premises licence from the licensing authority and amusement arcades providing bingo will require a prize gaming permit, also from the authority.

19.3 Where children are allowed to enter premises licensed for bingo, they are not permitted to take part in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, the licensing authority will 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 or the licensee; 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.

19.4 The Gambling Commission has indicated that it intends 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. The guidance will be considered by the authority once it has been made available.

20. BETTING PREMISES

20.1 Any person wishing to operate a betting office will require a betting premises licence from the licensing authority. Children and young persons will not be permitted to enter premises with a betting premises licence.

20.2 Premises with a betting premises licence will be able to provide up to four gaming machines of category B, C or D and some betting machines (i.e. machines designed or adapted for use to bet on future real events). In considering the number of betting machines and the nature and circumstances in which they are to be made available, the authority will 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.

21. TRACKS

21.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. The restriction that only one premises licence can be issued for any particular premises at any one time does not apply to a track.

21.2 Track operators are not required to hold an operators licence issued by the Gambling Commission. Therefore a premises licence for a track that is issued by the licensing authority is likely to contain requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting. A track operator has an important role to play in ensuring that betting areas are properly administered and supervised.

21.3 Although primarily there will be a betting premises licence for a track, there may be a number of other licences, provided each licence relates to a specified area of the track. The authority will have particular regard to 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 that they are not permitted to enter.

- 21.4 The authority will expect the applicant for a betting premises licence for a track to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Although children and young persons will be permitted to enter track areas where facilities for betting are provided on days when horse and/or dog racing takes place, they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 21.5 The licensing authority therefore will expect applicants to offer their own measures to meet the licensing objectives which may cover issues such as -
- ◆ proof of age schemes;
 - ◆ CCTV;
 - ◆ supervision of entrances/machine areas;
 - ◆ physical separation of areas;
 - ◆ location of entry;
 - ◆ notices/signs;
 - ◆ specific opening hours;
 - ◆ self-barring schemes; and
 - ◆ provision of information leaflets/helpline numbers for organisations such as GamCare.
- 21.6 This list is not mandatory, nor exhaustive, and is merely indicative of possible example of the measures that may be taken.

Gaming machines

- 21.7 A betting premises licence in respect of a track does not give any automatic entitlement to use gaming machines. Further guidance is awaited from the Gambling Commission with regard to where such machines may be located on tracks and any special considerations that should apply in relation to, for example, the supervision of the machines and the prevention of children from playing them. The authority therefore will consider the location of gaming machines at tracks. An applicant for a track premises licence also will need to demonstrate that, where he holds a pool betting operating licence issued by the Commission and intends to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded, unless they are category D machines.

Betting machines

- 21.8 The licensing authority has the discretion to limit, by condition attached to a licence, the number of betting machines, their nature and the circumstances in which they are made available at a track. The potential space for such machines at a track may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the requirement of the Act to prevent children from betting on such machines. In accordance with the Gambling Commission's

guidance, the authority therefore will 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 and circumstances of the betting machines that a track operator wishes to offer. It will consider restricting the number and location of such machines in the light of the circumstances of each application for a betting premises licence for a track.

Condition on rules being displayed

- 21.9 It accordance with guidance from the Gambling Commission, the licensing authority is likely to attach a condition to track premises licences requiring the track operator to ensure that the rules that govern the betting 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 on the race-card or made available in leaflet form from the track office.

Applications and plans

- 21.10 Further regulations are anticipated on any specific requirements that should be included in an application for a premises licence but in order to gain a proper understanding of what it is being asked to license, the licensing authority will require an applicant to submit detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator should be shown, as well as any other proposed gambling facilities. 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.
- 21.11 This authority concurs with the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators on a 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.

22. TRAVELLING FAIRS

- 22.1 Category D machines and equal chance prize gaming may be provided at travelling fairs without a permit, provided that the facilities for gambling amount to no more than an ancillary amusement at the fair. The licensing authority will monitor the activities at travelling fairs to ensure that such gambling does not exceed the level at which a permit is required.
- 22.2 The authority will also monitor whether a fair falls within the statutory definition of a travelling fair by not exceeding the 27 days statutory maximum for land to be used as a fair in each calendar year. This applies to a piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The authority will work with its neighbouring

authorities to ensure that land which crosses the District boundaries is monitored so that the statutory limits are not exceeded.

