



## **Statement of Principles**

**2019-2022**

**Gambling Act 2005**

## **Introduction**

This statement of Policy in relation to the Gambling functions regulated by Tameside Metropolitan Borough Council (TMBC), outlines the approach that will be taken when dealing with the permissions it grants and enforces thereafter.

This Policy also identifies how the Authority will seek to promote the licensing objectives under the Act, namely:-

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

Partnerships are important, and with this in mind TMBC will work closely with the Gambling Commission, the Police and the other responsible authorities named within the Act. TMBC will also provide guidance and support, where possible, to the trade, residents and businesses.

All decisions in relation to gambling will be made having taken into account the three licensing objectives and each application will be dealt with on its merits.

This policy will come into effect on 31 January 2019 and will be reviewed no later than 31 January 2022.

In carrying out its gambling functions, TMBC will have regard to its Policy and the Guidance issued by the Gambling Commission.

An equalities impact assessment has been conducted in relation to this Policy and is available upon request.

# **Tameside Metropolitan Borough Council**

## **POLICY STATEMENT**

### **Under Section 349 of the Gambling Act 2005**

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## PART A

### POLICY STATEMENT

#### 1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way
  - Protecting children and other vulnerable persons from being harmed or exploited by Gambling
- 1.2 It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with the authority's statement of licensing policy

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

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.

#### 2. Declaration

- 2.1 In producing the final statement, this licensing authority will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

### **3. Responsible Authorities**

- 3.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 3.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.
- 3.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix A.

### **4. Interested Parties**

- 4.1 Interested parties can 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:
- "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - b) has business interests that might be affected by the authorised activities, or
  - c) represents persons who satisfy paragraph (a) or (b)"
- 4.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- 4.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. If in the particular circumstances of the application the licensing authority departs from the guidance it will explain its reasons for doing so.
- 4.4 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities

and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 4.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Panel dealing with the licence application. If there are any doubts then please contact the licensing section at Tame Street Depot, Tame Street, Stalybridge, SK15 1ST or on 0161 342 4262.

## **5. Exchange of Information**

- 5.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 5.2 The principle that this licensing authority 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 neither the Data Protection Act 2018, nor the General Data Protection Regulations (GDPR) 2018 will be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 5.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **6. Enforcement**

- 6.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 6.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavor 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.

- 6.3 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavor to avoid duplication with other regulatory regimes so far as possible.

- 6.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on;
- The licensing objectives
  - Relevant codes of practice
  - Guidance issued by the Gambling Commission, in particular at Part 36
  - The principles set out in this statement of licensing policy

There are a number of issues in relation to harmful gambling which this licensing authority wishes to inspect during pre-planned or proactive compliance visits, including but not limited to:

- details of training policies and training undertaken by staff
- records of refusals to serve or admit on age grounds
- the premises' approach to managing self-exclusion, how the premises fulfils the requirement to participate in multi-operator schemes and numbers of people currently self-excluded
- involvement or impact of any work in local gambling such as Betwatch schemes
- confirming that appropriate signage and information is in place.

- 6.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the issue of operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but should be notified to the Gambling Commission.
- 6.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 6.7 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing section at the Licensing Office, Tame Street Depot, Tame Street, Stalybridge, SK15 1ST or e-mail: licensing@tameside.gov.uk

Our risk methodology is also available upon request.

- 6.8 Reference will also be made to the Councils Enforcement Policy when considering enforcement action.

## 7. Licensing Authority Functions

- 7.1 As a Licensing Authority we are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences.
- Issue Provisional Statements.
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permit.

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

7.2 These functions will be carried out in accordance with the Scheme of Delegation.

7.3 It should be noted that local licensing authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

## PART B

### PREMISES LICENCES

#### 8. General Principles

8.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

#### Decision Making

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

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

8.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities, moral objections to gambling are not a valid reason to reject applications for premises licences and also that unmet demand is not a criterion for a licensing authority.

8.4 The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on code 8, the social responsibility code. The Council will have regard to this code when considering applications. This is covered in detail in Part 4 of this statement.

8.5 **Definition of premises** - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

8.6 The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that

areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

8.7 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

8.8 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

8.9 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

**8.10 The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

#### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.24 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

#### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

#### **Betting Shops**

- Access must be from a street (as per paragraph 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence

- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

### **Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

### **Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

### **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

8.11 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

### **Premises “ready for gambling”**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied is going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of circumstances in which such a licence may not be granted can be found at paragraphs 7.60 – 7.67 of the Guidance.

