



**STROUD DISTRICT COUNCIL**

[www.stroud.gov.uk](http://www.stroud.gov.uk)

# **GAMBLING ACT 2005**

## **Statement of Principles**

**Adopted 21<sup>st</sup> October 2021  
For Commencement 31<sup>st</sup> January 2022**

# Statement of Principles

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## **PART A**

### **1 General**

#### **1.1 Introduction**

This Statement is published in accordance with the requirement set out in the Gambling Act 2005 requiring the Licensing Authority to prepare and publish a Statement of Principles that sets out the principles that the Licensing Authority proposes to apply when exercising its functions. It includes details of the steps taken in relation to its preparation and details of the policies to which the Licensing Authority will adhere in determining applications submitted under the Act. It is intended to comply with and fulfil the requirements of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006 No. 636).

The Statement must be published at least every three years and this Statement will come into effect on the 31 January 2022 and continue until 30 January 2025. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published before any revision is given effect.

This Statement of Principles will be published on the Licensing Authority’s website and available via: [www.stroud.gov.uk](http://www.stroud.gov.uk) [www.stroud.gov.uk/licensing](http://www.stroud.gov.uk/licensing).

#### **1.2 Licensing Objectives.**

The Gambling Act 2005 requires that in exercising its functions under the Act, Stroud District Council (‘the Licensing Authority’) must have regard to the licensing objectives set out in Section 1. The licensing objectives are:-

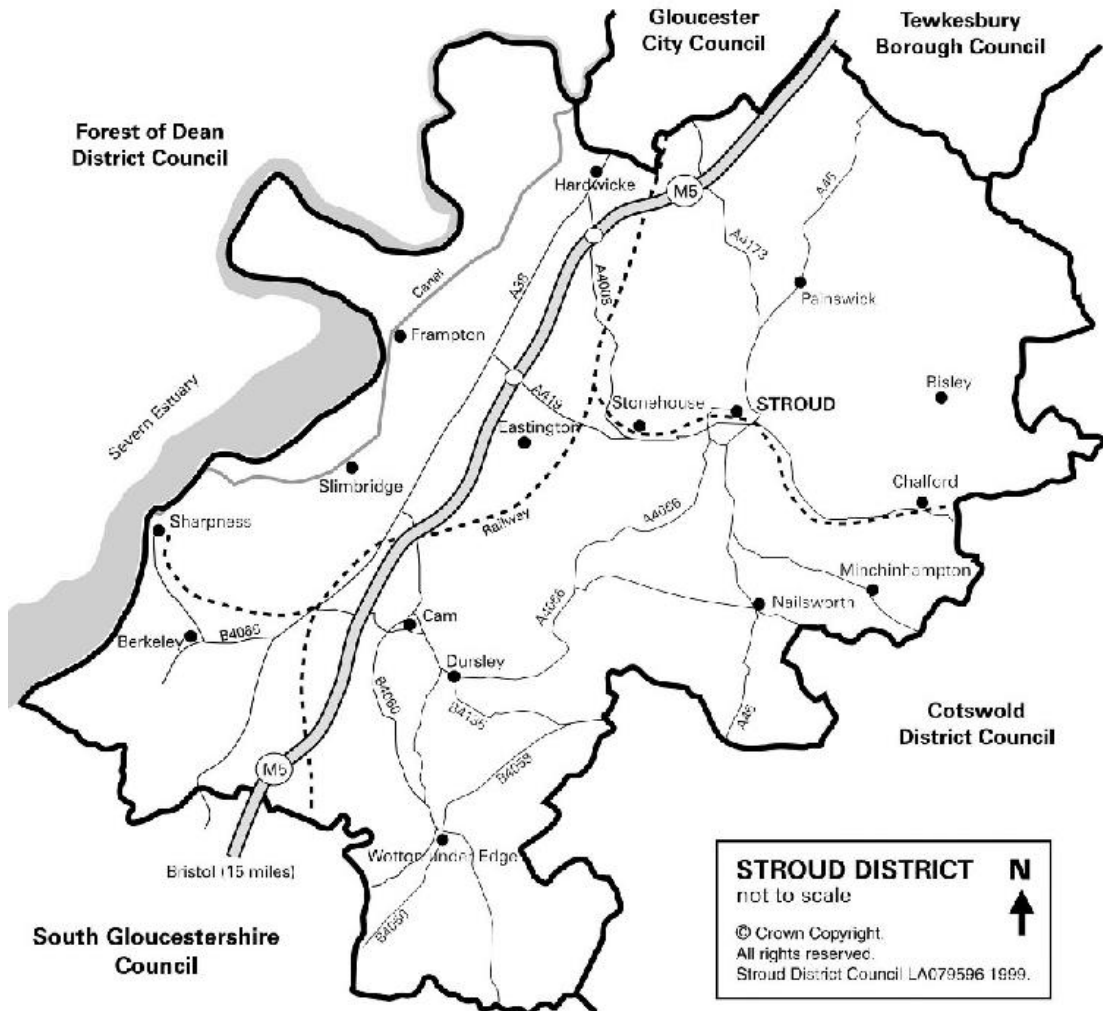
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is carried out in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority is aware that, as required by Section 153 of The Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling:

