

## **CITY COUNCIL- 17 JULY 2006**

### **REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT, TRANSPORT AND STREET SERVICES**

#### **NOTTINGHAM CITY COUNCIL STATEMENT OF GAMBLING POLICY**

##### **1. SUMMARY**

- 1.1 As a Licensing Authority for the purposes of the Gambling Act 2005, the Council is required to produce and publish a Statement of Gambling Policy (the Statement). The proposed draft Statement has been circulated separately to Members, for approval prior to its publication for public consultation. Details of the method of consultation are set out in the report together with the current estimates for the operation of the licensing regime and a draft timetable outlining relevant dates in the transfer of the new licensing functions to this Authority.
- 1.2 The purpose of the Statement is to inform individuals making application for licence, of the Authority's standards and values in promoting the licensing objectives within the framework of the approved guidance issued by the Gambling Commission under the Act.

##### **2 RECOMMENDATIONS**

- 2.1 IT IS RECOMMENDED that:-
  - a) the estimated costs for operating the licensing regime be noted;
  - b) the comments made in this report on the requirements for the production, consultation and publication of the Statement are noted;

- c) Council approves the release of the draft Statement for the purpose of consultation in accordance with the timetable attached at Appendix 1 and the methods of consultation outlined in this report.

### **3 BACKGROUND**

- 3.1 The Council is now a “Licensing Authority” for the purpose of the Act.
- 3.2 Section 349 of the Act requires an Authority to prepare, consult widely upon and publish a Statement of its Gambling Policy every three years. Such a statement must be published before the Authority carries out any function in respect of individual applications made under the terms of the Act. The Secretary of State has by Order defined the first day of the initial three-year period as being 31<sup>st</sup> January 2007. During the three-year period, the statement must be kept under review and the authority may make such revisions to it as it considers appropriate. The Statement is a matter which is not the sole responsibility of the Executive and only the Licensing Authority (full Council) can adopt, review, and revise it
- 3.3 Before determining or altering its policy the Authority must consult at least the persons listed in the Act which are:-
  - a) the Chief Officer of Police for the area;
  - b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
  - c) 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 this Act.

Consultation should last for 12 weeks and take place in accordance with the guidance produced by the Cabinet Office.

- 3.4 The views of those consulted should be given appropriate weight when the policy is finally determined for use.

#### **4 FORM AND CONTENT OF THE POLICY**

- 4.1 This is set out in Appendix 2.

- 4.2 The Government has set a comprehensive timetable for the introduction of the regime covering the period up to the proposed commencement date estimated at September 2007. The timetable as it affects the City Council is shown at Appendix 1.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 Authorities are advised to have regard to cost and time when undertaking consultation. Members will be aware that the Secretary of State will establish fee levels, which, it is claimed, will provide full cost recovery of all licensing functions including the preparation and publication the Statement of Policy, based on the minimum standard requirements contained in the approved Guidance. Where Authorities choose to exceed these minimum requirements, they should note that they would have to absorb those costs themselves. The recommended proposals for consultation currently meet the minimum standard requirements.

- 5.2 There is an estimated cost of £15,000 for the consultation process and production of the Policy. The Government expects this cost to be met from the fee

income from operating the licensing regime, which is yet to be announced.

## **6 OBSERVATIONS OF THE RESPONSIBLE FINANCIAL OFFICER**

6.1 The financial position in relation to licensing activities that will be passed to the City Council under the Act is currently unclear. Licence fees will be set by regulation by Government although there are indications that some fees may be set by the Authority at a full cost-recovery level. The Department for Culture, Media and Sport has indicated that they intend to consult authorities on fees for licenses and permits in July 2006.

6.2 It is anticipated that the workload generated by new licensing activities under the Gambling Act 2005 can be contained by retaining two staff employed on two year fixed term contracts for the implementation of Liquor Licensing. The costs of the two posts are as follows:-

	£
Assistant Licensing Officer – scale 5/6	24,778
Licensing Assistant	21,967
<b>TOTAL</b>	<b>46,745</b>

6.3 It is anticipated that these costs will be covered by licensing fees, but this will not be known until fee levels are announced.

## **7 LEGAL IMPLICATIONS**

7.1 Whilst certain sections of the Act have been brought into force, the detailed regulation on how the legislation is to be implemented is still emerging and this may also impact on the content of the Statement prior to its final adoption.

7.2 The recommendations in this report are considered to be an appropriate exercise of the Council's duties and powers under the Act.

## **8 OBSERVATIONS OF OTHER OFFICERS**

None

## **9 EQUAL OPPORTUNITIES IMPLICATIONS**

None

## **10 CORPORATE OBJECTIVES**

The Council is working closely with its partners and stakeholders through the Licensing Forum and Gambling Steering Group to develop a system that will eventually be implemented sharing where possible the alcohol framework to achieve best value standards and to implement a transparent process of licence determination. By ensuring that such groups are included in the development of the licensing function, we are working to meet the Corporate Values and Aims of working with our partners and customers, encouraging local people to get involved and listening to our customers to ensure that we address their needs.

## **11 BEST VALUE**

Through enacting the Gambling regime the Government aims to reduce unnecessary bureaucracy and costs in delivering the licensing function. The system that has been developed by the Council to operate the licensing regime will meet both the Government's and Gambling Commission's aim and will make the Council more accountable to its citizens for the licensing decisions it makes.

**12 CRIME AND DISORDER IMPLICATIONS**

The licensing function is an opportunity for the City Council to work in partnership with the Police to reduce the risk of crime, disorder and anti-social behaviour occurring both within and immediately outside licensed premises, having regard to the effect of the proposals on customers, residents and businesses.

**13 List of background papers other than published works or those disclosing confidential or exempt information**

None

**14 Published documents referred to in compiling this report**

Guidance to Licensing Authorities April 2006.  
Local Authority Coordinators of Regulatory Services (LACORS) Gambling Policy Template.  
Gambling Act 2005.

**COUNCILLOR BRIAN GROCOCK**

**PORTFOLIO HOLDER FOR ENVIRONMENT,  
TRANSPORT AND STREET SERVICES**

## Appendix 1

### **TIMETABLE FOR THE INTRODUCTION OF THE GAMBLING REGIME**

The timetable issued by the Department for Culture, Media and Sport shows a full programme of consultations on further guidance and codes of practice produced by the Commission and of regulations issued by the Government until the expected commencement of the regime in 2007.

The expected first appointed day for Licensing authorities to receive applications is January 31<sup>st</sup> 2007, (although there is rumour of some possible slippage to early Spring), with a 6-month transition process.

The second appointed day is expected to be in September 2007. The Authority's Statement of Licensing Policy therefore needs to be adopted by Council in December 2006 in order to ensure that applicants may prepare for the event.

It is proposed that Consultation on the Gambling Statement of Policy follow the timetable set out below to ensure that it is adopted in accordance with the current statutory requirements:-

- **24<sup>th</sup> July – 15<sup>th</sup> October** – consultation period (12 weeks)
- **15<sup>th</sup> – End October** - revise draft in line with consultation and statutory guidance
- **21<sup>st</sup> November** – take revised policy to Executive Board.
- **27 November** - take revised policy to Licensing Committee for noting.
- **11 December** – Ask Council to adopt policy.
- **On or before December 17 ( at least 2 weeks before publication)** – advertise notice of intention to publish the statement of policy
- **On or before 31<sup>st</sup> December** - publish statement of policy

## **Appendix 2**

### **Form and Content of the Policy Statement**

Regulations made by the Secretary of State set out requirements as to the form, content and publication of licensing policy statements and subsequent revisions of statements. In addition to the requirements set out by the regulations guidance issued by the Gambling Commission sets out certain information that it considers should be included in all licensing policy statements. This guidance has been followed and account has been had to the good practice advice issued by LACORS (Local Authority Coordinators of Regulatory Services) on matters surrounding policy construction etc. The City's Statement also has regard to a joint framework Statement of Policy that the Nottinghamshire Authorities have produced. These matters will help to ensure consistency in the approach to, and delivery of, the licensing regime.