8.13 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. The Gambling

Commission has advised that reference to “the premises” is to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to a premise which is ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

- 8.14 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives is relevant to its decision making. As per the Gambling Commission’s Guidance to local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

8.15 **Planning:**

The Gambling Commission’s Guidance to Licensing Authorities states:

- In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

- When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 8.16 **Duplication with other regulatory regimes** - This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning and the fire service. This authority 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 conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

- 8.17 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into

account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

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

- 8.19 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - TMBC is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.

Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

- 8.20 Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences; if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Gambling Commission so that it can consider the continuing suitability of the operator to hold an operating licence.
- 8.21 Participation in the Safebet Alliance - The Authority encourages operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises. Where an operator does not participate in the scheme, it is expected that they can satisfactorily demonstrate the security measures they incorporate are adequate.
- 8.22 **Ensuring that gambling is conducted in a fair and open way** - TMBC has noted that the Gambling Commission states that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.
- 8.23 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - TMBC has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 8.24 TMBC will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

8.25 Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises. The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

With regard to protecting children and young person's TMBC expects:

- Operators to carefully consider the premises layout to ensure children and young persons (as appropriate) neither gain access to areas used for gambling, nor are brought into close proximity to gambling.
- Premises should ensure that their systems and procedures are in place to ensure those under the age of 18 are excluded where appropriate. This should include a "Think 21" scheme with acceptable ID limited to either a photo driving licence, passport or PASS accredited proof of age schemes, indicated by prominent signage at premises. Appropriate measures to enforce this may include supervision of entrances.
- That a member of staff is designated with lead responsibility for safeguarding children and vulnerable others;
- There are policies and training available for safeguarding children and vulnerable others;
- Whilst U18s cannot enter the majority of gambling venues, they are able to enter:
  - The non-gambling area of a regional casino
  - The gambling areas of a bingo club other than areas containing category C gaming machines
  - The gambling areas of a track (on race days) other than off-course betting and areas containing category C gaming machines.
  - Licensed family entertainment centres.
- Where category C or above gaming machines are available in premises to which under 18s are admitted, we expect that:
  - All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access to other than through a designated entrance.
  - Physical barriers to segregate areas should not impede the escape routes from that or other areas
  - Only adults are admitted to the area where these machines are located
  - Access to the area where the machines are located is supervised
  - The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
  - At the entrance to, and inside any such area that are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- When under 18s are loitering outside the licensed premises, steps should be taken by the licence holder to move them on, and consideration given as to whether to report their presence to the police or a truancy officer where appropriate.
- Where the licencing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access by children or young persons it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.
- The Licensing Authority will give considerable weight to representations about child protection matters in licensed premises. It will consider the Children's services in Tameside as a source of advice in relation to the protection of children and vulnerable adults.

- 8.26 The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.
- 8.27 Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities. See Part 4 of this policy statement for further details and on the council's requirements in relation to the LCCP, however with regards to self-exclusion schemes it is expected that:
- All premises operate a voluntary exclusion scheme which allows customers to be voluntarily excluded from premises for an agreed period, supported by a written agreement.
  - The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period unless a counselling session has first been held and re-admittance agreed.
  - Self-exclusion schemes are now required to operate on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.
- 8.28 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” Based on the evidence available Tameside also considers the following people to be vulnerable:
- Those with an inclination to gamble more than they want to or beyond their means
  - Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
  - Those who are employed by gambling operators and have regular contact with gambling
  - Those aged 16-24
  - Those who live in deprived areas
  - Homeless people
  - Unemployed people
  - People with substance abuse/misuse issues
  - Those in poor mental health.
  - Habitual players of gaming machines.
- What constitutes harm or exploitation will have to be considered on a case-by-case basis and regard will be had to current evidence in relation to vulnerability to gambling-related harm. Operators are encouraged to be aware of the latest research and evidence relating to vulnerability when developing and updating their local area risk assessment for licensed premises
- 8.29 To further protect vulnerable persons from being harmed or exploited by gambling, premises should not use inducements to encourage customers to gamble, such as alcohol. Premises should not encourage customers to stay in premises longer than they would have done otherwise by offering complementary items such as food and drinks.