- in accordance with any relevant Codes of Practice under section 24;
- in accordance with any relevant Guidance issued by the Commission under section 25;
- in accordance with this Statement of Principles, and reasonably consistent with the licensing objectives.

### 1.3 The District of Stroud

The Licensing Authority is one of six district councils within Gloucestershire. The District of Stroud is a mainly rural area based around six market towns - Berkeley, Dursley, Nailsworth, Stonehouse, Stroud and Wotton under Edge. It has an area of 175 sq miles and a population of around 113,000.



The current number of Premises Licences issued throughout Stroud district is 7. This number has been fairly consistent throughout the time that the Gambling Act 2005 has been in force.

The breakdown is as follows\*.

#### Betting shops

Dursley x 1    Stonehouse x 1    Stroud x 3

#### Adult Gaming Centres

Motorway Services x 2

There are also 2 permits issued for Family Entertainment Centres

Motorway Services x 2

\* April 2021

## 1.4 Consultees

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

- Gloucestershire Constabulary;
- Representatives of the holders of the various licences for premises within the District who will be affected by this Policy;
- Persons/bodies representing the interests of persons likely to be affected by this policy including Gloucestershire Safeguarding and Gloucestershire Public Health.

A full list of consultees is shown at **Appendix B**. The Licensing Authority considers that the consultation exercise was sufficiently wide-ranging, in terms of the individuals and bodies consulted with and the means of consultation, so as to fulfil the requirement set out in the Guidance for a comprehensive consultation.

In determining its Statement of Principles, the Licensing Authority must have regard to the Gambling Commission's guidance for local authorities, and having regard to that guidance will give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account included:

- who is making the representations (what is their expertise or interest);
- relevance of the factors to the Licensing Objectives
- how many other people have expressed the same or similar views;
- how far the representations relate to matters that the Licensing Authority should be including in its Statement of Principles.

The Licensing Authority ensured that it looked at the views of consultees and considered carefully whether they should be taken into account and to what extent (having regard to the above factors). However, it only considered those matters within the scope of the guidance, the Act and any Codes of Practice and must not consider any other matter, regardless of the number of responses which are received with regard to it.

The Licensing Authority recognises the importance of being able to give reasons for the decisions which it has made following the consultation and of having regard to the Guidance in order to ensure consistency.

The final Statement of Principles was adopted by Full Council at its meeting on 21 October 2021 in order for it to take effect on 31 January 2022. It will be reviewed as necessary, and in any case subjected to a formal review at least every three years or in accordance with any revised legislation.

## 1.5 Declaration

In preparing its Statement of Principles the Licensing Authority is required to:

- Adhere to regulations issued by the Secretary of State under Section 349(4) of The Act.
- Have regard to guidance issued to local authorities by the Gambling Commission (Section 25(2) of The Act).
- Recognize the need to be consistent with the licensing objectives where applicable.

In producing the final statement, this Licensing Authority declares that it has had regard to the Licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and responses from those consulted on the Statement.

