



**EAST STAFFORDSHIRE BOROUGH  
COUNCIL**

**GAMBLING ACT 2005**

**Policy Statement**

20196 – 202119

**Draft**

**EAST STAFFORDSHIRE BOROUGH COUNCIL  
GAMBLING ACT 2005 POLICY STATEMENT**

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Draft Version 1.0 September 2018 for consultation Version 1.0 review of 2015  
08/07/15

Should any regulations/codes of practice or guidance impact upon the content of this document it will need to be amended

**PART A**

**1. The Licensing Objectives**

1.1. Under the Gambling Act 2005 (the Act) East Staffordshire Borough Council is the licensing authority for the Borough of East Staffordshire and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the council are to East Staffordshire Borough Council Licensing Authority.

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1.2. The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act.

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The licensing objectives are:

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

1.3. The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the Gambling Commission.

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1.4. The Council is aware that, in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

1.5. The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about East Staffordshire Borough Council's Local Area Profile is detailed at Appendix E.

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## 2. Introduction

- 2.1. The Borough of East Staffordshire comprises two towns, namely Burton-upon-Trent and Uttoxeter.
- 2.2. The main town in the Borough, Burton upon Trent, is a sub-regional centre. The town is divided by the River Trent with the bulk of employment, services and the town centre on the western side and a large residential area on the eastern side. The town is home to a number of major employers, a strong retail offer, a hospital with an A&E facility and a college of education affiliated to a number of Universities.
- 2.3. Uttoxeter is a traditional market town with a sphere of influence extending into the Derbyshire Dales, Staffordshire Moorlands and Stafford districts and offers a range of services typical of this type and size of town.
- 2.4. At the last count the population of East Staffordshire was approximately 114,900 in 2013.
- 2.5. The Borough has a rich natural and historic heritage with beautiful countryside and historic towns and villages. The National Forest includes a significant area within East Staffordshire, and Burton upon Trent is the “capital” of the National Forest.
- 2.6. Licensing authorities are required by the Gambling Act 2005 to publish a statement of principles which they propose to apply when exercising their functions in accordance with the legislation. This policy must be published at least every three years. The policy must also be reviewed from “time to time” and any amended parts re-consulted upon. The policy must be then re-published.
- 2.7. East Staffordshire Borough Council consulted widely on this policy before finalising and publishing. A list of those persons consulted is provided below.
- 2.8. 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.

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List of persons this authority consulted:

- Staffordshire Police
- Staffordshire County Council Children’s Services (Safeguarding)
- Public Health
- Existing operators of premises requiring licences under the Gambling Act 2005
- National Associations representing the Gambling industry
- Companies in the area who provide gaming machines
- Parish Councils across East Staffordshire
- Organisations dealing with gambling addiction and gambling problems
- The general public via the Council’s website

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Our consultation took place between \*\*\*\*\*~~and~~\*\*\*\*\* and we referred to the current Code of Practice on consultations by government. A full version of the code of practice is available ~~on the Better Regulation Executive web site~~ at: <http://www.bis.gov.uk/files/file47158.pdf>  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/691383/Consultation Principles 1 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles_1_.pdf)

The full list of comments made and the consideration by the Council of those comments will be available on the Council’s website under the “Consultations” section.

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

Name: The Licensing Team  
 Address: East Staffordshire Borough Council, PO Box 8045, Burton upon Trent, Staffordshire, DE14 9JG.  
 E-mail: [licensing@eaststaffsbc.gov.uk](mailto:licensing@eaststaffsbc.gov.uk)

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

The policy was approved at a meeting of the Full Council on XXXXXX and was published via our website on XXXXXX. The Policy is effective from XXXX.

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### 3. Declaration

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

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3.2.2.10. In producing the final policy, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy.

### 4.3. Responsible Authorities

4.1.3.1. The Act empowers certain agencies to act as responsible authorities so that they can apply their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.

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4.2.3.2. The Council is required by regulations to state the principles it will apply to designate, in writing, to a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

4.3.3.3. In accordance with the regulations the council designates the Staffordshire Leas Safeguarding Children Board for this purpose.

4.4.3.4. The contact details of all the Responsible Authorities under the Gambling Act 2005 are detailed at APPENDIX D of this document.

### 5.4. Interested parties

5.1.4.1. Interested parties are certain types of people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

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'a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues

the licence or to which the applications is made, the person':

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- has business interests that might be affected by the authorised activities, or
- represents persons who satisfy the first two points.

5.2.4.2. The Council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits.
- The Council will not apply a rigid rule to its decision making.
- It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
- Within this framework the Council will accept representations made on behalf of residents and tenants association.

In order to determine if an interested party lives or has business interests, sufficiently close to the premises that are likely to be affected by the gambling activities, the Council will consider factors such as the size of the premises and the nature of the activities taking place.

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If there are any doubts then please contact -The Licensing Team, East Staffordshire Borough Council, PO Box 8045, Burton upon Trent, Staffordshire, DE14 9JG. Tel 01283 508506 or via e-mail [licensing@eaststaffsbc.gov.uk](mailto:licensing@eaststaffsbc.gov.uk)

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## 6.5. Exchange of Information

6.1.5.1. Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regard to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

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6.2.5.2. The principle that the Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 and the General Data Protection Regulation will be complied with~~1998 will not be contravened.~~ The Council is a signatory to the One Staffordshire Information Sharing Protocol between partner agencies operating within Staffordshire. The Council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers



provided in the Gambling Act 2005.

## **7.6. Enforcement**

**7.1.6.1.** The Council will work closely with the responsible authorities and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

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**7.2.6.2.** In carrying out its enforcement duties with regard to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the Council will follow its corporate enforcement policy and will endeavour to be:

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

**7.3.6.3.** The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

**7.4.6.4.** The Council has adopted a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.

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**7.5.6.5.** The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.

**7.6.6.6.** The Council will also keep itself informed of developments as

regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7.6.7. The Council's Enforcement Policy will be available upon request.

