



# **Gambling Act 2005**

## **Statement of Principles**

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## **PREFACE**

With effect from 1st September 2007, all gambling and betting in the United Kingdom is unlawful, unless permitted under the Gambling Act 2005 or by way of the national lottery or spread betting. Gambling and betting is 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, is responsible under the Act for the licensing of premises where gambling and betting is taking place, the issue of various permits and certain other activities such as 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. It comes into effect on 31st January 2010 and replaces the first Statement of Principles adopted by the Council in 2007.

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

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*This Statement of Principles has had regard to the Gambling Commission's Guidance to Licensing Authorities 3<sup>rd</sup> edition that was published in May 2009. It can be viewed on the Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).*

*The Gambling Commission also has issued a number of codes of practice and other explanatory publications in relation to gambling that are referred to in this statement. These also are available on the Commission's website.*

**PART A**  
**GENERAL**

**1. INTRODUCTION**

- 1.1 This Statement of Licensing Principles was approved by the licensing authority at a meeting of Huntingdonshire District Council held on 2nd December 2009 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](http://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 167,700 and covers an area of 906 square kilometres. Huntingdonshire's population has grown rapidly in recent years and is expected to continue to grow more quickly than in most other districts in the next decade. Nevertheless it 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. It has higher than average earnings and low unemployment, although relatively small pockets of deprivation exist in some of 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 Core Strategy 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](http://www.huntingdonshire.gov.uk).

**3. GAMBLING COMMISSION**

- 3.1 The Gambling Commission was established by the Gambling Act 2005 to regulate all commercial gambling. It has an overriding obligation to pursue and have regard to the licensing objectives described in section 5 below and to permit gambling so far as it thinks it reasonably consistent with them. The Commission has published a Statement of Principles on how it will approach its regulatory and other functions. The Commission also provides independent advice to the government about the incidence of gambling, the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

3.2 The Commission has issued guidance to licensing authorities under section 25 of the Act about the manner in which they should exercise their licensing functions and, in particular, the principles to be applied. The 3<sup>rd</sup> edition was issued in May 2009. The licensing authority is required to take account of the guidance in producing this statement of principles and in undertaking its responsibilities under the Act.

3.3 The Commission also has issued codes of practice under section 24 of the Act about the way in which facilities for gambling are provided. These are referred to later in this statement.

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](http://www.gamblingcommission.gov.uk)  
e-mail: [info@gamblingcommission.gov.uk](mailto: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 Certain permitted and exempt gambling is defined in the Act without the need for a licence or permit. 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 is available on what is licensable, permissible or exempt 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 its functions under the Gambling Act 2005, the licensing authority must have regard to the three licensing objectives defined in 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 licensing authority acknowledges that, in accordance with Section 153 of the Act and in exercising its functions in relation to premises licences and occasional and temporary use notices, it should aim to permit the use of premises for gambling in so far as it thinks it is -

- (a) in accordance with any relevant code of practice issued by the Gambling Commission(i.e. as found in the Commission's *Licence Conditions and Codes of Practice*);
- (b) in accordance with any relevant guidance issued by the Gambling Commission (referred to in paragraph 3.2 above);
- (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above) ; and
- (d) in accordance with the authority's statement of licensing principles (i.e. this document).

## **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 is responsible for -

- ◆ the licensing of premises where gambling activities are to take place by issuing premises licences;
- ◆ issuing provisional statements;
- ◆ regulating members' clubs that wish to undertake certain gaming activities by 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) for the use of two or fewer gaming machines;
- ◆ issuing 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;
- ◆ 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 below on information exchange);
- ◆ maintaining registers of the permits and licences that are issued by the authority; and
- ◆ exercising 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.

## **7. STATEMENT OF PRINCIPLES**

7.1 The 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. The first statement came into effect in January 2007 and this 2<sup>nd</sup> statement will come into effect on 31<sup>st</sup> January 2010. The statement will be reviewed and revised from time to time, subject to consultation on those parts that are revised and the statement then will be re-published.

7.2 A wide variety of premises in Huntingdonshire will require a licence or a permit to permit gambling to take place, including 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 avoid duplication with other regulatory regimes so far as is possible. These include, for example, other legislative requirements in terms of health and safety at work, fire safety, planning and building control.

In determining its policy, the licensing authority has had regard to the Gambling Commission's guidance and given appropriate weight to the views of those that it has consulted. In determining the weight given to particular representations, the factors taken into account have included –

- who is making the representations in terms of their expertise or interest;
- the relevance of the factors to the licensing objectives;
- how many other people have expressed the same or similar views; and
- how far the representations relate to matters that the licensing authority should be including in the statement of principles.

