

10 November 2021

Report of	Assistant Director Communities	Author	Jon Ruder
Title	Gambling Policy // Results of Consultation		☎ 282840
Wards affected	All		

This report details the outcome of the consultation exercise undertaken in relation to the review of the Gambling Policy and recommends that the Policy be referred to Council for adoption

1. Executive Summary

- 1.1 This report details the outcome of the consultation exercise undertaken in relation to the review of the Gambling Policy and recommends that the Policy be referred to Council for adoption

2. Recommended Decision

- 2.1 The Committee is asked to -

- (i) Consider the responses and proposed amendments.
- (ii) Agree the Policy and propose its adoption to full Council.

3. Reasons for Decisions

- 3.1 The Council has consulted on the draft Policy with the intention of implementing the new Policy with effect from January 2021. The comments on the Policy are presented to the Committee for consideration.

4. Alternative Options

- 3.1 The Council has a statutory obligation to review the Policy every three years and there is no alternative option.

4. Detailed Considerations

- 4.1 The consultation process ran throughout October and was carried out in accordance with the requirements of the Act. The responses received are shown at Appendix 1. The suggested changes have been marked in bold and red on the Policy attached at Appendix 2. No significant changes have been identified and it is recommended that the matter be referred to full Council for approval.

5. Equality, Diversity and Human Rights Implications

- 5.1 The draft Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies.

6. Strategic Plan References

- 6.1 This Policy aims to contribute to the Council's strategic plan through the efficient and effective regulation of gambling premises thereby ensuring that the local risks identified.

7. Publicity Considerations

- 7.1 A copy of the draft Policy will be placed on the Council's website and will therefore also be available for public scrutiny, although it will not be open to any further public comment or consultation.

8. Financial Implications

- 8.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the Policy. However, having consulted extensively it is thought such a challenge is unlikely.

9. Community Safety and Public Health Implications

- 9.1 The Policy, through the creation of the Local Area Profile, identifies local risks including community safety and public health implications.

10. Health and Safety Implications

- 10.1 There is no known direct public health and safety issues which might arise from the adoption of the revised Policy.

11. Risk Management Implications

- 11.1 A flexible yet robust revised Policy will continue to provide the Council with a sound basis for decision making.

12. Environmental and Sustainability Implications

- 12.1 There are no known environmental and sustainability implications.

Essex County Council – Children and Adult Safeguarding Services

1.1 This Statement of Principles sets out the principles by which the Council, as the Licensing Authority (referred to in this document as ‘the Licensing Authority’) under the Gambling Act 2005 (referred to in this document as ‘the Act’), intends to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on **safeguarding and** the protection of children from harm.
- determining whether or not a person is an “Interested Party”;
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

3. The Licensing Objectives

3.1 In exercising most of its functions under the Act, the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:-

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

3.2 The objectives do not include considerations in relation to public safety or public nuisance, while the requirement in relation to children and vulnerable persons is explicitly to protect them from being harmed or exploited by gambling, rather than from more general forms of harm or exploitation. In its guidance to licensing authorities, the Commission advises that this will involve “preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, excepting Category D gaming machines

This action will be supported through continued strengthening of the protections in place to prevent underage gambling such as age verification checks
(Gambling Commission.gov.uk)

8.1 In producing this Policy, the Council consulted with those bodies listed in Annex A, the statutory consultees, local groups and other interested parties. In particular it consulted with those organisations working with people who are problem gamblers; the Citizens Advice Bureau, Public Health and **Children /Adult Safeguarding Services**

11.3 For example, it could be reasonable for an Authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning

for (a) a private resident (b) a residential school with children who have poor school attendance and (c) a residential hostel for vulnerable adults.
(b) suggest.. a residential setting for children with additional vulnerabilities
This would capture more vulnerabilities than non-school attendance

4.8 The Licensing Authority expects all licensed premises' to have their local area risk assessment available on site for inspection by an authorised officer at all times when they are trading.

Would you also expect to see logbooks or records of refusal?

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

- This Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.
- The Gambling Commission's guidance for this objective means preventing children from taking part in gambling (as well as restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the guidance, whether specific measures are required at particular premises, with regard to this licensing objective.
- The Licensing Authority is also aware of the Codes of Practice that the Gambling

Commission has issued in respect of this licensing objective, in relation to specific categories of premises. (TYPO)

18.3 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises, but would also encourage applicants to voluntarily offer their own measures to promote the licensing objectives. Such measures may include:

- Proof of age schemes
 - CCTV
 - Supervision of entrances and machine areas
 - Physical separation of areas
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
 - Self-barring schemes
 - Measures/training for staff on how to deal with suspected under 18 users or truant school children on the premises
 - Measures/training for staff by way of written procedures covering how staff would deal with unsupervised and obviously very young children being on the premises, or unsupervised children causing problems on or around the vicinity of the premises.
 - Specific opening hours
-

Essex Police

FW: EXTERNAL - Consultation on Colchester Borough Council's Draft Statement of Principles for Gambling

LC

Licensing Colchester <licensing.colchester@essex.police.uk>

Thu 14/10/2021 07:45

To:

• Sarah White

Gambling Policy 2022-2025 for consultation.docx

1 MB

Hi Sarah

No observations from me

Thanks

Alan BECKETT

Police Licencing Officer 75984

RE: Consultation on Colchester Borough Council's Draft Statement of Principles for Gambling

To:

• Licensing Team

Cc:

Dear Sarah –

Thank you for the opportunity to comment on the statement of gambling policy. I've always felt that ability of persons to exclude themselves from establishments when concerned about gambling addiction is important and I see that provision is made to enable this in 4.5 and 4.7. Importantly, the statement was produced after consultation with Citizens Advice Bureau and Public Health 8.1. Whether enough is being done to defend against the problem of fixed betting machines is a moot point.

The requirement that children are protected is well met, in terms of location of premises, local schools and play areas.

The Licensing Objectives are clearly stated, preventing gambling from being a source of crime, ensuring that it conducted in a fair and open way and protecting children and other vulnerable persons from harm.

The consultation process is well set out.

Nick Cope



Statement of Principles for Gambling 2022-2025

Colchester Borough Council

31 January 2022

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FOREWORD

Welcome to the latest review of the Council's Statement of Principles for Gambling. The Statement sets out how the Council will regulate gambling activities within the Borough.

Whilst for the majority of the general public gambling is an enjoyable and often social experience, it is for some individuals a largely hidden addiction which taken to excess has an adverse impact on their finances, health, wellbeing and relationships.

The wellbeing of our residents is a key priority for the Council and the Gambling Policy has a role to play in supporting this priority through its control of gambling premises. To this end the revised policy requires all gambling premises and new applicants to have appropriate risk assessments in place for all their activities. To assist in the completion of these risk assessments the Council has drawn up a local area profile which provides a comprehensive assessment of local risks.

We hope that the new revised policy is clear and easily understood and that the local area profile will be of significant use to the Council, its partners and operators when considering gambling matters.

Darius Laws

Portfolio Holder for Economy, Business and Heritage

PART A – INTRODUCTION

1.1 This Statement of Principles sets out the principles by which the Council, as the Licensing Authority (referred to in this document as ‘the Licensing Authority’) under the Gambling Act 2005 (referred to in this document as ‘the Act’), intends to apply in discharging its functions to license premises for gambling under the Act as well as:-

- designating the body responsible for advising the Authority on the protection of children from harm;
- determining whether or not a person is an “Interested Party”;
- exchanging information with the Gambling Commission and others; and
- inspecting premises and instituting proceedings for offences under the Act.

2. Declaration

2.1 In this Statement the Licensing Authority declares that it has had regard to the licensing objectives, formal Guidance issued to Licensing Authorities and any responses received during the consultation process and will adopt the Principles of Better Regulation.

2.2 Appendices and information relating to this statement providing further information and guidance are intended only to assist readers and should not be interpreted as legal advice or as part of the Council’s policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Gambling Act 2005, or the Guidance or regulations issued under the Act.

3. The Licensing Objectives

3.1 In exercising most of its functions under the Act, the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:-

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

3.2 The objectives do not include considerations in relation to public safety or public nuisance, while the requirement in relation to children and vulnerable persons is explicitly to protect them from being harmed or exploited by gambling, rather than from more general forms of harm or exploitation. In its guidance to licensing authorities, the Commission advises that this will involve “preventing them from

taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, excepting Category D gaming machines.

This action will be supported through continued strengthening of the protections in place to prevent underage gambling such as age verification checks.

