

## Changes to policy

Old	New
<p>1.1 Herefordshire is a mixed commercial and residential area, with many areas lying in tranquil rural surroundings, whose amenity the Council has a duty to protect, and one of the Council's aims is to promote safer and stronger communities. These factors may be taken into account in relation to applications that may have a material impact on a vicinity.</p>	<p>1.1 Herefordshire is bordered by Shropshire to the north, Worcestershire to the east, Gloucestershire to the south-east, and the Welsh counties of Monmouthshire and Powys to the west. It has a population of 193,600 (mid-2020) and covers an area of 2180 square kilometres (842 square miles). 95% of the land is rural with over half the population living in these rural areas. At the centre of the County is Hereford City with a population of 61,400. The city is surrounded by the market towns of Leominster (12,200), Ross on Wye (11,400), Ledbury (10,100), Bromyard (3,361) and Kington (3,302). It has an ageing population with 24% of the residents over 65, compared to the national average of 18%. Earnings in Herefordshire are significantly lower than the average in England and the West Midlands. In 2022, the median weekly earnings for people who work in Herefordshire were £454.00, compared to £536.60 in England.</p>

<p>1.3 The Licensing Authority is required to publish a Gambling Licensing Policy that will be used <del>to assist during the decision making process</del> when exercising its licensing functions. This Policy has been prepared to assist the Licensing Authority in reaching a decision on applications, setting out those matters that will normally be taken into account. It also seeks to provide information for applicants, residents, businesses in the County and the responsible authorities on the Licensing Authorities expectations.</p>	<p>1.3 The Licensing Authority is required to publish a Gambling Licensing Policy that will be used when exercising its licensing functions. This Policy has been prepared to assist the Licensing Authority in reaching a decision on applications, setting out those matters that will normally be taken into account. It also seeks to provide information for applicants, residents, businesses in the County and the responsible authorities on the Licensing Authorities expectations.</p>
	<p>1.8 Herefordshire Council recognises its duties to consider the impact of all its functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998 in adopting this statement of policy. Herefordshire Council acknowledges the benefits to the community of properly regulating gambling in the district.</p> <p>1.9 It should be noted that this statement of policy 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 Gambling Act 2005.</p>

	<p><b>1.13 Declaration</b>  In producing the final statement, The Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.</p>
	<p><b>2.4</b> It should be noted that the Gambling Commission has stated ‘The Requirements in relation to children is explicitly to protect them from being harmed or exploited by gambling’.</p>
<p><b>2.7 <u>Licensing Conditions and Codes of Practice 2015 (LCCP)</u></b>  The Gambling Commission released a new ‘Licensing Conditions and Code of Practice’ (LCCP) in February 2015 with a commencement date of May 2015. The code strengthened the ‘social responsibility’ code (SR) requirements.</p> <p><b>2.8</b> Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a></p>	<p><b>2.9 <u>Licensing Conditions and Codes of Practice 2015 (LCCP)</u></b>  The Gambling Commission issues two types of code of practice. Social responsibility (SR) codes and ordinary codes (OC). A social responsibility code must be adhered to by all licence holders in the same manner as a licence condition. An ordinary code is not mandatory but operators are expected to take account of them. Both sets of codes can be found in the Commission’s Licence Conditions and Codes of Practices (LCCP).</p>

2.9 The code requires operators;

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

2.10 **Risk Assessments**

Such risk assessments are required from new applicants, and from existing Premises Licence's seeking to vary a licence. The code requires all operators of; AGC's,

Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

2.11 Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new Premises Licence or variation of a Premises Licence, or otherwise on request, and this will form part of the Licensing Authority's inspection regime. Copies of the risk assessment must be kept on the premises and made available to the inspecting officer if requested.

2.12 The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of

underage gambling,

- Gaming trends that may reflect benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
- Suitable multi-language documentation to help and support non-English speaking customers

2.13 The Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment. Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools,

youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.

- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

2.14 Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as

<p>hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.</p> <p>2.15 Other issues that may be considered could include: Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.</p> <p>2.16 This list is not exhaustive and other factors not in this list that are identified must be taken into consideration.</p>	
	<p><b>Protection of children from harm</b></p> <p>3.2 The Licensing Authority is required by regulations to state the policy 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 policy is:</p> <ul style="list-style-type: none"><li>• the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;</li></ul>