## 8.7. Licensing Authority functions

8.4.7.1. Licensing Authorities are responsible under the Act for the:

- licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue of Provisional Statements
- Regulation of members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing of Club Machine Permits to Commercial Clubs
- Granting of permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving of notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or less gaming machines
- granting of Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Registering of small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and Endorsing of Temporary Use Notices
- Receiving of Occasional Use Notices (for tracks)
- Provision of information to the Gambling Commission regarding details of licences issued (see section above on exchange of information)
- ~~Maint~~ Maintenance of ~~aini~~ ng registers of the permits and licences that are issued under these functions

7.2. The Council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.

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## PART B PREMISES LICENCES

### 1. General Principles

1.1. The Council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.

1.2. Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.

1.3. Applicants should be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice. The Codes of Practice are available at:

<http://www.gamblingcommission.gov.uk?Publications-consultations/LCCP.aspx>

1.3.

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

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

#### Definition of "premises"

1.4. Premises are defined in the Act as "any place". Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.

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- 1.5. The Council will take care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the Council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- 1.6. The Council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access; compatibility of the two establishments; and 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.
- 1.7. An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

#### Location

- 1.8. The Council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 1.9. With regard to these objectives it is the Council's policy, upon receipt of any relevant representations to look at specific location issues including:
- The possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area
  - The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
  - The size of the premises and the nature of the activities taking place
  - Any levels of organised crime in the area.
- 1.10. The Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under

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section 10, for licensees to assess The local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

1.11. The Licence Conditions Code of Practice goes on to specify that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances, including those identified in this policy
- when there is significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertakes a local risk assessment when applying for a new premises licence.

1.12. The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area
- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

1.13. In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

1.14. Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored
- The layout of the premises so that staff have an unobstructed view of persons using the premises
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons on the premises

- Arrangements for monitoring and dealing with underage persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self exclusion schemes, window displays and advertisements not to entice passers-by etc
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and the other prominent first language for that locality
- Where the application is for a betting premises licence, other than in respect of a track the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

1.15. Such information may be used to inform the decision the Council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

1.16. This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

#### **Duplication with other regulatory regimes**

1.17. The Council will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.

#### **Promotion of the Licensing objectives**

2. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

2.1. The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operator licences. The Council's main role is to promote this area with regard to the actual premises. Thus, where an area has known high levels of organised crime the Council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervisors.

2.2. There is a distinction between disorder and nuisance. In order to make the distinction when incidents of this nature occur, the Council will consider factors such as whether police assistance was required and how

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threatening the behaviour was.

2.3. Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.

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### 3. Ensuring that gambling is conducted in a fair and open way

3.1. The Council is aware that except in the case of tracks generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

3.2. However the Council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commissions Licence Conditions and Code of Practice (LCCP).

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

#### Protection of children

4.1. The licensing objective means preventing children from taking part in most types of gambling. The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

4.2. The Act provides the following definition for child and young adult in Section 45:

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Meaning of "Child" and "young person":

- In this Act "child" means an individual who is less than 16 years old
- In the Act "young person" means an individual who is not a child but who is less than 18 years old.

For the purposes of this section protection of children will encompass both child and young person as defined by the Act.

4.3. The council will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises, such as casinos, or in relation to specific gambling sectors.



## Protection of vulnerable people

4.4. The Council is aware of the difficulty in defining the term “vulnerable person”.

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4.5. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” but will for regulatory purposes assume that this group includes people: “who gamble more than they want to; people who gamble beyond their means; elderly persons and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.” The Council will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

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4.6. The Department of Health document “No Secrets” offers a definition of a vulnerable adult as a person:

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“Who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation”.

4.7. In the case of premises licence the Council is aware of the extensive requirements set out for operators in the Gambling Commission Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self exclusion
- Employment of children and young persons.

4.8. All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The Council will communicate any concerns to the Gambling Commission about any absence of this required information.

4.9. Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- Leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- Training for staff members which focus on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- Trained personnel for the purposes of identifying and providing support to vulnerable persons
- Self exclusion schemes
- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Posters with Gamcare Helpline and website in prominent locations
- Windows, entrances and advertisements to be positioned or designed not to entice passersby.

4.10. It should be noted that some of these measures form part of the mandatory conditions placed on the premises licences.

4.11. The Council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

## 5. Conditions

5.1. The Council is aware that the Secretary of State has set mandatory conditions and default conditions and that the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

5.2. Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will attach individual conditions to address this.

5.3. Any conditions attached to a licence issued by the council will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
- fairly and reasonably related to the scale, type and location of premises; and

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- reasonable in all other respects.

5.4. Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

5.5. Where certain measures are not already addressed by the mandatory default conditions or by the applicant, the Council may consider licence conditions to cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances
- Supervision of machine areas
- A reduction in the number of betting machines (betting premises)
- The manning of premises
- Physical separation of areas
- Location of entrance points
- Notices/signage

5.6. The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. Applicants will be expected to satisfy the Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

5.7. Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission codes of practice or by the applicant, the Council may consider licence conditions to address such issues.

## 6. **Door Supervision**

6.1. The Council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority (SIA). Where door supervisors are provided at these premises the operator should ensure that

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any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal record check (DBS) on potential staff and for such personnel to have attended industry recognised training.

## 7. **Adult Gaming Centres**

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7.1. Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many city centres.

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7.2. Under the Act premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.

7.3. The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The Council will expect the applicants to satisfy the authority that there will be sufficient measures to ensure, that under 18 year olds do not have access to the adult only gaming machines areas.

## 8. **(Licensed) Family Entertainment Centres**

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8.1. Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located.

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8.2. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor marking or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high.
- Only adults are admitted to the area where the machines (category C) are located
- Access to the area where the machines are located is supervised at all times
- The area where the machines are located is arranged so that it can be observed by staff; and

- At the entrance to, and inside such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.3. The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The Council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

8.4. The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

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8.5. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- Appropriate measures and training for staff as regards suspected truant children on the premises
- Measures and training covering how staff would deal with unsupervised very young children being on the premises.
- Measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover the the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Staffordshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

8.6. Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be DBS checked.

8.7. The Council will refer to the Commission's website to familiarise itself any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of any mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

## 9. Casinos

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9.1. There are currently no casinos within East Staffordshire and the local authority has not submitted a request to be considered for one of the new casino licences to be issued.

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

## 10. Bingo premises

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10.1. There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act.

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10.2. The Council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
- children will not be admitted to bingo premises unless accompanied by

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an adult.

10.3. The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The Council will take this into consideration when determining licence applications for bingo premises.