4. Strategic Plan

4.1 The Council's strategic plan is the overarching strategy for the Borough setting out the direction and potential for the Borough and integrating social, economic and environmental strategies. The Council's focus is on -

- Tackling the climate challenge and leading sustainability
- Creating safe, healthy, and active communities
- Delivering homes for people who need them
- Growing fair economy so everyone benefits.
- Celebrating our heritage and culture.

4.2 This Policy aims to contribute to this vision through the efficient and effective regulation of gambling premises thereby ensuring that the local risks identified are addressed.

5. Description of the District

5.1 Colchester is Britain's first recorded city. It was the administrative centre of Roman Britain and has a heritage of national importance dating back over 2000 years. The modern borough of Colchester has a thriving town centre with a vibrant and diverse night-time economy, attractive villages and important natural landscapes. Because of its strategic position and the availability of brownfield sites it has, in recent years, seen considerable growth and is now one of the fastest growing towns in the Country; the existence of the Garrison and University contribute to the overall diversity of the area.

5.2 The town is strategically positioned just 45 minutes away by road from London's third airport at Stansted and is close to the Haven Ports of Harwich International and Felixstowe. With excellent rail links to London and the A12/M25 road networks so accessible, Colchester is close enough to London to provide good business opportunities at an economic rate. Colchester is the natural centre for the surrounding rural areas of north Essex, south Suffolk and beyond.

6. Responsibilities under the Act

- 6.1 The Act introduced a licensing regime for commercial gambling, to be operated by the Gambling Commission and/or by Licensing Authorities, depending on the matter to be licensed.
- 6.2 The Council is the Licensing Authority for the Borough of Colchester and its responsibilities must be discharged by a Licensing Committee created under Section 6 of the Licensing Act 2003.
- 6.3 The Gambling Commission is responsible for issuing operating and personal licences to persons and organisations who:-
- operate a casino;
 - provide facilities for playing bingo or for pool betting;
 - provide betting or act as intermediaries for betting;
 - make gaming machines available for use in Adult Gaming Centres and licensed Family Entertainment Centres;
 - manufacture, supply, install, adapt, maintain or repair gaming machines; • manufacture, supply, install or adapt gambling machine software; or
 - promote a lottery.
- 6.4 The Council as the Licensing Authority is responsible for licensing premises in which gambling takes place. All types of gambling are included, other than spread betting (regulated by the Financial Services Authority) and the National Lottery (regulated by the National Lottery Commission). It is responsible for issuing permits for premises with gaming machines and for receiving notices from operators wishing to use unlicensed premises for gambling on a temporary basis. It is also responsible for the registration of certain types of exempt small society lotteries.
- 6.5 The Council cannot become involved in the moral issues relating to gambling and must aim to permit the use of premises for gambling in so far as it thinks it is:-
- a. in accordance with any relevant Codes of Practice under Section 24 of the Act;
 - b. in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
 - c. reasonably consistent with the licensing objectives (Subject to paragraphs a and b above, and
 - d. in accordance with the Council's Statement of Licensing Policy (subject to paragraphs a and c above.
- 6.6 Before the Licensing Authority can consider an application for a premises licence, an operating licence and a personal licence must have been obtained from the Gambling Commission.

7. Statement of Licensing Principles for Gambling Policy

- 7.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Principles for Gambling Policy every three years. This Policy must be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The 'new' Policy must then be published.
- 7.2 This Policy takes effect on 31 January 2022 and replaces the Policy previously in force.

8. Consultation

- 8.1 In producing this Policy, the Council consulted with those bodies listed in Annex A, the statutory consultees, local groups and other interested parties. In particular it consulted with those organisations working with people who are problem gamblers; the Citizens Advice Bureau and Public Health and **Children/Adult Safeguarding Services**.
- 8.2 The Act requires that the following parties are consulted by the Licensing Authority:-
- the Chief Officer of Police for the Authority's area;
 - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 8.3 The consultation will take place between 1 October and 1 November 2021.

9. Approval of the Policy

- 9.1 This Policy must be submitted to full Council for approval in order to come into effect on 31 January 2022.
- 9.2 It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence; each case will be considered entirely on its own individual merits and in accordance with the requirements of the Act.

10. Responsible Authorities

- 10.1 A full list of the Responsible Authorities designated under the Act and their contact details are given on the Council's website and attached at Annex B. It should be noted that, under the Act, the Licensing Authority is designated as a Responsible Authority.

10.2 The Licensing Authority is required to designate, in writing, a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:-

- the competency of the body to advise the Licensing Authority;
- 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 invested interest group etc.

10.3 In accordance with the Gambling Commission's Guidance to Local Authorities, the Council has designated the Essex County Council Children's Safeguarding Service for this purpose.

11. Interested Parties

11.1 Interested Parties can make representations about licensing applications or apply for a review of an existing licence. An Interested Party is defined in the Act as follows:-

'... a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person

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

11.2 In determining whether a person lives or has business interests sufficiently close to the premises, that they are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:-

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);
- the circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;
- the catchment area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area that might be affected.

- 11.3 For example, it could be reasonable for an Authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) ~~a residential school with children who have poor school attendance~~ **a residential setting for children with additional vulnerabilities** and (c) a residential hostel for vulnerable adults.
- 11.4 It will also consider the Gambling Commission's guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. Trade associations, trade unions, residents and tenants' associations will normally only be viewed as interested parties if they have a member who can be classed as an interested party – i.e. who lives sufficiently close to the premises to be likely to be affected by the activities for which application is being made.
- 11.5 Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament (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. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate or relative) 'represents' someone who is an interested party. Members who are asked by an interested party to represent them should not sit on the Sub-Committee considering that application
- 11.6 The Licensing Authority will decide if a representation made in respect of an application is valid based on the following factors:
- It is not frivolous or vexatious.
 - It raises issues that relate to Guidance issued by the Gambling Commission.
 - It raises issues that relate to this policy.
 - It relates to the licensing objectives.

12. Licensing Authority Functions and Exchange of Information

- 12.1 Licensing authorities have responsibilities under the Act for:
- the licensing of premises where gambling activities are to take place, through the issuing of Premises Licences;
 - the preliminary approval of proposed premises for gambling activities, through the issue of Provisional Statements;
 - the regulation of members' clubs, commercial clubs and miners' welfare institutes who wish to undertake certain gaming activities, through Club Gaming Permits and/or Club Machine Permits;

- the receipt of notifications and the issue of permits for the provision of gaming machines at premises licensed to supply alcohol for consumption on the premises, under the Licensing Act 2003;
- the regulation of family entertainment centre premises providing gaming machines;
- the regulation of prize gaming through the issue of permits;
- the receipt and endorsement of Temporary Use Notices, for infrequent gaming activities;
- the receipt of Occasional Use Notices, for infrequent betting activities;
- the registration of non-commercial societies for the provision of small society lotteries;
- the exchange of information with the Gambling Commission regarding details of licences, permits and notices and enforcement issues (see section below on 'exchange of information'); and the maintenance of registers of the applications, licences, permits and notices received and issued by the Authority
- Maintain registers of the permits and licences that are issued under these functions

12.2 The Licensing Authority will not involve itself in any matters relating to the regulation of remote gambling (for example, telephone betting or internet casino gaming), the responsibility for which lies with the Gambling Commission

12.3 Duplication of other regulatory regimes, such as health and safety or fire safety, will be avoided in so far as is possible. This Authority will not consider whether a premise that is the subject of a licensing application is likely to be awarded planning permission or building regulations approval, in its consideration of that application. This Authority will, though, listen to, and consider carefully, any concerns about conditions that are not able to be met by applicants or licence holders due to planning restrictions, should such a situation arise.

12.4 Delegation of Powers

Licensing Authority has agreed a scheme of delegation for discharging its functions under the Act.