23. REVIEWS OF PREMISES LICENCES

23.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities at any time. However it is a matter for the licensing authority to decide whether a review is to be carried out. In so doing, the authority will have regard to whether the request -

- ◆ is frivolous or vexatious;
- ◆ is substantially the same as previous representations or requests for a review;
- ◆ will certainly not cause the authority to alter, revoke or suspend the licence;
- ◆ is in accordance with any relevant code of practice issued by the Gambling Commission;
- ◆ is in accordance with any relevant guidance issued by the Gambling Commission;
- ◆ is reasonably consistent with the licensing objectives; and
- ◆ is in accordance with the authority's statement of licensing policy.

23.2 The authority itself can initiate a review of a licence for any reason which it thinks is appropriate.

PART C

PERMITS AND TEMPORARY & OCCASIONAL USE NOTICES

24. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 24.1 If a premises does not hold a premises licence but wishes to provide category D gaming machines, application be made to the licensing authority for a gaming machine permit. However the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 24.2 The Act states that a licensing authority may prepare a statement of principles that it proposes to consider in determining the suitability of an applicant for a permit. In preparing this statement and considering applications, the authority need not, but may, have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.
- 24.3 An application for a permit may be granted only if the authority is satisfied that the premises will be used as an unlicensed family entertainment centre and the chief officer of police has been consulted on the application. As an unlicensed family entertainment centre will not require an operating licence or be subject to scrutiny by the Commission, the authority will wish to be satisfied as the applicant's suitability before granting a permit. In so doing, the authority will require an applicant to demonstrate -
- ◆ a full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed family entertainment centre;
 - ◆ that the applicant has no relevant convictions;
 - ◆ that staff are trained to have a full understanding of the maximum permissible stakes and prizes; and
 - ◆ that there are policies and procedures in place to protect children from harm.
- 24.4 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 be considered on their merits but they may include appropriate measures and training for staff with regard to suspected truant school children on the premises, and how they would deal with unsupervised very young children being on the premises or children causing perceived problems on or around the premises.
- 24.5 An applicant must submit with the application a plan of the premises to a scale of 1:100 showing the entrances/exits to the premises, location of gaming machines and the location of safety equipment.
- 24.6 An application for the renewal of a permit may be refused by the authority only on the grounds that an authorised officer of the authority has been refused access to the premises without reasonable excuse or that renewal would not be reasonably consistent with the licensing objectives.

25. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

- 25.1 Provision is made in the Act for premises licensed to sell alcohol for consumption on the premises to be entitled to have 2 gaming machines of categories C and/or D on the premises. The licence holder merely needs to give notice to the licensing authority of his intention to make gaming machines available for use and pay the prescribed fee. However the authority can remove the automatic authorisation in respect of any particular premises if -
- ◆ provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - ◆ gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - ◆ the premises are mainly used for gaming; or
 - ◆ an offence under the Gambling Act has been committed on the premises.
- 25.2 If more than 2 machines are required, application must be made to the licensing authority for a licensed premises gaming machine permit. The authority must consider the application based upon the licensing objectives, any guidance issued by the Commission and such matters as they think relevant. The authority will determine such matters on a case by case basis but generally it will have regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling. An applicant will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures could include the adult only machines being in sight of the bar or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signs may also be of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 25.3 A plan must be submitted with an application for a licensed premises gaming machine permit of a scale of 1:100 indicating where and what type of gaming machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.
- 25.4 Some licence holders with alcohol licensed premises may wish to apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an adult gaming centre premises licence.
- 25.5 It should be noted that the 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 to a permit.
- 25.6 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 machines.

26. PRIZE GAMING PERMITS

- 26.1 Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
- 26.2 Prize gaming may be provided in bingo premises as a consequence of a bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, provided that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.
- 26.3 The licensing authority may prepare a statement of principles that it proposes to apply in exercising its functions in relation to prize gaming permits which may specify particular matters that the authority proposes to consider in determining the suitability of an applicant for a permit. The statement requires an applicant to set out in the application the types of gaming that is intended to be offered and to demonstrate -
- ◆ that he understands the limits to stakes and prizes that are set out in regulations; and
 - ◆ and that the gaming offered is within the law.
- 26.4 The authority will also consider any child protection issues and have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place for this purpose.
- 26.5 In making its decision on an application for a permit, the authority does not have to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 26.6 There are conditions in the Act with which the holder of a permit must comply but the authority cannot attach conditions. The conditions specified 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.

26.7 An applicant must submit with the application a plan of the premises to a scale of 1:100 indicating where and what type of prize gaming is to be provided.

27. CLUB GAMING PERMITS AND CLUB MACHINE PERMITS

27.1 Members clubs (but not commercial clubs) may apply for a club gaming permit or a club gaming machine permit. A club gaming permit will enable the premises to provide up to 3 gaming machines of categories B, C or D, equal chance gaming and games of chance as set out in regulations. A club gaming machine permit will enable the premises to provide up to 3 gaming machines of categories B, C or D.

