

Gambling Act 2005

DRAFT Statement of Principles



LEGAL SERVICES UNIT



CONTENTS

	Page	
Part A: General		
1.0	The Licensing Objectives	1
2.0	Introduction	1
	- The Borough of Chorley	
	- Legal background and rationale	1
	- Development process and consultation	3
3.0	Declaration	4
4.0	Responsible Authorities	4
5.0	Interested Parties	4
6.0	Exchange of Information	6
7.0	Integration Strategies	6
8.0	Enforcement	7
9.0	Licensing Authority functions	8
10.0	Hearings	9
Part B: Premises Licences		
11.0	General principles	10
12.0	Adult Gaming Centres	15
13.0	(Licensed) Family Entertainment Centres	15
14.0	Casinos	16
15.0	Bingo Premises	17
16.0	Betting premises	18
17.0	Tracks	19
18.0	Travelling Fairs	21
19.0	Provisional Statements	22
20.0	Reviews	23
Part C: Permits / Temporary and Occasional Use Notices		
21.0	Unlicensed Family Entertainment Centre Gaming Machine Permits	25
22.0	(Alcohol) Licensed Premises Gaming Machine Permits	26
23.0	Prize Gaming Permits	28
24.0	Club Gaming and Club Machines Permits	29
25.0	Temporary Use Notices	32
26.0	Occasional Use Notices	33
27.0	Gaming Machines	34
Appendices		
Appendix 1	Glossary of terminology	37
Appendix 2	Map detailing Chorley Borough Council	38
Appendix 3	List of key consultees	39
Appendix 4	List of Responsible Authorities	40
Appendix 5	Useful contacts	41

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

PART A: GENERAL

1.0 The Licensing Objectives

1.1 In exercising most of the functions under the Gambling Act 2005 (the Act), Chorley Borough Council (the Council) is designated the Licensing Authority (the Authority) and 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;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 The Gambling Commission has specifically stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling, to which the Authority will have regard.

1.3 In accordance with Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks it:

- In accordance with any relevant code of practice issued by the Gambling Commission under Section 24 of the Act;
- In accordance with any relevant guidance issued by the Gambling Commission under Section 25 of the Act;
- Reasonably consistent with the licensing objectives, and
- In accordance with this Statement of Principles.

1.4 A Glossary of the key terms used in this Statement of Principles is detailed at Appendix 1.

2.0 Introduction

2.1 Chorley Borough Council is situated in the County of Lancashire, which contains 12 District Councils and 2 unitary authorities. The Borough has 23 Parish councils and a population of 100,449 (National Census 2001), covering an area of 80 square miles.

The Borough is set in attractive countryside between the West Pennine Moors and the Lancashire Plain.

A map of the Borough is in Appendix 2

Legal background and rationale

2.2 This Statement of Principles (the Statement) sets out the manner in which the Authority will generally apply to promote the licensing objectives when considering and making decisions on applications made under the Act. This Statement has been prepared under Section 349 of the Act and in accordance with the Gambling Commission's Guidance (the Guidance) for Licensing Authorities issued under

Section 25 of the Act. The Authority is therefore constrained by the provisions of the Act, the Guidance and any Regulations made under the Act. However, the Authority may depart from the Guidance if it has reason to do so, but will give full justification for such departure.

2.3 The Authority is required by Section 349 of the Act to publish this Statement, which it proposes to apply when exercising its functions. This Statement shall be effective from the 31st January 2007, and shall remain in effect for three years; therefore this Statement will be reviewed in January 2010. Following this full review of its Statement, and prior to its publication, the Authority will consult fully those groups and individuals consulted on this version.

2.4 This Statement will also be kept under review during this three year period, and accordingly, the Director of Customer, Democratic and Legal Services will maintain an 'Issues Log' in which all issues pertaining to this Statement will be recorded. Therefore the Authority will make revisions to the Statement from "time to time" as it considers appropriate. For example, where relevant issues have arisen, or where matters recorded in the 'Issues Log' indicate that such a review is required. A further consultation will be carried out on any amendments made to the Statement, and the Statement will be re-published.

2.5 Nothing in this Statement will override the right of any person to apply under the Act for a variety of permissions and have that considered on its own merits and according to the statutory requirements of the Act.

2.6 Nothing in this Statement will override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

2.7 The Council also has a responsibility under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. Accordingly, it is recognised that prevention of crime and disorder is a vital element of ensuring the quality of life in a community and an important aspect of a successful and vibrant economy.

2.8 The Authority recognises that in considering applications and taking of enforcement action under the Act, it is subject to the Human Rights Act 1998 and in particular:

- Part 1 of the First Protocol - peaceful enjoyment of possessions
- Part 6 right to a fair hearing
- Part 8 respect for private and family life
- Part 10 right to freedom of expression

The Authority also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable nuisance caused by licensed premises/activities. Full consideration has been given to these issues in formulating this Statement.

2.9 This Statement recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. This Statement also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor policies for only adverse impact on the promotion of race equality, and this Statement is referenced in this race equality scheme. The

Authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.

- 2.10** This Statement recognises the Disability Discrimination Act 1995, however no condition will be attached to a licence or certificate that conflicts or duplicates this requirement.
- 2.11** The Authority will steer to avoid duplication with other regulatory regimes as far as possible e.g. health & safety at work and fire safety requirements.
- 2.12** Unmet demand is not a criterion for the Authority in considering an application for a premises licence.

Development process and consultation

- 2.13** The Council consulted widely upon this Statement before finalising and publishing the document. A list of the persons consulted is provided at appendix 3.
- 2.14** The Act requires the Authority to consult the following parties:
- Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.15** The 12-week consultation took place between ??? June 2006 and ???? 2006 and followed the Revised Code of Practice for public consultations, which came into effect in April 2004, and the Cabinet Office Guidance on consultations by the public sector. These documents are available via : <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/>
- 2.16** The full list of comments made, and the consideration by the Council of those comments, is available from the Council using the contact details given at appendix 5.
- 2.17** The Statement was approved at a meeting of the Full Council on and was published via/on the Council's website on Copies have been placed in the public libraries in the Borough, as well as being available in the Council's Licensing Service at the address given in appendix 5.
- 2.18** If you have any comments as regards this Statement, please send them via e-mail or letter to:

Howard Bee Licensing Manager

Telephone: 01257 515665

Fax: 01257 515197

Email: licensing@chorley.gov.uk
<mailto:licensing.enquiries@westlancsdc.gov.uk>

Webpage: <http://www.chorley.gov.uk/section.asp?cat=1764>

3.0 Declaration

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

4.0 Responsible Authorities

4.1 These are specified in Section 157 of the Act.

4.2 When exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Authority about the protection of children from harm, the Authority is required to state the principles it will apply. These principles are:

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

4.3 Therefore, in accordance with the Guidance, the Authority designates Lancashire County Council Social Services Directorate as the body that is competent to advise the Council about the protection of children from harm.

4.4 The contact details of all the Responsible Authorities under the Act are given at appendix 4 and are also available via the Council's website at:

<http://www.chorley.gov.uk/section.asp?cat=1764>

4.5 Responsible bodies are public bodies that must be notified of applications and are entitled to make representations to the Authority for and, in relation to, premises licences.

