

HIGH PEAK BOROUGH COUNCIL

STATEMENT OF GAMBLING POLICY

**ENVIRONMENTAL HEALTH
COUNCIL OFFICES
HAYFIELD ROAD
CHINLEY
HIGH PEAK SK23 0QJ**

0845 129 77 77

www.highpeak.gov.uk

Gambling Act 2005
Statement of Gambling Policy: High Peak Borough Council

Contents

Item	Page
Part A	
1. The licensing objectives	3
2. Introduction	3
3. Declaration	4
4. Responsible Authorities	5
5. Interested parties	5
6. Exchange of information	7
7. Enforcement	7
8. Licensing authority functions	8
Part B - Premises licences	
1. General Principles	9
2. Adult Gaming Centres	13
3. (Licensed) Family Entertainment Centres	14
4. Casinos	15
5. Bingo premises	15
6. Betting premises	16
7. Tracks	16
8. Travelling fairs	18
9. Provisional Statements	18
10. Reviews	19
Part C - Permits / Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre gaming machine permits	19
2. (Alcohol) Licensed premises gaming machine permits	20
3. Prize Gaming Permits	21
4. Club Gaming and Club Machines Permits	22
5. Temporary Use Notices	23
6. Occasional Use Notices	24
Appendices	
1. Map of High Peak	25
2. List of Consultees	26
3. Delegations Scheme	28

PART A

1. The Licensing Objectives

High Peak Borough Council will become the licensing authority under the Gambling Act 2005. This Act requires that the Council shall carry out its various licensing functions having regard to the following three licensing objectives:

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

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

This licensing authority is aware that, as per 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 so far as it thinks it:

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

2. Introduction

High Peak Borough Council is situated in the County of Derbyshire, which contains eight District/Borough Councils and one Unitary Authority in total. High Peak Borough Council area has a population of 90,600 (2005/06) and covers 39,171 hectares. High Peak is a largely rural area with the main centres of population being Glossop, Buxton, New Mills, Chapel-en-le-Frith and Whaley Bridge. Appendix 1 is a map of High Peak.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of licensing policy which sets out the principles which they propose to apply when exercising their functions. This statement must be published at least every three

years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

This statement of policy includes information about responsible authorities, interested parties, enforcement and applications for premises licences and permits for temporary or occasional use.

High Peak Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided in Appendix 2.

The consultation took place between 28 July and 26 October 2006 and this licensing authority followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The full list of comments made and the consideration by this licensing authority of those comments is available by request to: Mrs Sue Lomas, Licensing Administration Officer, at the address below.

The policy was approved at a meeting of the Full Council on 19 December 2006. and was published via the Council’s website on 2 January 2007. Copies were placed in the public libraries of the area as well as being available in the Town Hall, Buxton, Municipal Buildings, Glossop and the Council Offices, Chapel-en-le-Frith.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Mrs Sue Lomas
Licensing Administration Officer
Environmental Health
High Peak Borough Council
Council Offices,
Hayfield Road
Chapel-en-le-Frith
High Peak
SK23 0QJ

E-mail: LA2003@highpeak.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the statement of policy, this 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 relevant responses from those consulted on the statement.

4. 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 Gambling Act 2005 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 Safeguarding Children Board, Social Services, Derbyshire County Council for this purpose.

For the purposes of the Act, the following are to be treated as responsible authorities:

The Licensing Authority (High Peak Borough Council)
The Gambling Commission
Derbyshire Constabulary
Derbyshire Fire and Rescue Service
Development Control, High Peak Borough Council
The Peak District National Park Authority
Pollution Control, High Peak Borough Council
Safeguarding Children Board, Derbyshire County Council
HM Revenue and Customs
An authority for the protection of vulnerable adults (to be designated in forthcoming regulations)

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the 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-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- b) has business interests that might be affected by the authorised activities; or

c) represents persons who satisfy paragraph (a) or (b)”

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. With respect to “persons living close to the premises” and “persons with business interests that could be affected”, this licensing authority will consider the examples of considerations provided in the Gambling Commission’s Guidance for licensing authorities at paragraphs 8.14 and 8.15, as listed below.

Persons living close to premises – the factors which this licensing authority will take into account when determining what “sufficiently close to the premises” means will include:

- The size of the premises;
- The nature of the premise;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises); and
- The circumstances of the complainant (i.e. the interests of the complainant which may be relevant to the distance from the premises)

Persons with business interests – the factors which this licensing authority will take into account when determining what “business interests that might be affected” means will include:

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

This licensing authority 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.