8.30 **Provision of Gambling Advice** - Gambling literate customers with access to advice and assistance are less likely to have been harmed or exploited by gambling. TMBC want gambling to be pursued for entertainment, not the expectation of big wins, or chasing losses. As such, TMBC expect premises as a minimum to:

- Provide leaflets aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number, online counselling facility, local counselling provider.
- For every 50m<sup>2</sup> of gambling premises at least one prominent leaflet display must be provided along with a neighbourhood poster to reinforce the message. The ratio of the physical number of gambling promotional leaflets and posters to leaflets and posters advertising problem gambling support services within a premises should not exceed 2:1 (ie no more than 2 promotional advertisements for every one problem gambling support advertisement).
- As per the Senet Group standards, twenty per cent of betting shop window advertisements must be dedicated to responsible gambling messages
- Players who have been on the premises for a significant amount of time or who staff have observed have lost significant sums of money, should be approached in an attempt to understand if they are losing more money than they can afford to lose.
- Display the odds of each gaming machine prominently on the machine.
- Offer players time or monetary limits to help them manage their gambling.

8.31 **Data gathering and sharing** – Keeping track of the incidence and handling of problem gambling in Tameside is a key part of promoting the licensing objectives. TMBC expects all Tameside based gambling premises to maintain a log and share this with the Licensing Department upon request. This data is important to support future research and services that exist to support people who suffer gambling related harm.

Data that this licensing authority considers should be recorded and shared includes:

#### **Interventions**

- The number of gambler interventions (e.g. challenging excessive gambling, advising of gambling help services, etc.) that are made in a calendar month.
- The number of interventions that changed a customer's gambling behaviour.

#### **Self-Exclusions**

- Provide information regarding the number of self-exclusions during the month (self-exclusion scheme only).
- Number of cases per month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry.

#### **Children and Young Persons**

- Attempts to enter the premises or gamble by those who are underage.
- Attempts to enter the premises or gamble by those who are underage accompanied by an adult during the month, along with a short description of the incident and action.
- Record the number of people who having gambled were unable to prove they were 18 when challenged.

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

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;

- fairly and reasonably related to the scale and type of premises; and
  - reasonable in all other respects.
- 8.33 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc.
- There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 8.34 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 8.35 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
  - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
  - physical barriers to segregate areas should not impede the escape routes from that or other areas
- 8.36 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 8.37 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 8.38 It is noted that there are conditions which the licensing authority cannot attach to premises licences which is:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;

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

8.39 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

## **9. Adult Gaming Centres**

- 9.1 TMBC will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 9.2 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.
- 9.3 This licensing authority may consider measures to meet the licensing objectives such as:
  - Proof of age schemes.
  - CCTV.
  - Supervision of entrances / machine areas.
  - Physical separation of areas.
  - Location of entry.
  - Notices / signage.
  - Specific opening hours.
  - Self-barring schemes.
  - Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

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

- 10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the

applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

10.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

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

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

10.4 TMBC will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. TMBC will also make itself aware of any mandatory or default conditions on these premises licenses, when they have been published.

## **11. Bingo premises**

11.1 TMBC notes that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

TMBC also notes the Guidance at paragraph 18.5 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight categories B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

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

- Proof of age schemes.
- CCTV.
- Supervision of entrances / machine areas.
- Physical separation of areas.

- Location of entry.
- Notices / signage.
- Specific opening hours.
- Self-barring schemes.
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

## **12. Betting Premises**

- 12.1 The Act contains a single class of licence for betting premises. However, without this single class of licence, there are different types of premises which require licensing, for instance – off course betting (i.e. licensed betting offices) and betting offices on tracks. It is acknowledged that gaming machines are permitted in betting premises.

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

- 12.2 *Betting machines* - TMBC will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It should be noted the persons under 18 years old are not able to go into premises with the benefit of a Betting Premises Licence.

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

- Proof of age schemes.
- CCTV.
- Supervision of entrances / machine areas.
- Physical separation of areas.
- Location of entry.
- Notices / signage.
- Specific opening hours.
- Self-barring schemes.
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- The number of machines used on the premises for the purpose of making or accepting bets
- The number of counter positions for person to person transactions and
- The ability of staff to monitor the use of machines by vulnerable persons

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

## **13. Tracks**

- 13.1 TMBC is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling

Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 13.2 TMBC will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 13.3 TMBC will expect applicants to offer their own measures to meet the licensing objectives; however, appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes.
  - CCTV.
  - Supervision of entrances / machine areas.
  - Physical separation of areas.
  - Location of entry.
  - Notices / signage.
  - Specific opening hours.
  - Self-barring schemes.
  - Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

- 13.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 13.5 *Betting machines* - TMBC will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 13.6 *Applications and plans* - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, paragraph 20.28).
- 13.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, paragraph 20.29).
- 13.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, paragraph 20.31).

- 13.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined (see Guidance to Licensing Authorities, paragraph 20.32).
- 13.10 TMBC appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, paragraph 20.33).