Matter to be Dealt with	Council	Licensing (Sub) Committee	Officers
Final approval of Statement of Principles	x		
Resolution not to issue casino licences	x		
Fee setting (where appropriate)			x

Application for a provisional statement		Where representations have been received and not with drawn	Where representation have were not received or all have been withdrawn
Application for a premise Licence		Where representations have been received and not with drawn	Where representation have were not received or all have been withdrawn
Application for variation of a premise licence		Where representations have been received and not with drawn	Where representation have were not received or all have been withdrawn
Application for reinstatement of a premise licence		Where representations have been received and not with drawn	Where representation have were not received or all have been withdrawn
Application for transfer of a premise licence		Where representations have been received and not with drawn	Where representation have were not received or all have been withdrawn
Consideration of application for review of a premise licence		x	
Initiations of review of a premise licence by licence authority			x
Application for club gaming/club machine permits		Where objections have been received and not with drawn	Where objections have were not received or all have been withdrawn
Cancellation of club gaming/club machine permits		x	x
Application for all permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice		Where objections have been received and not with drawn	Where objections have were not received or all have been withdrawn
Acknowledgement of occasional use notice			x
Registration of non-commercial			x

societies for small society lotteries			
Revocation of non-commercial societies for small society lotteries			x

12.5 In its exchange of information with parties listed in Schedule 6 of the Act, the Licensing Authority will have regard to:-

- the provisions of the Act, which include the provision that the Data Protection Act 1998 and the General Data Protection Regulation 2016 will not be contravened.
- the Guidance issued by the Gambling Commission.
- relevant Legislation and Regulations

12.6 In accordance with Section 350 of the Gambling Act 2005, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force
- An enforcement officer
- A licensing authority
- Her Majesty's Revenue and Customs
- The Gambling Appeal Tribunal
- The Secretary of State
- Scottish Ministers
- Any other person or body designated by the Secretary of State in accordance with the Act.

12.7 The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

12.8 Where required by law applicants will receive copies of any representations made in respect of their application, although sensitive or personal information not required to be disclosed will be redacted.

13. Public Register

13.1 The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others. Regulations prescribe what

information should be kept in the register. Copies of the register may be obtained on payment of a fee.

14. Compliance and Enforcement

- 14.1 In exercising its functions with regard to the inspection of premises and to instituting criminal proceedings in respect of offences specified, the Council will follow best practice. This requires that actions should be

Proportionate – Intervention will only be when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.

Accountable – The Authority must be able to justify decisions and be subject to public scrutiny.

Consistent – Rules and standards must be joined up and implemented fairly.

Transparent – Enforcement should be open and regulations kept simple and user friendly.

Targeted – Enforcement should be focused on the problems and minimise side effects.

- 14.2 The Council will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and adopt a risk based inspection programme. All enforcement action is taken having regard to the Regulatory Services Enforcement policy.
- 14.3 The main enforcement and compliance role of the Licensing Authority in terms of the Act, is to ensure compliance with the Premises Licence and other permissions which it authorises. The Gambling Commission is the enforcement body for Operating and Personal Licences. Concerns about the manufacture, supply or repair of gaming machines are not dealt with by the Council but will be notified to the Gambling Commission.
- 14.4 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities and will have regard to best practice.
- 14.5 Where appropriate, complaints will be investigated in accordance with the stepped approach outlined in the Colchester Borough's Enforcement Policy. A copy of this document is available on the Council website. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.
- 14.6 As part of its ongoing inspection regime, The Council may carry out test purchasing to ascertain if a licensee has robust policies in place to prevent underage gambling. Operators will always be advised of the outcome of the test. Where operators carry out their own test purchasing, The Licensing Authority expect to be advised of the results. Should the results show a failure then the Licensing Authority will, in the first instance, work with the operator to review and improve their policies and procedures.

- 14.7 Where there is a Primary Authority Scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking any enforcement action on matters covered by that scheme. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:

Coral - London Borough of Newham
Ladbrokes - Milton Keynes
Paddy Power - Reading
William Hill - City of Westminster

- 14.8 Colchester's Licensing, Food and Safety Enforcement Policy is available via website at <https://www.colchester.gov.uk/info/cbc-article/?id=KA-01453>

15. Gaming Machines

- 15.1 Throughout this document, references are made to gaming machines as being within Categories A, B, C or D, or in some cases, sub-categories such as B1, B2, B3 or B4.
- 15.2 Gaming machines are categorised according to the nature of their operation, the maximum charge to use and the maximum prize available, and the legislation sets out the categories and sub-categories of machines that may be made available under each type of licence or permit. The Secretary of State is responsible for establishing the applicable values of each category and sub-category by way of statutory instrument.
- 15.3 The categories and values applicable to each category are subject to change and are therefore not included in this document. Current information is available from the Gambling Commissions website at <https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities/appendix-b-summary-of-gaming-machine-categories-and-entitlements>

16. Gambling Risk Assessments

- 16.1 The Gambling Commission introduced a new licensing condition within the Licence Conditions and Codes of Practice (LCCP) which came into effect in April 2016. This resulted in the requirements for premises based gambling operators to undertake a local gambling risk assessment of their premises and the potential impact that the premises and its operation may have on the licensing objectives. This condition made it a requirement for the gambling operator to consider local area information provided by the Licensing Authority via their Statement of Licensing Principles for Gambling (Licensing Policy).
- 16.2 The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes

looking at future risks and thinking about risks in a probabilistic way. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

- 16.3 The Council has produced a Local Area Profile (LAP) to assist applicants to conduct, assess and complete a premises-based gambling risk assessments. All gambling operators within the borough or new operators applying for a new licence must have regards to the LAP when completing or revising their risk assessments.
- 16.4 The Council views these risks as an important component of the overall assessment and management of local risks. Colchester will assist operators in this process by providing specific information on its concerns surrounding gambling within the borough and the impact on the licensing objectives. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

17. Definitions - See Annex C.

18. Fees

- 18.1 Non statutory fees are reviewed by the Licensing Authority on an annual basis in accordance with the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007. Details of current fees can be obtained by contacting licensing.team@colchester.gov.uk or alternatively by viewing the Council's Website www.colchester.gov.uk

19. Useful Contacts

- 19.1 The Gambling Commission maintains a list of useful contacts on organisations involved in gambling and their contact details can be found on the Commission's website www.gamblingcommission.gov.uk some of these organisations provide codes of practice on their particular interest area.

PART B – PREMISES LICENCES

1. General Principles

- 1.1 Premises Licences are subject to the permissions/restrictions set out in the Act as well as the specific mandatory and default conditions detailed in Regulations issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is thought appropriate.
- 1.2 In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
- casino premises
 - bingo premises
 - betting premises, including tracks and premises used by betting intermediaries
 - adult gaming centre premises (for category B3, B4, C and D machines)
 - family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).
- 1.3 Each case will be decided on its merits, and will depend upon the type of gambling that is proposed, as well as taking into account how the applicant proposes that the Licensing Objective concerns can be overcome.
- 1.4 The Licensing Authority is required by the Act, in making decisions about Premises Licences, to permit the use of premises for gambling so far as it thinks it:-
- a) in accordance with any relevant Code of Practice under Section 24 of the Act;
 - b) in accordance with any relevant Guidance issued by the Gambling Commission under Section 25;
 - c) reasonably consistent with the Licensing objectives (Subject to paragraphs a) and b))and
 - d) in accordance with the Licensing Authority's Statement of Licensing Policy (subject to paragraphs a) and c)).

2. Definition of Premises

- 2.1 In the Act 'premises' is defined as including 'any place'. It is for the Licensing Authority (having due regard for the Gambling Commission Guidance) to determine on the merits of each application whether different parts of a building can be regarded properly as separate premises.

- 2.2 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

3. Demand

- 3.1 Demand is a commercial consideration and is not an issue for the Licensing Authority.

4. Location

- 4.1 Location will only be a material consideration in the context of the licensing objectives.
- 4.2 The Act is clear that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Licensing Authority will pay particular attention to the objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 4.3 In order for location to be considered, the Licensing Authority will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, that licensees assess the local risks to the licensing objectives posed by the provision of gambling facilities at 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.
- 4.4 The LCCP also states that licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstance, including those identified in this 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.
- 4.5 The Licensing Authority expects the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation
 - whether the premises is in an area subject to high levels of crime and/or disorder

- the ethnic profile of residents in the area, and how game rules, self exclusion leaflets etc. are communicated to those groups
 - the demographics of the area in relation to vulnerable groups
 - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- 4.6 In every case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 4.7 Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
 - Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
 - The layout of the premises so that staff have an unobstructed view of persons using the premises.
 - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
 - Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, **records of refusal**, window displays and advertisements not to entice passers-by etc.
 - The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
 - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide betting machines.
- 4.8 The Licensing Authority expects all licensed premises' to have their local area risk assessment available on site for inspection by an authorised officer at all times when they are trading.
- 4.9 Such information may be used to inform the decision the Council makes about whether to grant a licence, to grant a licence with special conditions or to refuse an application.
- 4.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

5. Duplication with other Regulatory Regimes

- 5.1 Duplication with other statutory/regulatory regimes will be avoided where possible. The Licensing Authority will not consider whether a licence application is likely to be granted Planning Permission or Building Control consent.