The Act contains three licensing objectives which Licensing Authorities have an obligation to have regard to, and to permit gambling so far as they think it is reasonably consistent with them. They are:

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

Certain matters are required to be addressed within the policy including:

- A description of the geographical area to which the Statement applies
- The fundamental principles promoted by the Act
- Consultation on the policy
- The principles the authority will apply in exercising its functions under the Act.

The consultation will mainly be carried out via the Council's Licensing Service web site although hard copies of the consultation document will be made available at Lawrence House, in local libraries and to Area Committees for consideration by resident groups. Further copies will be available for personal callers at the City's information point with translations and copies in Braille available on request.

The role of licensing authorities in this regime is different in many respects from that under the alcohol licensing regime. For example the authority will have a much wider role inspecting, enforcing and monitoring licensed premises. It can be seen from the licensing objectives that they are directed solely at the activity of gambling and vary from the licensing objectives under the Licensing Act 2003. Issues that may occur ancillary to gambling are to be dealt with using other legislation. In particular public safety and the prevention of nuisance are not licensing objectives and are not therefore matters which can be considered when determining applications under this Act.



Matters that may be seen as relevant for the authority to consider include opening hours, access by children and young people (under 18s), separation of gaming machines that may be played by under 18s, the number and placement of gaming machines in certain licensed premises and the locality of certain types of gambling premises. Although the grant of a premises licence cannot be dependent on grant of planning permission or building regulations approval it does not prevent enforcement action being taken that may be appropriate under planning or building law.

# NOTTINGHAM CITY COUNCIL

## Statement of Gambling Policy

Nottingham City Council  
Statement of Gambling Policy

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# 1 Introduction

Nottingham City Council is a Licensing Authority for the purpose of the Gambling Act 2003. Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. The licensing policy statement will last for a maximum of three years, but can be reviewed and revised by the authority at any time. The statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349. Regulations made by the Secretary of State prescribe the form of statements and the procedure to be followed in relation to them and their publication. Guidance issued by the Gambling Commission sets out the range of matters that the Statement should address.

The City is situated in the County of Nottinghamshire, which contains 8 District Councils in total. The City Council administers an area of 7465 hectares and had a population at mid-2003 of 277,100 with an average age of 35.9 years, comprising 26.6% of the total population of Nottinghamshire. In terms of area it is the one of the smallest Councils in the County but holds around a third of the premises licensed under the Licensing Act 2003.

Nottingham is at the centre of the Greater Nottingham area which comprises the City of Nottingham and the immediate surrounding districts of Broxtowe, Gedling, Rushcliffe and the Hucknall area of the district of Ashfield. It is overwhelmingly urban; 43% of its population lives within the City of Nottingham.

The City Council's area is primarily urban with a central core area that contains the main retail offer for the City within an area of 231 hectares. Within the core many developments are underway to develop inner-city housing; the 2001 census identified a population of 3,260 population in the City Centre with an average age of 33.7. The projected population based on current permitted developments is for a further 3,000 dwellings that are expected to provide accommodation suitable for young professionals and childless couples.

Nottingham is the regional centre for culture and leisure in the East Midlands. It has a vibrant city centre, a flourishing multi-cultural artistic scene, major sporting and entertainment venues, theatres, cinemas and a range of local community facilities and events.

As a major provider itself, the City Council welcomes the diversity of leisure and entertainment opportunities available in Nottingham and recognises that the licensed leisure and entertainment industry has a major role to play in helping to keep Nottingham the success that it is. Businesses licensed by the Authority provide social and community spaces, facilities for residents and corporate groups and is a vital support infrastructure for related sectors such as retail and tourism. However, the Authority also recognises the problems that can be caused if licensed activities are not properly managed and premises well run.

The map on page 3 identifies the City boundaries and the Ward Boundaries within. The City has no Wards that are wholly or mainly industrial and the following areas are noted as being primarily residential areas: Aspley, Bilborough, Clifton, Dales, St Ann's, Mapperly, Sherwood, Beechdale, Basford, Arboretum and Radford and Park.

There are a number of key factors that are relevant to the operation of the gambling regime in Nottingham. In terms of deprivation the City as a whole was ranked 7<sup>th</sup> out of 354 local authorities based on 2001/2002 average score measures. Using the Index of Multiple Deprivation population weighted scores for City Wards, the following Wards are noted as being assessed as areas within the top 50% of deprivation for the City as a whole: St Ann's, Aspley.

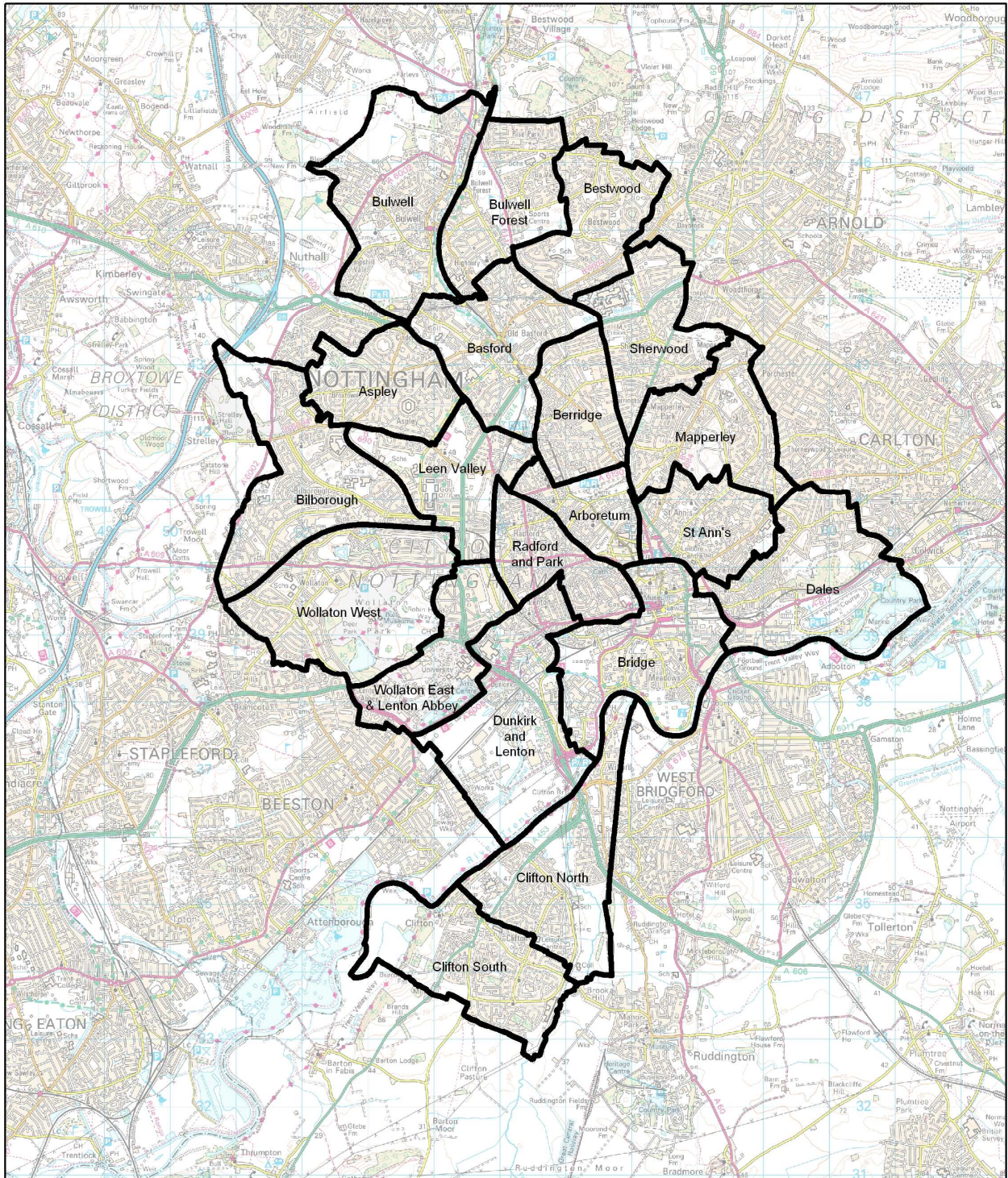
Bulwell, Arboretum, Bridge, Bestwood, Bilborough, Dales, Berridge and Basford. Areas of Deprivation measured by income and in terms of employment can be accessed via the Council's web site at [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk).