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10.4. Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

## 11. Betting premises

11.1. Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self contained facilities at race courses as well as the general betting premises licences that track operators will require.

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### *Betting machines*

11.2. The Council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of staff to monitor the use of the machines.

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11.3. Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including Fixed Odds Betting Terminals (FOBT's), then applicants should consider the control measures related to the protection of vulnerable persons.

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11.4. Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

## 12. Tracks

12.1. Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on

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tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and also general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.

12.2. All tracks will require a primary ‘general betting premises licence’ that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.

12.3. Tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.

12.4. If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator’s premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.

12.5. Gambling Commission guidance also indicates<sup>s</sup> that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licence, e.g. a casino premises licence or adult gaming centre premises licence.

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12.6. Children and young people will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.

12.7. The Council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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#### *Betting machines*

12.8. The Council is aware that Section 181 of the Act contains an express

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power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.

- 12.9. Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

### 13. Travelling Fairs

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- 13.1. Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in a similar fashion under the new Act.
- 13.2. Travelling fairs have the right to provide an unlimited number of category D machines and / or equal chance prize gaming (without a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.
- 13.3. The Council will consider whether and fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 13.4. The Council is aware 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 council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

### 14. Provisional Statements

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- 14.1. A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so that the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which

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already hold a premises licence (either for a different type of gambling or the same type).

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

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

14.3. When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

## 15. Reviews:

15.1. A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may be amended or new conditions added.

15.2. Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with this authority's Gambling Act 2005 ~~s~~Statement of ~~L~~Licensing ~~P~~policy.

In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

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

15.4. Once a valid application for a review has been received by the Council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application is received by the Council, which will publish notice of the application within 7 days of receipt.

15.5. The Council must carry out the review as soon as possible after the 28 day period for making representations has ended.

15.6. The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to the Council are to:-

- a) add, remove or amend a licence condition imposed by the licensing authority
- b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such exclusion;
- c) suspend the premises licence for a period not exceeding three months; and
- d) revoke the premises licence.

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

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In particular, the Council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the Council must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Gambling Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

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**PART C****Permits / Temporary & Occasional Use Notice**

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**1. Unlicensed Family Entertainment Centre gaming machine permits (UFECs)**

1.1. The 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.

1.2. The Gambling Act 2005 contains provision for local authorities to prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, paragraph 7 of the Act states in preparing this statement, and/or considering applications, it (the council) need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

1.3. In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

**Statement of Principles**

1.4. The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

1.5. 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 and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises
- The arrangements for supervision of premises either by staff or the use of CCTV. Any SSTC system installed should cover both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Staffordshire Police and the local authority. The system must record images clearly and these recordings be

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retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

1.6. Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the independent Safeguarding Authority to determine if their staff needs to be DBS checked.

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1.7. The council will also expect that, as per the Gambling Commissions Guidance that applicants demonstrate

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

1.8. In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “statement of Principles” have been addressed through the application.

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1.9. Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

## 2. **Gaming machine permits in premises licensed for the sale of alcohol**

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2.1. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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- 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 licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

- 2.2. If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the council must consider that application 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 they think relevant.” The council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.
- 2.3. All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.
- 2.4. Measures which may satisfy the council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised.. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as Gamcare.
- 2.5. The council can decide to grant the 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.
- 2.6. 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(s).
- 2.7. It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 2.8. Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission.

### 3. **Prize Gaming Permits**

- 3.1. Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator

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before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.

- 3.2. A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 3.3. The Gambling Act 2005 contains provision for local authorities to prepare a Statement of principles that they propose to consider in determining the suitability of the applicant for a permit. Schedule 14, Para 8 of the Act states, "in preparing this statement, and/or considering applications it (the council) need not (but may) to have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission.
- 3.4. In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:

#### Statement of principles

- 3.5. The council will expect the applicant to show that there are policies and procedures in place to protect children from. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 3.6. 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 and training covering how staff would deal with unsupervised very young children being on the premises,
  - measures and training covering how staff would deal with children causing perceived problems on or around the premises.
  - The arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Staffordshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 3.7. Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with

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the Independent Safeguarding Authority to determine if their staff needs to be DBS checked.

3.8. The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible;
- and that the gaming offered is within the law.

3.9. In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.

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3.10. Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

3.11. There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are:

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

#### 4. Club Gaming and Club Machines Permits

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4.1. Members Clubs and Miners’ Welfare Institutes may apply for a ‘Club Gaming Permit’ or a ‘Club machine permit’. The ‘Club Gaming Permit’ will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming i.e. Poker, bingo etc. A ‘Club machine permit’ will enable the premises to provide gaming machines (3 machines of categories B4, C or D). Commercial clubs may apply for a ‘club machine permit’ only.

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4.2. To qualify for these special club permits a members club must have at least 25 members and be established and conducted “wholly or mainly” for

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purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

4.3. Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:

- The machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised.
- Notices and signage
- The provision of information leaflets/helpline numbers for organisations such as Gamcare.

4.4. Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and the majority of members are over 18.

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

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young person's;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

4.6. There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced." and "The grounds on which an application under the process may be refused are:

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

## 5. Temporary Use Notices

5.1. Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.

5.2. Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.

5.3. Only persons or companies holding a relevant operating licence, can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.

5.4. A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place.

5.5. The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The Council considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of "a set of premises", the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

## 6. Occasional Use Notices (for tracks)

6.1. There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.

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6.2. The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

## 7. **Small Society Lottery registrations**

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7.1. A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

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7.2. The Act creates two principle classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

7.3. A small society lottery is a lottery promoted on behalf of a non commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in East Staffordshire and want to run such lottery.

7.4. 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.

7.5. To be 'non-commercial' a society must be established and conducted:

- For charitable purposes
- For the purpose of enabling participation in, or supporting, sports, athletics or a cultural activity; or
- For any other non-commercial purpose other than that of private gain.

7.6. The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'.

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7.7. The National Lottery is not regulated by the Commission, but continues to be regulated by the National Lottery Commission under the National Lottery Act 1993

## 8. **Territorial applications**

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### **Vessels**

8.1. Vessels such as cruise ships, ferries, boats and hovercrafts are required to have premises licence if commercial gambling is provided at them.