6. The Licensing Objectives

- 6.1 Premises Licences granted must be reasonably consistent with the three Licensing objectives. With regard to these objectives, the following will be considered:-

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 will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of 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, and that regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, which is the remit of the Licensing Authority. 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. Where an area is known to have high levels of crime, this Authority will consider carefully whether gambling premises are suitable to be located there, taking into account such factors as,
 - levels of recorded crime;
 - the type of that crime;
 - levels of anti-social behaviour-related complaints.
- Applicants are advised to examine crime and anti-social behaviour statistics that relate to the vicinity of their application. They will be expected to have a good understanding of the local area in which they operate, or intend to operate, a gaming premises. The applicant must evidence that they meet the criteria set out in this policy. Operators must be aware of how their operation may impact this objective. Applicants will be expected to provide details of their crime prevention measures and any associated risk assessments carried out.
- Applicants for premises licences must meet the requirements of the Commission to obtain and hold an operator's licence. Applicants will have to hold such licence (except occupiers of tracks who do not propose to offer gambling themselves). The Licensing Authority will not (unless evidence to the contrary comes to light) have to ascertain if the

applicant is suitable to hold a premises licence. The Licensing Authority will have to be satisfied that the premises will not adversely affect the licensing objectives and is compliant with the Commission's Guidance, codes of practice and this Statement of Principles.

- This Licensing Authority accepts that issues of nuisance cannot be addressed via the Gambling Act provisions, although preventing gambling from being a source of disorder is a licensing objective. The Licensing Authority is also mindful that what starts as nuisance may subsequently escalate to disorder, and that such disorder can have a serious effect on the lives of local residents. If an application for licence review were to be made on the basis of disorder the Authority will then distinguish between disorder and nuisance, considering factors such as:
 - whether police assistance was required
 - how threatening the behaviour was to those who could see it
 - how frequently it is reported
 - prevalence of persons loitering outside
 - the times of day when disorder is reported
 - the impact on residents

Ensuring that gambling is conducted in a fair and open way

- This Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of ensuring that gambling is conducted in a fair and open way.
- The Gambling Commission is the primary body concerned with ensuring that each operator conducts gambling in a fair and open way. This Licensing Authority will consider each application on its own merits and will look more closely at operator where an operator's licence is not required. Track owners do not require an operator's licence and any application for such a licence will be scrutinised to ensure this objective is met. In these circumstances, the applicant would be expected to address how they intend to ensure that gambling will be conducted fairly and openly. The Licensing Authority may consider imposing conditions to ensure that the environment in which betting takes place is suitable.

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

- This Licensing Authority will expect applicants to consider the measures necessary to be reasonably consistent with the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

- The Gambling Commission's guidance for this objective means preventing children from taking part in gambling (as well as restrictions on advertising so that gambling products are not aimed at or are particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the guidance, whether specific measures are required at particular premises, with regard to this licensing objective.
- The Licensing Authority is also aware of the Codes of Practice that the Gambling Commission has issued in respect of this licensing objective, in relation to specific categories of premises.
- It is noted that the Act and Commissions Guidance does not define the term “vulnerable persons”. It is noted that the Gambling Commission 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 the promotion of this licensing objective on a case by case basis.
- In a borough where both alcohol and drug dependency can be an issue the Licensing Authority are particularly concerned about both the health and social wellbeing of residents. Applicants must be able to demonstrate within their application how they will protect vulnerable persons, possibly by providing information on how they operate exclusion schemes, the way in which they identify those gambling beyond their means and the measures they take to stop those suffering from any impairment from participating in gambling, and also the training provided to staff to support these aims.
- It is appreciated that, in accordance with the Gambling Commission’s guidance, moral objections to gambling are not a valid reason to reject applications for premises licences, and also that unmet demand is not a criterion for a Licensing Authority to consider.
- The Licensing Authority expects applicants to take appropriate measures to promote the licensing objectives, which may include such issues as proof of age schemes, supervision of entrances and gaming machine areas, CCTV, physical separation of areas, self-exclusion schemes, and 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.
- The issue of a premises licence must be reasonably consistent with the promotion of the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission’s guidance to licensing authorities

7. Conditions

- 7.1 The Licensing Authority is aware that the mandatory and default conditions imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the Authority may consider attaching individual conditions related to the Licensing objectives.
- 7.2 Any conditions attached to licences will be proportionate and will be:-
- relevant to the need to make the proposed premises 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.
- 7.3 In addition, the Licensing Authority will examine how applicants propose to address the Licensing objectives. In considering applications the Licensing Authority will particularly take into account the following, if deemed appropriate:-
- Proof of age schemes;
 - Closed Circuit Television;
 - Door Supervisors;
 - Supervision of entrances/machine areas;
 - Physical separation of areas;
 - Location of entrances;
 - Notices and signage;
 - Specific opening hours; and
 - With particular regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information, leaflets, helpline numbers for organisations such as GamCare;
- 7.4 It is recognised that there are conditions which the Licensing Authority cannot attach to Premises Licences. These are:-
- Any conditions on the premises licence which make 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 Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
 - conditions in relation to stakes, fees, and the winning of prizes.
- 7.5 An applicant can request that default conditions are excluded from a licence, and in these circumstances the Licensing Authority may instead impose an appropriate condition that addresses a similar matter to the excluded condition (for example, if a default condition relating to permitted trading times is excluded, the Licensing Authority may attach a condition permitting longer trading hours). The Licensing

Authority will give a full explanation of the rationale behind the decision to attach any additional condition, 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. 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.

- 7.6 The Licensing Authority recognises that betting premises may only offer gambling facilities between the hours of 07.00 and 22.00, these being the default hours. The Licensing Authority will expect new applicants to consider if these hours are appropriate for the location subject to the application. The Authority is aware that in some areas early morning start times can cause anti-social behaviour problems, and the Authority is keen to ensure that newly granted licences do not exacerbate existing problems.

8. Local Area Profile

- 8.1 Each locality has its own character and challenges. In order to assist applicants, the Council has produced a Local Area Profile (LAP); the profile outlines the possible risks to gambling-related harm. The LAP sets out the information that gambling operators need to consider for new applications or when updating their risk assessments for existing premises. The LAP is published as a separate document to this policy and does not form part of it. The LAP may be reviewed by the Licensing Authority at any time. Such a review would not constitute a review of this Policy. The local area profile will be presented to any subsequent Licensing Sub-Committee when they determine an application that has received representations.
- 8.2 The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. Applicants are able to refer to the Local Area Profile to establish the risks for the area and what vulnerable groups are present. This will inform the consideration and implementation of any control measures that would mitigate the risk to the vulnerable. The applicant must set out the risks, their consideration and adequate control measures within their premises risk assessments. The LAP should not be taken as the definitive overview of a particular area and applicants are encouraged to use their own local knowledge in addition to the content of the LAP to inform their local risk assessments.
- 8.3 The Licensing Authority will assess the risks presented and determine whether the proposed steps are suitable to mitigate the risks of harm within the area.
- 8.4 The Licensing Authority will expect all applicants for a new licence to submit the completed assessment with their application. A template of a suggested local risk assessment form for is included at Annex E. Applicants and licence holders may use this template or create their own.

9. Location of Premises

- 9.1 Applicants for new or variation applications of premises licences in a 'gambling vulnerability zone' must include detailed information as to how the proposals will be reasonably consistent with the gambling objectives and policies. A 'vulnerability zone' is defined as any premises which is within close proximity or on a main route to a school, other educational institution, hostel or other sensitive location(s) where there is the potential for exposing children, young people or other vulnerable persons to gambling
- 9.2 Applicants are expected to establish whether there are any sensitive premises or locations within close proximity to the premises and what the risk level is for the area based on vulnerability. Where this is the case, applicants should submit information as to how they plan to be reasonably consistent with the strand of the licensing objectives concerned with the protection of children and other vulnerable persons from being harmed or exploited by gambling. The additional supporting information may contain the following:
- 9.3 How the premises operate will restrict access to children, young people or other vulnerable persons:
- whether a proof of age scheme is being used
 - will the appropriate number of security staff be employed at appropriate times;
 - will opening times be set so that the premises are not open during school start and finish times; and
 - what procedures and staff training are in place to identify vulnerable persons such as problem gamblers, those who are inebriated through drink or drugs, etc.
- This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 9.4 The applicant for a premises licence will have to specifically consider how the location of the premises will impact on the objectives. Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and propose ways that will reduce or remove any likely adverse impact on them.
- 9.5 The council will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives.
- 9.6 The council considers that 'sensitive locations' will include locations which have been identified as having a higher concentration of vulnerable groups and where there are concentrations of gambling premises in an area where children or other vulnerable persons are likely to be harmed or exploited.