## 1.6 Responsible Authorities

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area and;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Gloucestershire Safeguarding Children Partnership (GSCP) for this purpose, comprising of Gloucestershire Clinical Commissioning Group, Gloucestershire County Council and Gloucestershire Constabulary.

The GSCP Executive will review and delegate its duties as Responsible Authority to the most suitable safeguarding partner for this purpose every three years setting out its arrangements in its own 'Published Arrangements' document.

For the purposes of this Act, the following are responsible authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated ("Stroud District Council");
2. The Gambling Commission;
3. Gloucestershire Constabulary;
4. Gloucestershire Fire and Rescue Service;
5. Development Control Manager, Planning Dept, Stroud District Council;
6. Environmental Protection Manager, Stroud District Council;
7. Gloucestershire Safeguarding Children Partnership;
8. HM Customs and Excise.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at:

<https://www.stroud.gov.uk/business/licensing-permits/gambling-licences-permits-and-lotteries-gambling-act-2005/apply-for-a-premises-licence-gambling-act-2005>

## 1.7 Interested Parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in section 158 of the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person –

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

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested Parties can be persons who are democratically elected such as MP's, District Councillors and town and parish councils. The Licensing Authority will not require specific evidence from such persons, of them being asked to represent an interested person, as long as the Councillor / MP represents the ward likely to be affected by the application. Other than these however, this Licensing Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will normally be sufficient proof of that fact.

Interested Parties wishing to approach Councillors to ask them to represent their views should take care that the Councillor(s) are not part of the Committee that deals with licensing matters who could subsequently be required to deal with the licence application.

## **1.8 Information exchange**

Licensing Authorities are required to include in their Statement the principles to be applied by the Licensing Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act in relation to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

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

Full details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their full details will be disclosed.

## **1.9 General Principles**

This "Statement of Principles" sets out the principles that the Licensing Authority will apply when making decisions upon applications or notifications made for:-

- Premises Licences;
- Temporary Use Notices;
- Occasional use Notices;
- Permits as required under the Act;
- Registrations as required under the Act.

Nothing in this Statement of Principles will:-



- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; or
- Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

Each application will be treated on its own merits.

The Licensing Authority will seek to regulate gambling within its area in the public interest.

## **1.10 Enforcement**

The main enforcement and compliance role for this licensing authority in terms of The Act will be to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission will be the enforcement body for operating and personal licences. The Commission will also deal with any concerns about manufacture, supply or repair of gaming machines

The Licensing Authority will follow the relevant principles set out in the Regulators code together with any relevant guidance from the Gambling Commission and legislation. The Licensing Authority will adopt and adhere to the principles of better regulation.

The Licensing Authority is required by regulation under The Act to state the principles to be applied by it in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem and minimise side effects.

This Licensing Authority will adopt a risk-based inspection programme, based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission;
- The principles set out in this statement of licensing policy

The aim is to target high-risk premises whilst adopting a "light touch" approach to lower-risk premises. The authority will seek to give advice to licence holders that wish to comply but will take a firm stance against irresponsible licence holders

Where the Licensing Authority seeks to bring a prosecution, it will have regard to the principles of the Crown Prosecution Service Code for Crown Prosecutors.

The Licensing Authority will seek to work actively with the Gambling Commission and the Gloucestershire Constabulary in enforcing licensing legislation, and where appropriate it will establish protocols with those partner agencies on enforcement issues to ensure an efficient use of resources.

### 1.11 Licensing Authority Functions

The Act requires this Licensing Authority to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
- Issue *Provisional Statements*;
- Regulate *Members' Clubs* and *Miners' Welfare Institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue *Club Machine Permits* to *Commercial Clubs*;
- Grant permits for the use of certain lower stake gaming machines at *Unlicensed Family Entertainment Centres*;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register *Small Society Lotteries* below prescribed thresholds;
- Issue *Prize Gaming Permits*;
- Receive and Endorse *Temporary Use Notices*;
- Receive *Occasional Use Notices*;
- Provide information to the Gambling Commission regarding details of licences issued;
- Maintain registers of the permits and licences that are issued under these functions.