4.6 Section 157 sets out the bodies to be treated as Responsible Authorities. They are: See appendix four.

5.0 Interested parties

5.1 Section 158 of the Act defines an Interested Party. An Interested Party can make representations about licence applications, or apply for a review of an existing licence.

5.2 Section 158 of the Act defines an interested party: as persons who:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- Has business interests that might be affected by the authorised activities;
- Acts as a representative of those persons who satisfy either of the above points.

5.3 The Authority will consider whether a person is an interested party with regard to particular premises on a case by case basis and make a decision upon its merits. However, the Authority may have regard to a number of factors when making its decision e.g. the size of the premises and the nature of the activities taking place. Larger premises may be considered to affect people over a broader geographical area compared to smaller premises offering similar facilities.

The factors that the Licensing Authorities may take into account when determining 'what sufficiently close to the premises' means, may include:

- size of the premises
- nature of the premises
- potential impact of the premises (number of customers, routes likely to be taken by customers) and
- circumstances of the complainant. The Licensing Authority will not take into account the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises e.g. the Licensing Authority would reasonably conclude that "sufficiently close to be likely to be affected" could have a different meaning for a private resident or a residential roster for vulnerable adults

5.4 The Authority will consider the examples of considerations provided in the Guidance when making the decisions whether a person is an interested party. If the Authority does not wish to follow the Guidance in any respect, it will provide written reasons as to why this deviation has taken place, noting that decisions on Premises Licences must be "in accordance" with the Guidance.

5.5 The Authority is of the view that interested parties may include trade associations, trade unions, residents and tenants associations. However, it will not generally view these bodies as interested persons unless they represent a person or body who comes within the definition as set out in paragraph 5.2

5.6 Persons representing these interested parties may also be persons who are democratically elected such as ward Councillors, Members of Parliament and Parish Councillors. Other than these persons, the Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorities activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be deemed as sufficient. The Licensing Authority will have regard to anything an interested party says about his status to make representation.

5.7 Persons with business interests that could be affected:

The Licensing Authority will have to be satisfied that a relevant business is likely to be affected.

The Licensing Authority is aware that the "demand" tests in previous legislation has not been preserved.

The Licensing Authority consider factors likely to be relevant to include:

- size of the premises
- 'catchment' area of the premises and
- whether the person making the representation has business interests in the area that may be affected.

5.8 If individuals wish to approach ward Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Statutory Committee that will deal with the licence application. If there are any doubts, please contact the Council's Licensing Section using the contact details given at Appendix 5.

6.0 Exchange of Information

6.1 Sections 29 and 30 of the Act require the Authority to state the principles to be applied by the Authority with respect to the exchange of information between it and the Commission. In addition, Section 350 of the Act also requires the Authority to state the principles to be applied with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

6.2 In this regard, the Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened and conform to the requirements of the Freedom of Information Act 2000. The Authority will also have regard to any Guidance issued by the Commission to Local Authorities on this matter, as well as any relevant regulations, codes of practice etc.

6.3 Where any protocols are established to facilitate such exchange of information, these will be made available.

6.4 Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of hearing being required, will form part of a public document. Any person making a representation, or applying for review of a premises licence, will be informed that their details will be disclosed.

7.0 Integration Strategies

General

7.1 There are many stakeholders in the gambling industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the licensing objectives. The Authority, therefore, recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage such activities for the wider cultural benefit of the community. The Authority will aim to monitor the impact of its decisions to ensure that this principle is being upheld.

7.2 Many of these strategies deal in part with the licensing function, and the Authority will establish appropriate liaison arrangements to ensure proper integration of local crime prevention, planning, local transport, tourism and cultural strategies.

7.3 Coordination of duties will involve close, and regular, liaison with Responsible Authorities. This shall be carried out through regular local meetings, regarding strategic and operational issues raised by the Act.

7.4 The Authority recognises the need to avoid so far as possible duplication with any other regulatory regimes. However, some regulatory regimes do not cover the unique circumstances of some entertainment and, where relevant representations have been received, the Authority will consider attaching conditions to a licences or permission where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

8.0 Enforcement

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

8.2 The Authority's principles for enforcement are that:

It will be guided by the Guidance and any code of best practice and aim to be:

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

8.3 In accordance with the Guidance, the Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The Authority will also, as recommended by the Guidance, adopt a risk-based inspection programme of premises. This involves targeting high risk premises which require greater attention whilst operating a lighter touch in respect of low risk premises. In this way, resources are more effectively concentrated on problem premises. The criteria and programme that the Authority is to use to determine the level of risk in respect of risk will be made available separately from this statement.

8.4 The main enforcement and compliance role for the Authority will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority, but will be notified to the Commission. The Commission will also be responsible for compliance as regards unlicensed premises.

8.5 The Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities and will adopt the principles of better regulation.

8.6 To ensure transparency in its enforcement action, the Authority maintains an enforcement policy to which all staff must comply. A copy of the enforcement policy is available upon request to the Licensing Service, using the contact details provided at Appendix 5.

9.0 Licensing Authority functions

9.1 The Act requires the Authority to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;

- Issue *Provisional Statements*;
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue *Club Machine Permits* to *Commercial Clubs*;
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Grant *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- Register *small society lotteries* below prescribed thresholds;
- Issue *Prize Gaming Permits*;
- Receive and Endorse *Temporary Use Notices*;
- Receive *Occasional Use Notices*;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

9.2 It should be noted that the Authority is not involved in licensing remote gambling at all. This is the responsibility of the Commission, which is controlled via Operator Licences.

9.3 The Licensing Authority will determine the delegated functions under the Act.

9.4 The Licensing Authority is aware that the Code of Conduct will apply in their decision making and that public confidence in their decision making is paramount.

9.5 The general principles that apply in decision making to underpin the Code of Conduct are that members of licensing authorities should:

- serve only the public interest and should never improperly confer an advantage and disadvantage on any person;
- not place themselves in situations where their honesty and integrity may be questioned and make decisions on merit;
- be accountable to the public for their actions;
- reach their own conclusions on the issues before them and act in accordance with those conclusions; and
- uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

10.0 Hearings

- 10.1** A hearing will be arranged to deal with any applications, which cannot be dealt with under delegated powers or resolved by agreement between applicants and interested parties and/or Responsible Authorities.
- 10.2** Each case will be determined on its individual merits.
- 10.3** Hearings will be held at the earliest possible date having regard to the regulations published under the Act and the laws of natural justice. The Licensing Sub-Committee will conduct a quasi-judicial consideration of the application, objections and representations. Members will carefully consider their position should they be requested to hear a matter which occurs in their own ward.
- 10.4** A legal advisor, advocate or a friend may represent applicants where they do not choose to represent themselves. The Authority will endeavour to assist applicants in preparing for and participating in a hearing.
- 10.5** Whilst the Committee and Sub-Committees will usually meet in public they do have the power to hear certain applications in private. A public announcement of the decision will be made at the end of the hearing. The decision determined by the Committee or Sub-Committee will be accompanied with clear reasons for the decisions, having regard to the Human Rights Act 1998, the three Licensing Objectives and all other relevant legislation.
- 10.6** Conditions may be attached to licences where relevant representations are received. Any condition attached to a licence will be related to one or more of the Licensing Objectives, and conditions will not relate to matters, which are the subject of other legislation.