- 9.7 It should be noted that this policy does not preclude any application being made and that every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.
- 9.8 The Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated
 - from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
- 9.9 These considerations will apply to premises including buildings where multiple premises licences may have effect.

10. Division of premises and Primary usage

- 10.1 In the Act, 'premises' is defined as including 'any place'. Section 152 of the Act prevents more than one premises licence applying to any single place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, tracks or shopping centres to obtain discrete premises licences, where appropriate safeguards are in place.
- 10.2 This Licensing Authority takes particular note of the Gambling Commission's guidance 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 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 activities identified on the premises licence.

10.3 The Licensing Authority will also consider specific measures that may be required for buildings that 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.

10.4 This Licensing Authority is also aware that an issue has arisen in some parts of the country, where operators have sought to sub-divide existing single licensed premises, and obtain further premises licences in respect of each sub-division. It has been observed that this practice has been used predominantly in respect of categories of premises licences which allow the operation of a small, fixed number of high-value gaming machines – in effect, using multiple premises licences in respect of different areas of a single business to artificially increase the permitted number of category B machines that can be made available.

10.5 The Licensing Authority notes the Commission's guidance that "in most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, '32 High Street'. But that does not mean that '32 High Street' cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances." When assessing whether premises can be regarded as separate, the Licensing Authority proposes to apply the following criteria:

- Does each premises have its own external entrance, or is this accessed via another premises?
- Does each premise trade as a separate entity, or under a single banner?
- Are the premises subject to separate non-domestic rateable valuations?
- Is each premises operated by different persons, or by the same proprietor?
- What is the quality of separation (i.e. if dividing barriers are to be used, are they temporary or permanent, do they provide floor to ceiling division or are they of a fixed height, are they transparent or opaque, etc)?
- Is there a genuine need to establish a division between premises, or is the division aimed solely at artificially increasing the permitted number of high-value gaming machines?

10.6 If it is proposed to utilise sterile, non-gambling areas to create sub-divisions, then the Licensing Authority will apply the following criteria to those areas:

- Is the area proposed for non-gambling activities a token separation?
- Is it genuinely an area which the public would go to for purposes other than gambling?
- Is it in effect a device to introduce artificial separation or genuinely a functionally separate area?

- Is there in effect direct access between the divisions or is there a place from which access can be gained to two premises?

10.7 The Licensing Authority also notes that any premises subject to multiple discrete premises licences must be able to comply with the mandatory conditions restricting access to each licensed premises, as follows:

Premise Type	Access restrictions
Adult Gaming Centre	No direct access from any other licensed gambling premise, or from premises with a family entertainment centre gaming machine permit, a club gaming/machine permit, or an alcohol licensed premises gaming machine permit.
Betting (other)	Access from a street or another betting premises only. No direct access from any premises used for retail sale of goods or services
Betting (track)	No direct access from licensed casino or adult gaming centre premise
Bingo	No direct access from licensed casino, adult gaming centre or betting (other) premises
Family Entertainment	No direct access from licensed casino, adult gaming centre or betting premises centre

10.8 In the case of some divided premises, it appears that the intended primary use of a premises licence had not been offered, with operators solely making use of the additional machine entitlement (for example, holding a Bingo premises licence but not making any facilities for playing bingo available). The Gambling Commission consulted on this issue in 2008³, and subsequently issued a revision to the Licence Conditions and Codes of Practice affecting Bingo, Betting and Casino operating licences. Holders of these licences are now mandated to provide suitable and sufficient facilities for their primary gambling activity in any of their associated premises.

11. Door Supervisors

11.1 The Gambling Commission advises in its guidance that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require

that the entrances to those premises are supervised and impose a condition to that effect. Consideration must also be given to whether that supervisor needs to be licensed or not, as the statutory requirements vary by premises type.

This Licensing Authority notes the contents of Part 33 of the Commission's guidance, which outlines a limited relaxation of the licensing requirement for door supervisors at licensed bingo and casino premises – however, operators are encouraged to use door supervisors who are licensed by the Security Industry Authority at these venues. Any other venue using door supervisors must use qualified staff registered with the Security Industry Authority

12. Plans

- 12.1 In all applications where a plan is required to be submitted, The Licensing Authority expectation is that, it will be in a scale of 1:100 unless otherwise agreed in writing and that, as a minimum, it will show the following (as appropriate to the type of application):
- The extent of the proposed licensed area
 - All entry and exit points (including fire exits)
 - CCTV camera positions
 - Positions of betting terminals, high pay out machines (including fixed odds betting terminals) and ATM's
 - Any fixed or permanent structures including counters
 - Privacy screens
 - All unlicensed areas under the control of the licensee including any 'sterile area's' and toilet and kitchen facilities be they for staff or public use.

13. Credit

- 13.1 Credit facilities are prohibited in casinos and premises licensed for bingo; however, this does not prevent the installation of ATMs on the premises, although the Licensing Authority may attach conditions as to the siting of such machines, for example by requiring adequate separation from areas used for gambling.

14. Betting Machines

- 14.1 In relation to Casinos, Betting Premises and Tracks, the Licensing Authority can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching reasonable and necessary conditions to a Betting Premises Licence or to a Casino Premises Licence (where betting is permitted in the Casino).

14.2 When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, among other things, should take into account:-

- the size of the premises;
- the number of counter positions available for person to person transactions
- the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons; and
- steps that the applicant has taken, or is offering, to positively and proportionately promote the licensing objectives.

14.3 In deciding whether to impose conditions to limit the number of betting machines, each application will be considered on its own merit and account will be taken of Codes of Practice or Guidance issued under the Act.

15. Provisional Statements

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

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

15.2 Developers may wish to apply to this Authority for a provisional statement before entering into a contract to buy or lease property or land, to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement, nor do they need to have a right to occupy the premises in respect of which the application is made.

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

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

- they concern matters which could not have been addressed at the provisional statement stage, or

- they reflect a change in the applicant's circumstances.

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

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

15.6 If a developer has already acquired a premise and has a right of occupation, and holds an appropriate operating licence, there is no requirement for them to obtain a provisional statement prior to making an application for a premises licence – this will simply be a matter of choice. However, where premises are likely to require construction or development work prior to being ready for use for gambling (and as such are not in a state where they can be inspected during the application process), the Licensing Authority may seek to attach the following additional conditions to any licence granted:

- The premises are to be constructed in accordance with the deposited plans and shall not trade until such time as they have been inspected and approved by officers of the Licensing Authority.
- The licence is to be offered for surrender should the premises not have been completed in accordance with the deposited plans within the period of 12/18/24 months starting on the day that the licence first takes effect.

16. Reviews

16.1 Applications for a review of a premises licence can be made at any time by interested parties or responsible authorities, including the Licensing Authority. The Licensing Authority must grant an application for review, unless it considers that the grounds on which the review is sought:

- Raise issues that are not relevant to Gambling Commission Guidance/codes of practice, the Licensing Authorities Statement of Policy or the licensing objectives.
- Are frivolous
- Are vexatious
- Will certainly not cause this Authority to wish to alter/revoke/suspend the licence
- Are substantially the same as grounds cited in a previous application relating to the same premises

- Are substantially the same as representations made at the time of the application for the premises licence was considered

- 16.2 The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate. In particular, the Licensing Authority may 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.
- 16.3 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28-day period, that will begin 7 days after receipt of the application. The Licensing Authority will publish notice of the application within this initial 7-day period.
- 16.4 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 16.5 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are:
- to add, remove or amend a licence condition imposed by the Licensing Authority;
 - to exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - to suspend the premises licence for a period not exceeding three months; or
 - to revoke the premises licence
- 16.6 In determining what action, if any, should be taken following a review, the Licensing Authority will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 16.7 Following the completion of the review, the Licensing Authority will notify its decision in writing to the licence holder, the applicant for review (if any), any person who made representations in respect of the review, and the responsible authorities designated in regulations made under the Act.

17. Adult Gaming Centre

- 17.1 Adult gaming centres (AGCs) premises licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Licensing Authority.

- 17.2 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.