	<ul style="list-style-type: none"> <li>• the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and</li> <li>• that this body is experienced in dealing with the protection of children.</li> </ul> <p>3.3 In accordance with the suggestion in the Gambling Commission’s Guidance for licensing authorities, the Authority designates the Herefordshire Safeguarding Children’s Partnership for this purpose.</p> <p>3.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Herefordshire Council’s website at: <a href="http://www.herefordshire.gov.uk">www.herefordshire.gov.uk</a></p>
<p>4.3 In determining whether a person is an interested party, the Licensing Authority will take into account the ‘Guidance to Licensing Authorities’ by the Gambling Commission when determining whether a business interests might be affected by the authorised activities considering any factor considered to be relevant.</p> <ul style="list-style-type: none"> <li>• Each case will be decided upon its merits, subject to the licensing objectives and to any requirements imposed by the Gambling Act, 2005.</li> </ul>	<p><b>Principles of determining Interested Parties:</b></p> <p>4.3 The Licensing Authority is required by regulations to state the policy it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.</p> <p>4.4 Each case will be decided upon its merits. The Authority will not apply a rigid rule to its decision making. It will consider</p>

- This authority will not apply a rigid rule to its decision making,
- It will take into account any guidance provided by the Gambling Commission's current 'Guidance to Licensing Authorities' and other current relevant guidance provided by the Gambling Commission to Licensing Authorities.

4.4 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or MP represents the ward likely to be affected. Other than these, however, the Licensing Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

4.5 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the

the examples of considerations provided in the Gambling Commission's Guidance for licensing authorities at 8.12 and 8.15. 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.

4.5 The Gambling Commission has recommended that the Licensing Authority state whom it considers represent interested parties. These include, but are not confined to, democratically elected representatives such as local 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 Member represents the ward likely to be affected) and bodies such as trade associations and trade unions, and residents' and tenants' associations. The 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 Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by, or has business interests that might be affected by the

<p>Councillors are not part of the Licensing Sub Committee dealing with the licence application.</p>	<p>authorised activities being applied for. A letter from one of these persons requesting representation shall be sufficient.</p> <p>4.5 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee or Sub-Committee dealing with the licence application. If there are any doubts then please contact the Council's Democratic Services.</p>
<p>5.2 All representations must be received by the Licensing Authority within 28 days of the application being made to the Licensing Authority . The Licensing Authority cannot legally accept any late representations. Applications will be advertised by a notice placed at the premises (in a position where it can be seen and read by passers-by) and by a notice in a local newspaper.</p>	<p>5.2 All representations must be received by the Licensing Authority within the statutory deadlines set out in either the Act or the Regulations made under the Act. The Licensing Authority cannot legally accept any late representations. Applications will be advertised by a notice placed at the premises (in a position where it can be seen and read by passers-by) and by a notice in a local newspaper.</p>
	<p>6.3 The Licensing Authority will inform the Gambling Commission without delay if:</p> <ul style="list-style-type: none"> <li>• Information that causes the Licensing Authority to question the suitability of a person or business</li> </ul>

	<p>holding or applying to hold an operating licence is received.</p> <ul style="list-style-type: none"><li>• There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an Operating Licence.</li><li>• If it comes to the Licensing Authority's attention that alcohol-licensed premises, clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes that that make it possible that £2,000 in seven days is being exceeded.</li><li>• Any other reasonable and relevant information that the Licensing Authority is of the opinion the Gambling Commission should be made aware of.</li></ul>
	<p>7.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the policy to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers</p>

	<p>under section 346 of the Act to institute criminal proceedings in respect of the offences specified.</p>
	<p><b>7.8</b> The Authority recognises that certain gambling premises operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and who the Authority will contact first, should any compliance queries or issues arise.</p> <p><b>7.9</b> In considering enforcement action, the Licensing Authority will bear in mind the Human Rights Act, in particular:</p> <ul style="list-style-type: none"> <li>• Article 1, Protocol 1 – Peaceful enjoyment of possessions</li> <li>• Article 6 – right to a fair hearing</li> <li>• Article 8 – respect for private and family life</li> <li>• Article 10 – right to freedom of expression</li> </ul>
	<p><b>10.2 Local Risk Assessments</b></p> <p>It is a requirement of the Commission’s Licence Conditions and Codes of Practices (LCCP), specifically an SR code</p>

requirement that licensees assess local risks to the licensing objectives, posed by the provision of gambling facilities, at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

10.3 Licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in a Licensing Authority's statement of licensing policy;
- 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.