PART B: PREMISES LICENCES

11.0 General Principles

11.1 Where an individual or company proposes to offer gambling for which an operating licence is required, and which is premises based, that individual or company will also need to apply for a premises licence.

11.2 Premises licences are issued by the Licensing Authority with responsibility for the area in which the premises are situated. In the Borough of Chorley, the Licensing Authority is Chorley Borough Council.

11.3 Premises licences, under Section 50 of the Act, can authorise the provision of facilities on:

- casino premises;
- bingo premises;
- betting premises; including tracks and premises used by betting intermediaries;
- adult gaming centres (for Category C and D machines); and
- family entertainment centres (for Category C and D machines of Category D machines only)

11.4 Premises Licences will be subject to the permissions/restrictions set out in the Act and associated regulations, as well as specific mandatory and default conditions. The Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

11.5 The Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with this Statement.

11.6 The Authority is aware that as per the Gambling Commissions Guidance, moral objections to gambling are not a valid reason to reject applications, and also that unmet demand is not criterion for a Licensing Authority

Definition of “premises”

11.7 Premises is defined in the Act as “any place” Section 153 of the Act prevents more than one Premises Licence applying to any place. However, it is possible for a single building to be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a building can be properly regarded as being separate premises will always be a question of fact in the circumstances. However, the Authority follows the Commission guidance and does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

- 11.8** The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). The sort of issues that the Authority will consider before granting such applications e.g. whether children can gain access, compatibility of the two establishments and ability to comply with the Act. However, the overriding consideration will be, whether taken as a whole, the co-location of the premises with other facilities, has the effect of creating an arrangement that otherwise would or should, be prohibited under the Act.
- 11.9** When considering applications for multiple licences for a building or those relating to a specific part of a building used for other (non-gambling purposes) the Authority will generally require entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- 11.10** With certain exceptions, children will not be permitted to enter licensed gambling premises. Therefore applicants should consider carefully how they wish to configure their buildings if they are seeking to develop multi purpose establishments.
- 11.11** The Authority may, where reasonable, require persons operating premises in which gambling takes place to take measures such as the supervision of entrances, segregation of gambling from non-gambling areas frequented by children (if their non-gambling areas are compatible with the requirements of the Act) and the supervision of gaming machines in non-adult gambling specific premises in order to provide the licensing objectives. This will be done by attaching licence conditions where appropriate.
- 11.12** The Act permits a premises licence to be granted for passenger vessels. A vessel is defined by the Act as:
- anything (other than a sea plane or amphibious vehicle), designed or adapted for use in water;
 - a hovercraft; or
 - anything, or part of any place, situated on or in water.
- 11.13** Structures which are an extension of land are not vessels. The Act applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated in a place where it is usually moored or berthed. The relevant Licensing Authority will be the Licensing Authority for the area in which it is usually moored or berthed.
- 11.14** Where a premises licence is sought for a vessel which will be navigated whilst licensable activities take place the Authority will be concerned with the promotion of the Licensing Objectives on-board the vessel. The Licensing Authority will not focus on matters relating to safe navigation, operation of the vessel, general safety or emergency provision.

Location

- 11.15** Demand issues cannot be considered with regard to the location of premises but considerations in terms of the licensing objectives can. The Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. For example, the Authority would have regard to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high

concentration of families and children. If the Authority is mindful to make any specific decision that states any area(s) where gambling premises should not be located, this Statement will be updated. It should be noted that any such decision would not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how such concerns can be overcome.

Duplication with other regulatory regimes

11.16 The Authority will not take into account irrelevant matters i.e. those not related to gambling and the Licensing Objectives and will seek to avoid any duplication with other statutory / regulatory systems. The Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. However, the Authority will listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives

11.17 All Premises Licences granted by the Authority must be reasonably consistent with the licensing objectives. With regard to these objectives, the Authority has considered the Guidance and offers the following comments:

- ***Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*** - Notwithstanding the above paragraphs, the Authority will pay attention to the proposed location of any gambling premises in relation to this objective. Therefore, if an area has known high levels of organised crime, the Authority will consider whether gambling premises are suitable for that location.

The Authority is also aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it. Issues of nuisance cannot be addressed under the Act.

- ***Ensuring that gambling is conducted in a fair and open way*** – The Authority will not concern itself with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – The Authority will take the approach that in practice this would often mean preventing children from taking part in gambling, and therefore when determining a relevant application, the Authority will consider whether specific measures are required at the premises.

At present no definition is offered with regard to the term “vulnerable persons”, therefore the Authority will consider this objective on a case-by-case basis. However the Guidance does state 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.” Where a practical definition is made available in the future, this Statement will be updated.

11.18 Section 183 applies to all premises licences. It attaches a mandatory condition that facilities for gambling must not be provided on Xmas Day (i.e. 00.01 hrs on 25th December until 00.00 hrs on 26th December).

11.19 Secretary of State to set out in Regulations, conditions that must be attached to premises licences.

The Authority shall only consider imposing individual conditions when imposing a more restrictive regime in respect of matters dealt with by mandatory conditions where there are regulatory concerns of an exceptional nature and any additional licence conditions will relate to the licensing objective.

Conditions

11.20 Any conditions attached to licences will be proportionate to the areas they are trying to address and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

11.21 Decisions upon individual conditions will be made on a case by case basis. However, there are a number of control measures that the Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. Specific comments made in this regard under each of the licence types below. The Authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

The Licensing Authority recognises that the Act specifies certain conditions which cannot be attached to premises licences namely;

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

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

Default Conditions

11.22 These may be imposed by the Secretary of State under Section 168 of the Act.

The Licensing Authority has the power to exclude a default condition and substitute it with one that is either more or less restrictive.

11.23 Section 169 of the Act gives the Authority power to:

- exclude from premises licence any default conditions imposed under S168; and
- power to impose conditions on the premises licence it issues.

The Licensing Authority recognises that default conditions are intended to be the basic industry norm and where it excludes default conditions and replaces them with more restrictive areas it will ensure that it has clear regulatory reasons for doing so.

11.24 Where there are specific risks or problems associated with a particular locality or specific premises or class of premises the Licensing Authority may attach individual conditions to address this.

11.25 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will 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 where they are not permitted to enter.

Door Supervisors

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

It is noted that the Security Industry Authority cannot licence door supervisors at casinos or bingo premises.

Section 178 of the Act provides that if a condition is attached which requires someone to be responsible for "guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage", such a person would normally need to hold a licence from the Gambling Industry Authority, the requirement for a SIA licence becomes a condition of the premises licence. Bingo premises and Casino premises are exempt from the need to have licensed door supervisors.

The Authority can specify specific requirements for door supervisors, who are non-SIA registered. This could include training from a recognised provider which could cover :

Licensing Law
Civil and Criminal Law
Drug Awareness
Equal Opportunities and Customer Service
Children and Vulnerable Adults
Eviction/Arrest and searching people
First Aid
Door Supervisor Roles/Procedures and Standards

12.0 Adult Gaming Centres

12.1 Persons operating Adult Gaming centres (AGC's) must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Licensing Authority.