However if a vessel is engaged on a journey into or from international waters, then no premises licence is required.

## Vehicles

8.2. No premises licences can be issued in respect of a vehicle. In addition to a car, lorry or coach the Act also provides that 'vehicle' includes a train, aircraft, seaplane and any amphibious vehicle other than a hovercraft. There is no exemption for international travel. Whilst this is ultimately a matter for the courts it is the Commission's view that a vehicle remains a vehicle not only when stationary but also if located permanently at a particular site, perhaps with its wheels removed but capable of being reinstated.

## Aircraft

8.3. No offence occurs if gambling is conducted on an aircraft which is in international space. As an aircraft is a vehicle, no premises licences can be granted to aircraft for gambling in domestic airspace.

## Airports

8.4. The Act applies to all parts of an airport including both domestic and international departure halls. Therefore any business that would normally require a premises licence will also require a licence to operate at an airport.

8.5. Due to differences in jurisdictional application, there is an anomaly in respect of granting gaming machine permits to pubs and bars where alcohol is sold airside in airports.

8.6. In England and Wales, the Licensing Act 2003 applies to pubs and bars in the domestic part of the airport and therefore these businesses are able to qualify for the automatic gaming machine entitlement or can apply for a gaming machine permit for more than two gaming machines.

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## Definitions

- Chief Officer of Police – the Chief Constable of Staffordshire Police
- Premises Licence – a licence for a premises used for gambling
- Provisional Statement – a pre-cursor to a Premises Licence for premises which are not yet constructed, expect to be altered or expect to be obtain a right to occupy
- Club Gaming Permit – a licence available to Members' Clubs and Miners' Welfare Institutes which authorise the use of gaming machines
- Club Machine Permit – a permit which allows a holder to have up to three gaming machines in total (categories B4, C or D)
- Licensed Family Entertainment Centres – licensed premises with category C and D gaming machines
- Unlicensed Family Entertainment Centres – premises with only category D gaming machines
- Licensed Premises Gaming Machine Permits – permits which are issued to premises licensed for the sale of alcohol (under the Licensing Act 2003)
- Small Society Lottery – lotteries run by non-commercial societies
- Prize Gaming Permits – permit issued to allow facilities for gaming with prizes
- Temporary Use Notice – a notice allowing a premises which does not hold a Premises Licence to be used temporary for gambling purposes
- Occasional Use Notice – a notice that allows betting at a track where this occurs on eight days or less each year
- LGA Local Government Association
- Tracks – sites (including horse racecourses and dog tracks) where races or other sporting events take place
- Category A Gaming Machine – a gaming machine with an unlimited stake and an unlimited prize
- Category B1 Gaming Machine – a gaming machine with a ~~an~~ £52 maximum stake and a ~~an~~ £104,000 maximum prize
- Category B2 Gaming Machine – a gaming machine with a ~~an~~ £100 maximum stake and a ~~an~~ £500 maximum prize
- Category B3 Gaming Machine – a gaming machine with a ~~an~~ £24 maximum stake and a ~~an~~ £500 maximum prize
- Category B3A Gaming Machine – a gaming machine with a ~~an~~ £24 maximum stake and a ~~an~~ £500 maximum prize
- Category B4 Gaming Machine – a gaming machine with a ~~an~~ £24 maximum stake and a ~~an~~ £40,250 maximum prize
- Category C Gaming Machine – a gaming machine with a ~~an~~ £1 maximum stake and a ~~an~~ £10,70 maximum prize
- Category D Gaming Machine – a gaming machine with a ~~an~~ 30p maximum stake and an £8 maximum prize (non money), £1 maximum stake and a £50 maximum prize (crane grab only) 10p maximum stake and an £5 maximum monetary prize 10p maximum stake and an £8 (of which no more that £5 may be a money prize) maximum prize (combined), 20p maximum stake and a £20 (of which no more than £10 may be a money prize) maximum prize (coin pushers/penny falls machines)

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**Appendix A: Summary of machine provisions by premises**

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
<b>Betting premises and tracks occupied by pool betting</b>			Maximum of 4 machines categories B2 to D (except B3A machines)				
<b>Bingo premises (1)</b>			maximum 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 (was Cat B)			No limit on category C or D machines	
<b>Adult gaming centre (2)</b>			maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4 (was Cat B)			No limit on category C or D machines	
<b>Family entertainment centre (3)</b>						No limit on category C or D machines	
<b>Family entertainment centre (with permit) (3)</b>						No limit on category C or D machines	
<b>Clubs or miners' welfare institute (with permits) (4)</b>					Maximum of 3 machines in categories B3A or B4 to D		
<b>Qualifying alcohol-licensed premises</b>					1 or 2 machines of category C or D automatic upon notification		
<b>Qualifying alcohol-licensed premises (with gaming machine permit)</b>					Number of category C-D machines as specified on permit		

▲ Travelling fair							▲ No limit on category D machines
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- (1) Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines
- (2) Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available for category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines
- (3) Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within a licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
- (4) Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.
- (5) Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

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### Appendix B: Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
<b>A</b>	Unlimited – No category A gaming machines are currently permitted	
<b>B1</b>	£5	£10,000*
<b>B2</b>	£100	£500
<b>B3A</b>	£2	£500
<b>B3</b>	£2	£500
<b>B4</b>	£2	£400
<b>C</b>	£1	£100
<b>D - non-money prize</b>	30p	£8
<b>D – non-money prize (crane grab machine)</b>	£1	£50
<b>D (money prize)</b>	10p	£5
<b>D - combined money and non-money prize</b>	10p	£8 (of which no more than £5 may be a money prize)
<b>D - combined money and non-money prize (coin pusher or penny falls machine)</b>	20p	£20 (of which no more than £10 may be a money prize)
<ul style="list-style-type: none"> <li>• With option of max £20,000 linked progressive jackpot on the premises</li> </ul>		

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### Appendix C: Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist clubs	Members' club or commercial club with club machine permit	Members' club, comm. club or MW institute without a club gaming/machine permit	Pubs and other alcohol-licensed premises
<b>Equal chance gaming</b>	Yes	Bridge and/or Whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Poker</b> £1000 per week £250 per day £10 per person per game <b>Other gaming</b> No limit	<b>Cribbage &amp; dominoes</b> No limit <b>Poker</b> £100 per premises per day <b>Other gaming</b> £5 per person per game
<b>Limits on prizes</b>	No limit	No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £250 per game <b>Other gaming</b> No limit	<b>Poker</b> £100 per game <b>Other gaming</b> No limit
<b>Maximum participation fees – per person per day</b>	<b>Bridge and/or whist*</b> £20 <b>Other gaming</b> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<b>Bridge and/or Whist*</b> £18 <b>Other gaming</b> £3 (commercial club) £1 (members' club)	<b>Bridge and/or whist*</b> £18 <b>Other gaming</b> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo**</b>	Maximum of £2,000 per week in	No bingo permitted	Maximum of £2,000 per week in stakes/prizes.	Maximum of £2,000 per week in stakes/prizes.	Maximum of £2,000 per week in stakes/prizes.