Of the people in Nottingham who were of working age (i.e. those aged 16 to 64 for men or 16 to 59 for women) the employment rate was 65 per cent during the Summer of 2004 (June to August), compared with an average for Great Britain of 75 per cent. Over the same three months in 1999, the number of people in employment in Nottingham as a proportion of those of working age was 64 per cent and the rate for Great Britain was 75 per cent.

According to the Census of April 2001, 16 per cent of the resident population in the City aged 16-74 years were school pupils or full-time students. This compared with 7 per cent of the population in England and Wales.

The above information shows that the City has a high level of potentially vulnerable people and a local economy that requires careful support and nurture to maintain the City's position as a regional centre. The City Council recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Policy, seek to support its local economy and protect vulnerable people and in doing so will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.

(Statistics source: National Statistics Office)



<b>Title: CITY OF NOTTINGHAM</b>		
<b>Key</b>  Ward Boundaries	Map produced on: 26/05/2006	 <b>City of NOTTINGHAM</b> City Development
	Map produced by: TT GISTeam	
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Nottingham City Council 100019317. 2006. w\gis\projects\food and licencing\fl7180		

## 2 The Licensing Objectives

- 2.1 In exercising their functions under the Gambling Act 2005, licensing authorities 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
- 2.2 In the case of premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Guidance on the Licensing Objectives is available on the Gambling Commission's website at:  
[www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## 3 Consultation on the Policy

- 3.1 Before its finalisation and publication the City Council has consulted widely over this Statement of Gambling Policy which sets out the Principles to which the Authority will have regard when undertaking its duties under the Gambling Act 2005. The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The 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
- 3.2 The Authority consulted the persons/organisations listed in appendix 2. Our consultation took place between 24 July and 15 October 2006 and followed the Better Regulation Executive revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector. The full list of comments made and the consideration by the Authority of those comments is available via the Authority's website at the address shown in appendix 1.
- 3.3 The policy was approved at a meeting of the Full Council on X date and was published via our website on x date. Copies were placed in the public libraries of the area as well as being available at the offices of the Licensing Service, Lawrence House and the Guildhall, Burton Street.

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

Name: Licensing Service

Address: Lawrence House, Talbot Street, Nottingham NG1 5NT

E-mail: [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)

Tel: 0115 915 56031

- 3.4 This Statement complies with the requirements of Part 6 of the Gambling Commissions "Guidance to Licensing Authorities Part 1, April 2006. Applicants for licence and other

permissions, Interested Parties and Responsible Authorities are encouraged to read the Statement and have regard to the principles the City Council will apply in its role as Licensing Authority under the Gambling Act 2005.

## **4 The Functions of the Licensing Authority**

4.1 The Act gives licensing authorities a number of important regulatory functions in relation to gambling. Their main functions are to:

- license premises for gambling activities;
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.

Spread betting is regulated by The Financial Services Authority.

Remote Gambling, Operator Licences and Personal Licences are dealt with by the Gambling Commission.

The National Lottery is regulated by The National Lottery Commission.

4.2 When considering applications for premises licences the Licensing Authority will aim to permit the use of premises for gambling as set out in section 153 of the Act. Nothing in this Statement should be regarded or interpreted as any indication that any statutory requirement of gambling or other law is to be overridden.

## **5 Statement of Principles**

5.1 The Authority recognises the wide variety of premises which will require a licence or a permit. In carrying out its licensing functions under the Act the Authority will have regard to the guidance and codes of practice issued by the Gambling Commission and to the Statement of Gambling Principles set out below.

5.2 The Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation and in doing so will seek to avoid the duplication of other legislation.

5.3 The guidance issued to local authorities is not intended to replace the judgment of a licensing authority in an individual case. Moreover, this guidance cannot anticipate every set of circumstances that may arise and, except in relation to Part 8 (premises licenses) of the Act, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. However, as discussed



in Part 1 of the guidance, where the Authority chooses to depart from the guidance it will give its reasons for doing so.

- 5.4 To ensure the licensing objectives are met the Authority will establish a close working relationship with relevant enforcement agencies, the Gambling Commission and, where appropriate, other responsible authorities.
- 5.5 When children and other vulnerable people are allowed access to premises where gambling takes place, the Authority will take whatever steps it considers necessary to either limit access or introduce measures to prevent under age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm. Particular weight will be given to valid representations to that effect.
- 5.6 Applicants seeking premises licences are encouraged to put forward appropriate, realistic and achievable prohibitions, restrictions or conditions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate having regard to the type, nature and operational proposals of the licensable activity.
- 5.7 However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits.

i Preventing Gambling from Being a Source of Crime and Disorder

- 5.8 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.
- 5.9 The Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Authority will bring those concerns to the attention of the Commission.
- 5.10 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with crime or with disorder relevant to gambling, the Authority will, in consultation with the police and other relevant authorities, consider whether specific controls, eg Door Supervision, needs to be applied to prevent those premises from being a source of crime or of disorder or whether additional/alternative conditions should be used or the application should be refused.
- 5.11 Disorder in the context of the gambling regime is intended to mean activity that is more serious and disruptive than mere nuisance. Factors that will be considered by the Authority in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the Authority will consult its legal service before determining what action to take in circumstances in which disorder may be a factor. It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant laws. There are already powers in other legislation designed to prevent or minimise nuisance, whether it arises as a result of noise from premises or from general disturbance in the area of licensed premises as people arrive or

leave the premises. The Authority does not intend to use the gambling regime to deal with general nuisance issues, for example, parking problems, noise in the street or noise breakout from premises which can easily be dealt with using alternative powers.