12.2 Section 172(1) of the Act provides that a holder of a Adult Gaming Centre premises licence may make available for use up to four category B Machines; any number of category C or D machines. The Secretary of State will specify that the Category B machines will be restricted to sub-category B3 and B4 machines.

12.3 No one under the age of 18 is permitted to enter an Adult Gaming Centre.

12.4 The 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 in place to minimise the opportunities for children to gain access to the premises.

12.5 The Licensing Authority will expect applicants to offer their own measures/licensing conditions which may cover issues such as:

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

Please note that this list is not mandatory, nor exhaustive.

13.0 (Licensed) Family Entertainment Centres

13.1 The Act creates two classes of family entertainment centres (FECs)

- Licensed family entertainment centres - category C & D machines and which require a premises licence and:
- Unlicensed family entertainment centres - category D machines only and require a FEC gaming machine permit (see Section 21 below).

13.2 Children and young persons are permitted to enter a FEC and may play on Category D machines only and there must be a clear segregation between the two types of machine so that children do not have access to Category C machines.

13.3 The 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 gaming machine areas.

13.4 The Licensing Authority will expect applicants to offer their own measures/licensing conditions which may cover issues such as:

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

Please note that this list is not mandatory, nor exhaustive.

13.2 The Authority will refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. The Authority will also ensure that any mandatory or default conditions on these Premises Licences are used accordingly.

14.0 Casinos

14.1 Section 7(1) of the Act states that "a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games". Casino games are, in turn, defined by the Act to mean a game of Chance which is not equal chance gaming.

14.2 Licensing Authorities have been given the role, issuing premises licences for casinos and monitoring those licences.

14.3 Section 174 of the Act sets out three categories of casino premises licences. These are:

- one regional casino premises licence,
- eight large casino premises licence and
- eight small casino premises licence.

The Secretary of State, after consultation with the Independent Casino Advisory Panel, will specify the areas for the 17 new casinos.

14.4 The Licensing Authority recognises that unmet demand is not to be a criterion for a Licensing Authority in considering an application for a premises licence. Each application will be on its merits.

14.5 Section 166(1) of the Act provides that a Licensing Authority may resolve not to issue a casino premises licence.

Chorley Borough Council has yet to pass a resolution on a Casino premises.

When the Council makes such a resolution, it will be a resolution passed by Full Council following considered debate and full reasons for the decision will be given.

14.6 Notwithstanding the above paragraph, where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Act) there are likely to be a number of operators which will want to run the casino.

The Licensing Authority will follow the Commissions guidance for considering applications in these circumstances. In particular, the Licensing Authority will not confuse planning or building regulation considerations with the matter before it. The Licensing Authority will comply with Schedule 9 of the Act and any relevant Codes of Practice in making its determination and in considering the matters to be taken into account when making any such determinations.

14.7 The Act authorises the holder of a casino premises licence to make facilities available for betting on virtual events.

14.8 The casino premises licence holder must comply with the Code of Practice issued in relation to access to casino premises for children and young persons.

14.9 Casino premises are exempt from the need to have licensed door supervisors by virtue of an exclusion in the Private Security Industry Act 2001.

15.0 Bingo premises

15.1 The Act does not give bingo a statutory definition. It is to have its ordinary and natural meaning. The holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence will be able to offer bingo in all its forms.

15.2 Apart from commercial operators, prize bingo is traditionally a game played in arcades or travelling fun fairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs (or any premises with prize gaming permits) will be able to offer prize gaming, which includes prize bingo. In this form of game, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature and size of the prize must not be determined by reference to the amount paid for or raised by the gaming. See the section on prize gaming.

15.3 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than category D machines. Where category C machines, or above, are available in the premises to which children are admitted, the Authority will ensure that:

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

15.4 Under the Act, children and young persons (up to age of 18) cannot be employed in any facilities for gambling in bingo premises and children (under 16) cannot be employed in any capacity, at any time when facilities for playing bingo are offered. The Commission will issue further guidance relating to the suitability and layout of bingo premises. The Authority will therefore consider this information when it is published.

15.5 The holder of a bingo premises licence may make available for use up to four category B machines (B3 & B4), any number of Category C and Category D machines.

16.0 Betting premises

Betting machines

16.1 The Act contains a single class of licence for betting premises. However, within this class, there will be different types of premises that will require licensing.

16.2 This part of the Policy relates to off-course betting, that is betting that takes place other than at a track. Please see Part ** for track betting.

16.3 The Licensing Authority is responsible for issuing and monitoring premises licences for all betting premises.

16.4 Children and young persons will not be able to enter premises with a betting premises licence.

16.5 The holder of a betting premises licence may make available for use up to four gaming machines of Category B (B2, B3 and B4), Category C and Category D. See Part 27 for information on gaming machines.

16.6 The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Such machines will not count towards the maximum permitted number of gaming machines nor have to comply with any stake or prize limits. However, machines that take bets on virtual races (re images generated by computer) are classed as gaming machines and do count towards the maximum permitted number of gaming machines and must meet the relevant category limitations for the premises.

16.7 The Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a condition to the betting premises licence.

16.8 When considering whether to impose a condition to restrict the number of betting machines in a particular premises the Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.

16.9 Section 183 of the Act attaches a condition to a betting premises licence that facilities for gambling must not be provided on Christmas Day (00.01 on 25th December until 00.00 on 26th December).

17.0 Tracks

17.1 Tracks are sites where races or other sporting events take place re horse racecourses and dog tracks.

17.2 There is no special class of betting premises licence for a track but the Act contains rules which apply specifically to a premises licence in respect of a track.

17.3 Betting is often divided into "on-course" and "off-course" in relation to tracks:

- On-course betting operator - comes onto the track temporarily, while races are taking place and operates at the track side.
- Off-course betting operators - may, in addition to the premises away from the track, operate self-contained betting premises within the track premises (See Part 16)
- Pool betting - can take place on tracks, but only on certain types of track, and the people who run it are limited.

17.4 Tracks are different from other premises in that there may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track. There can be a primary (betting) licence for the track and, in addition, subsidiary premises licences for other gambling activities may be issued. The Licensing Authority recognises that this will allow racecourses and other track venues to develop leisure facilities which offer a range of gambling facilities where this meets the principles for granting premises licences.

17.5 An applicant for a track premises licence does not need to hold an operating licence unless he, as the occupier of the track, wishes to offer pool betting or general betting facilities himself. If the betting provided on track is by other operators who come on course, they are required to hold the necessary operating licences. They in turn will be covered by the track premises licence held by the track operator.

17.6 Occasional use notices, which can only be issued in relation to tracks, may be relied upon for the provision of betting facilities for no more than 8 days in any calendar year. Please see Part 26.