18. Licensed Family Entertainment Centre

- 18.1 A Licensed Family Entertainment Centre is defined in Annex C of this policy. Entry to these premises is not generally age restricted, although entry to certain areas may be restricted dependent on the category of machines available for use.
- 18.2 The Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will encourage the applicant to satisfy the Authority that they have taken reasonable and proportionate measures to ensure that under 18 year olds do not gain access to any area of the premises that may contain adult only gaming machines and that vulnerable persons should not be exploited on the premises.
- 18.3 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises, but would also encourage applicants to voluntarily offer their own measures to promote the licensing objectives. Such measures may include:
- Proof of age schemes
 - CCTV
 - Supervision of entrances and machine areas
 - Physical separation of areas
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
 - Self-barring schemes
 - Measures/training for staff on how to deal with **suspected under 18 users or** truant school children on the premises
 - Measures/training for staff by way of written procedures covering how staff would deal with unsupervised and obviously very young children being on the premises, or unsupervised children causing problems on or around the vicinity of the premises.
 - Specific opening hours

19. Casinos

- 19.1 The Licensing Authority has not passed a resolution under Section 166(1) of the Act which would allow it to grant a Casino licence. Any future decision to pass or not pass such a resolution would be made by the Council's Licensing Committee and

would need to be endorsed by the full Council, but would only be taken after a full consultation process has been undertaken within its area.

- 19.2 The Licensing Authority is aware that where a Licensing Authority's area is enabled to grant a Premises Licence for a new style casino, there are likely to be a number of operators which will want to run a casino. In such situations the Council will run a competition in line with Regulations and Codes of Practice issued under the Act by the Secretary of State.
- 19.3 Conditions may be imposed in relation to betting machine in line with Paragraphs above.
- 19.4 Credit facilities are prohibited in casinos; however, this does not prevent the installation of ATMs on the premises, although the Licensing Authority may attach conditions as to the siting of such machines.

20. Bingo Premises

- 20.1 This Licensing Authority notes the Gambling Commission's guidance, that licensing authorities will need to satisfy themselves that it is possible for bingo to be played in any premises for which they issue a bingo premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence and/or apply for new licences, as discussed in the Division of Premises and Primary Usage section above.
- 20.2 Should children be allowed to enter premises licensed for bingo, they are not permitted to participate in the bingo, nor may they make use of any category of gaming machine, other than those in category D. Where category B or C machines are made available in premises to which children are admitted it is expected that:
- all such machines will be located in an area of the premises 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 will be admitted to the area where the machines are located;
 - access to the area where the machines are located will be 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.
- 20.3 Credit facilities are prohibited in premises licensed for Bingo; however, this does not prevent the installation of ATMs on the premises, although the Licensing Authority may attach conditions as to the siting of such machines, for example by requiring adequate separation from areas used for gambling.

21. Betting Premises

- 21.1 Betting is defined in Annex 'C'. Entry to these premises is age restricted.
- 21.2 The Licensing Authority will take account of any conditions applied to an Operating Licence in respect of such premises.
- 21.3 In relation to betting machines, conditions may be imposed, in accordance with paragraphs 24.1-24.3 above.
- 21.4 In deciding whether to impose conditions to limit the number of betting machines, each application will be on its own merits and account will be taken of Codes of Practice or Guidance issued under the Act.

Fixed Odds Betting Terminals (FOBT's)

- 21.5 In respect to nationally expressed concerns that exist in relation to the potentially adverse impact FOBT's may have on vulnerable groups of adults, The Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to enable staff to comprehensively promote responsible gambling, adequately protect players, particularly in relation to players who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.
- 21.6 The Licensing Authority expects FOBT's to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general the Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard, especially code 9.11.1. Where an existing licensee adds 'privacy screens' a variation application will be required

22. Tracks

- 22.1 The Licensing Authority is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas which they are not permitted to enter.
- 22.2 The 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.

- 22.3 Parliament has recently amended section 55 of the Act, to allow the employment of persons under the age of 18 years at track premises, in functions not associated with gambling (for example, as ticket checkers, concession kiosk staff, litter collectors, and so on). However, the offence under section 51, prohibiting the employment of children and young persons to provide facilities for gambling, is unaffected. Proprietors of track premises must ensure that any persons under the age of 18 employed at their premises are not called upon to assist with the operation of betting facilities.
- 22.4 The entitlement to make up to four gaming machines available for use at the track premises may only be utilised if the holder of the premises licence also holds a pool betting operating licence. In situations where this is the case and it is proposed to make gaming machines available for use, any gaming machines (other than category D machines) should be located in areas from which children are excluded. If the track premises is licensed for the sale of alcohol, a further two gaming machines may be made available by way of the automatic entitlement for alcohol-licensed premises, upon payment of the appropriate notification fee.
- 22.5 Betting terminals may also be made available for use at track premises, and this Licensing Authority proposes to apply the same principles as set out in the Betting (other) Premises Licence section above to track premises.
- 22.6 A condition to track premises licences is that the track operator is to ensure that the terms for placing bets 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.
- 22.7 Applicants are required to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity. Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations
- 22.8 Some tracks may be situated on open land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

22.9 This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place.

23. Travelling Fairs

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

PART C - PERMITS

- 1.1 The Act introduced a range of permits for gambling which are granted by Licensing Authorities. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises. With the exception of limiting machine numbers on Licensed Premises Gaming Machine permits, the Licensing Authority may only grant or reject an application for a permit. No conditions may be added.

2. Unlicensed Family Entertainment Centre Gaming Machine Permits

- 2.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a Permit. It should be noted, however, that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 2.2 The Licensing Authority requires the applicant to submit a scale plan of the premises showing the areas which the permit will cover together with any other areas under the control of the licensee. Generally, this will be at a scale of 1:100 but other scales may be submitted with prior agreement from the Licensing Authority.
- 2.3 The Licensing Authority will expect the applicant to show that there are written 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 suitability of such policies and procedures will be considered on their merits, however, they may include:-
- A basic criminal record check for staff or equivalent criminal records check for the applicant and the person(s) having day to day control of the premises;
 - Proof of age schemes;
 - How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
 - Safeguarding training;
 - Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises,
 - children causing perceived problems on, or around, the premises, and
 - Suspected truant children

3. (Alcohol) Licensed Premises Gaming Machine Permits

- 3.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises (under the Licensing Act 2003) to automatically have two gaming machines, of Categories C and/or D, via a notification to the Local Authority.

- 3.2 Gaming machines can only be located on licensed premises that have a bar for serving alcohol to their customers. Premises restricted to selling alcohol only with food will not be able to apply for a permit.
- 3.3 Where an application for more than two gaming machines is received, the 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 ensure that under 18 year olds do not have access to the adult only machines. Measures will cover such issues as:
- adult machines being in sight of the bar;
 - adult machines being in sight of staff who will monitor that the machines are not being used by those under 18;
 - appropriate notices and signage; and
 - with regard to the protection of vulnerable persons, the Licensing Authority will consider measures such as the use of self-barring schemes, provision of information and leaflets/help-line numbers for organisations such as GamCare; and
 - relevant codes of practice issued by the Gambling Commission.
- 3.4 The Licensing Authority can decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for but conditions other than these cannot be attached.
- 3.5 Where the Licensing Authority is satisfied that the applicant has provided sufficient measures to protect children and vulnerable persons from harm, or from being exploited by gambling, the Licensing Authority will grant permits to Licensed premises without the need for the application to be considered and determined by the Licensing Sub Committee.
- 3.6 Holders of licensed premises gaming machine permits will be required to pay an annual fee.
- 3.7 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 Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or

- an offence under the Gambling Act 2005 has been committed on the premises.

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

4. Prize Gaming Permits

4.1 The Licensing Authority will expect the applicant to show that there are written policies and procedures in place to protect children and vulnerable adults from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The suitability of such policies and procedures will be considered on their merits, however, they may include:-

- A basic criminal record check for staff or equivalent criminal records check for the applicant and the person(s) having day to day control of the premises;
- Proof of age schemes;
- How the applicant proposes to ensure that children will be protected from harm whilst on the premises;
- Safeguarding training;
- Training covering how staff would deal with:-
 - unsupervised, very young children being on the premises,
 - children causing perceived problems on, or around, the premises, and -
 Suspected truant children

4.2 In making its decision on an application for a Permit, the Licensing Authority does not need to have regard to the Licensing objectives, but must have regard to any Gambling Commission guidance.

4.3 There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Licensing Authority cannot attach further conditions. 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

5. Club Gaming and Club Machine Permits

5.1 Members' clubs and miners' welfare institutes may apply for a Club Gaming Permit or a Club Machine Permit, while commercial clubs may apply for a Club Machine Permit only. A 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 regulations. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D) only

5.2 A club must meet the following criteria to be considered a members' club

- It must have at least 25 members;
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations);
- It must be permanent in nature;
- It must not be established to make a commercial profit;
- It must be controlled by its members equally

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations

5.3 The council may only refuse an application on the grounds that:

- 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;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; and/ or
- an objection has been lodged by the Commission or the police.