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 or being associated with providing such facilities.
- 7.8 Anyone applying to the licensing authority for a premises licence (other than in the case of tracks if the gambling is to be provided by others) 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. However if the licensing authority suspects that gambling is not being conducted in a fair and open way, this will be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.
- 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, excepting category D gaming machines.
- 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 tracks.
- 7.18 In seeking to protect vulnerable persons, the licensing authority will regard them as 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 mental health needs, a learning disability or substance misuse relating to 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.

7.21 The licensing authority acknowledges that it is subject to the Human Rights Act and in particular –

Article 1 Protocol 1 – peaceful enjoyment of possessions, in accordance with which a licence is considered a possession in law which a person should not be deprived of except in the public interest

Article 6 – right to a fair hearing

Article 8 – respect for private and family life and in particular the removal or restriction of a licence affecting a person's private life

Article 10 – right to freedom of expression.

The licensing authority will consider whether, in the light of relevant representations, exceptions to those articles should be made in any particular case.

## **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 and who can call for a review of an existing licence. 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 premise straddles the district boundary);
- ◆ the Gambling Commission;
- ◆ the chief officer of police (i.e. Cambridgeshire Constabulary);
- ◆ the fire and rescue authority (i.e. Cambridgeshire Fire and Rescue

Service);

- ◆ the local planning authority (i.e. Huntingdonshire District Council);
- ◆ the local environmental health authority (i.e. Huntingdonshire District Council);
- ◆ 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.

In relation to a vessel, the following are also responsible authorities -

- the Environment Agency
- the British Waterways Board

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 The licensing authority has designated 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](http://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 to 8.16 inclusive), 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 give the terminology 'has business interests' the widest possible interpretation and include partnerships, charities, faith groups and medical practices in that category.
- 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](http://www.huntingdonshire.gov.uk). If in doubt, an interested party should 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 the content of the document '*Advice to licensing authorities on information exchange with the Gambling Commission*' issued by the Gambling Commission which contains information about the protocols by which the information exchange is managed and sets out the nature of the returns that the authority is required to forward to the Commission each quarter. The paper is available at the Commission's website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## **11. COMPLIANCE AND 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.

In terms of compliance and enforcement activity, the Commission and the licensing authority are required to act in a proportionate manner to reflect the Regulators Compliance Code which is a central part of the Government's better

regulation agenda. The code is available at [www.berr.gov.uk/files/file45019.pdf](http://www.berr.gov.uk/files/file45019.pdf).

11.2 The licensing authority will have regard to the Commission's approach to compliance in the document '*Compliance and Enforcement Policy Statement*' 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 will 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 will 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 approach to compliance and enforcement. In so doing, it will review existing records and risk assessments, including those supplied by the Commission and other responsible authorities. This will guide the pattern of visits to premises and the reaction to complaints. The risk assessment will be reviewed in the light of visits undertaken. Complaints, information and intelligence received by the licensing authority relating to gambling premises will also inform the general risk rating of premises.

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. The licensing authority will work with the Commission to identify and investigate organised or persistent illegal activity.

11.6 Having regard to the principle of transparency, the licensing authority's enforcement and prosecution policies are available upon request from the authority's licensing section.

## **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 13th November 2009. 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](http://www.huntingdonshire.gov.uk).

12.3 The policy was approved at a meeting of the Council held on 2nd December 2009 and will be published via the authority's website thereafter. 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 authority's Licensing Manager by e-mail at [greg.peck@huntsdc.gov.uk](mailto: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 associated regulations, as well as specific mandatory and default conditions which are 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 -
- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
  - (b) in accordance with any relevant guidance issued by the Gambling Commission;
  - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above); and
  - (d) in accordance with the authority's statement of principles (subject to (a) to (c) above).
- 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 will take 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 the authority will be aware –

- of the need to protect children from being harmed by gambling. In practice this means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. 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;
- that entrances and exits to and 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. In this context, it should not normally be possible to access the premises without going through another licensed premises or premises with a permit; and
- that customers should be able to participate in the activity named on the premises licence.

In considering whether two or more proposed premises are separate, the licensing authority will have regard to the following circumstances -

- whether a separate registration for business rates is in place for the premises;
- whether the premises' neighbouring premises are owned by the same person or someone else;
- whether each of the premises can be accessed from the street or a public passageway; and
- whether the premises can only be accessed from any other gambling premises.

### **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 in the grant of a premises licence 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.