Gaming Machines

17.7 The Licensing Authority will have regard to any guidance, issued by the Commission relating to the location of such machines and any special conditions relating to them. A betting premises licence does not give automatic entitlement to use gaming machines. However if the track operator who holds the premises licence also holds a pool betting operators licence then up to 4 gaming machines may be sited on the track (Categories B2 to D)

Betting machines

- 17.8** The Licensing Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons when considering the number, nature and/or circumstances of betting machines an operator wants to offer. The Authority will also consider restricting the number and location of such machines in respect of applications for track betting Premises Licences.
- 17.9** The Licensing Authority, following the Commissions guidance, would require all self-contained premises operated by Off-Course betting operators on tracks to be the subject of separate premises licence. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Condition on rules being displayed

- 17.10** The Licensing Authority may attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

Applications and plans

- 17.11** The Licensing Authority, subject to any information being prescribed by Regulation, will require applicants for premises licence to submit detailed plans for the racetrack itself and the area used for temporary on-course betting facilities and in case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Applicants are to ensure that plans submitted with the application make it clear what is being sought under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. This is to ensure the appropriate licence conditions are applied.
- 17.12** There will be mandatory premise licence conditions for horse racecourses and dog tracks in relation to access to tracks by holders of general betting operating licences.
- 17.13** Under the Act, all those under the age of 18 must be excluded from any areas where facilities for betting are provided, and any area where Category B or C gaming machines are located. This is a condition of all track licences.

However, 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

- 17.14** The Authority will have particular regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. The Authority would expect Premises Licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

17.15 The Authority will expect applicants to offer their own measures to meet the licensing objectives. For example, appropriate licence conditions may cover such issues as:

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

Please note that this list is not mandatory, nor exhaustive.

17.16 With regard to the protection of vulnerable persons, The Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as 'GamCare'.

Please note that this list is not mandatory, nor exhaustive.

18.0 Travelling Fairs

18.1 The Act defines travelling fairs as "wholly or principally" providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year

18.2 The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

18.4 Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machine operates. They may provide an unlimited number of Category D gaming machines provided that gambling facilities amount to no more than an ancillary amusement at the fair.

18.5 Travelling fairs must comply with Schedule 14 to lawfully offer prize gaming. These are:

- the limits on participation fees as prescribed 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 on the day that it is played;
- the prize for which the game is played must not exceed the prescribed amount (if a money prize) or the prescribed value (if non-monetary prize) and;
- participation in gaming must not entitle the player to take part in any other gambling.

19.0 Provisional Statements

19.1 When considering Provisional Statements, it is a question of fact and degree whether premises are finished to a degree that they can be considered for a Premises Licence. Similarly, requiring the building to be complete ensures that the Authority can inspect it fully.

19.2 The application must be accompanied by plans and other prescribed information.

19.3 Responsible authorities and interested parties may make representations and the process for considering an application is as for a previous licence.

19.4 Once the premises have been constructed, altered or acquired the holder of a provisional statement may return to the Authority and make application for a premises licence.

In terms of representations about Premises Licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

19.5 The Authority will not take into account irrelevant matters. An example of such an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Section 204 of the Act provides for a person to make an application for a provisional statement in respect of premises that he or she:

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

The Licensing Authority, where an applicant has also applied to the Commission for an operating licence will not take into account the likelihood of an operating licence being granted in its consideration of an application for a provisional statement.

20.0 Reviews

20.1 The Authority, under S200 of the Act may also initiate a review of a premises licence or class of premises licence in relation to a particular class of premises, the Authority may review the use made of the premises and, in particular the arrangements that premise licence holders have made to comply with licence conditions.

In relation to a particular premises the Licensing Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions may not be being observed or for any other reason which gives cause to believe that a review may be appropriate.

Decision to grant application for a review

The Licensing Authority must grant an application for a review unless, it decides to reject the application on one (or more) of the following grounds:

- not relevant to Commission guidance/Codes of Practice, Statement of Principles or licencing objectives e.g. issues relating to demand, planning, public safety
- grounds are frivolous
- grounds are vexatious
- grounds "will certainly not" cause the Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- grounds are substantially the same as grounds used on a previous application relating to the same premises.
- grounds are substantially the same as representations that were made at the time the application for a premises licence was considered.

The Licensing Authority, if action is justified may;

- add, remove or amend a condition imposed by the Licensing Authority
- exclude a default condition or remove or amend such an exclusion;
- suspend the premises licence for upto 3 months;
- revoke the premises licence.

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

The Licensing Authority will hold a meeting unless the applicant and any person who has made relevant representations that have not been withdrawn (that are not vexatious, frivolous or irrelevant) consent to the review being conducted without one.

20.1 A premises licence may be reviewed by the Authority of its own volition or following receipt of an application for a review by a responsible Authority and Interested Party. However, it is for the Authority to decide whether the review is to be conducted. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;

- Reasonably consistent with the licensing objectives; and
- In accordance with this statement.

20.2 The Authority can also initiate a review of a licence on the basis of any reason that it considers is appropriate.

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PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

21.0 **Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Schedule 10 paragraph 7)**

- 21.1 Unlicensed FEC will be able to offer only Category D machines. Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. Applicants should note that under Section 238 of the Act they must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use. Permits cannot be issued to vessels or vehicles.
- 21.2 If the operator of a FEC wants to make Category C machines available in addition to Category D machines, the Operator will have to apply for an operating licence from the Commission and a premises licence from the Licensing Authority. (See Section 13 above)
- 21.3 The Authority in accordance with the Guidance has prepared a *statement of principles* that it proposes to apply when considering applications for permits in particular the suitability of an applicant for a permit. In preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Licensing Authority will give weight to child protection issues when considering these permits.
- 2.4 The application for a permit can only be made by the person who occupies or plans to occupy the premises as an unlicensed FEC. If the applicant is an individual he must be aged 18 or over.
- 21.5 Applications for a permit cannot be made if a premises licence is in force for the same premises. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.
- 21.6 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Licensing Unit of Lancashire Constabulary has been consulted on the application.
- 21.7 The Authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals.
- 21.8 *Statement of Principles = This Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. However they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised/ very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also require following the Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.*

- 21.9** A permit will have effect for ten years unless it ceases to have effect because it is surrendered or lapses or is reviewed.
- 21.10** If the person to whom a permit is issued changes their name or wants to be known by another name they may send their permit to the Licensing Authority for amendment with the appropriate fee.
- 21.11** The permit may lapse for a number of reasons:
- if the holder ceases to occupy the premises;
 - if the Licensing Authority notifies the holder of the premises they are not being used as an unlicensed FEC;
 - if the individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered or;
 - if the company holding the permit ceases to exist or goes into liquidation;
 - if the permit holder surrenders it to the Licensing Authority.
- 21.12** If the permit holder is convicted of a relevant offence set out in Schedule 7 of the Act, the Court may order forfeiture of the permit.

Renewals

- 21.13** An application for renewal of the permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.
- 21.14** The authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives. The Licensing Authority will consult the Licensing Unit of Lancashire Police regarding any concerns that may have arisen about the use of the premises.

Maintenance

- 21.15** The permit must be kept on the premises and be produced when requested to do so by a constable, an enforcement officer or an authorised local authority officer.

22.0 (Alcohol) Licensed Premises Gaming Machine Permits – (Schedule 13 Para 4(1))

- 22.1** The Act makes provision for premises that holds a Premises Licence under the Licensing Act 2003 for the sale/supply of alcohol on the premises to automatically have 2 gaming machines, of categories C and/or D. The person who holds the on-premises licence merely needs to notify the Authority. The Licensing Authority may 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 for example, the gaming machines have been made available in a way that does not comply with the gaming machines.