10.4 The Licensing Authority expects the local risk assessment to consider as a minimum:

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|  | <ul style="list-style-type: none"><li>• whether the premises are in an area subject to high levels of crime and/or disorder;</li><li>• the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;</li><li>• the location of services for children such as schools, playgrounds, toy shops, leisure/community centres and other areas where children will gather such as fast food outlets;</li><li>• the demographics of the area in relation to vulnerable groups how vulnerable people, including people with gambling dependencies are protected;</li><li>• whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;</li><li>• any indication in the area of young people attempting to access adult gambling facilities of the type offered in the area;</li><li>• high unemployment area;</li><li>• the area has a high number of rough sleepers/homeless people.</li></ul> |
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	<p>The risk assessment should take into account the risks presented by the local landscape.</p>
<p><b>10.8</b> The Licensing Authority will also take particular care in considering applications:</p> <ul style="list-style-type: none"> <li>• for a part of a building, when another part of the building is not licensed and is used for non-gambling purposes. In these circumstances the entrances and exits from the licensed premises will have to be separate, identifiable and conspicuously distinct from the unlicensed areas. Persons using the unlicensed areas of the building must not be able to unknowingly ‘drift’ into the licensed area; and/or</li> <li>• involving access to the licensed premises through other premises (which themselves may be licensed or unlicensed). The Licensing Authority will consider issues such as whether children can gain access; the nature and compatibility of the two establishments; and the ability of the proposed licensed premises to comply with the requirements of the Act and the regulations.</li> </ul>	<p><b>10.8</b> The Licensing Authority will take particular care in considering applications for multiple licences for what may be considered a single premises.</p> <p><b>10.9 Definition of “premises”</b>  In the Act “premises” is defined as “any place”, and no premises except for a ‘track’ may have more than one premises licence.</p> <p><b>10.10</b> However, it is possible for a single place such as a building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a place/building can properly be regarded as being separate premises, will always be a question of fact in the circumstances. However, the Licensing Authority will consider the following when deciding whether a building or part of a building is a separate premises:-</p>



- Has it a different postal address?
- Has it a separate registration for business rates?
- Is a neighbouring premises owned by the same person or someone else?
- Can it be accessed from the street or a public passageway via a separate entrance?
- Can it only be accessed from any other gambling premises?
- Would the ordinary person on the street consider that they were one premise or two?

10.11 The Licensing Authority also takes particular note of the Gambling Commission's Guidance for Licensing Authorities which states that:

Licensing Authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking

part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

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

10.12 It should be noted that following the case of *The Queen (on the application of) Betting Shop Services Limited v Southend-on-Sea Borough Council*, an applicant can obtain a full premises licence for premises in which it is proposed to offer gambling but the facilities have still to be constructed

	<p>or altered. Licensing Authorities are required to determine such applications on their merits.</p>
	<p>10.15 Applicants should note that the Authority is entitled to decide that it is appropriate to grant such a licence subject to conditions, but it is not obliged to grant such a licence.</p>
	<p>11.1 The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance for Local Authorities we 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 as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.</p>

11.4 Duplication with other regulatory regimes - The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Licensing Authority will not consider any planning or building regulations issues in relation to the premises, in its consideration of the licence application. 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.

11.5 Furthermore, the Authority notes the following statement from the Gambling Commissions Guidance:

When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning

	<p>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.</p>
	<p>14.4 Where Bingo is provided in alcohol-licensed premises and reaches a certain threshold, it will no longer be authorised as equal chance gaming and a Bingo Operating Licence will need to be obtained from the Gambling Commission. The aim of this provision is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.</p> <p>14.5 The threshold is reached if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once in a year, referred to as ‘high turnover bingo’.</p> <p>14.6 If it comes to the attention of the Licensing Authority that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week, which involves significant stakes and prizes, that makes it possible that the £2,000 in</p>

	<p>seven days is being exceeded, the Licensing Authority shall inform the Commission accordingly.</p>
	<p>17.2 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.</p>
<p><b>18.0 Reviews</b></p> <p>Generally a review is where any interested party or responsible authority asks the licensing authority to review a premises licence because of a matter arising in connection with one or more of the three licensing objectives.</p> <p>A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from interested party or responsible authority. A formal review of a premises licence may result in the Licensing Authority imposing additional conditions or revoking the licence.</p> <p><b>18.1 Initiation of review by Licensing Authority</b></p>	<p>18.0 <u><b>Reviews</b></u></p> <p>A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from an interested party or responsible authority. However, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:</p> <ul style="list-style-type: none"> <li>• in accordance with any relevant code of practice issued by the Gambling Commission;</li> <li>• in accordance with any relevant guidance issued by the Gambling Commission;</li> </ul>

The Licensing Authority may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Whilst officers may be involved in the initial investigations of complaints leading to a review, or may (at their discretion) try informal mediation or dispute resolution techniques prior to a review being initiated, the review itself must be heard and determined by Licensing Committee or one of its Sub-Committees.

In relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions. In relation to these general reviews, the Licensing Authority will most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause them to want, for example, to look at the default conditions that apply to that category of licence.

In relation to particular premises, the Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason

- reasonably consistent with the licensing objectives; and
- in accordance with the Authority's statement of licensing policy.

18.1 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.

18.2 The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious or whether it will certainly not cause the Authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

(such as a complaint from a third party) which gives them cause to believe that a review may be appropriate.

## 18.2 Application for review by responsible authorities and interested parties

Whilst, requests for a review of a premises licence can be made by interested parties or responsible authorities, it is for the Licensing Authority to decide whether the review is to be carried-out. However the Licensing Authority recognises that its decision to carry out a review must not amount to pre-judging the outcome of the review.

An application for a review may be (but need not be) rejected if the Licensing Authority thinks that the grounds on which the review is sought:

- are not relevant to the principles that must be applied by the Licensing Authority in accordance with section 153 of the Act.

Note: If the application raises issues that are not relevant to the current Gambling Commission guidance, current codes of practice, this Policy statement, or the licensing objectives, then we may reject it. In addition, if the application raises



<p>general objections to gambling as an activity, that is likely to be irrelevant to the principles in section 153, given that we are required to permit the use of premises for gambling in so far we think that permission is in accordance with the matters set out in that section.</p> <p>Examples that are likely to be irrelevant include demand for gambling premises, issues relating to planning, public safety, and traffic congestion;</p> <ul style="list-style-type: none"><li>• that the grounds are frivolous;</li><li>• that the grounds are vexatious;</li><li>• that the grounds “will certainly not” cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;</li></ul>	
	<p><b>18.6</b> Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:</p> <ul style="list-style-type: none"><li>• The licence holder</li><li>• The applicant for review (if any)</li><li>• The Gambling Commission</li><li>• Any person who made a representation</li><li>• The Chief Officer of Police or Chief Constable</li></ul>

	<ul style="list-style-type: none"> <li>• Her Majesty’s Commissioners for Revenue and Customs.</li> </ul>
	<p><b>Appeals</b> – There is a right of appeal both for applicants and those who have made relevant representations or applied for a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to Hereford Magistrates Court.</p>
<p><b>19.1</b> Unlicensed Family Entertainment Centres (FECs) normally cater for families, including unaccompanied children and young persons.</p> <p><b>19.2</b> Unlicensed FECs can only provide category D machines under a gaming machine permit, and an unlimited number of such machines can be made available. Permits cannot be issued to vessels or vehicles.</p> <p><b>19.3</b> Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or</p>	<p><b>19.0</b> <u><b>PERMITS</b></u></p> <p><b>19.1</b> Permits regulate gambling and the use of gaming machines in premises, which do not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.</p> <p><b>19.2</b> The Licensing Authority is responsible for issuing the following permits:</p> <ul style="list-style-type: none"> <li>• Unlicensed Family Entertainment gaming machine permits</li> <li>• Alcohol licensed gaming machine permits</li> <li>• Prize gaming permits</li> <li>• Club gaming permits and club machine permits</li> </ul>

mainly used for making gaming machines available for use (Section 238 of the Gambling Act).

19.4 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 West Mercia Police have been consulted on the application. The Licensing Authority will require applicants to demonstrate:

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

19.5 Whilst the Licensing Authority can grant or refuse an application, it cannot attach conditions to this type of permit.

19.6 The Licensing Authority will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to

19.3 The Gambling Act 2005 states that a Licensing Authority may 'prepare a statement' of policy that they propose to apply in exercising their functions under this Schedule which may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit.

19.4 This Licensing Authority has prepared Statements of Principles in Respect of Prize Gaming Permits and Family Entertainment Centre Gaming Machine Permits which can be found on our website.

19.5 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

19.6 There is a minimum age of 18 for all players for all category A, B and C gaming machines, including category B3A gaming machines offering lottery style games.