The Gambling Commission recommended in its Guidance that the licensing authority state that interested parties include trade associations and trade unions, and residents’ and tenants’ associations. It is understood that the Gambling Commission has subsequently stated that this is a mistake in its Guidance which will be rectified and noted on its website. This licensing authority will not 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 the activities being applied for.

Interested parties can be represented by 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/MP represents the ward likely to be affected. Parish councils likely to be affected can be considered to represent interested parties. Other than these however, this 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 is sufficient.

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 Panel dealing with the licence application. If there are any doubts then please contact the Licensing Administration Officer (contact details in the Introduction to this document).

6. Exchange of Information

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

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 and any other relevant legislation in its exchange of information. This includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. At present, High Peak Borough Council does not have any specific protocols regarding data exchange.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles 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 under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority will be guided by the Gambling Commission's Guidance to licensing 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 endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will also, as recommended by the Gambling Commission's Guidance to licensing authorities, adopt a risk-based inspection programme which will be based on the licensing objectives.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but should be notified to the Gambling Commission.

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

This licensing authority's enforcement policy statement is available upon request to the Licensing Administration Officer and is also available at [www.highpeak.gov.uk/Environment/Environmental Health](http://www.highpeak.gov.uk/Environment/Environmental%20Health).

8. Licensing Authority functions

Licensing Authorities are required under the Act 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 function;

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B **PREMISES LICENCES**

1. General Principles

Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be 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.

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

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

It is appreciated that as stated in the Gambling Commission's Guidance for licensing authorities "moral objections to gambling are not a valid reason to reject

applications for premises licences". Each case will be decided on its own merits.

Definition of "premises" - Premises is defined in the Act as "any place" and includes vessels. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This licensing authority 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 licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- Licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

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

Location - This 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 can. As per the Gambling Commission's Guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. The general principles this licensing authority will apply when determining whether a proposed location is acceptable in the light of the licensing objectives include considerations about proximity to schools, vulnerable adult centre and residential areas. Each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

Duplication with other regulatory regimes - This licensing authority will endeavour to avoid any duplication with other statutory/regulatory systems as far as possible, including planning. This authority will not consider whether the premises to which a premises licence application relates is likely to be awarded planning permission or whether the activities are in line with a current planning permission or building regulations approval or consent, in its consideration of it.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known levels of organised crime, this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

2. Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role for licensing authorities with regard to tracks which is explained in more detail in the 'tracks' section below.

3. Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted that the Gambling Commission's Guidance to licensing authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). This licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this statement of policy will be updated with it, by way of a revision.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions about individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the

licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

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.

Door Supervisors - The Gambling Commission advises in its Guidance to licensing authorities 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.

Where operators and licensing authorities decide that supervision of entrances/machines is appropriate for particular cases, it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be. With respect to betting premises, this licensing authority will normally require door supervisors only if there is clear evidence that the premises cannot be adequately supervised from the counter.

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV

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

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

3. (Licensed) Family Entertainment Centres:

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

This licensing authority may consider measures to meet the licensing objectives such as:

- 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
- Measures/training for staff on how to deal with suspected truant school children on the premises.

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

This licensing authority will, as set out in 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, when they have been published.

This 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.

4. Casinos

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

Casinos and competitive bidding - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations/codes of practice issued under the Gambling Act 2005.

Licence considerations/conditions - The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance to licensing authorities – paragraph 17.30). This guidance will be considered by this licensing authority when it is made available.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

"18.4 - It is important that if children are allowed to enter premises licensed for

bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.”

This licensing authority is also aware that the Gambling Commission has stated that it is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

6. Betting premises

Betting machines - This licensing authority will, as per 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 should be permitted to offer. This licensing authority will normally consider limiting the number of machines only where there is evidence that such machines have been, or are likely to be, used in such a way as to breach one or more of the licensing objectives.

7. Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas which they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children 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 may consider measures to meet the licensing objectives such as:

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

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

Gaming machines - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This licensing authority will, as per 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 should be permitted to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities should consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed - The Gambling Commission has advised in its Guidance to licensing authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures

are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

Applications and plans - This licensing authority awaits regulations setting out any specific requirements for applications for premises licences but notes the Gambling Commission's guidance. This licensing authority will require detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities. In the cases of dog tracks and horse racecourses, the plans should show the areas for fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

This licensing authority also notes and agrees with the Commission’s view that it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8. 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 also consider whether the applicant falls within the statutory definition of a travelling fair.