## 5.12 Policy One

**The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence applications.**

***REASON: Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area.***

### li Ensuring Gambling is Conducted in a Fair and Open Way

5.13 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime. However where the Authority becomes aware of matters that lead it to believe that this Objective is not being promoted in accordance with the aims of the regime it will notify the Commission.

5.14 Because track operators may not require an operating licence from the Commission the Authority may attach conditions to the Premises Licence in appropriate cases which ensure that the environment in which betting takes place is suitable. The Authority may in these circumstances also consider the suitability of the applicant to hold a track premises licence.

### lii Protecting Children and Other Vulnerable People from Gambling

5.15 The Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. The Authority will also expect, as suggested in the Gambling Commission's 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.

5.16 With limited exceptions the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments in order to protect them from being 'harmed' or exploited by gambling.

5.17 The Authority encourages applicants for premises licences to offer controls that will promote this Objective. Examples may include the supervision of entrances, the

segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises such as pubs, clubs and betting tracks.

- 5.18 The Authority expects to see the effective management and supervision of gaming machines in licensed family entertainment centres. The same consideration applies to tracks where children will be permitted in the betting areas on race-days.
- 5.19 In appropriate cases the Authority will take steps to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy, in premises likely to be attractive to children and young people and near to schools, colleges and facilities and activities provided for, or aimed at, children and young people.
- 5.20 The Authority may impose restrictions on advertising so that gambling products advertised on licensed premises are not aimed at children or advertised in such a way that makes them particularly attractive to children and young people.
- 5.21 A gaming machine in licensed premises which is of a category that children are not permitted to play on must be clearly labelled as such and the machine adequately supervised at all times the premises are open to the public.  
Areas to which access is limited by age must be clearly demarcated and effectively supervised to ensure underage persons do not enter.
- 5.22 In seeking to protect vulnerable people the Authority will apply its consideration of the application to 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 perhaps due to a mental impairment, alcohol or drugs.
- 5.23 The Authority encourages applicants to offer controls that limit access by customers to gambling or further access to alcohol where the customer shows signs of inebriation.
- 5.24 The Authority will always treat each case on its individual merits and when considering whether specific measures are required to protect children and other vulnerable people it will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.
- 5.25 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). In particular the Authority will consider whether children can gain access; the compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 5.26 Where the legislation allows the Authority will look particularly closely at applications that are made for premises close to sensitive areas or developments including:
- residential areas
  - schools and other educational establishments
  - residential hostels for vulnerable adults
  - premises licensed for alcohol or gambling

## 6 Responsible Authorities

- 6.1 Responsible Authorities have a role to play in both authorising and regulating the various forms of gambling activity permitted by the Act. In accordance with the Gambling Commission's Guidance for Local Authorities (the "Guidance") this Authority designates the Local Safeguarding Children Board for Nottingham City Council as the responsible authority to advise on child protection issues because of its status in law to take action in respect of the protection of children from harm.
- 6.2 The names and contact details of the Responsible Authorities recognised by the Authority for the purpose of the Gambling Act 2005 are given in Appendix 1 to this Statement.
- 6.3 Through the inclusion of a wide range of responsible authorities the Act aims to achieve a regime where all relevant regulatory bodies and organisations are made aware of the applications for gambling premises licences or other permissions. The Guidance recognises that in many instances comments that responsible authorities make will be relevant to the licensing authority's determination. Equally, in some cases, representations may not relate to matters that lead to the licensing authority refusing a premises licence. However, the wide dissemination of applications allows responsible authorities to take action under their own legislation and enforcement powers, even if there is no direct role for them in the gambling licence process. The Gambling Act contains no obligation on responsible authorities to respond to applications for premises licences if they do not wish to do so. The Authority therefore encourages Responsible Authorities to make representation on applications where they consider it necessary but to work within the spirit of the Act and to agree reasonable, achievable and proportionate conditions in appropriate cases.
- 6.4 The Licensing Authority will seek to avoid duplication of other powers available to when inspecting or enforcing under the regime and encourages the Responsible Authorities to do likewise.

## 7 Interested parties

- 7.1 Interested parties have limited rights to make representations in relation to gambling activities. They may only make representations in relation to applications for premises licences and provisional statements, and may apply for a review of an existing licence. Interested parties are defined as persons who **in the licensing authority's opinion:**
- Live sufficiently close to the premises to be likely to be affected by the authorised activities
  - Have business interests that might be affected by the authorised activities, or
  - Represent either of the above.
- 7.2 A wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a councillor, MP or legal representative.

7.3 This authority will require the person/body representing an interested party to show that they have been approached to act do so by an individual who can be classed as an Interested Party in their own right eg lives sufficiently close to the premises to be likely to be affected by the activities being applied for. A letter accompanying the representation from the individual to the nominated representative requesting that the representation be made on their behalf, will normally be sufficient.

7.4 Similarly the Authority will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include charities, churches, medical practices, schools and other establishments and institutions.

7.5 In determining what ‘sufficiently close’ means the Authority will normally take any or all of the matters below into account which appear relevant to it to ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard:

- the size and capacity of the application premises
- The proximity of their home or business to the application premises
- the nature of the complainant
- The nature of their residency (e.g. private resident, resident in home for the vulnerable etc)
- the potential impact of the premises
- the likely catchment area of the premises
- whether the person making the representation has business interests in the catchment area that might be affected
- The nature of the authorised activities to be conducted on the application premises
- The routes likely to be taken to and from the application premises
- The character of the area
- The density of the built up area
- The topography of the area

7.6 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further evidence relating to the licensing objectives supporting the representation, the Council would not consider this to be a relevant representation because it relates to ‘demand’ or competition.

## 8 Local Standards Relevant to Specific Types of Gambling

### **Matters**

8.1 Gambling may be authorised in various ways dependant on the nature of the gambling activity involved. In general either a premises licence or permit will be needed though certain activities may be authorised by way of mere notification. The involvement of responsible authorities, interested parties and the degree of control and discretion available to the Licensing Authority varies dependant upon the type of authorisation necessary. This section addresses the local standards applicable to the various types of authorisation.

a Premises Licences and Provisional Statements

8.2 Premises licences are only necessary for the following types of gambling:

- Betting premises (including tracks)
- Casino premises
- Bingo premises
- Adult gaming centres
- Licensed family entertainment centres (i.e. one which operates machines with a £25 maximum prize)

**8.3 The Gambling Act allows “responsible authorities” (identified in section 157 of the Act) and “interested parties” to make representations to applications relating to premises licences and provisional statements. In the case of reviews that right is also given to the licensee. With regard to other forms of notification and permit, the right to object is restricted to specified bodies.**

**8.4 A person may make an application for a provisional statement in respect of premises which he expects to be altered or constructed or which he expects to acquire the right to occupy. The provisions set out below apply to provisional statements as they apply to in relation to premises licences especially as the Licensing Authority is under a duty to disregard any representations that could have been made in relation to the provisional statement when considering the subsequent premises licence application.**

**b Applications**

8.5 The Act places a duty on the Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:

- this Policy Statement,
- the Commission’s Guidance,
- the Codes of Practice, and;
- where the application is reasonably in accordance with the licensing objectives.

As these are the criteria against which an application is to be assessed representations which address these issues are more likely to be accepted and given weight.

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

8.7 Forms and notices relevant to activities within the Authority’s remit are available from the Licensing Service at the address given in Appendix 1.