\* On a day when no other facilities for gaming are provided

\*\* if more than the maximum, then an operating licence will be required

Draft Version 1.0 September 2018 for consultation Version 1.0 review of 2015  
08/07/15

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## Appendix D – List of Responsible authorities

<p>Licensing Team East Staffordshire Borough Council The Maltsters Wetmore Road Burton upon Trent Staffordshire DE14 1LS</p> <p>Tel: 01283 508506 <a href="mailto:licensing@eaststaffsbc.gov.uk">licensing@eaststaffsbc.gov.uk</a> <a href="http://www.eaststaffsbc.gov.uk">www.eaststaffsbc.gov.uk</a></p>	<p>Police Licensing Officer Trent Valley Police Division The Police Station Horninglow Street Burton upon Trent Staffordshire DE14 1PA</p> <p>Tel: 01785 234722</p>
<p>Corporate Director for Social Care &amp; Health Walton Buildings PO BOX 11 Martin Street Stafford ST16 2LH</p> <p>Tel: 01785 277157</p>	<p>Enforcement Team East Staffordshire Borough Council The Maltsters Burton upon Trent Staffordshire DE14 1LS Tel: 01283 508479</p>
<p>Planning Delivery Team East Staffordshire Borough Council The Maltsters Burton upon Trent Staffordshire DE14 1LS</p> <p>Tel: 01283 508628</p>	<p>Health and Safety Team East Staffordshire Borough Council The Maltsters Burton upon Trent Staffordshire DE14 1LS</p> <p>Tel: 01283 508653</p> <p>Or</p>
<p>Pollution Team East Staffordshire Borough Council The Maltsters Burton upon Trent Staffordshire DE14 1LS</p> <p>Tel: 01283 508509</p>	<p>Health &amp; Safety Executive Marches House Midway Newcastle Under Lyme Staffordshire ST1 5DT</p> <p>Tel: 01782 602300</p>
<p>Trading Standards Staffordshire County Council Consumer Services Section Martin Street Stafford ST16 2LG</p> <p>Tel 01785 277888</p>	<p>The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP</p>

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Staffordshire Fire & Rescue Service Fire Safety Officer Moor Street Burton upon Trent Staffordshire DE14 3SU  Tel: 01283 563821	H M Revenue & Customs Crownhill Court Tallyour Road Plymouth PL6 5BZ
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## Appendix E

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### Local Area Profile and Local Risk Assessments Guidance to Operators

#### Local Area Profile

The following area profile has been included to facilitate operators being able to better understand the environment within East Staffordshire and therefore proactively mitigate risks to the licensing objectives.

East Staffordshire Borough Council has a total of 19 gambling premises licences.

The breakdown of those licences by type and location is given below:

#### By premises:

Betting - 14  
 Betting (Track) - 1  
 Bingo - 2  
 Adult Gaming Centres (AGC's) - 2

#### By location:

Burton Town Centre - 8  
 Uttoxeter Town Centre - 4  
 Burton Suburbs - 7

In Burton Town Centre there are 8 betting premises a figure which has remained stable since inception of the Act.

Betting premises can also be found in some of the smaller communities of Anglesey, Tutbury, Branston, Horninglow, Stapenhill and Shobnall.

There are 2 Adult Gaming Centres within Burton Town Centre which are situated on Middleway and High Street. There are 2 bingo premises located in Burton Town Centre these are located within Middleway and Station Street.

The authority has one Track Betting Premises licence within its locality set away from Uttoxeter Town Centre.

Underage gambling is deemed low risk following visits to the licensed premises. There are new schools and housing being built in the area but currently it is deemed as low risk that the extra population will adversely alter the demographic of those who regularly gamble. However this will be reviewed in future policy

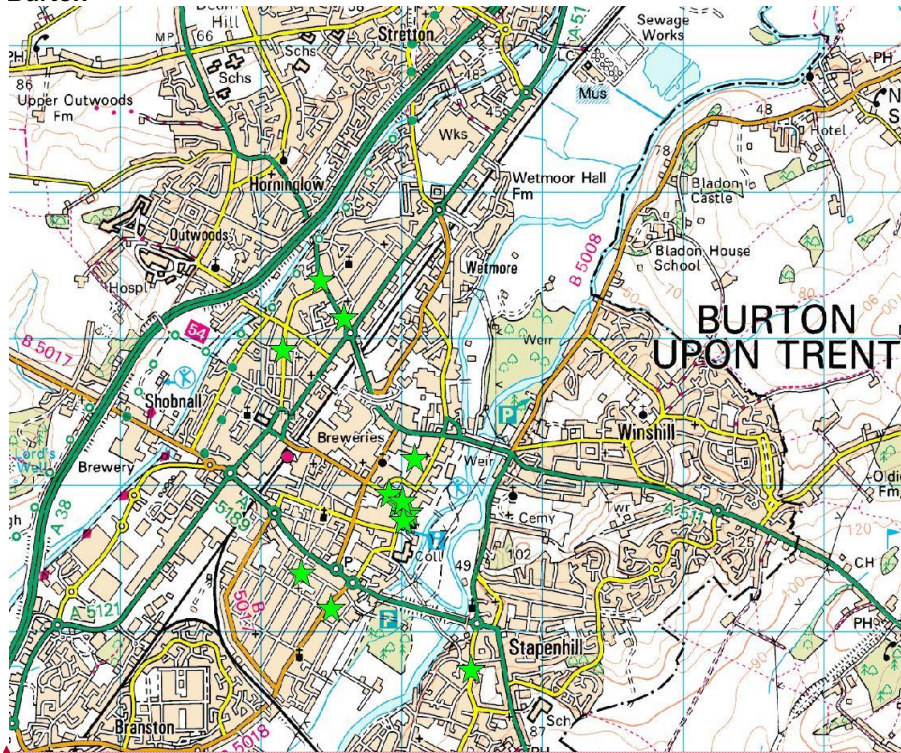
documents.