Having regard to a recent case where the Court held that an operator can apply for a premises licence in respect of premises that have still to be constructed or altered, the licensing authority will deal with an application in a two stage format. The first stage will establish the principle of whether the authority considers the premises should be used for gambling and the second will determine whether appropriate conditions can be applied if the licence is to be granted that will cater for the situation whereby they are not in a state in which gambling can take place.

### **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 In determining applications, the licensing authority has a duty to consider all relevant matters and not take into account irrelevant matters such as those not related to gambling and the licensing objectives. The authority therefore will seek to avoid any duplication with other statutory or regulatory systems wherever 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 licence must be reasonably consistent with the licensing objectives.

### **Conditions**

- 15.8 The Secretary of State has set mandatory and default conditions that must be attached to premises licences.

The following mandatory conditions will apply to all premises licences -

- the summary of the terms and conditions of the premises licence issued

- by the licensing authority must be displayed in a prominent place on the premises;
- the layout of the premises must be maintained in accordance with the plan that forms part of the premises licence; and
- neither National Lottery products nor tickets in a private or customer lottery may be sold on the premises.

There are also mandatory conditions attaching to each type of premises licence controlling access between premises.

The licensing authority may decide if there are clear regulatory reasons for doing so to exclude default conditions from a premises licence and may substitute it with one that is either more or less restrictive

Any conditions attached to a licence by the licensing authority will be proportionate to the circumstances that they are seeking to address 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.

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; and
- ◆ the area where these machines are located is arranged so that it can be observed by the staff or the licence holder.

- 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, winnings or prizes.

### **Door Supervisors**

- 15.14 The licensing authority will 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) if they are supplied in-house by the licence holder. Door supervisors who work in such premises and are contracted by the licence holder must be licensed by the 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.
- 15.15 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**

- 15.16 Section 177 of the Act does not prevent the licensee from permitting the installation of cash dispensers (ATMs) in casinos and bingo 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. (a summary of machine provisions by premises and the various categories of machine are defined in Appendices D and E respectively which can be found at the end of this statement.) 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 Mandatory conditions set by the Secretary of State will attach to adult gaming centre premises licences.

Currently there are no default conditions specific to adult gaming centre premises licences. 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;
- ◆ 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 Mandatory conditions set by the Secretary of State will attach to licensed family entertainment centre premises licences.

Currently there are no default conditions specific to licensed family entertainment centre premises licences. The authority therefore 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;
- ◆ 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 employees will prevent access to the area containing category C machines by under 18s and challenge children or young persons who attempt to play the machines.

## **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. Huntingdonshire is not a District that has been chosen for the issue of a casino premises licence.

18.2 However 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 will 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.

Mandatory conditions set by the Secretary of State will attach to bingo premises licences. One default condition also has been set by the Secretary of State.

- 19.4 The Gambling Commission has developed a statutory code of practice to help clubs and institutes to comply with the full range of statutory requirements for gaming. The *Code of Practice for gaming in clubs and premises with an alcohol licence* is available on the Commission's website.

## **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 also 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.
- 20.3 Mandatory conditions set by the Secretary of State will attach to betting premises licences. One default condition also has been set by the Secretary of State.

Where certain bookmakers have a number of premises within the area and in order to ensure that any compliance issues are recognised and resolved at the earliest stage, the operators are encouraged to provide the authority with the name and contact details of a single named point of contact who should be of a senior capacity. The authority will contact that person first should any compliance or other issues arise.

## **21. TRACKS**

- 21.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. In addition to horse racecourses and dog tracks, this can include a variety of other sporting or competitive venues where betting facilities are provided. 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 Mandatory conditions set by the Secretary of State will attach to track premises licences. Default conditions also have been set by the Secretary of State.
- 21.6 Specific guidance on the responsibilities of track premises licence holders in relation to the promotion of socially responsible gambling on their premises can be found in the *Advice to track premises licence holders* document available on the Gambling Commission's website.

#### **Gaming machines**

- 21.7 A betting premises licence in respect of a track does not give any automatic entitlement to use gaming machines. However where a licence holder has 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. A licence holder will also be able to provide up to two gaming machines automatically if he/she holds a premises licence under the Licensing Act 2003 that includes the sale of alcohol.

#### **Betting machines**

- 21.8 Betting operators may install betting machines or bet receipt terminals on tracks. There is no restriction on the number of bet receipt terminals that may be in use but operators must supervise such terminals to prevent them being used by those under 18 years of age.

#### **Condition on rules being displayed**

- 21.9 It is a mandatory condition of a track premises licence 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 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”). Plans for tracks need not be of a particular scale but should be drawn to scale and be sufficiently detailed to include the information required by the regulations. .