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

9. Provisional Statements

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the licensing authority may refuse the premises licence (or grant it on terms different to those attached to the

provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage;
or
- (b) which in the licensing authority's opinion reflect a change in the operator's circumstances.

10. 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 will be on the basis of whether the request for the review 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 the licensing objectives; and
- In accordance with the authority's statement of licensing policy.

Due consideration will be given to relevant representations unless the grounds are:

- Not relevant;
- Frivolous;
- Vexatious;
- Will not cause the licensing authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- Are substantially the same as the grounds cited in a previous application relating to the same premises; or,
- Are substantially the same as representations made at the time the application for a premises licence was considered.

The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C
Permits/Temporary & Occasional Use Notice

**1. Unlicensed Family Entertainment Centre gaming machine permits
(Statement of Principles on Permits - Schedule 10 paragraph 7)**

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 mainly used for making gaming machines available for use (Section 238).

The Gambling Commission's Guidance 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 Family Entertainment Centre (FEC), and if the chief officer of police has been consulted on the application". This licensing authority will expect applicants 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. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

This licensing authority has adopted a Statement of Principles, which is that the 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 appropriate measures/ training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/ around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants 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 Gambling Act 2005); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

There is provision in the Act for 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 can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act 2005 (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- The premises are mainly used for gaming; or
- An offence under the Gambling Act 2005 has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult-only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/ helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would 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. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

This licensing authority has prepared a Statement of Principles, which it proposes to apply in exercising its functions under Schedule 14, which is that the applicant should set out the types of gaming that he or she is 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.

In making its decision on an application for this permit the licensing authority does not need to, but may, have regard to the licensing objectives and must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions to a permit. The conditions in the Act are:

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

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 machine permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

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. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. 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."

The Gambling Commission Guidance also notes that licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil 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;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance to licensing authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

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 complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that: "The meaning of "premises" in part

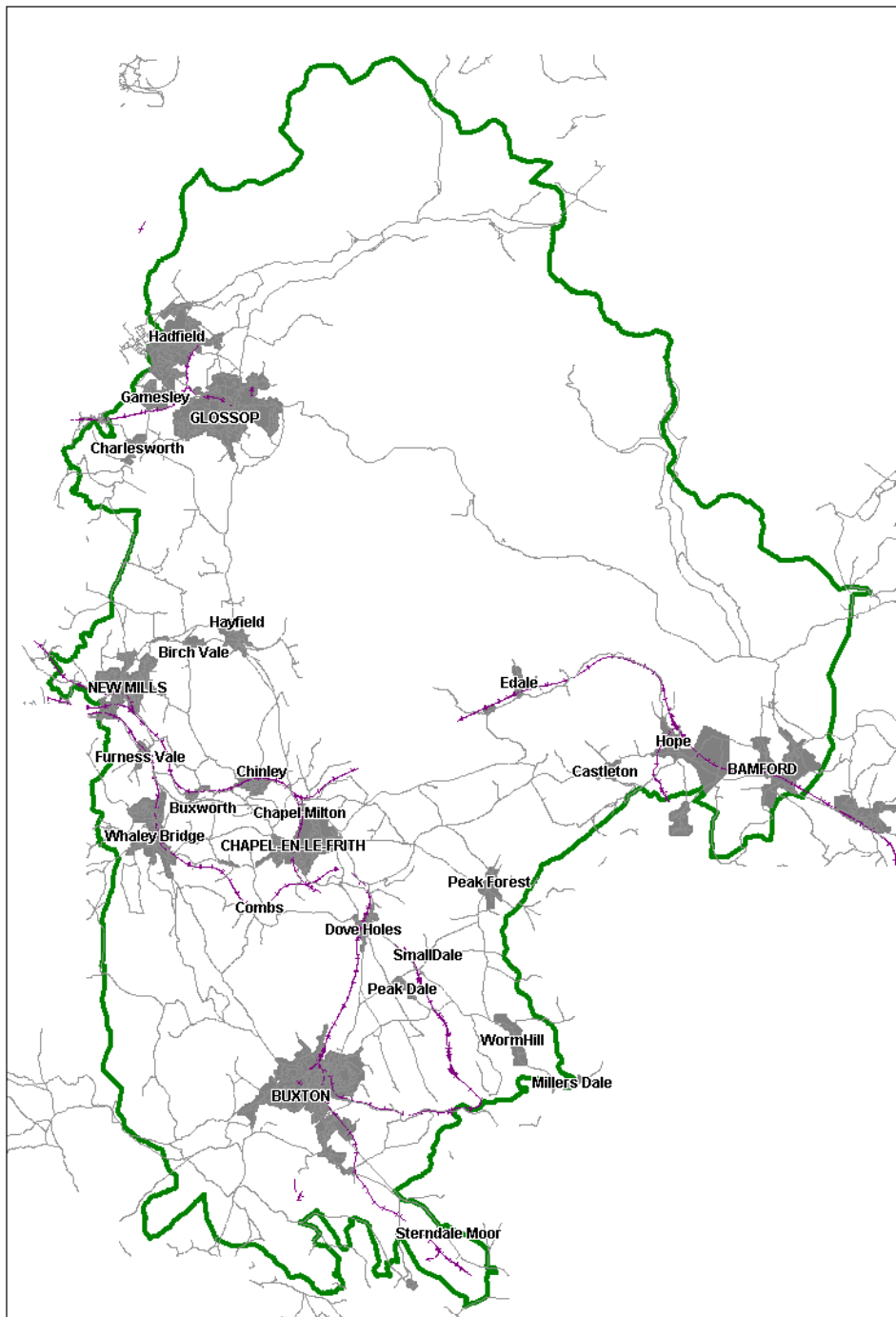
8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready 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."