27.2 The Commission's guidance states that 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. 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.

27.3 The licensing authority may refuse an application only on the grounds that -

- ◆ the applicant does not fulfil the requirements for a members or commercial club 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
- ◆ an objection has been lodged by the Commission or the police.

27.4 There is also a fast-track procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under this procedure there is no opportunity for objections to be made by the Commission or the police and the grounds upon which an authority can refuse a permit are reduced, as follows -

- ◆ that the club is established primarily for gaming, other than gaming prescribed under schedule 12 of the Act;
- ◆ 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.

27.5 Statutory conditions on both club gaming and club machine permits will require

that no child uses a category B or C machine on the premises and that the permit holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

28. TEMPORARY USE NOTICES

- 28.1 A temporary use notice may be given to the licensing authority by the holder of an operating licence stating his intention to carry on one or more specified activities. There are a number of statutory limits with regard to temporary use notices, including a requirement that the same set of premises may not be the subject of a temporary use notice for more than 21 days in any period of 12 months. The definition of premises includes any place and the meaning of premises and set of premises will be questions of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a set of premises, the authority will have regard, amongst other things, to the ownership, occupation and control of the premises.
- 28.2 The authority will consider whether to give a notice of objection to the person giving the temporary use notice having regard to the licensing objectives.

29. OCCASIONAL USE NOTICES

- 29.1 Where betting is to be provided on a track on 8 days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a premises licence. Tracks include, not only a horse racecourse or a dog track, but also any other premises on any part of which a race or other sporting event takes place or is intended to take place.
- 29.2 The licensing authority has little discretion with regard to occasional use notices but will ensure that the statutory limit of 8 days in a calendar year is not exceeded and whether the person giving the notice is permitted to avail him/herself of the notice within the definition of a track.

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DISTRICT OF HUNTINGDONSHIRE




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RESPONSIBLE AUTHORITIES


The Licensing Authority

The Licensing Section
 Huntingdonshire District Council
 Pathfinder House
 St Mary's Street
 Huntingdon
 PE29 3T

 01480 387075
 Fax 01480 388099
 E-mail Licensing@huntsdc.gov.uk


The Chief Officer of Police

The Licensing Section
 Cambridgeshire Constabulary
 Chatteris Police Station
 East Park Street
 Chatteris
 PE16 6LD

 01354 606504


Cambridgeshire Fire and Rescue Service

Fire Safety Department
 Huntingdon Fire Station
 Hartford Road
 Huntingdon
 PE29 3RH

 01480 433297


Local Planning Authority

Head of Planning Services
 Huntingdonshire District Council
 Pathfinder House
 St Mary's Street
 Huntingdon
 PE29 3TN

 01480 388423/
 01480 388424


Local Environmental Health Authority

Head of Environmental and Community Health
 Huntingdonshire District Council
 Pathfinder House
 St Mary's Street
 Huntingdon
 PE29 3TN

 01480 388302


HM Revenues and Customs

National Registration Unit
Portcullis House
21 India House
Glasgow
G2 4PZ

 0845 302 1448
Text 0845 302 1452

Office of Children and Young People's Services

Box No SS1001
Cambridgeshire County Council
Shire Hall
Castle Hill
Cambridge
CB3 0AP

 0845 045 5200
Fax 01223 717307

LIST OF CONSULTEES

Association of British Bookmakers

Regency House
1 – 4 Warwick Street
LONDON
W1B 5LT

BACTA

Mr L MacLeod-Miller
Alders House
133 Aldersgate Street
LONDON
EC1A 4JA

Bingo Association

Lexham House
75 High Street
NORTH DUNSTABLE
LU6 1JF

British Beer and Pub Association (Midland Counties)

Mr R Matthews
PO Box 3876
KIDDERMINSTER
DY11 5YR

British Greyhound Racing Board

Mr R Hayler
Policy Officer
32 Old Burlington Street
LONDON
W1S 3AT

British Holiday and Home Parks Association

6 Pullman Court
Great Western Road
GLOUCESTER
GL1 3ND

Business in Sport and Leisure

Ms B Simmonds
CEO
17a Chartfield Road
Putney
LONDON
SW15 6DX

GAMCARE

2/3 Baden Place
Crossby Row
LONDON
SE1 1YM

Huntingdon Racecourse

Mrs A Starkey
CEO
Thrapston Road
Brampton
HUNTINGDON
PE28 4NJ

GAMING MACHINES

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

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