Recent enquires with local betting premises in relation to the use of B2 or fixed odds betting terminals (FOBT) seems to show that there is no excessive use of the machines and proper control and monitoring of these machines by the licence holders is in place. Inspections by Licensing and Enforcement Officers have highlighted a high level of compliance by the industry and this is backed up by the historically low – almost nil – complaints received about individual premises. This authority will continue to ensure high compliance levels are maintained.

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### Location of Premises

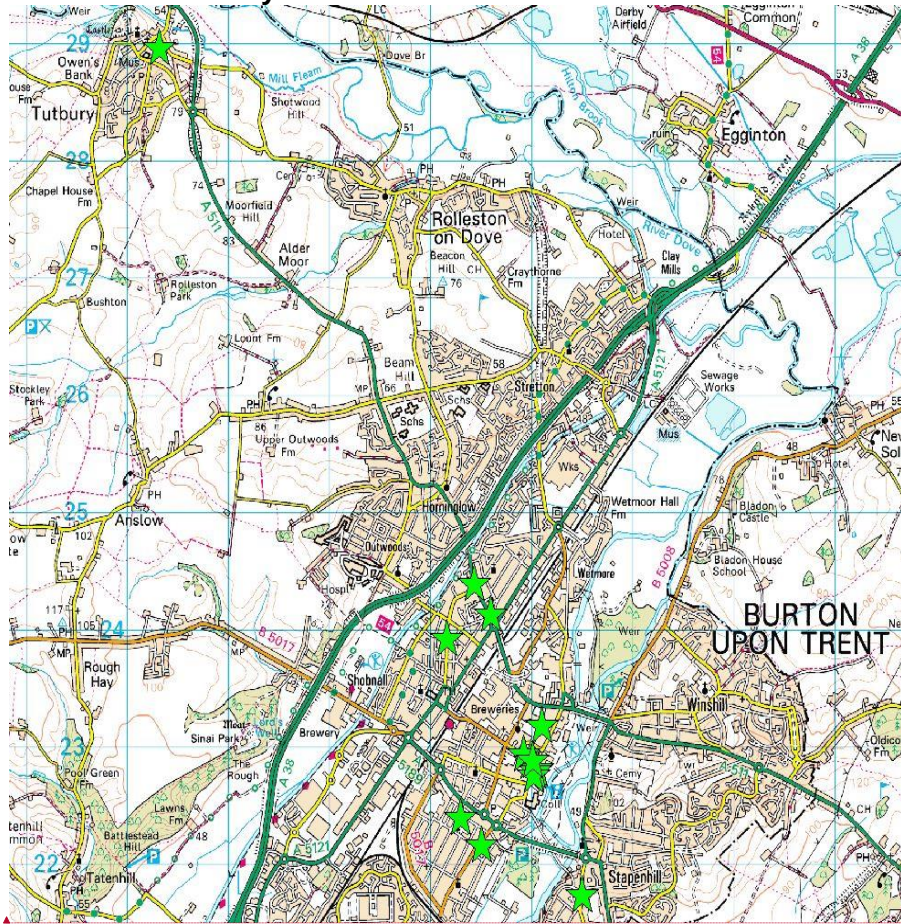
#### Burton



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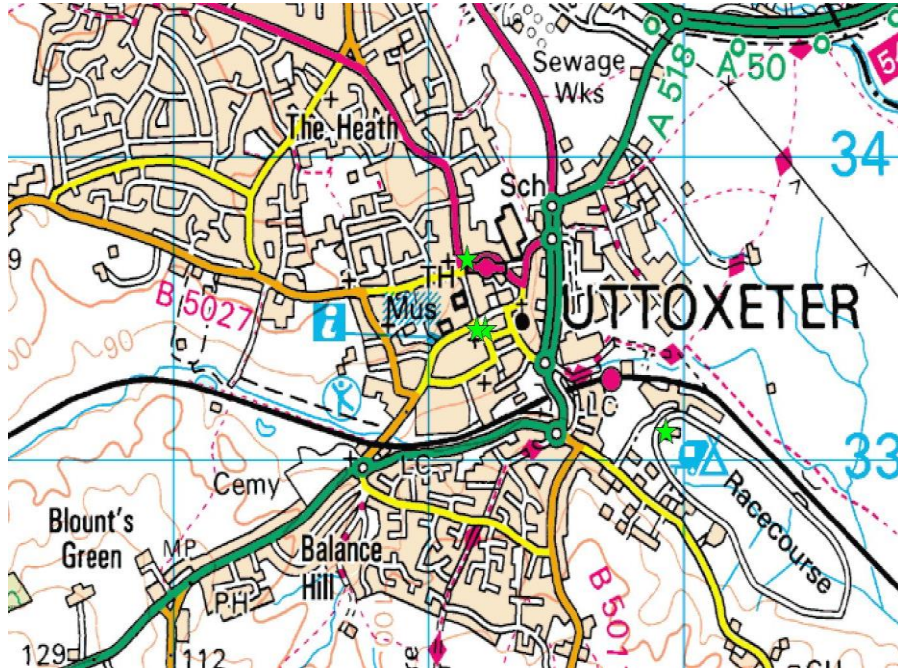
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### Burton and Tutbury



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Uttoxeter



## Local Risk Assessment Guidance

### Introduction

The Gambling Commission (the Commission) has introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks.

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This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

Local risk assessment apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited and betting intermediary licences).

The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This movement towards increased partnership working is something that East Staffordshire has been doing for a number of years. We have found that a risk-based approach to regulation enables the authority to prioritise resources where they are most needed and can be most effective.