<p>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:</p> <ul style="list-style-type: none"><li>a) criminal record checks for staff,</li><li>b) appropriate measures / training for staff as regards suspected truant school children on the premises,</li><li>c) appropriate measures/ training for staff as regards unsupervised very young children being on the premises and children causing perceived problems on or around the premises.</li></ul>	<p>19.7 However, there is no minimum age for players of category D machines. The holder of any permit or premises licence has to comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.</p>
	<p>20.7 The Licensing Authority acknowledges that only premises that are wholly or mainly used for making gaming machines available may hold a Family Entertainment Centre (uFEC) gaming machine permit or a Family Entertainment Centre (FEC) premises licence. Both a licensed FEC and uFEC are classified as 'premises'. The Licensing Authority considers that, generally, premises such as an entire shopping centre, motorway service station, bowling alley or similar would not be suitable for licensing or to hold a permit. Further the Authority believes that the machines should be in a</p>

	<p>designated, enclosed area, they should not be in walkways or corridors forming part of a larger building.</p> <p>20.8 The Authority expects that a plan of the UFEC shall be supplied as part of the application.</p> <p>N.B. Applicants and permit holders are reminded that there is no provision within the Gambling Act 2005 and associated regulations which enables the transfer of a permit from one person to another, therefore a new operator will need to apply for their own permit.</p>
	<p>21.6 When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.</p> <p>21.7 The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:</p> <ul style="list-style-type: none"><li>• It would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect</li></ul>

- Gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit
- The premises are mainly used or to be used for making gaming machines available, or
- An offence under the 2005 Act has been committed on the premises

21.8 Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

21.9 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.

	<p><b>23.2</b> 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, which replicates the position under the Gambling Act 1968. A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include branches of the British Legion and clubs with political affiliations."</p>
<p><b>23.0 Temporary Use Notices</b></p> <p><b>23.1</b> The procedures for temporary use notices are stipulated in the Act and the Regulations made thereunder. There are a number of statutory limits as regards temporary use notices. The limits are set out in the Act as:</p> <ul style="list-style-type: none"> <li>(a) A set of premises may not be the subject of temporary use notification for more than 21 days in a period of 12 months, and</li> <li>(b) A set of premises may be the subject of more than one temporary use notice in a period of 12 months</li> </ul>	<p><b>24.0 <u>Temporary Use Notices</u></b></p> <p><b>24.1</b> 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.</p>

(provided that the aggregate of the periods for which the notices have effect does not exceed 21 days).

23.2 The purposes for which a temporary use notice may be used are restricted to providing facilities for equal chance gaming (other than machine gaming) where those participating in the gaming are taking part in a competition which is intended to produce a single overall winner. An example of this could be a poker competition.

As with "premises" (see Part B, Premises Licences, Definition of "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", this Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises. This Licensing Authority will 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.

The Licensing Authority will also have regard to the licensing objectives and will object to notices if considers that the

24.2 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.

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

24.4 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's 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



<p>gambling should not take place, or only take place with modifications.</p> <p>The principles that the Licensing Authority will apply in considering whether or not to issue a counter notice in relation to a temporary use notice are the same as those it will use in determining premises licence applications.</p>	<p>“set of premises” the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.</p> <p>24.5 The 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 Commissions Guidance to Local Authorities.</p>
	<p>26.0 <b><u>Small Society Lotteries</u></b></p> <p>26.1 The promotion or facilitating of lotteries falls within 2 categories:</p> <ul style="list-style-type: none"> <li>• Licensed Lotteries (these require an Operating Licence from the Gambling Commission); and Exempt Lotteries</li> </ul> <p>26.2 One such exemption is ‘Small Society Lotteries’, these are non-commercial and have been established and conducted for one of the following purposes:</p> <ul style="list-style-type: none"> <li>• for charitable purposes;</li> </ul>

- for the purpose of enabling participation in, or of supporting, sports, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain

26.3 Those societies wishing to operate small society lotteries must first register with the Licensing Authority in the area where their principal office is located. Where the Licensing Authority believes the Society's principal office is situated in another area it will inform the Society as soon as possible.

26.4 The Licensing Authority will keep a public register of all applications and will provide information to the Gambling Commission on all lotteries registered by the Licensing Authority. As soon as the entry on the register is completed, the Licensing Authority will notify the applicant of registration.

26.5 The Licensing Authority will ask applicants to set out the purposes for which the society is established and will ask the society to declare that they represent a bona fide non-commercial society and have no relevant convictions. The

Licensing Authority may, however, seek further information from the society and in particular may require a copy of the society's constitution.

26.6 Where the Licensing Authority intends to refuse registration of a Society, it will give the Society an opportunity to make representations and will inform the Society of the reasons why it is minded to refuse registration and supply evidence on which it has reached that preliminary conclusion.

26.7 The Licensing Authority may revoke the registered status of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. However, no revocations will take place unless the society has been given the opportunity to make representations. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and will provide an outline of the evidence on which it has reached that preliminary conclusion.

26.8 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following guidance criteria to all small society lotteries it registers

- Tickets should not be sold in a street, where street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls); and
- Tickets may be sold from a kiosk, in a shop or door-to-door.

This approach is consistent with the operating licence conditions imposed by the Commission upon operators of large lotteries