8.8 Licences will only be issued in accordance with the Act. In the case of premises which the applicant does not currently have a right to occupy, the Authority will require written confirmation that the applicant may reasonably expect to acquire that right within a reasonable time. Premises licences are transferable to someone else holding a valid Operating Licence. The Act provides that licensing authorities may attach conditions to

Premises Licences. Guidance has been issued by the Commission that suggests what conditions might be considered in relation to each type of Licence.

- 8.9 When considering applications for premises licences the Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission or building regulations approval being granted. Except in the case of a Provisional Statement or an application to allow a track to be used for betting where other persons will provide the betting facilities, applicants for a premises licence will need to show to the satisfaction of the Authority that they have a right to occupy the premises concerned or may expect to acquire such a right; hold a valid Operating Licence from the Commission or have applied for an Operating Licence and meet such other criteria set out in law. The Premises Licence can be only issued once the Operating Licence is issued.

### **c Representations**

- 8.10 Representations (objections) to new premises or requests for a review should be based on the licensing objectives of the Gambling Act which are set out at the start of the Statement.
- 8.11 Representations received outside the statutory period for making such representations or which otherwise does not comply with the Regulations will be invalid and will not be taken into consideration when the application is determined. In addition the Authority expects representations to be made in accordance with Policy Two below:

### **Policy Two**

**A representation should indicate the following:**

- (i) The name, address and a contact number for the person making the representation.**
- (ii) The capacity in which the representation is made (e.g. interested party, responsible authority, licensee) and if made as a representative should indicate who is being represented.**
- (iii) The name and address of the premises in respect of which the representation is being made.**
- (iv) The licensing objective(s) relevant to the representation.**
- (v) Why it is felt that the application;**
  - is not reasonably consistent with the licensing objectives or;**
  - is not in accordance with this Policy, the Commission's Guidance or the relevant Code's of Practice or;**
  - otherwise should not be granted or;**
  - should only be granted subject to certain specified conditions**
- (vi) Details of the evidence supporting the opinion in (v).**

Whilst representations which are not in the preferred form or which do not fully comply with Policy Two will not automatically be rejected, they may be less likely to comply with the law relating to representations resulting in them ultimately being rejected or given little or no weight.

*REASON: To ensure the representation is made by a responsible authority or interested party and that it is relevant and directly related to the application premises.*

- 8.12 It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.
- 8.13 Ordinarily where representations are received the Authority will hold a hearing, however, a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious, or will certainly not influence the authority's determination of the matter. It is for the licensing authority to determine whether a representation falls within these categories, however, representations which comply with Policy two are unlikely to do so.

#### **d Review**

- 8.14 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from a responsible authority or interested party. Reviews cannot be delegated to an officer of the licensing authority – the lowest level of delegation permitted is to a licensing subcommittee (licensing panel).
- 8.15 The Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted. If at any time the Authority considers it necessary in their scheme of delegation they will establish a system that determines who initiates reviews, and that may include a 'filter' system to prevent unwarranted reviews from being conducted. In relation to a class of premises, the Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions. In relation to these general reviews, the Authority would most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause it to want, for example, to look at the default conditions that apply to that category of licence. In relation to particular premises, the Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate.
- 8.16 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of Principles and Codes of Practice.

#### **e Vessels and vehicles**

- 8.17 The Act allows pleasure boats to apply for a premises licence. As with multi-purpose buildings the part of the vessel where gambling takes place will be licensed and the usual restrictions on access for children will apply. 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. In relation to vessels that may be moored or berthed in more than one Authority's administrative area this Authority will make arrangements as



necessary with those other Authorities that are involved to agree who will receive and determine the application.

8.18 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles other than a hovercraft) may not be the subject of a premises licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain. Certain allowances are made for private and non-commercial gaming or betting to take place in a vehicle, but these are subject to a number of stringent requirements. These ensure that at no point can the gambling become a commercial activity and are dealt with by the Gambling Commission.

## **f Conditions**

8.19 The Act provides that conditions may be attached to premises licences in a number of ways:

- Automatically by the Act;
- Through regulations made by the Secretary of State;
- By the commission through operating and personal licences; or
- By licensing authorities.

8.20 Conditions may also be general in nature and attached to all licences or all licences of a particular class, or they may be specific to a particular licence.

8.21 In the case of default conditions which apply by reason of regulations unless the Authority chooses to exclude them using its powers under s168, the Authority will not normally interfere with these conditions unless an applicant can demonstrate to it that alternative controls will be operated by him that achieve the same or similar effect or where the Authority is of the opinion that a more stringent condition should be imposed. In both case the Authority will give notice of its reasons for departing from the default conditions to the applicants and all parties making representation on the matter.

8.22 The Authority will not generally impose conditions that limit the use of premises for gambling unless it is considered necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

8.23 Conditions imposed by the Authority will be proportionate to the circumstances they are intended to address and:

- relevant to the need to make the premises suitable as a gambling facility;
- directly relevant 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.

8.24 Conditions which are likely to be attached or varied in respect of default conditions will be in regard to specific risks or problems associated with a particular locality, specific premises or a class of premises. This may include the location of the premises and access into the premises, the opening hours, age limits for access into the premises, the

layout of premises inside and access by children and young persons to areas used for gambling.

8.25 The Authority will not consider imposing conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission.
- relating to gaming machine categories or method of operation.
- which specify that membership of a club or other body is required.
- in relation to stakes, fees, winnings or prizes.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each application will be determined on its own merits.

**8.26 The Authorities will consider the definition of premises in light of the controls that can be placed on gambling through conditions. In particular that Authority will seek to address concerns it may have about the use of premises for gambling through the use of licence conditions where it considers it appropriate**

## **9 Local Standards Relevant to Specific Types of Premises Licence**

### **a Betting**

9.1 The Act contains a single class of licence for betting though there are be different types of premises within this class which require licensing.

9.2 Licensable activities include:

- off-course betting;
- on-course betting for tracks (see below);
- betting by way of betting machines, and;
- up to four class B2, B3, B4, C or D category machines

**9.3 Factors for consideration by the Authority when determining the application will be:**

- location, particularly in relation to vulnerable persons;
- suitability of the premises;
- size of premises in relation to the number of betting machines;
- the ability of staff to monitor the use or abuse of such machines and;
- the provision for licence holders to ensure appropriate age limits are adhered to.

**9.4 This is not an exhaustive list and each application will be judged on its merits. Any effective measures offered by the applicant to support the licensing objectives will be taken into account.**

**9.5 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory or default conditions may be attached by regulations issued by the Secretary of State.**

**b Tracks**

**9.6 *General Matters Relevant to Tracks*** - In addition to the Racecourse which is used both for horse racing and for dog racing the City has a number of premises that may apply for a premises licence to operate as a 'Track' for the purposes of the Gambling Act.

9.7 Tracks may be subject to one or more premises licence provided each licence relates to a specified area of the track. The Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) in the determination of premises licence applications for Tracks 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.

9.8 Track operators are not required to hold an operators licence granted by the Gambling Commission unless they are operating gambling activities themselves. Therefore premises licences for tracks issued by the Authority are likely to contain requirements for premises licence holders relevant to their responsibilities in relation to the proper conduct of betting. The Authority recognises that Track operators will have an important role to play in the regulation of gambling activities expect that they will take proactive action appropriate to that role. For example in ensuring that betting areas are properly administered and supervised.