## **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 in respect of the premises;
  - ◆ will certainly not cause the authority to alter, revoke or suspend the licence;
  - ◆ is in accordance with any 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 an application for a permit, including the suitability of an applicant for a permit. A statement has not been prepared but in considering applications, the authority will have regard to the licensing objectives and to matters relating to child protection issues.
- 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 employees 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 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 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 the gaming machines have been made available in a way that does not comply with the requirements as to the location and operation of gaming machines);
  - ◆ 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, the guidance issued by the Commission and such matters as it thinks 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 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.
- 25.4 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.
- 25.5 Certain other forms of gambling may take place in alcohol-licensed premises. A statutory code of practice *The Code of Practice for equal chance gaming in clubs and premises with an alcohol licence* has been issued by the Gambling Commission and is available on the Commission's website. A summary of the gaming entitlements for clubs and pubs is also reproduced as Appendix F which can be found at the end of this statement.

## **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 will require an applicant to set out in the application the types of gaming that is intended to be offered and to demonstrate -
- ◆ that he/she 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.

## **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 B3A, B4, C or D (subject to only one B3A machine), equal chance gaming and games of chance as set out in regulations. A club machine permit will enable the premises to provide up to 3 gaming machines of categories B3A, B4, C or D.
- 27.2 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. The latter 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 Gambling 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 by regulations under section 266 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. A permit holder is also required to comply with the *Gaming Machine Permits Code of Practice*

issued by the Commission on the location and operation of machines and which can be viewed on its website.

## **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.



**PART D**  
**LOTTERIES**

**30. GENERAL**

- 30.1 Huntingdonshire District Council is the local authority responsible for the registration of societies to run small society lotteries. Registration is the responsibility of the Council as the local authority as opposed to the licensing authority. For convenience however and to ensure consistency, the Council is referred to as the licensing authority for the purposes of this section of the statement of principles.
- 30.2 To comply with the definition of a small society lottery in the Gambling Act, a society must be 'non-commercial' and the size of the lottery must be within certain limits.
- 30.3 A non-commercial organisation is a small society for the purposes of the Act if it is established and conducted –
- for charitable purposes;
  - for the purpose of enabling participation in, or supporting sport, athletics or a cultural activity; or
  - for any other non-commercial purpose other than that of private gain.
- 30.4 The proceeds of any lottery must be devoted to the above purposes as it is not permissible to establish a lottery whose sole purpose is to facilitate lotteries.
- 30.5 With regard to the size of the lottery, the total value of tickets to be put on sale in a single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If an operator plans to exceed either of these values they may need to be licensed with the Gambling Commission to operate large lotteries instead.
- 30.6 The Commission has produced an advisory document *Lotteries and the Law* and a leaflet for fundraisers, both of which are available on the Commission's website. The documents will provide advice to enable potential applicants to establish what type of lottery they plan to operate. The licensing authority has produced its own guidance *Guidance in relation to Small Society Lotteries* which is available on its website.
- 30.7 Participation in a lottery is a form of gambling and societies that register should conduct their lotteries in a socially responsible manner and in accordance with the Act. As the minimum age for participation in a lottery is 16, societies will be required to implement effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for checking the age of potentially under-age purchasers of lottery tickets and taking action where there attempts to purchase tickets.

30.8 There are a number of offences in relation to lotteries. If a society running small lotteries fails to comply with any of the conditions of running such lotteries, it will be operating in an illegal manner, irrespective of whether it is registered with the licensing authority or not. Although small society lottery operators may be prosecuted by the Commission, the police or the licensing authority, it is likely that alleged offences will be investigated by the authority. The authority will take a risk based approach towards its enforcement responsibilities but the following criteria is likely to affect the risk status of an operator –

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- submission of incomplete or incorrect returns; and
- breaches of the limits for small society lotteries.

30.9 The licensing authority considers that the following scenarios will give reason or the investigation of the particular circumstances of a society –

- making a late return of a statement;
- making no returns at all within a year of registration;
- failure to pay the annual fee when it becomes due;
- reports of sales of lottery tickets to persons under the age of sixteen;
- reports of sales of lottery tickets by persons under the age of sixteen;
- reports of societies running lotteries without being registered;
- reports of tickets being sold in a street;
- indications that a society has breached permissible limits; and
- reports of a misappropriation of funds.