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The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

This guidance is issued to assist gambling operators in undertaking and preparing their local (premises) risk assessments. This guidance provides a framework for the local risk assessment process that will provide a uniform approach across all non-remote gambling sectors. This will benefit the Council as Licensing Authority under the Gambling Act 2005 (the Act), as well as responsible authorities and interested parties when considering new and variation applications. The local risk assessments will also enable the Council to establish a more progressive compliance inspection regime.

Gambling operators will be required to undertake a risk assessment for all of their existing premises by 6<sup>th</sup> April 2016. Following that date operators must also undertake a review of those assessments when certain triggers are met. These triggers, along with the Council's views on what would instigate either a



new assessment or the review of an existing one are detailed within this guidance document.

The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Council will assist operators in this process by providing information on its profile surrounding gambling within the Borough.

This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

### **Background**

East Staffordshire Borough Council is a Licensing Authority under the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within East Staffordshire. The Licensing Authority also has a role in gambling regulation by ensuring compliance with the Act.

The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and the way that gambling operators carry on their activities.

They are:

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.
- (b) ensuring that gambling is conducted in a fair and open way.
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers where appropriate, for example to attach conditions to licences to moderate their impact on the licensing objectives, rather than by setting out to prevent gambling altogether. The Licensing Authority will set out how it intends to carry out its functions under the Act in its Statement of Licensing Principles, also known as Licensing Policy. This statement is kept under review and is updated every three years (as a minimum).

The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for

gambling. As a requirement of these operating licences operators must ensure that they comply with and meet the requirements of the LCCP.

Although gambling is a legal entertainment activity it can, in some locations have a negative impact on individuals and the wider community. The Council looks to understand how gambling can affect its residents and visitors. The Council also looks to identify individuals who live in the local area who are potentially vulnerable to gambling related harm.

In February 2015, the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based on gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. The relevant provisions of the code state:

#### **Social responsibility code provision 10.1.1**

##### **Assessing local risk**

**All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.**

This provision ~~came~~<sup>comes</sup> into force on 6 April 2016

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2. Licensees must review (and update as necessary) their local risk assessments:
  - a. to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
  - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - c. when applying for a variation of a premises licence; and

**d. in any case, undertake a local risk assessment when applying for new premises licence.**

#### **Ordinary code provision 10.1.2**

##### **Sharing local risk assessments**

**All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences**

This provision **came into effect** into force on 6 April 2016

- 1 Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.**

These code provisions **came into effect** into effect on 6<sup>th</sup> April 2016. As a result, all premises that provide facilities for gambling within East Staffordshire must be assessed to identify the local risks posed by the provision of gambling facilities in their respective locations. This guidance will assist operators in complying with these code provisions.

#### **Risk assessment trigger**

The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. This section sets out the Licensing Authority's views on what these triggers are and when operators should provide a copy of their assessments to the Licensing Authority.

#### **New premises**

If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out. That assessment should be based on how the premises are proposing to operate at the premises and should take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

#### **Significant changes in local circumstances**

Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles
- Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby
- Any new pay day loan or pawn brokers open in the local area
- Changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area)
- A new gambling premises opens in the local area

The list above is not an exhaustive list of significant changes in local circumstances. Operators must consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possibly an amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

**Significant changes to the premises**

From time to time operators will undertake a refurbishment of the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

The following list sets out some examples of what could be considered to be significant changes to the premises (some of which may also require a variation to the existing premises licence). As with the examples of significant changes in local circumstances set out above, the following list is not an exhaustive list of significant changes to premises - operators must consider whether any change that they are proposing to their premises is one that may be considered significant.

- Any building work or premises refit where gambling facilities are relocated within the premises
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, and hand held gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises

The Licensing Authority will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

#### **Variation of the premises licence**

Variations to premises licences are only those required to be made under section

187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

When preparing an application to vary the premises licence the operator must undertake a review of the local risk assessment and update it if necessary. Operators submitting a variation application to the Licensing Authority should provide a copy of the reviewed local risk assessment when submitting the application.

If an operator wishes to vary a converted casino premises licence from one premises to another then a new risk assessment will be required for that new premises and a copy of that assessment must be submitted to the Licensing Authority with the application form.

### **Regular review of risk assessment**

As a matter of best practice the Licensing Authority recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

### **Local risks and control measures**

There are two specific parts to the risk assessment process, the assessment of the local risks and the determination of appropriate mitigation to reduce those risks.

The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives. The gambling operator will be expected to identify and list all of the local risks within the assessment. The level of such risks can range from being low to very high depending on the potential impact they can have on the licensing objectives. The level of any given risk will have a direct impact on the type and extent of the control measures necessary to mitigate such risk.

This process is not new to gambling operators as they are already undertaking elements of this assessment, albeit in a far less formalised way. Operators will already be assessing locations when looking for new sites or when reviewing the performance of their premises. The design of premises is also assessed to ensure that they will meet the needs of the gambling operation, will provide protection for staff and customers; and will have facilities for recording crime. Operators will also have implemented policies and procedures for the operation of premises in line with statutory and other regulatory requirements placed upon

them by the Commission and other agencies.

Operators will already be familiar with identifying risks in relation to health and safety and food hygiene legislation. Risk assessments are also used for security and crime purposes, for example for money laundering and as part of trade association best practice, such as the Safe Bet Alliance.

This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. Operators must consider the local area in which the premises are situated, the gambling operation and the premises both internally and externally.

### **Local area risks**

There are a number of factors relating to the local area that operators will need to consider which is independent of who the operator believes is their target market. A few examples of these factors are listed below:

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise of residents, workers or visitors, is it a family orientated area, popular with children and young people
- Transport links and parking facilities
- Educational facilities
- Community centres
- Hospitals, mental health or gambling care providers
- Homeless or rough sleeper shelters, hostels and support services
- The ethnicity, age, economic makeup of the local community.

The local area will be different depending on the premises and the size of its operation. For example a bingo hall may have a wider catchment area than a neighbourhood betting shop as the bingo hall attracts customers from further afield.

### **Gambling operational risks**

The gambling operation relates to how the premises will be or is run. This will include the operator's policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP. It will also include other elements such as:

- the gambling products it provides in the premises
- the facilities to enable gambling within premises
- marketing material within premises
- standard shop fixtures and their design
- security and crime prevention arrangements
- shop displays and provision of information to customers
- staffing levels
- Loyalty cards

It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.