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. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

This Statement of Gambling Policy has been drafted at a time when a number of regulations, Operating/Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the contents of this document, it will need to be borne in mind and amended at a later stage, having regard to the resource implications for this licensing authority. All references to the Gambling Commission's Guidance to licensing authorities refer to the Guidance published in April 2006.

Appendix 1



List of Consultees:

Gambling Commission
British Horse Racing Board
British Casino Association
Remote Gambling Association
British Amusement Catering Trades Association (BACTA)
The Bingo Association
British Holiday & Home Parks Association
Association of British Bookmakers
British Beer & Pub Association
Business In Sport & Leisure
Casino Operators' Association of the UK (COA (UK))
Racecourse Association Limited
Gamblers' Anonymous
Fairground Ass. Of Great Britain
HM Custom & Excise
Safeguarding Children Board (DCC)
High Peak Borough Council

- Elected Members
- Development Control
- Pollution Control

Peak District National Park Authority
Catholic Churches In High Peak
Arch Deacon of Chesterfield
Buxton Methodist Church
Glossop Methodist Church
New Mills & Chapel-en-le-Frith Methodist Church
Methodist Church - Circuit Steward for Hope Valley
Churches Together in Buxton
Macclesfield Borough Council
Derbyshire Dales District Council
Staffordshire Moorlands District Council
Tameside M B C
Kirklees Metropolitan Council
Oldham Council
Barnsley Metropolitan Borough Council
Stockport MBC
Charlesworth Parish Council
Bamford with Thornhill Parish Council
Castleton Parish Council
Chapel-en-le-Frith Parish Council
Chinley, Buxworth & Brownside Parish Council
Chisworth Parish Council

Derwent & Hope Woodlands Parish Council
Edale Parish Council
Green Fairfield Parish Council
Hartington Upper Quarter Parish Council
Hayfield Parish Council
Hope with Aston Parish Council
New Mills Town Council
Peak Forest Parish Council
Tintwistle Parish Council
Whaley Bridge Town Council
Wormhill Parish Council
Derbyshire Constabulary
Community Safety Strategy Partnership
Derbyshire Fire & Rescue Service
Churches Together in Buxton
Buxton Pub Watch Group
High Peak Access Group
North Derbyshire Chamber of Commerce & Industry
Buxton Volunteer Bureau
Citizens' Advice Bureau
Glossop Vision Board
Vision Buxton
Buxton & District Civic Association
Whitfield Residents Association
Gamesley Residents Association
Padfield Residents Society
Howard Town Residents Association
Old Glossop Residents Association
South East Glossop Residents Association
Fairfield Residents Association
High Peak & Dales Primary Care Trust
Stockport Health Authority
Tameside & Glossop Primary Care Trust
Derbyshire Family Health Services Authority
Derbyshire Drug & Alcohol Action Team

Delegations scheme

Appendix 3

Matter to be dealt with	Full Council	Licensing Panel	Officers
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)			x
Application for premises licenses		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	

Applications for other permits		Where the application is for 3 or more gaming machines in alcohol-licensed premises	x
Cancellation of licensed premises gaming machines permits			x
Consideration of temporary use notice			x
Decision of give a counter notice to a temporary use notice		x	
Registration and renewal of small society lotteries			x