- The premises are mainly used for gaming; or
 - An offence under the Act has been committed on the premises
 - The Licensing Authority, before making an order will give the licensee at least 21 days notice and consider any representations that they make.
- 22.2** Applications must be made by a person or organisation who holds the premises licence for the premises in which the application is made. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.
- 22.3** In determining an application the Licensing Authority will have regard to the Guidance and the licensing objectives and any other matters which are considered relevant to the objectives.
- 22.4** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Authority will consider that application based upon the licensing objectives, the Guidance, and “*such matters as they think relevant.*” This Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Licensing Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of assistance. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 22.5** It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre Premises Licence.
- 22.6** The Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 22.7** The holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.
- 22.8** The permit holder can apply to the Authority to amend the permit to reflect a change in the permit holders name.
- 22.9** The permit is indefinite and will remain in effect as long as the premises continue to hold an alcohol licence and the permit holder continues to hold that licence.
- 22.10** The permit holder may apply to vary the permit by changing the number and/or category of machines authorised by it.
- 22.11** The Licensing Authority is able to cancel a permit in the following circumstances:
- the premises are used wholly or mainly by children or young persons;
 - an offence under the Act has been committed
 - permit holder fails to pay annual fee (excepting any administrative error)

Before the Licensing Authority cancels a permit they will give the permit holder at least 21 days notice and consider any representations made by the holder.

22.12 Where a person applies to the Licensing Authority for a transfer of an alcohol premises licence they will also need to apply separately for the transfer of the licensed premises gaming machine permit.

23.0 Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

23.1 The Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

23.2 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes at specified premises.

23.3 The Authority in accordance with the Guidance has prepared a *Statement of Principles* that it proposes to apply in exercising their functions in considering applicants. In particular, it has specified matters that the Authority propose to consider in determining the suitability of the applicant for a permit.

The Statement of Principles, requires the applicant to set out the types of gaming that he or she is intending to offer and requires the applicant to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law.

23.4 Children and young persons may participate in equal chance prize gaming only.

23.5 An application may only be made by a person who occupies or plans to occupy the relevant premises, and if the applicant is an individual, he must be aged 18 or over.

23.6 The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.

23.7 An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.

23.8 The Licensing Authority can refuse or grant a permit but cannot attach conditions.

23.9 The Licensing Authority will consult the Licensing Unit of Lancashire Police and will take account of any objections made by Lancashire Police if they are relevant to the Licensing Objectives. Relevant considerations may include the suitability of the applicant in the light of any convictions the applicant may have which would make them unsuitable to operate prize gaming and the suitability of the premises in relation to their location and issues about disorder.

23.10 The Licensing Authority will give weight to child protection issues in making its decision on an application for this permit and the applicant should be able to demonstrate that they have considered such issues and offer up appropriate measures where relevant. The Licensing Authority does not need to but may have regard to the licensing objectives, but must have regard to any guidance produced by the Commission.

- 23.11** A permit cannot be issued with regard to a vessel or vehicle.
- 23.12** There are conditions in the Act to which the permit holder must comply, but that the Authority cannot attach 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.
- 23.13** The permit will have effect for ten years unless it ceases to have effect and is reviewed.
- 23.14** The permit may lapse for a number of reasons:
- if the holder ceases to occupy the premise
 - if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity; becomes bankrupt, or sequestration of the estate is ordered; or
 - if the Company holding the permit ceases to exist, or goes into liquidation.
- 23.15** The permit also ceases to have effect if the holder surrenders it to the Licensing Authority.
- 23.16** If the holder is convicted of a relevant offence as set out in Schedule 7 of the Act the Court may order the forfeiture of the licence.
- 23.17** An application for renewal of a permit must be made during the period beginning with six months before the licence expires and ending two months before it expires. The procedure for renewal is the same as for an application.
- 23.18** The permit must be kept on the premises and it is an offence not to produce it when requested by a constable, an enforcement officer, or an authorised local authority officer.

24.0 Club Gaming and Club Machines Permits

- 24.1** Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply to this Licensing Authority for a Club Gaming Permit or a Club Gaming machines permit. This is in addition to exempt gaming authorised by the Act. The Club Gaming Permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as described in the regulations. A Club Gaming Machines Permit may not be issued in respect of a vehicle or vessel.

- 24.2** Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members’ club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.
- 24.3** Commercial clubs have the same characteristics as members clubs, except that the key difference is that they are established with a view to making a profit e.g. snooker club.
- 24.4** The definition of miners' welfare institutions has changed. These are associations established for recreational and social purposes. They are managed by representatives of miners or uses premises regulated by a charitable trust which has received funds from one of a number of mining organisations.
- 24.5** Club gaming permits allow the provision of no more than 3 gaming machines from Categories B4, C or D. The club is permitted to choose the combination of machines on its premises.
- 24.6** The Club gaming permit also allows the club to provide facilities for gambling, provided the gambling meets the following conditions:
- (a) equal chance gaming:
 - the club does not deduct money from sums staked or won;
 - the participation fee does not exceed the prescribed amount;
 - the game takes place on the premises and is not linked with a game or another set of premises. Games are to be considered linked if:
 - the result of one game is, or may be, wholly or partly determined by reference to the other games;
 - the amount of winnings is wholly or partly determined by the participation of more than one set of players;
 - the game is split by sites so that part of one game is played on one site and another part is played elsewhere.
 - (b) Other games of chance:
 - the games are prescribed by regulations
 - that no participation fee is charged otherwise than in accordance with the regulations;
 - that no amount is deducted from sums staked or won otherwise than in accordance with the regulations.
 - (c) in respect of gaming machines;
 - that no child or young person uses a Category B or C machine on the premises;
 - that the holder complies with any relevant Code of Practice about location and operation of gaming machines.
 - (d) That the public, children and young persons are excluded from any area of the premises when gaming is taking place.

24.7 A 48 hour rule applies in respect of all three types of gaming, so that the game may be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

24.8 There are a number of premises that are not licensed to sell alcohol but have been entitled to site gaming machines by virtue of being registered under Part II or III of the Gaming Act 1968. These premises may apply for a club machines permit. Before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

24.9 Applications accompanied by the prescribed fee and documents must be made to the Licensing Authority in whose area the premises are situated. The applicant must also copy the application to the Commission and Lancashire Police.

24.10 The Authority may only refuse an application on the grounds that:

- (a) The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) The applicant's premises are used wholly or mainly by children and/or young persons;
- (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) A permit held by the applicant has been cancelled in the previous ten years; or
- (e) An objection has been lodged by the Commission or the police (Gambling Commission's draft Guidance for Local Authorities 25.18)

If the Licensing Authority is satisfied that a or b is the case it must refuse the application. The Licensing Authority will have regard to the relevant guidance issued by the Commission and (subject to that Guidance), the Licensing Objectives

24.11 There is also a 'fast-track' procedure available for premises which holds 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 Lancashire Police, and the grounds upon which the Authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

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

- 24.12** There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines
- 24.13** The permit will have effect for ten years unless it ceases to have effect because it is surrendered, lapsed or renewed.
- 24.14** Permits may be amended to meet changing circumstances. The Licensing Authority will only refuse a variation if on consideration of a completely new application they would refuse the permit.
- 24.15** A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast track permit system for a permit. In addition, a permit will cease to have effect upon being surrendered to the Licensing Authority.
- 24.16** The Licensing Authority may cancel a permit if:
- premises are used wholly by children and/or young persons; or
 - an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.
- 24.17** Application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires.