5.4 There is also a 'fast-track' procedure available under the Act for qualifying clubs that hold a Club Premises Certificate under the Licensing Act 2003. 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 to:

- the club is established primarily for gaming, other than gaming prescribed by regulations made under section 266 of the Act;
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

5.5 There are statutory conditions on club gaming permits that no child may use 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.

PART D - OCCASIONAL AND TEMPORARY PERMISSION

1. Temporary Use Notices (TUN)

- 1.1 A TUN is defined in Annex C.
- 1.2 A TUN may only be granted to a person or company holding an Operating Licence relevant to the temporary use of the premises. Regulations have been issued by the Secretary of State prescribing the activities to be covered. At present a temporary use notice can only be granted for equal chance gaming.
- 1.3 For the purpose of a TUN, a set of premises is the subject of a TUN if any part of the premises is the subject of the Notice. This prevents one large premises from having a TUN in effect for more than 21 days per year by giving a Notice in respect of different parts.
- 1.4 The definition of “a set of premises” will be a question of fact in the particular circumstances of each Notice that is given. In considering whether a place falls within the definition of “a set of premises” the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.
- 1.5 The 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.

2. Occasional Use Notices (OUN)

- 2.1 Occasional Use Notices are defined in Annex C of this licensing policy.
- 2.2 The Licensing Authority has very little discretion concerning these Notices, aside from ensuring that a statutory limit of 8 days in a calendar year is not exceeded.
- 2.3 The Licensing Authority will, however, consider the definition of a track and whether the applicant is permitted to avail him/herself of the Notice.

3. Small Society Lotteries

- 3.1 The Gambling Act 2005 regulates all forms of fund-raising lotteries promoted in the UK. With the exception of the National Lottery, which is not regulated under this Act, it is illegal to promote a lottery for private or commercial gain.

- 3.2 While the term 'lottery' is used within the legislation, these provisions are also likely to apply to raffles, prize draws, tombola's, sweepstakes, scratch-card sales, and so on – in short, any arrangement in which a ticket is sold for a random chance of winning a prize. For the sake of simplicity, 'lottery' is used to define all of these.
- 3.3 Broadly speaking, there are two categories of lottery established under the Act –
- **Licensed lotteries** include those run by societies that aim to raise more than £20,000 in a single draw, or £250,000 in a calendar year, as well as any lotteries promoted by a Local Authority. An operating licence must be held by the promoter(s) of these lotteries
 - **Exempt lotteries** fall into one of four sub-categories, each with its own limits on the amounts that can be raised, the purposes for which it can be promoted, and the manner in which it must be run. These sub-categories comprise Incidental Non-Commercial Lotteries, Customer Lotteries, Private Lotteries, and Small Society Lotteries
- 3.4 The administration and enforcement of licensed lotteries is carried out solely by the Gambling Commission, although local authorities may provide information and intelligence to assist in these processes. Of the four sub-categories of exempt lotteries, only Small Society Lotteries require registration with a Local Authority – no authorisation is required for the other three categories. Both the Commission and local authorities may carry out enforcement checks to ensure that any exempt lotteries are carried on in accordance with the relevant legal restrictions.
- 3.5 Should a society registered with a Licensing Authority for the promotion of small society lotteries promote a lottery which causes either on the statutory limits on proceeds to be exceeded, then any subsequent lotteries promoted by that society in the current calendar year or any of the following three calendar years will be deemed to be large society lotteries, and will require the society to obtain a relevant operating licence from the Gambling Commission. The registration with the Licensing Authority will remain in force, but will not serve to authorise any lottery schemes during this period – it is open to the society as to whether to cancel the registration.

4. Free Draws & Skill Competitions

- 4.1 The Gambling Act 2005 does not include any measures to regulate prize draws where there is no charge to enter, nor any competition where the outcome relies significantly upon a participant's skill, judgement or knowledge. Generally, the Licensing Authority will be unable to become involved in any matters relating to these schemes.
- 4.2 However, on some occasions, schemes that are presented as skill competitions will actually fall under the definition of lotteries, or prize (chance) gaming, and would therefore need to comply with the statutory requirements. Alongside the Gambling Commission, licensing authorities are obliged to monitor the boundaries between

lotteries and skill competitions, and will provide advice and assistance to ensure that any competitions are run in compliance with the relevant laws. This Licensing Authority notes the criteria set out in section 14 of the Act relating to the characteristics of a skill competition, and, when called upon to assess a particular scheme, will seek to ensure that the competition includes a suitable challenge of skill, judgement or knowledge that will:

- prevent a significant proportion of people who wish to participate from doing so; or
- Prevent a significant proportion of people who participate from receiving a prize.

ANNEX A - List of Consultees

The draft policy was placed on the Council Website and in accordance with the Act the following organisations and individuals were consulted as part of the formal consultation exercise on the Statement of Gambling Licensing Policy.

- All responsible Authorities for the Gambling Act (as specified in Appendix B).
- Holders of Premises Licences and Permits under the Gambling Act 2005
- Gamblers Anonymous,
- The Licensing Committee
- Public Health

ANNEX B - Responsible Authorities

The following table shows the Responsible Authorities designated under the Act and their relevant contact details.

RESPONSIBLE AUTHORITY	CONTACT DETAILS
Licensing Authority	Licensing, Food & Safety Manager Colchester Borough Council Environment Services PO Box 889 Rowan House 33 Sheepen Road Colchester CO3 3WG e-mail address: licensing.team@colchester.gov.uk
Gambling Commission	Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP e-mail address: info@gamblingcommission.gov.uk
Essex Police	The Licensing Department (Alcohol) Essex Police Braintree CM7 3DJ e-mail address: licensing.applications@essex.pnn.police.uk
Essex County Fire & Rescue Service	Community Commander Colchester & Tendring Community Command Block C Park Road Colchester CO3 3UL e-mail address: NorthEastGroupSDP@essex-fire.gov.uk
Planning Services	Principal Planning Officer Colchester Borough Council PO Box 889 Rowan House 33 Sheepen Road Colchester CO3 3WG e-mail address: duty.planner@colchester.gov.uk
Environmental Protection	Environmental Protection Manager Colchester Borough Council PO Box 889 Rowan House

	33 Sheepen Road Colchester CO3 3WG e-mail: environmentalprotectionteam@colchester.gov.uk
The Body Responsible for the Protection of Children from Harm	Head of Child Protection (Licensing Applications) DG06 D Block Schools, Children and Families Service Essex County Council PO Box 11 Chelmsford CM1 1QH Email: licenceapplications@essexcc.gov.uk
HM Revenue & Customs	HM Revenue and Customs Excise Processing Teams BX9 1GL Telephone - 0300 322 7072 Option 7. e-mail: nrubetting&gaming@hmrc.gsi.gov.uk

In relation to vessels only, the Navigation Authority having functions in relation to any place where the vessel is or is likely to be while activities are carried on in reliance on a premises licence. For this purpose, correspondence should be sent to:

Surveyor-in-Charge
Maritime & Coast Guard Agency
Marine Office
Central Court
1B Knoll Rise

Any further enquiries or assistance can be obtained from the Licensing Authority using the contact details above. These addresses were correct at the time of going to press but are subject to change without notice. Any change made will not form part of a review of the Council's Statement of Licensing Policy

ANNEX C - Definitions/Glossary of Terms

In this Policy the definitions contained in Appendix c are included to provide an explanation of certain terms included in the Act and this Policy. In some cases they are an abbreviation of what is stated in the Act or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Act.

Adult	An individual who is not a child or young person.
Adult Gaming Centre	Premises in respect of which an Adult Gaming Centre Premises Licence has effect (Premises limited to entry by adults making Category B, C and D gaming machines available to their customers).
Authorised Local Authority Officer	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that Authority's area.
Betting Machines	A machine designed or adapted for use to bet on future real events (not a gaming machine).
Bingo	A game of equal chance.
Casino	An arrangement whereby people are given an opportunity to participate in one or more Casino games.
Casino Resolution	Resolution not to issue Casino Premises Licences.
Child	Individual who is less than 16 years old.
Club Gaming	Equal chance gaming and games of chance in members' clubs and miners' welfare institutes (but not commercial clubs).
Club Gaming Machine Permit	Permit to enable the premises to provide gaming machines (3 machines of Categories B,C or D).
Code of Practice	Any relevant code of practice under Section 24 of the Act.
Conditions	<p>Conditions to be attached to licences by way of:-</p> <p>Automatic provision</p> <p>Regulations provided by Secretary of State</p> <p>Conditions provided by Gambling Commission</p> <p>Conditions provided by Licensing Authority</p> <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>

Default Conditions	Conditions that will apply unless the Licensing Authority decides to exclude them. This may apply to all Premises Licences, to a class of Premises Licence or Licences for specified circumstances.
Delegated Powers	Decisions delegated either to a Licensing Committee, SubCommittee or Licensing Officers.
Disorder	No set interpretation. However, likely to be connected to the way gambling is being conducted. In the case of Gambling Premises' Licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
Equal Chance Gaming	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
Exempt Lotteries	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission.</p> <p>There are four types:</p> <p>Small Society Lottery (required to register with Licensing Authorities).</p> <p>Incidental Non Commercial Lotteries.</p> <p>Private Lottery (Private Society, Work or Residents lottery).</p> <p>Customer Lotteries.</p>
External Lottery Manager	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the Lottery.
Gaming	Prize Gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
Gaming Machine	Machine covering all types of gambling activity, including betting on virtual events.
Guidance to Licensing Authorities	Guidance issued by the Gambling Commission 3rd edition dated May 2009.