## **Part B**

### **2 Premises Licences**

#### **2.1 Premises Licence**

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

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

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

#### **2.2 Applications**

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

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

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

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

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

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

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

#### **2.3 Local Risk Assessments**

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures

and control measures to mitigate those risks. In undertaking their local risk assessments, they must take into account relevant matters identified in this policy statement.

The LCCP state that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

This Licensing Authority will expect the local risk assessment to consider as a minimum:

- Location of institutions, places or areas, where the presence of children and young persons should be expected such as schools, colleges and universities youth clubs, leisure/community centres, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc
- Locations where children may congregate such as bus stops, cafes, shops etc
- Areas prone to issues of youths participating in anti-social behaviour, including under age drinking, drug taking, graffiti etc
- Local gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Proximity of premises which may be frequented by vulnerable people including those with learning difficulties, and those with gambling / alcohol / drug abuse problems such as hospitals, residential care homes, hostels, medical facilities, doctors surgeries, addiction clinics or help centres
- Other facilities in the proximity such as other gambling outlets, banks, public houses etc
- Whether the premises is in an area subject to high levels of crime and/or disorder
- Known problems in the area such as those arising from street drinkers, drug dealing activities etc

There is information about Gloucestershire Health and Wellbeing Trends and also Gloucestershire Crime Trends on the Inform Gloucestershire website:

<https://inform.gloucestershire.gov.uk/>

The Licensing Authority will expect the local risk assessment to include policies in place at the premises to ensure that children and vulnerable person, including people with gambling dependencies are protected. This could include:

- Training records for staff such as how to recognise excessive gambling or vulnerable persons and actions that will be taken,
- Safeguarding training
- The layout of the premises so that staff have unobstructed view of customers
- Ensuring that layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.

- Location of CCTV
- Numbers of staff available at the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Records held of the numbers of self exclusions, and underage refusals at the premises
- Results of any in house underage test purchasing at the premises
- Ensuring any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

A significant change in local circumstances that would require a licensee to review their local risk assessment could include:

- A substantial residential building development which could lead to an increase in children or vulnerable persons in the area
- A development of new or change to existing education establishments
- New venues that may attract children to the area
- New venues in the local area that may lead to an increase in vulnerable persons such as homeless hostels, support care facilities or medical facilities
- Increase in anti-social behaviour or drug/alcohol dependency issues in the local area

The Licensing Authority will expect that the local risk assessment is kept at the individual premises. Staff at the premises should be aware of the content of the local risk assessment and be able to locate it for inspection on request by a Police Officer or an Authorised Officer of Stroud District Council or the Gambling Commission

## **2.4 Local Area Profile**

There is no statutory requirement for the Licensing Authority to undertake a local area profile and this authority has decided not to do one as there are only a low number of premises licensed under the Gambling Act 2005 in the district. However, if a profile is produced in the future it will be a separate document to this Statement of Principles and will be circulated to all licensed premises and available on Stroud District Council's website. If a local area profile is produced it is expected that local risk assessments will take account of it.

## **2.5 Plans of the Premises**

All new applications for a premises licence, and where relevant variation applications, must include a plan of the premises. This Authority expects the plan to show the outline of the premises defined in red, all exit/entrance points, any fixed structures and the position of counters, gaming machines etc. The plans become part of the premises licence and the authority expects the plans to be available for inspection by an authorised officer at the premises.

If there are major changes to the layout of a premises a variation application must be made, and new plans submitted. If there is a minor change to the layout the licence holder should contact the Licensing Authority for advice. If the minor change has no impact on the Licensing Objectives the Authority may accept an updated plan. However, if there is a possibility that the change will impact on a Licensing Objective the licence holder must make a variation application. For example, the moving of gaming machines which impacts on the line of sight for staff.

## **2.6 Decision Making**

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

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

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

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

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

- Planning controls;
- Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other departments of this Licensing Authority;
- Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour.