25.0 Temporary Use Notices

25.1 A temporary use notice allows the use of the 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. These may include hotels, conference centres and sporting venues.

25.2 A temporary use notice may only be granted to a person or company holding a relevant operating licence.

25.3 Section 218 of the Act provides that a set of premises is the subject of a temporary use notice if any "part" of the premises is the subject of a notice.

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

25.4 The holder of an operating licence must give notice to the Licensing Authority in whose area the premises are situated in the prescribed form.

25.5 The same set of premises may not be the subject of a temporary use notice for more than 21 days in any 12 month period. The Licensing Authority will issue a counter notice if this limit is exceeded. As notices may be given by different operators in respect of the same premises the Licensing Authority will check whether a counter notice is appropriate.

25.6 A temporary use notice may not be given in respect of a vehicle. It may be given in respect of a vessel but only if it is a passenger vessel or a vessel that is situated at a fixed place.

25.7 A temporary use notice must be lodged with the Licensing Authority not less than three months and one day before the gambling event is to take place in the prescribed form and accompanied by the fee. The application must be copies to:

- the Gambling Commission;
- Lancashire Police;
- HM Commissioners for Revenue & Customs and, if applicable
- any other licensing authority in whose area the premises are situated.
- In considering whether the wishes to give notice of objection, the Licensing Authority will have regard to the licensing objectives and any relevant representations and if it considers that gambling should not take place, or only with modifications, it will give counter notice to the person who gave the Temporary Use Notice.

25.8 If objections are received, the Licensing Authority will hold a hearing to listen to all relevant representations unless all parties agree a hearing is unnecessary.

Those person/bodies which raise objections may offer modifications to the notice that will alleviate their concerns. If such modifications are accepted by the applicant a new Temporary Use Notice must be prepared and the original withdrawn. The three month time limit and fee will not apply to the new notice. The person who made the original objection and proposed the modification may not object to the new notice, but others to whom it is copied may object.

25.9 The Licensing Authority, may, after a hearing has taken place (or has been dispersed with) determine that the Temporary Use Notice should not have effect. In these circumstances it may issue a counter notice which:

- prevents the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the period of gambling; or
- allow the activity to take place subject to a specified condition.

25.10 The Licensing Authority will apply the same principles in issuing a counter notice as those in determining premises licence applications. In particular, the Licensing Authority aims to permit the provision of facilities for gambling under a Temporary Use Notice subject to its view as to whether to do so accords with:

- relevant Codes of Practice;
- guidance issued by the Commission;
- reasonably consistent with the licensing objections
- this Statement of Policy

25.11 A copy of the Temporary Use Notice must be displayed prominently on the premises whilst the gambling is taking place.

26.0 Occasional Use Notices

26.1 The Act provides that where there is betting on a track on eight days in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

- 26.2** The Licensing Authority notes that the meaning of "track" in the Act covers not just a horse racecourse or dog track but also any other premises on any part of which a race or other sporting event takes place or is intended to take place.
- 26.3** This means that land which has a number of uses, or which fulfills the definition of track, can qualify for occasional use notice provisions (e.g agricultural land upon which a point to point meeting takes place).
- 26.4** The occasional use notice dispenses with the need for a betting licence for the track in these circumstances.
- 26.5** A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. It must be served on the Licensing Authority and copied to Lancashire Police. Notices may be given for consecutive days so long as the overall limit of eight days is not exceeded in any calendar year.
- 26.6** Provided that the notice will not result in betting facilities being provided for more than 8 days in a calendar year, there is no provision for counter notices or objections to be submitted.
- 26.7** The Commissioner may require the Licensing Authority to provide information about occasional use notices. Where required to do so the Licensing Authority will provide information as requested

27 Gaming Machines

- 27.1** The Act defines "gaming machine" as a machine which is designed or adapted for use by individuals to gamble (whether or not it can be used for other purposes). However, it should be noted:-
- there remains a distinction between skill machines and gaming machines. Skill machines are unregulated; and
 - Section 235 of the Act contains exemptions for equipment that is not to be considered a gaming machine even when gambling can be performed on it. e.g. home pc
- 27.2** If the Licensing Authority has concerns about the manufacture, supply or repair of machines or the manner in which they are operating, it will bring it to the attention of the Commission.
- 27.3** The Secretary of State has made regulations defining four classes of gaming machine, Categories A, B, C & D. These are set out in the table below.

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2.00	£4,000.00
B2	£100.00	£500.00
B3	£1.00	£500.00
B4	£1.00	£250.00
C	£0.50	£25.00
D	10p or 30p when non-monetary prize	£5.00 cash or £8.00 non-monetary prize

27.4 There is a minimum age of 18 for all players for all Category A, B and C machines. There is no minimum age for Category D machines, though the Secretary of State has a reserve power to set a minimum age for Category D machines.

27.5 The maximum number of machines permitted is set out by the premise type below -

TYPE	GAMING TABLES (MINIMUM)	GAMING MACHINES
REGIONAL CASINO	40	25 GAMING MACHINES CATEGORY A TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM OF 1,250 MACHINES
LARGE CASINO	1	5 GAMING MACHINES CATEGORY B TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM OF 150 MACHINES
SMALL CASINO	1	2 GAMING MACHINES CATEGORY B TO D FOR EACH TABLE AVAILABLE FOR USE MAXIMUM 80 MACHINES
BINGO PREMISES	N/A	4 GAMING MACHINES CATEGORY B3 AND B4 UNLIMITED MACHINES CATEGORY C UNLIMITED CATEGORY D MACHINES
BETTING PREMISES	N/A	4 GAMING MACHINES CATEGORY B2 TO D
TRACK BETTING PREMISES WHERE POOL BETTING LICENCE HELD	N/A	4 GAMING MACHINES CATEGORY B2 TO D
ADULT GAMING CENTRE	N/A	4 GAMING MACHINES CATEGORY B3 TO D UNLIMITED CATEGORY C UNLIMITED CATEGORY D
FAMILY ENTERTAINMENT CENTRE WITH OPERATING LICENCE	N/A	UNLIMITED GAMING MACHINES CATEGORY C TO D
FAMILY ENTERTAINMENT CENTRE WITH GAMING PERMIT	N/A	UNLIMITED GAMING MACHINES CATEGORY D
MEMBERS CLUB PREMISES	N/A	3 GAMING MACHINES CATEGORY B4 TO D
ON SALES ALCOHOL LICENSED PREMISES WITHOUT FOOD RESTRICTION	N/A	2 GAMING MACHINES CATEGORY C TO D BY NOTIFICATION UNLIMITED CATEGORY C TO D WITH ALCOHOL PREMISES GAMING PERMIT

27.6 The Act does not cover machines that give prizes as a result of the application of pure skill by players. e.g. trivia game machines.