Human Rights Act 1998 Articles: 1,6,8 and 10	Article 1: Protocol 1 The right to peaceful enjoyment of possessions. Article 6: The right to a fair hearing. Article 8: The right of respect for private and family life. Article 10: The right to freedom of expression.
Incidental Non Commercial Lottery	A Lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events (commonly charity fundraising events, lottery held at a school fete or at a social event such as a dinner dance).
Exchange of Information	Exchanging of information with other regulatory bodies under the Gambling Act.
Interested Party	A person who:- lives sufficiently close to the premises to be likely affected by the authorised activities; have business interests that might be affected by the authorised activities, or represents persons in either of these two groups. See paragraph 10.6 for the criteria the Licensing Authority will apply in determining who lives or has business interests sufficiently close to the premises that they are likely to be affected by any authorised activities.
Licensing Authority	Colchester District Council acting under Section 2 of the Act.
Licensed Family Entertainment Centre	Premises offering Category C gaming machines that are restricted to adults and offering Category D machines to children and young persons in segregated areas.
Licensed Lottery	A Large Society Lottery or a Local Authority Lottery. They require registration with the Gambling Commission.
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.
Lottery	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.

Lottery Tickets	<p>Tickets that must:-</p> <ul style="list-style-type: none"> identify the promoting society; state the price of the ticket, which must be the same for all tickets; state the name and address of the member of the Society who is designated as having responsibility for the Society for the promotion of the lottery or, if there is one, the External Lottery Manager, and State the date of the draw, or enable the date of the draw to be determined.
Mandatory Conditions	Specified conditions provided by Regulations under Section 176 of the Act to be attached to Premises Licences.
Members' Club	<p>A Club that must:-</p> <ul style="list-style-type: none"> have at least 25 members; be established and conducted 'wholly or mainly' for purposes other than gaming; be permanent in nature; not be established to make commercial profit; and be controlled by its members equally.
Occasional Use Notice	Betting may be permitted on a 'track' for eight days or less in a calendar year without the need for a full Premises Licence.
Off Course Betting	Betting that takes place other than at a track, i.e. at a licensed betting shop.
Off Course Betting - Tracks	Betting that takes place in self-contained betting premises with the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operates only on race days.
On Course Betting - Tracks	Betting that takes place on a track while races are taking place.

Operating Licence	<p>Issued by the Gambling Commission. Licence to permit individuals and companies to provide facilities for certain types of gambling. It may authorise remote or non remote gambling</p> <p>Casino Operating Licence</p> <p>Bingo Operating Licence</p> <p>General Betting Operating Licence</p> <p>Pool Betting Operating Licence</p> <p>Betting Intermediary Operating Licence</p> <p>Gaming Machine General Operating Licence (for an Adult Gaming Centre Operator or a Family Entertainment Centre)</p> <p>Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)</p> <p>Gambling Software Operating Licence (to manufacture, supply, install or adapt gambling software)</p> <p>Lottery Operating Licence</p>
Permits	<p>Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises. Issued by the Licensing Authority (for Unlicensed Family Entertainment Centres, Prize Gaming, Gaming Machines, on alcohol related premises, Club Gaming and Club Gaming Machines).</p>
Personal Licence	<p>Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. Cannot be held by companies.</p>
Pool Betting - Tracks	<p>Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the Premises Licence for the track.</p>
Premises	<p>Defined as 'any place', including a vehicle, vessel or moveable structure. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.</p>
Premises Licence	<p>Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, Adult Gaming Centres and Family Entertainment Centres.</p>

Private Lotteries	<p>There are three types of Private Lotteries:</p> <p>Private Society Lotteries - tickets may only be sold to members of the Society or persons who are on the premises of the Society;</p> <p>Work Lotteries - the promoters and purchasers of tickets must all work on a single set of work premises;</p> <p>Residents' Lotteries - promoted by, and tickets may only be sold to, people who live at the same set of premises.</p>
Prize Gaming	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Prize Gaming Permit	A permit to authorise the provision of facilities for gaming with prizes on specific premises.
Provisional Statement	<p>Where an applicant can make an application to the Licensing Authority in respect of premises that he:-</p> <p>Expects to be constructed.</p> <p>Expects to be altered.</p> <p>Expects to acquire a right to occupy.</p>
Regulations	Regulations made by the Secretary of State under the Gambling Act 2005.
Relevant Representations	Representations that relate to the Gambling Licensing objectives, or that raise issues under the Licensing Policy or the Gambling Commission's Guidance or Codes of Practice.

Responsible Authorities	<p>Public Bodies that must be notified of all applications and who are entitled to make representations in relation to Premises Licences, as follows:-</p> <p>Colchester District Council acting as the Licensing Authority The Gambling Commission The Chief Officer of Police (Essex Police) Essex County Fire and Rescue Service Local Planning Authority, ie Colchester District Council Planning Department The authority having functions in relation to the environment or harm to human health, i.e. Colchester District Council Environmental Health Essex Local Safeguarding Children's Board HM Revenue and Customs Vessels only - the Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. the Environment Agency, British Waterways Board, the Maritime and Coastguard Agency Other persons prescribed by the Secretary of State</p>
Small Society Lottery	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
Society	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
Temporary Use Notice	To 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.
The Act	The Gambling Act 2005.
The Council	Colchester Borough Council
The Commission	The Gambling Commission.
The Policy	The Statement of Licensing Principles published by the Licensing Authority under Section 349 of the Act.
Tote [or Totalisator]	Pool betting on tracks.

Track	Sites where races or other sporting events take place, e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling Fair	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
Unlicensed Family Entertainment Centre	Premises offering Category D machines only with unrestricted entry.
Vehicles	Defined trains, aircraft, sea planes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted.
Vulnerable Persons	No set definition, but likely to mean group to include people who:- gamble more than they want to gamble beyond their means who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs
Young Person	An individual who is not a child but who is less than 18 years old.

ANNEX D - Map of Colchester



ANNEX E - Local Area Risk Assessment Example Template

1: Local Area			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
1.1			Systems
			Design
			Physical
1.2			Systems
			Design
			Physical
1.3			Systems
			Design

			Physical

2: Gambling Operation			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
2.1			Systems
			Design
			Physical
2.2			Systems
			Design
			Physical

3.3			Systems
			Design
			Physical

3: Internal and External Premises Design			
No	Local Risks:	Licensing objective(s) at risk: (CD, FO or CV)	Control Measures
3.1			Systems
			Design
			Physical

3.2			Systems
			Design
			Physical
3.3			Systems
			Design
			Physical

Actions following assessment:			
1: Local Area			
Action	Person/Dept tasked	Date tasked	Date completed

2: Gambling Operation			
Action	Person/Dept tasked	Date tasked	Date completed
3: Internal and External Premises Design			
Action	Person/Dept tasked	Date tasked	Date completed

Signed:		Date:	

Print Name:	
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Notes: In addition to the requirement for existing licence holders to have a local area risk assessment, this risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

Risks: Area of consideration that may impact on one or more of the licensing objectives
Local Risks: These are the identified factors that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises

Licensing objectives: these are the three licensing objectives under the Gambling Act 2005 to which the risk factors have been identified as potentially impacting. For ease of reference within this assessment the objectives have been given codes that should be used to replace the full objective. These codes are CD for the Crime and Disorder objective, FO for the Fair and Open objective and CV for the protection of children and the vulnerable.

Control Measures: These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors. These control measures are split into three categories, systems, design and physical.

The fact that there are three subsections in each section of the template should not be taken to suggest that you should limit your assessment to three risks for each section. The above template is an example only. You are at liberty to use your own design.

For Consultation only