## **2.8 Location**

In determining an application or a request to review a Premises Licence, the Licensing Authority will have regard to:

- Proximity to institutions, places or areas where the presence of young persons should be expected such as schools, colleges, universities youth clubs, parks, playgrounds etc
- Proximity to residential areas where there may a high concentration of families with children
- Proximity to premises frequented by vulnerable people including those with learning difficulties, and those with gambling / alcohol / drug abuse problems such as hospitals, residential care homes, hostels, medical facilities, doctors' surgeries, addiction clinics and help centres

Proposals for new gambling premises which are in close proximity to the above are considered likely to adversely affect the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. Each case will, however, be decided on its merits and if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

## **2.9 Primary Activity**

By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

The Licensing Authority will take account of the Commission's document setting out the indicators that are used to assess as to whether the requirements for betting being the primary gambling activity in any particular premises are being met.

## **2.10 Meaning of "Premises"**

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. However, a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in its Guidance to Licensing Authorities Part 7 that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. However, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This licensing authority takes note of the Gambling Commission's Guidance to Licensing Authorities in Part 7 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 (nongambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence."

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

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

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

This authority will take account of the Gambling Commission's Guidance in Part 7 which details the relevant access provisions for each premises type. These include:

### **Adult Gaming Centre**

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

### **Betting Shops**

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

### **Tracks**

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

### **Bingo Premises**

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

### **Family Entertainment Centre**

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

## **2.11 Premises “ready for gambling”**

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

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

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

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

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



More detailed examples of the circumstances in which such a licence may be granted can be found atin Part 7 of the Gambling Commission’s Guidance.

## **2.12 Planning**

The Gambling Commission’s Guidance to Licensing Authorities states in Part 7:

“In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal”.

This authority will not take into account irrelevant matters as per the above guidance. In addition, this authority notes the following excerpt from Part 7 of the Gambling Commission’s Guidance:

“When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”.

## **2.13 Duplication with other regulatory regimes**

This Licensing Authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise. When dealing with a premises licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

## **Licensing Objectives**

### **2.14 Prevention of crime and disorder objective**

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

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

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

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, that procedures are in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

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

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

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

## **2.16 Protection of children and other vulnerable persons objective**

### **Access to Licensed Premises**

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

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

This Licensing Authority may consult with Gloucestershire Safeguarding Children Board on any application that may give cause for concern over access for children or vulnerable persons.

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

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

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

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

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

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

## **2.17 Vulnerable Persons**

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

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

This Licensing Authority will expect, (if appropriate for the type of licence or permit being applied for), that an applicant will show that there are policies and procedures in place to protect vulnerable persons.

These may include

- A training programme for staff to enable them to identify persons who may be vulnerable and where appropriate to take action to protect such vulnerable persons from being harmed or exploited by gambling
- Display Gamcare helpline stickers on all gaming machines
- Display Gamcare posters in prominent locations on the premises

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.”

## **2.18 Door Supervisors**

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

This Licensing Authority will normally expect door supervisors employed at Gambling Premises to be Security Industry Authority (S.I.A.) registered (or any subsequent equivalent). It is noted though that ‘in house’ door supervisors at casinos or bingo premises are exempt from the requirement to be licensed by the S.I.A. (or any subsequent equivalent). Where applicants

propose to employ door supervisors who are not S.I.A. registered this Licensing Authority will expect the Applicant to show that they (the door supervisors) are trained to S.I.A. standards (or any subsequent equivalent.)

## **2.19 Adult Gaming Centres**

This Licensing Authority will have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy it (the Licensing Authority) that there will be in place sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This Licensing Authority will expect applicants to offer in their application appropriate measures that they propose to take that will promote the licensing objectives, measures which could cover issues such as:

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

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

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

This Licensing Authority will specifically have regard to the need to protect children, young persons and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, such measures cover issues such as:

- CCTV;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-barring schemes;
- Measures / training for staff on how to deal with suspected truant school children on the premises and how to recognise signs of child sexual exploitation and other safeguarding issues
- Clear policies that outline the steps to be taken to protect children from harm

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

This Licensing Authority will, in accordance with the Gambling Commission's Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This

Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, where they have been published.

## **2.21 Casinos**

There are currently no casinos operating within the District.