The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

### **Premises design risks**

The design of the premises is an extremely important factor when considering local risks. For example, premises which are located within an area which has a high number of children and young people present throughout the day may identify that their standard external design means that children and young people can see into the premises and see gambling taking place. The appropriate mitigation in this case may be for the operator to amend the premises design by installing a screen or by covering the windows to obscure the interior of the premises. Such changes would be considered as control measures to mitigate the risk of attracting children to gambling.

As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives.



### **Interior design risks**

The internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as the distance between gaming tables and other gambling facilities in casinos, and restrictions on the location of ATM's.

Operators will need to assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

### **Exterior design risks**

The exterior of premises will be a major advertisement for the gambling operator. However, the design will need to be assessed based on the associated risk. Operators will identify the risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external CCTV cameras.

### **Control measures**

Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems will be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures will include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.

Design control measures should be built into the design of the premises. These can include the location of gambling facilities and the design and location of cashier counters within the premises, and the exterior design of premises. For

example, a control measure for the interior of the premises could involve moving a cashier counter from the rear of the premises to the front next to the main entrance. An external design control measure may involve the exterior design being tailored to address local risks, for example, more open window displays to enable staff to see out of the premises or a design to avoid attracting children to the premises.

The final control measures relate to specific physical measure that will address an identified risk factor. These physical control measures may, for example, include alarms, CCTV cameras, doors, magnetic locks, time locks on safes, spit kits, window shutters, fogging systems, UV lights in toilets.

As aforesaid, the control measures identified to mitigate a perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises, the operator may identify the following control measures:

- Systems:** PASS card or age verification policies, challenge 21/25 scheme, staff training and door staff.
- Design:** Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to watch those entering the premises and challenge them on the grounds of age.
- Physical:** Magnetic door locks and ID scans.

#### **Licence conditions**

As set out in the code provisions, applications for new premises licences and for variations to existing licences will require a local risk assessment. The control measures specified in these risk assessments may be incorporated into the new or varied premises licences through the imposition of appropriate conditions. The Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and codes of Practice, Operators may wish to suggest additional conditions to assist in formulating appropriate control measures to mitigate risks to the licensing objectives identified in their local risk assessments.

#### **Undertaking a local risk assessment**

A local risk assessment of gambling premises should be carried out through a step-by-step approach. The approach that the Licensing Authority suggests is to first assess the local area and identify the relevant risk factors, then to assess the gambling operation, and finally to assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented. To assist, the Licensing

Authority has developed a local risk assessment form that encompasses the step-by-step approach to the assessment (See Annex A). The form also enables the assessor to identify actions such as the installation or production of control measures, the individual made responsible for carrying out those actions, and to record when those actions were completed.

### **Assessor**

It will be the responsibility of the gambling operator to assign an assessor who will assess the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area.

#### **Step 1: The local area**

Operators will be expected to identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

The first step is to identify the local risk factors associated with the local area in which the premises are located. Local risk factors are risks that affect one or more of the licensing objectives.

The list below is a small example of some of the risk factors that may be present in an area where gambling premises are located

- The types of premises and their operation in the local area surrounding these premises
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people
- Transport links and parking facilities
- Educational facilities
- Community centres
- Hospitals, mental health or gambling care providers

- Homeless or rough sleeper shelters, hostels and support services
- The ethnicity, age, economic makeup of the local community
- significant presence of young children
- high crime area
- high unemployment area
- nearby alcohol or drug support facility
- pawn broker/pay day loan businesses in the vicinity
- other gambling premises in the vicinity.

#### Step 2: The gambling operation

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk. The assessor may wish to consider:

- how the gambling operation will relate to how the operator conducts its business
- what gambling products it provides in the premises
- the facilities to enable gambling within the premises
- the staffing levels within the premises
- the level and requirement for staff training
- whether loyalty or account cards are used or not
- the policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
- the security and crime prevention arrangements it has in place
- how it advertises locally and on the premises
- the marketing material within the premises

- the display and provision of information, etc.

### Step 3: The design of the premises

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

For example:

- the premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter
- the assessor may identify that the design of the entrance to the bingo hall is not sufficiently covered by CCTV to enable the identification of offenders
- premises which are located within an area which has a high number of children and young people present throughout the day, may identify that their standard external design means that children and young people can see into the premises and see gambling taking place
- if a premises has a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high

These would be identified risk factors that would need to be documented.

### Step 4: Control measures

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

### Completed assessment

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime. The Licensing Authority will assess the risks identified and the measures

implemented to mitigate those risks. When a completed assessment is provided with a new application or with a variation application, the authority will consider the assessment in the course of determining whether to grant the application or not. Some control measures identified in the assessment may be put forward as conditions to be attached to the licence to address any significant local concerns.

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## EAST STAFFORDSHIRE BOROUGH COUNCIL Local Gambling Risk Assessment

**Premises Name:** \_\_\_\_\_ **Premises Licence Number (If Applicable):** \_\_\_\_\_

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**Premises Address:** \_\_\_\_\_

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**Post Code:** \_\_\_\_\_

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**Category of gambling premises licence:** \_\_\_\_\_

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**Name of person completing the assessment:** \_\_\_\_\_

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**Date original assessment carried out:** \_\_\_\_\_

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▲ This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises.

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▲ Complete **a) - c)** with areas that may pose a risk to the licensing objectives by virtue of the provision of gambling facilities at the premises having regard to Local Area, Gambling Operation and premises design.

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**a)** Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

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**b) Ensuring that gambling is conducted in a fair and open way**

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**c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

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**d) Control measures** (based on the information above for a) – c), state the control measures you will put in place, e.g. systems, design and physical)

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Describe the steps you intend to take to promote the three licensing objectives:

**ACTIONS FOLLOWING ASSESSMENT**

AREA e.g local area, gambling operation, premises design	PERSON/DEPT TASKED	DATE TASKED	DATE TASK COMPLETED

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<b>Signed:</b>	<b>Date:</b>
<b>PRINT NAME:</b>	

For further guidance on completing this assessment or when this assessment must be reviewed please refer to Gambling Commission Guidance on Undertaking Gambling Local Area Risk Assessments para 6.41  
<http://www.gamblingcommission.gov.uk/pdf/GLA5---March-2015.pdf>

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