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

9.10 Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the Authority may cover issues such as:

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

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

**9.11 *Gaming Machines used on Tracks*** - □Guidance from the Gambling Commission addresses where such machines may be located on Tracks and any special considerations that should apply in relation, for example, to supervision of the machines

and preventing children from playing them. The Authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

- 9.12 ***Betting Premises on relation to tracks*** - A Track may hold a betting premises licence allowing betting to take place within defined areas, there may be also be a number of subsidiary licences authorising other gambling activities to take place including off-course betting. Unlike betting offices (bookmakers), a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines. Pool betting may also take place on certain types of Tracks and the appropriate operating licence to enable this will be required before a premises licence authorising this activity may be determined by the Authority.
- 9.13 In line with the Commission's Guidance the Authority will expect operators of self-contained units on Tracks to seek an ordinary betting premises licence to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.
- 9.14 ***Betting machines on Tracks*** - The Authority will take into account the size of the premises and the ability of staff to monitor the use of these machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for Track Betting Premises Licences.
- 9.15 When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.
- 9.16 ***Condition on rules being displayed on Tracks*** - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office." The Authority encourages applicants to demonstrate in their application and in the conduct of their activity that they will comply with this.
- 9.17 ***Applications and plans for Tracks*** - Regulations set out specific requirements for applications for premises licences and in accordance with the Gambling Commission's suggestion that, to ensure the Authority gains a proper understanding of what it is being asked to licence the premises licence application pack for a Track includes the information that is required which includes detailed plans for the racetrack itself and the area(s) that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the 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. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown.

### **c Casinos**

- 9.18 The City Council did not exercise its right under s175 of the Act to make an expression of interest to the Casino Advisory Panel for one of the small, large or regional casinos enabled by the Government in 2005. Existing casino operators will have 'grandfather' rights and will be entitled to a casino premises licence issued by the Council to at least the same terms and conditions as granted under the previous regime. Provisional statements issued before the date of the resolution are similarly not affected by the resolution.
- 9.19 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

Or

Notwithstanding paragraph 6.13 above on XXXX the Licensing Authority passed a resolution under section 166 of the Act not to issue any casino premises licences for its administrative area. This resolution comes into effect when Part 8 of the Act is brought into force but does not affect any existing premises which have grandfather rights under Schedule 18 of the Act and which will be eligible for a more restricted form of casino premises licence. A copy of the resolution and matters to which regard was had when making it is included at appendix XXXXX

- 9.20 The Act and regulations attach a number of conditions automatically to a casino licence according to the gambling activities permitted to take place on the premises and the controls that are required by way of codes of practice which are, in effect, industry standards. See other parts of this Statement for the Authority's general approach to other conditions that it may impose.
- 9.21 The Gambling Commission's code of practice deals with matters including access to casino premises by children and young persons, the giving of credit and the ban on gambling taking place on Christmas Day. In particular the code specifies that no one under the age of 18 is allowed to enter certain casino premises and entrances to the casino gambling area would be required to be properly supervised.
- 9.22 Casino premises licences will be monitored by the Authority is so far as the Act, the guidance, and the codes of practice allow. Such licences are also subject to the review process but the 'no casino' resolution will not be a factor that can be taken into account by the Authority in calling for a review.
- 9.23 **Betting machines in casinos** - The Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, the location of machines and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

#### **d Bingo**

- 9.24 The holder of a bingo operating licence will be able to apply for a bingo premises licence to provide any type of bingo game including cash and prize bingo. Commercial bingo halls will also require a bingo premises licence from the Authority.
- 9.25 If the only type of bingo to be provided is prize bingo then this may be authorised by way of permit – see later in this Statement.
- 9.26 **Access by Children** - If children are allowed to enter premises licensed for bingo it is important that that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Authority will expect to see 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 (over 18s) are admitted to the area where the machines are located;
  - access to the area where the machines are located is supervised;
  - the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
  - at the entrance to, and inside any such an area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 9.27 **Suitability and Layout of Bingo Premises** - The Gambling Commission has issued guidance about the need for licensing authorities take into account the suitability and layout of bingo premises. Therefore plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown. Certain information relevant to this matter can be found in the Commission's Memorandum of Advice to Licensing Justices which can be found on the Commission's web site ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).
- 9.28 A limited number of gaming machines may also be made available at bingo licensed premises.
- 9.29 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold as directed by the law, otherwise it will be require a bingo operating licence which will have to be obtained from the Gambling Commission and a premises licence from this Authority (see the section on Bingo).

#### **e Adult Gaming Centres**

- 9.30 These premises must be operated by a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Authority.
- 9.31 Permitted activities include:

- up to four category B machines and;
- unlimited category C and D machines.

The Category B machines are limited to B3 and B4.

**9.32 Factors for consideration by the Authority when determining the application for an AGC will include:**

- the location;
- the ability of operators to minimise illegal access by under 18's to the premises.

**This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.**

**9.33 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory or default conditions may be attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an Adult Gaming Centre.**

9.34 The Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant for an Adult Gaming Centre to satisfy the authority that there will be sufficient measures to control access to and participation in gambling by such persons, for example to meet the third licensing objective.

9.35 The Authority will also expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions imposed by the Authority may cover issues such as:

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

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

**f Licensed Family Entertainment Centres**

9.36 There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:

- FECs with category C and D machines require a Premises Licence.
- Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits (see below)

9.37 In determining the suitability of the location, consideration will be given to the following factors:

- Proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
- Proximity to residential areas where there may be a high concentration of families with children;
- Town Centre or edge of Town Centre locations.

9.38 The Authority will have specific regard to the third licensing objective (the need to protect children and vulnerable persons from harm or being exploited by gambling) and will expect the applicant to satisfy the Authority in this respect, eg that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the adult only gaming machine areas.

9.39 Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for
- Organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

9.40 This licensing authority will have regard to any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Authority will also make itself aware of the relevant mandatory and default conditions on licensed FEC premises licences, when they have been published.

## 10 **Notifications**

### 10.1 **a Temporary use notices**

Premises which are not licensed for gambling may be used by a licensed operator for an aggregate period of 21 days in 12 months for prescribed types of gambling. In order to do so the operator must serve a temporary use notice (or notices) on the Licensing Authority, the Commission and the Police. These are the only bodies who may object to such a notice. In such circumstances a hearing may be held and the Licensing Authority may prevent the notice from taking effect or limit the activities or impose conditions.

### **b Occasional Use Notices**

10.2 Betting on unlicensed tracks may also be authorised for up to 8 days in a calendar year by the service of occasional use notices by the occupier of the track or the person responsible for the administration of the event. As long as the notice relates to a track



and does not exceed the 8 day limit then there is no provision for objections to be made to this type of activity or for it to be prohibited.

### **c Permits and Registrations**

10.3 Permits are generally required for the use of gaming machines on premises which do not require a premises licence. Applications for permits are not required to be notified to the public in the same way as applications for premises licences and the right to make representations is limited to certain specified responsible authorities. In exercising its duties in relation to these functions the Licensing Authority is not under a duty to aim to permit the use of premises for gambling but generally must still have regard to the licensing objectives.

10.4 A gaming machine can cover all types of gambling activity which can take place on a machine, including betting on 'virtual' events. The Act prescribes the number and category of gaming machines that are permitted in each type of gambling premises. Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including :

Casinos  
Bingo premises  
Betting premises, (including tracks)  
Adult gaming centres  
Family entertainment centres  
Clubs  
Pubs and other alcohol licensed premises  
Travelling fairs

10.5 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be deemed a gaming machine.