At present this Licensing Authority has not passed a resolution not to issue casino premises licences generally in the District. However, this Licensing Authority reserves the right to review this situation and may, at some time in the future, make such a resolution. Any such resolution will be made by the Full Council and this Statement of Principles will be updated.

## **2.22 Bingo Premises**

The Gambling Commission's Guidance in Part 18 states:

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

This authority also notes the Guidance in Part 18 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

In Part 18 the Gambling Commission's Guidance states:

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

## **2.23 Betting Premises**

*Betting machines* – This Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **2.24 Tracks**

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

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

This Licensing Authority also expects applicants to volunteer their own measures to meet the licensing objectives such as:

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

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

#### Gaming machines –

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

#### Betting machines –

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

#### Applications and plans -

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Gambling Commission's Guidance, para 20.28).

Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Gambling Commission's Guidance, Part 20).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. (See Gambling Commission's Guidance, Part 20).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races.

In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Gambling Commission's Guidance, Part 20).

This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Gambling Commission's Guidance, Part 20)

## **2.25 Travelling Fairs**

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

## **2.26 Provisional Statements**

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

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

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

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

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

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

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

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

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

## **2.27 Reviews**

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

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

The Licensing Authority will take into consideration whether the request is frivolous or vexatious, or whether it is substantially the same as previous representations or requests for review. Where it considers this is the case it will certainly not cause this Licensing Authority to alter/revoke/suspend the licence,

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

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

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

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

- add, remove or amend a licence condition imposed by the licensing authority;



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

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

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

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

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

## **2.28 Complaints against Licensed Premises**

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

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

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

## PART C

### 3. Permits, Temporary & Occasional Use Notice

#### 3.1 Unlicensed Family Entertainment Centres (FEC)

Premises that do not hold a premises licence but wish to provide gaming machines may apply to the Licensing Authority for an Unlicensed Family Entertainment Centres permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of The Act).

The Gambling Act 2005 states that a Licensing Authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Part 24. The Gambling Commission's Guidance also states: "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, Licensing Authorities will want to give weight to child protection issues."

Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing Authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles - This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include

- training for staff as regards suspected truant school children on the premises,
- training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- training for staff for identifying and how to report safeguarding and child sexual exploitation concerns
- 

This Licensing Authority will also expect applicants to:

- Provide a detailed plan with the application showing the boundaries of the unlicensed FEC, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant. There must be no direct access from an unlicensed FEC and an Adult Gaming Centre
- demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act);

- staff are trained to have a full understanding of the maximum stakes and prizes.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted

### **3.2 (Alcohol) Licensed Premises - Gaming Machine Permits.**

The Act allows premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

The Licensing Authority expects alcohol licensed premises with gaming machines to adhere to the codes of practice. In particular there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines and all gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

The Licensing Authority would consider the removal of the automatic authorisation in respect of any particular premises if:

- the provision of the machines is not reasonably consistent with the pursuit of the Acts' 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 Act has been committed on the premises.

Any premises wishing to have more than 2 machines must apply for a permit. Where the Licensing Authority receives such an application the Licensing Authority will consider that application based upon the licensing objectives, any guidance by the Gambling Commission issued under Section 25 of The Act, and such matters as it may think relevant. Such matters will be determined on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Licensing Authority that there will be no access may include the adult machines are in sight of any bar, or that the machines are capable of continuous monitoring 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 signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

The Licensing Authority will expect the applicant for a permit to provide a detailed plan with the application showing the boundaries of the area to be covered by the permit, the location of the gaming machines and any other fixed structures, plus the nature of any adjoining areas if relevant.

If there is a change in the layout of the premises after the permit is granted the Licensing Authority expects the permit holder to provide the Licensing Authority with updated plans. This

will include if gaming machines are moved within the area covered by the permit. If there is a significant change that could impact on the licensing objectives a new application may have to be submitted

It is recognised that some alcohol licensed premises may 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.

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

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

### **3.3 Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))**

The Gambling Act 2003 states that a Licensing Authority can decide to prepare a statement of principles that they propose to apply in exercising their functions under this schedule which may in particular specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit.