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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](mailto: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

### **Child Protection Services**

Audit Manager  
Child Protection and Review Unit  
Castle Court  
Shire Hall  
Cambridge  
CB3 0AP

 01480 372439

## **LIST OF CONSULTEES**

### **Association of British Bookmakers Ltd**

Norris House  
4 Norris Street  
LONDON  
SW1Y 4RJ

### **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  
Proctor House  
1 Proctor Street  
LONDON  
WC1V 6DW



**British Holiday and Home Parks Association**

6 Pullman Court  
Great Western Road  
GLOUCESTER  
GL1 3ND

**Business in Sport and Leisure**

Andy Sutch  
CEO  
12 Thornton Road  
East Sheen  
LONDON  
SW14 8NS

**Huntingdonshire Chamber of Commerce and Industry**

John Bridge, Chief Executive  
Enterprise House  
The Vision Park  
HISTON  
Cambridge  
CB24 9ZR

**Cambridgeshire Business Services (Business Link)**

Steve Clarke, Partnership Director  
Export House  
Minerva Business Park  
LYNCHWOOD  
Peterborough  
PE2 6FT

**Cambridgeshire Constabulary**

Please see details in Appendix B

**Cambridgeshire County Council**

Shire Hall  
Castle Hill  
CAMBRIDGE  
CB3 0AP

**Cambridgeshire Fire & Rescue Service**

Please see details in Appendix B

**GAMCARE**

2<sup>nd</sup> Floor  
7 – 11 St John's Hill  
LONDON  
SW11 1TR

**Greater Cambridge Partnership**

Martin Garratt, Partnership Director  
The Partnership Office  
RES 1219  
Shire Hall  
CAMBRIDGE  
CB3 0AP

**HM Revenues & Customs**

Please see details in Appendix B

**Huntingdonshire Business Against Crime**

Mrs Collette Betts  
23A Chequers Court  
HUNTINGDON  
PE29 3LZ

**Huntingdonshire Business Network**

PO BOX 513  
HUNTINGDON  
Cambs  
PE29 2YR

**Huntingdonshire Citizens Advice Bureau**

6 All Saints Passage  
HUNTINGDON  
PE29 5AL

**Huntingdonshire Primary Care Trust**

The Priory  
Priory Road  
ST IVES  
PE27 4BB

**Huntingdon Racecourse**

Ms S Hodgkinson  
CEO  
Thrapston Road  
Brampton  
HUNTINGDON  
PE28 4NJ

**Child Protection Services**

Please see details in Appendix B

**St Ives Chamber of Commerce and Industry – see Huntingdonshire**

**Town Parish Councils in Huntingdonshire**

**The Local Environmental Health Authority**

Please see details in Appendix B

**The Local Planning Authority**

Please see details in Appendix B

**Town Centre Partnerships in Huntingdonshire**

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**SUMMARY OF MACHINE PROVISIONS BY PREMISES**

Premises type	Machine Category							
	A	B1	B2	B3	B4	C	D	
<b>Large casino</b> (machine/table ration of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
<b>Betting premises and tracks occupied by pool better</b>		Maximum of 4 machines categories B2 to D						
<b>Bingo premises</b>					Maximum of 8 machines in category B3 or B4	No limit on category C or D machines		
<b>Adult gaming centre</b>					Maximum of 4 machines in category B3 or B4	No limit on category C or D machines		
<b>Family entertainment centre</b> (with premises licence)							No limit on category C or D machines	
<b>Family entertainment centre</b> (with permit)							No limit on Category D machines	
<b>Clubs and miners' welfare institute</b> (with permits)					Maximum of 3 machines in Categories B3A or B4 to D*			
<b>Qualifying alcohol-licensed premises</b>							1 or 2 machines of category C or D automatic upon notification	
<b>Qualifying alcohol-licensed</b> (with gaming machine permit)							Number of category C-D machines as specified on permit	
<b>Travelling fair</b>							No limit on category D machines	
		<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

\* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machines can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

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## SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS

Category of Machine	Maximum stake (from June 2009)	Maximum prize (from June 2009)
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£1	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 maybe a money prize)



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## SUMMARY OF GAMING ENTITLEMENTS FOR CLUBS AND PUBS

	<b>Members' club or MW institute with club gaming permit</b>	<b>Bridge or whist club</b>	<b>Members' club or commercial club with club machine permit</b>	<b>Members' club, commercial club or MW institute without a club gaming permit</b>	<b>Pubs and other alcohol-licensed premises</b>
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Cribbage &amp; dominoes</b> No limit <b>Poker</b> £100 per premises per day <b>Other gaming</b> £5 per person per game
<b>Limits on prizes</b>	No limit	No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £100 per game <b>Other gaming</b> No limit
<b>Maximum participation fees – per person per day</b>	<b>Bridge and/or whist*</b> £20 <b>Other gaming</b> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £3 (commercial club) £1 (members' club)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £1	No permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided.