10.6 The Authority encourages permit and premises licence holders to apply relevant codes of practice which may be introduced by the amusement industry from time to time, to their operations.

### **Gaming machines in premises licensed to sell alcohol**

10.7 The Act provides for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. A suitable form of notification is available from the Licensing Service. The Authority can remove the automatic authorisation in respect of any particular premises if:

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

premises.

- 10.8 The Authority has resolved that if a premises wishes to have more than 2 machines it needs to apply to for a licensed premises gaming machine permit and that application will be determined by the Licensing Committee based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 and such matters as it thinks relevant on a case-by-case basis. Generally, regard will be had to the need to protect children and vulnerable persons from harmed or being exploited by gambling and the 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. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Suitable notices and signage may also be support the applicant's commitment. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare are available, clearly positioned and maintained at or near to gaming machines.
- 10.9 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence or a family entertainment centre (either licensed or unlicensed) dependant upon the classification of the machines intended to be used.
- 10.10 It should be noted that the Authority can decide to grant the application for a licensed premises gaming machine permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 10.11 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

#### Club Gaming Permits and Club Machine Permits

- 10.12 These permits are required where members clubs and Miner's Welfare Institutes premises provide a gambling facility but either the stakes and prizes are low or gambling is not the main function of the premises.**
- 10.13 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.**
- 10.14 Club machine permits allow the provision of gaming machines where the premises licence holder does not wish to operate equal chance gaming or games of chance. In both cases the gaming machines are limited to any three of category B4, C or D.**
- 10.15 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.
- 10.16 The Authority may only refuse an application on the following grounds:
- (a) the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;

(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;

and in the case of (a) or (b) must refuse the permit.

**The authority may grant or refuse a permit, but it may not attach conditions to a permit.**

### **Prize Gaming Permits**

10.17 These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming - the prize is determined by the operator before play commences.

10.18 Consideration will be given to the following factors:

- Proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
- Proximity to residential areas where there may be a high concentration of families with children;
- Town Centre or edge of Town Centre locations.

It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

10.19 The applicant must be 18 years of age or over. Relevant convictions will be taken into account, especially with respect to child protection issues.

### **Unlicensed Family Entertainment Centres (Unlicensed FECs)/Family Entertainment Centre Gaming Machine Permits**

10.20 Where the premises do not hold a premises licence but wish to provide gaming machines, the occupier or user may apply to the Authority for a FEC Gaming Machine Permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and may only offer category D machines.

10.21 An application for a permit may only be granted if the Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Police have been consulted on the application. Applicants will need to demonstrate:

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

- 10.22 In considering applications for permits the Authorities will give weight to child protection issues and will also consider the suitability of the location of the premises, in particular
- Proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
  - Proximity to residential areas where there may be a high concentration of families with children;
  - Town Centre or edge of Town Centre locations.
- 10.23 The Licensing Authority does not have to have regard to the licensing objectives when determining this type of permit but may do so if it wishes. The Authority may grant or refuse the permit but cannot attach conditions to this type of permit.
- Lotteries (Small Society Lotteries)**
- 10.24 The purpose of permitted lotteries is to raise money for causes that are noncommercial and therefore the Act requires that a minimum proportion of the money raised by the lottery is channeled to the goals of the society that promoted the lottery.
- 10.25 Small Society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.
- 10.26 If a small society lottery breaches these limits it will be in breach of the Act and will be liable to prosecution. Guidance for persons wishing to operate a small society lottery is available from the Licensing Service.
- 10.27 Small society lotteries are required to be registered with the local authority in the area where their principal office is located.
- 10.28 A lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act.
- 10.29 One of those exemptions is in respect of what are termed "small societies lotteries" and the Authority has previously been responsible for registering these 'small' lotteries. A society with its principle office within Nottingham must register with the Authority if it is a 'non-commercial' lottery, ie it is established and conducted:
- For charitable purposes ;
  - For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
  - Below the permitted maximum; or
  - For any other non-commercial purpose other than for private gain.
- 10.30 An application form is available from the Licensing Service and when registration is completed the organiser will be informed by that Service. The Authority will maintain a register of small society lotteries which it has registered.
- 10.31 Refusal of registration shall be in accordance with the Act and Guidance and in particular if it is believed that:

- the applicant is not a non-commercial society,
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with the application for registration is false or misleading.
- An operating licence held by the applicant for registration has been revoked or an application for an operating licence has been refused.

10.32 As part of the application the Authorities will ask applicants to set out the purposes for which the society is established in order to ensure that they represented a bona fide noncommercial society and have no relevant convictions. Where the Authority feels it appropriate on the circumstances of each case it will consider whether there are factors which suggest that further enquiry is needed before registration occurs.

10.33 The Authority will only refuse an application to register after the society has had the opportunity to make representations. The Authority will inform the society of the reasons why it is minded to refuse registration and the evidence on which it has reached that preliminary conclusion. Persons wishing to make representation about an application for registration may request a copy of the procedures that will be followed by contacting the Licensing Service. A copy will also be on the Licensing Service web site.

10.34 A registration may be revoked if the authority would have been entitled to refuse an application for registration had it been made at that time. No revocation can take place unless the society has had the opportunity to make representations.

10.35 Schedule 11 of the Act details the information that must be returned to the Authority no later than 3 months after the lottery. The returns required to be made must be sent to the Licensing. Operators are recommended to send these by recorded delivery to ensure receipt. Statements submitted over the previous 18 months will be available for inspection. Failure to provide a statement is an offence.

10.36 The Commission recommends that operators maintain written records of unsold and returned tickets for a period of one year. The licensing authority is permitted to inspect the records of the lottery for any purpose related to the lottery and expect operators to maintain the aforementioned written records.

10.37 Even if registered if a society fails to comply with any of the other conditions of a small society lottery laid down in Part 4 of Schedule 11 it will be operating in an illegal manner. Under these circumstances the society may be prosecuted by the Commission, the police or the licensing authority.

### **Travelling fairs**

10.38 Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it falls to this Authority to decide whether the statutory requirement, that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met. The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

10.39 It should be noted that 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 the appropriate Departments within the City Council, with its

neighbouring authorities and land owners to ensure that land, particularly that crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **11 Exchange of and Access to Information**

- 11.1 The Authority will act in accordance with all the relevant legislation and guidance from the Commission with regard to data protection and the freedom of information. Additionally the Authority will adopt and apply the principles of better regulation.
- 11.2 It is the intention of the Authority to establish protocols for the exchange of information with other regulatory bodies and ensure that, as far as is reasonably practicable, the confidentiality of those making representations will be maintained.

## **12 Fees**

- 12.1 Premises licence fees in England and Wales will be set via a series of bands, with a prescribed maximum in each band. Licensing authorities are able to select precise fees from within the bands, limited to cost recovery. The fees set by Nottingham City Council's Licensing Committee are available on request from the Licensing Service.

## **13 Delegations**

- 13.1 The list of delegations used by this Authority is attached available on the Licensing Service web site (see Appendix 1 for contact details).

## **14 Inspection and Enforcement**

- 14.1 As the responsible organisation for the production of guidance for use with the gambling regime it is the Commission's intention that, where appropriate, there should be consistency across licensing authorities about the manner in which functions under the Act are carried out. That is important in two respects:
- to meet the obligations on the Commission and on licensing authorities to pursue the licensing objectives, the Commission will be seeking to achieve a consistent standard of regulation and shared priorities; and
  - in accordance with Government initiatives on minimising the impact of regulation on businesses and, in particular, the Hampton Review of regulation, it will be part of the Commission's role to ensure that operators receive sufficient advice to help them understand and comply with gambling regulation. Part of this will require the Commission to be satisfied that operators know what the requirements of licensing authorities are likely to be.