Statement of Principles - This Licensing Authority requires applicants to set out the types of gaming that they are intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law;
- and they have clear policies that outline the steps to be taken to protect children from harm

In making its decision on an application for a permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

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

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as set-out in Regulations. A Club Gaming machine permit will enable the premises to provide gaming machines Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit,

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these 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

This Licensing Authority will only refuse such an application if:

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

When considering whether the applicant fulfills the requirements for a members' or commercial club or miners' welfare institute it will take account of the factors listed in section 25 of the Commission's Guidance.

The Act also provides for a 'fast-track' procedure for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Gambling Commission's Guidance for local authorities states:

"Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which a Licensing Authority can refuse a permit are reduced."

This Licensing Authority will refuse such applications if:

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

When considering whether the club is established primarily for gaming the Licensing Authority will take account of the factors listed in section 25 of the Commission's Guidance.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder of such a permit complies with any relevant provision of a code of practice regarding the location and operation of gaming machines.

### **3.5 Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

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

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

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

This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance.

### **3.6 Occasional Use Notices:**

The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

When receiving such notices this Licensing Authority will consider the definition of a 'track' and whether the notice giver is permitted to avail him/herself of the notice.

## Part D

### 4

#### Further Information

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Licensing Section  
Stroud District Council  
Ebley Mill  
Ebley Wharf  
Stroud  
Glos, GL5 4UB

Tel: 01453 766321  
E-mail: [licensing@stroud.gov.uk](mailto:licensing@stroud.gov.uk)  
Website: [www.stroud.gov.uk](http://www.stroud.gov.uk)

Further information including gaming machine stakes and prizes licence conditions and codes of practice may also be viewed on the Gambling Commission's website  
[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

**APPENDIX A**  
**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

<b>MATTER TO BE DEALT WITH</b>	<b>Full Council</b>	<b>Sub-committee of Committee that deals with Licensing (Licensing Panel)</b>	<b>Officers</b>
Statement of Principles	X		
Policy not to issue casino premises licences	X		
Fee Setting - when appropriate			X (to be approved by Chair of Committee that deals with licensing matters)
Application for premises licences		Where representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no relevant representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Request to review a premises licence			X (in consultation with the Head of Legal Services)
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no relevant representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice			X



## APPENDIX B

### Gambling Act 2005 Stroud District Council's Draft Statement of Principles

#### List of Consultees

<b>Responsible Authorities</b>	
Chief Officer of Police	<a href="mailto:licensing@gloucestershire.police.uk">licensing@gloucestershire.police.uk</a>
Fire and Rescue	<a href="mailto:fire.safety@glosfire.gov.uk">fire.safety@glosfire.gov.uk</a>
Gloucestershire Children Safeguarding Partnership	<b>Police are a member of the partnership and will act on behalf of GCSP – see Police contact above</b>
Environmental Health	<a href="mailto:environmental.health@stroud.gov.uk">environmental.health@stroud.gov.uk</a>
The Local Planning Authority	<a href="mailto:planning@stroud.gov.uk">planning@stroud.gov.uk</a>
<b>Licence Holders and Representative of the trade</b>	
All Premises Licence holders	
BACTA (representing the British Amusement Industry)	<a href="mailto:info@bacta.org.uk">info@bacta.org.uk</a>
Association of British Bookmakers Ltd	<a href="mailto:mail@abb.uk.com">mail@abb.uk.com</a>
M Recaf Equipment Limited	<a href="mailto:info@recaf.co.uk">info@recaf.co.uk</a>
Gamestec Leisure Ltd	<a href="mailto:enquiries@gamestec.co.uk">enquiries@gamestec.co.uk</a>
<b>Persons/bodies representative of businesses and residents</b>	
Stroud District Council - Members	
Parish Councils/Town Councils	
<b>Other</b>	
Stroud District Council - Strategic Heads/ Heads of Service	
One Legal	
Stroud District Council – Neighbourhood Wardens	
Community Safety Partnership	
Gloucestershire Safeguarding Vulnerable Adults Board	
Gloucestershire Public Health	
Regional Officer, Gambling Commission	
Gloucestershire Licensing Authorities	
Stroud District Council Web Site	