D

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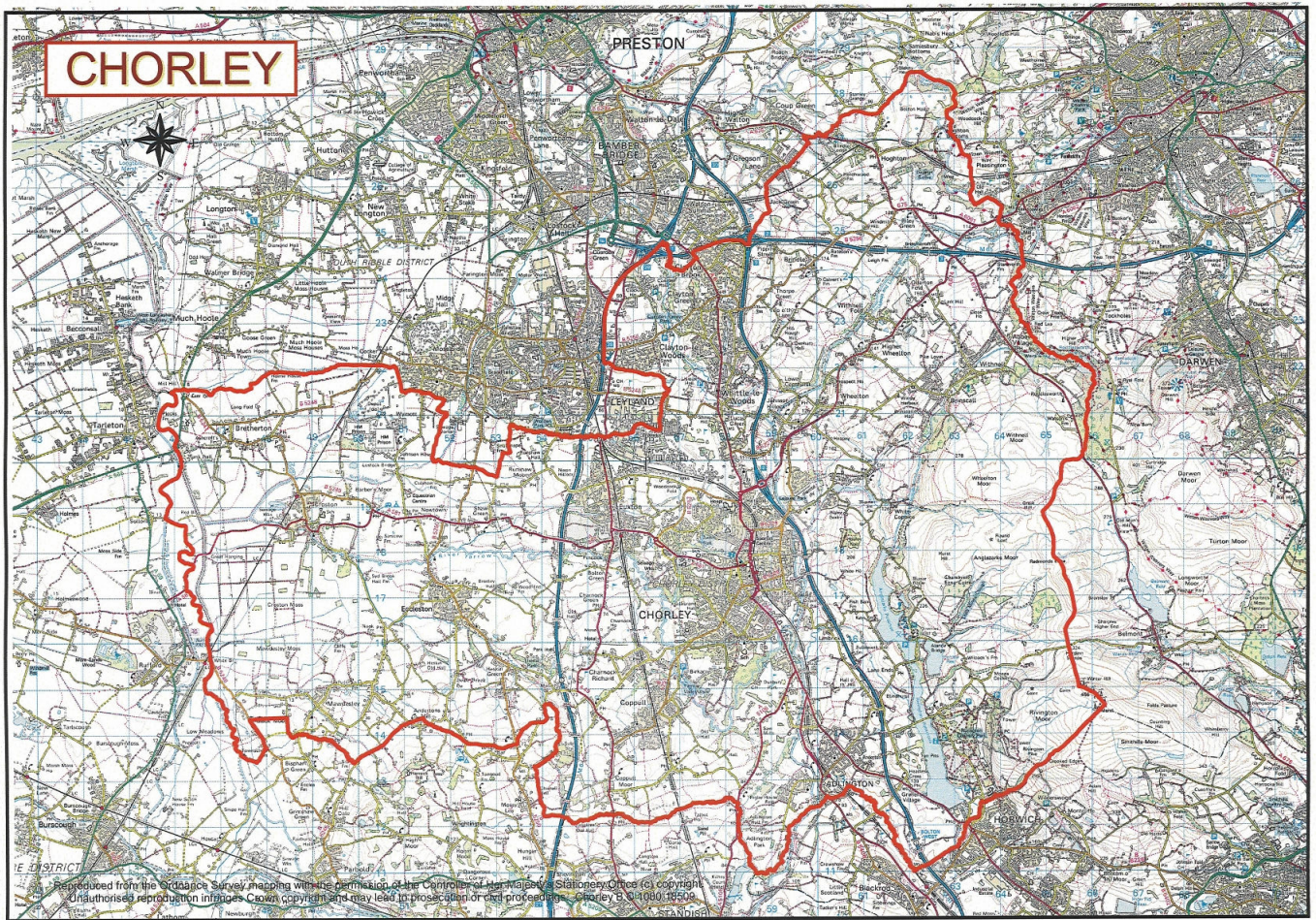
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Glossary of Terminology

Licensing Objectives:	As defined in paragraph 1.1
Council:	Chorley Borough Council
District:	The area of Lancashire administered by Chorley Borough Council (Map appended at Appendix 2)
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under Section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Chorley Borough Council
Responsible Authority:	As detailed in Appendix 4
Interested Party:	For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person: <ul style="list-style-type: none"> 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 a) or b) above.

Map detailing key locations in the Chorley District



List of consultees

Section to be completed following consultation period.

List of Responsible Authorities

For the purposes of this Act, the following are Responsible Authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated (Chorley Borough Council”);
2. The Gambling Commission;
3. Lancashire Constabulary;
4. Lancashire Fire and Rescue Service;
5. Planning Dept Chorley Borough Council
6. Environmental Protection Service, Chorley Borough Council;
7. Social Services Directorate, Lancashire County Council;
8. HM Customs and Excise.

<p>Licensing Section Chorley Borough Council Civic Offices Union Street Chorley Lancashire PR7 1AL</p> <p>Telephone: 01257 515163/4 Fax: 01257 515197 Email: licensing@chorley.gov.uk Web: www.chorley.gov.uk</p>	<p>Planning Services Unit Civic Offices Union Street Chorley Lancashire PR7 1AL</p> <p>Telephone: 01257 515150 Fax: 01257 515297 Email: dcon@chorley.gov.uk Web: www.chorley.gov.uk</p>
<p>Lancashire Constabulary Licensing Unit: C Division Chorley Police Station St Thomas' Road Chorley Lancashire PR7 1DR</p> <p>Telephone: 01257 246215 Fax: 01257 246217 Email: southern-licensing@lancashire.pnn.police.uk</p>	<p>Lancashire Fire & Rescue Services Fire Safety Fire Station Weld Bank Lane Chorley Lancashire PR7 3NQ</p> <p>Telephone: 01257 262919 Fax: 01257 234363</p>
<p>Gambling Commission 4th Floor Victoria square House Victoria House Birmingham B2 4BP</p>	<p>HM Customs and Excise Boundary House Cheadle Point Cheadle Cheshire SK8 2JZ</p> <p>Telephone: 0845 010 9000 Email: mailto:enquiries.nw@hmrc.gsi.gov.uk</p>
<p>Lancashire County Council Social Services Directorate Quality & Review Manager PO Box 162 East Cliff County Offices Preston PR1 3EA Telephone : 01772 531256</p>	<p>Street scene, Neighbourhoods and Environment Chorley Borough Council Civic Offices Union Street Chorley Lancashire PR7 1AL Telephone: 01257 51/5722/5548/5566 Email : environmental.services@chorley.gov.uk Fax : 01257515754</p>

Useful contacts

Further information on Chorley Borough Council's Statement of Principles or the Gambling Act 2005 can be obtained from the Licensing Manager using the contact details below. The Director of Customer, Democratic and Legal Services, has overall responsibility for the Licensing Service.

Howard Bee - Licensing Manager
Chorley Borough Council Civic Offices Union Street Chorley Lancashire PR7 1AL
Telephone: 01257 515665
Fax: 01257 515197
Email: licensing@chorley.gov.uk
Webpage: www.chorley.gov.uk/licensing

Information on the Gambling Act 2005 is also available from:

The Department for Culture, Media and Sport
2-4 Cockspur Street,
London SW1Y 5DH
Telephone: 020 7211 6200
Email: enquiries@culture.gov.uk
Internet: www.culture.gov.uk