The Authority shares the intentions of the Gambling Commission as they apply to the Authority's role.

- 14.2 The Act gives licensing authorities a range of powers to inspect premises used for gambling purposes that fall within their sphere of responsibility and to ensure compliance with the Act and where necessary take enforcement action should the Act be breached.
- 14.3 In undertaking such duties the Authority will follow the Better Regulation and Hampton principles. These are primarily relevant to compliance and enforcement functions on which the Commission has issued guidance and which are that regulators should be:
- proportionate: regulators should only intervene when necessary:

remedies should be appropriate to the risk posed, and costs identified and minimised;

- accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- consistent: rules and standards must be joined up and implemented fairly;
- transparent: regulators should be open, and keep regulations simple and user friendly; and
- targeted: regulation should be focused on the problem, and minimize side effects.

14.4 The Authority will operate a risk-based inspection programme which includes targeting high-risk premises and activities which require greater attention, whilst operating a lighter touch in respect of low-risk premises and activities, so that resources are effectively concentrated on problems relevant to the regime. The level of risk will be determined by criteria such as that issued by the Commission in its guidance to local authorities.

### **Policy Three**

**The authority will adopt a risk based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:**

- **location of the premises and their impact on the surrounding area,**
- **enforcement history of the premises,**
- **nature of the licensed or permitted operation,**
- **potential to have an adverse affect on the licensing objectives, and;**
- **management record.**

REASON: To provide a targeted and cost efficient enforcement service which will encourage and improve operating practice, promote the licensing objectives, and drive out poor practices; whilst at the same time meet accepted best practice principles of compliance inspection.

## **15 MONITORING AND REVIEW OF THIS STATEMENT**

15.1 This Policy Statement will be reviewed at least every three years. In preparing the succeeding policy statement regard will be had to data and information collated over the operating period of the current policy together with trends and the outcome of related initiatives from both local sources and nationally issued data and guidance.

15.2 Bodies that are Responsible Authorities for the purpose of the Act will be encouraged to report to the Authority on relevant issues within the remit of that body under the licensing function. The Licensing Service will provide a report each year to the Licensing Committee on matters that impact on, and influence, the delivery of the licensing function by the Authority. The report will include a summary statement of reports submitted by the responsible authorities and will also include relevant references to service work planning, action outcomes, staff and customer

consultation, service performance, service development and improvement and a financial overview of the service.

15.3 From time to time the performance of the licensing function and climate within which the licensing regime is operating will be reported to the Licensing Committee. Such matters may include

- A performance statement.
- An enforcement statement.
- A financial statement.
- A statement of matters in connection with the Policy Statement.
- A summary of the climate within which the licensing trade is operating.
- A summary of economic issues affecting the licensing regime.



## APPENDIX 1 CONTACT DETAILS

### **LICENSING AUTHORITY ADDRESS FOR APPLICATIONS:**

The Licensing Officer  
General Licensing Services  
City Development  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT  
Telephone: (0115) 915 5555  
Fax: (0115) 915 6145  
Email: : [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)

### **RESPONSIBLE AUTHORITIES - ADDRESSES FOR APPLICATIONS**

#### ***Licensing Authority***

The Licensing Officer  
General Licensing Services  
City Development  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT  
Telephone: (0115) 915 5555  
Fax: (0115) 915 6145  
Email: : [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)

#### ***Gambling Commission***

Victoria Square House  
Victoria Square  
Birmingham B2 4BP  
Tel: 0121 230 6500  
Fax: 0121 237 2236  
[info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

#### ***The Chief Constable of Nottinghamshire***

Nottinghamshire Police Headquarters  
HQ (CJ) Liquor Licensing  
Mansfield Police Station  
Great Central Road  
Mansfield  
Nottinghamshire  
NG18 2HQ

#### ***The Nottinghamshire Fire Service***

Nottinghamshire Fire & Rescue Service  
Central Fire Station  
Fire Safety Licensing Dept.  
Shakespeare Street  
Nottinghamshire

NG1 4FB  
Telephone: (0115) 959 8758

***The Local Planning Authority***

The Service Manager  
Planning Applications and Advice Service  
City Development  
Nottingham City Council  
Exchange Buildings  
Smithy Row  
Nottingham  
NG1 2BS  
Telephone: (0115) 915 5555  
Fax: (0115) 915  
Email: [development.control@nottinghamcity.gov.uk](mailto:development.control@nottinghamcity.gov.uk)

***Environmental Health matters in all types of premises:***

Head of Health and Safety Services  
City Development  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT  
Telephone: (0115) 915 5555  
Fax: (0115) 915  
Email: [safety.enforcement@nottinghamcity.gov.uk](mailto:safety.enforcement@nottinghamcity.gov.uk)

***Noise and other pollution matters in all types of premises:***

Head of Pollution Control Services  
City Development  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT  
Telephone: (0115) 915 5555  
Fax: (0115) 915  
Email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk)

***The Health and Safety Executive***

***(For non-commercial operations and public bodies e.g. council owner premises):***

55-59 Upper Parliament Street  
Nottingham  
NG1 6AU

***Children's Services***

The Director of Social Services  
Social Services Department  
Nottingham City Council  
Hounds Gate  
Nottingham  
NG1 7BE

Telephone (0115) 915 5555

**Adult Services**

The Director of Social Services  
Social Services Department  
Nottingham City Council  
Hounds Gate  
Nottingham  
NG1 7BE

Telephone (0115) 915 5555

**HM Revenues and Customs**

Howard House  
Castle Meadow Road  
Nottingham  
NG2 1AB

**OTHER RELEVANT ADDRESSES**

**Nottingham Magistrates' Court**

***For gambling matters during the transition period and appeals against licence decisions.***

**Clerk to the Licensing Justices**

The Courthouse  
Carrington Street  
Nottingham NG2 1EE  
Telephone (0115) 9558111

**Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham B2 4BP  
Tel: 0121 230 6500  
Fax: 0121 237 2236  
[info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

## APPENDIX 2

### PERSONS CONSULTED FOR THE PURPOSE OF THE STATEMENT OF GAMBLING POLICY

A list of the persons we consulted is provided below. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted those organisations and individuals that it knows have an active gambling operation within the City.
- 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:
  - (a) Chief Officer of Police.
  - (b) Director of City Development, Nottingham City Council.
  - (c) Director of Leisure and Community Services, Nottingham City Council.
  - (d) Local elected representatives (Councillors and MPs).
  - (e) The Nottingham City Crime and Drugs Partnership.
  - (f) One Nottingham.
  - (g) Premises holding licences under the Licensing Act 2003.
  - (h) The residents and businesses within the City Council's area.
  - (i) Nottingham City Council Children's Services
  - (j) The Responsible Authorities (see section 6)
  - (k) Adult Services

Our consultation took place between 24 July and 5<sup>th</sup> October 2006 and we followed the Revised Code of Practice (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/code/index.asp>

<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

Any comments as regards this document should be sent by e-mail or letter to:

The Licensing Officer  
City Development  
Lawrence House, Talbot Street,  
Nottingham. NG1 5NT  
Email: [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)