#### **14. Travelling Fairs**

- 14.1 TMBC is responsible for deciding whether, where category D machines and /or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 14.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 14.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighboring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded. In any event neighboring authorities will be consulted to ensure best practice and consistency is applied.

#### **15. Provisional Statements**

- 15.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 15.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- 15.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

- 15.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 15.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
  - they reflect a change in the applicant's circumstances.
- 15.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
  - which in the authority's opinion reflect a change in the operator's circumstances; or
  - where the premise has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **16. Reviews**

- 16.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of principles.
- 16.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous representations or requests for review.
- 16.3 The licensing authority can also initiate a review of a particular premises licence on the basis of any reason which it thinks is appropriate.
- 16.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 16.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

- 16.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (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 an exclusion;
  - (c) suspend the premises licence for a period not exceeding three months; and
  - (d) revoke the premises licence.
- 16.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 16.8 In particular, the licensing authority 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.
- 16.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder.
  - the applicant for review (if any)
  - the Commission.
  - any person who made representations.
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs.

## PART C

### PERMITS/TEMPORARY & OCCASIONAL USE NOTICES

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

- 17.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 17.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities will want to give weight to child protection issues." (24.6)
- 17.3 Guidance also states..."An application for a permit may be granted only if the licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief of police has been consulted on the application..... Licensing authorities might wish to consider asking applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - That the applicant has no relevant convictions (those set out in schedule 7 of the Act; and
  - That staff are trained to have a full understanding of the maximum stakes and prizes (24.7)

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

- 17.4 **Statement of Principles** TMBC will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

**Automatic entitlement: 2 machines**

18.1 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 and pay the prescribed fee. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (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.

Other matters TMBC consider relevant may include:

- the location of gaming machines on the premises and ability to supervise their use;
- whether under 18s are permitted on the premises;
- previous convictions of the applicant;
- Any other further risks indicated by the application.

Dependent on the conditions of their Licensing Act licence, premises with consumption of alcohol on the premises may admit under 18s. However, premises must ensure under 18s do not play category C gaming machines or limited equal chance gaming which are restricted to over 18s. It should be noted that the holder of a gaming machine permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

**Permit 3 or more machines**

18.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, *and “such matters as they think relevant.”*

18.3 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only, gaming machines. Measures which will satisfy the authority that there will be no access, may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

18.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

- 18.5 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 18.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **19. Prize Gaming Permits**

- 19.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 19.2 TMBC has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
  - that they understand the limits to stakes and prizes that are set out in Regulations;
  - that the gaming offered is within the law.
  - Clear policies that outline the steps to be taken to protect children from harm.
- 19.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 19.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
  - the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - participation in the gaming must not entitle the player to take part in any other gambling.

## **20. Club Gaming and Club Machines Permits**

- 20.1 Members' Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D)

Commercial clubs may not site category B3A gaming machines offering lottery games in their clubs

- 20.2 Members' Clubs and Miner's welfare institutes (But not commercial clubs) may apply for a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Equal chance gaming and games of chance to be as set out in forthcoming regulations.

TMBC notes that the Gambling Commission's Guidance states:

- 25.46 The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.47-25.49 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

- 20.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.
- 20.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance for local authorities states: "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 an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 20.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **21. Temporary Use Notices**

- 21.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.
- 21.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

- 21.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 21.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 21.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 21.6 TMBC expects 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, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

## **22. Occasional Use Notices**

- 22.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## **23. Small Society Lotteries**

- 23.1 TMBC will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
  - submission of incomplete or incorrect returns
  - breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes.
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this Licensing Authority on 0161-342 4262 within working hours to seek further advice.

## PART D

### Licence Conditions & Codes of Practice (LCCP)

#### 24. The Code

- 24.1 The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)
- 24.2 The code requires operators;
- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
  - With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
  - To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
  - With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

#### 25. Risk Assessments

- 25.1 Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casinos, AGCs, Bingo Premises, FECs, Betting shops and remote betting intermediaries to assess the local risks to the licensing objectives posed by the provision of gambling facilities at the premises, and to have policies, procedures and control measures in place to mitigate those risks.
- 25.2 Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.
- 25.3 The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment:
- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
  - Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
  - Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
  - Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices.
  - Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
  - Levels of poverty and deprivation in the region

- Levels of crime and disorder, particularly where this is related to an existing gambling premises

25.4 TMBC expects the following matters to be considered by operators when making their risk assessment:

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- Areas which are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, food banks, homelessness services, job centres, places where alcohol or drug dependant people may congregate, etc.

## **26. Local Area Profile**

26.1 TMBC has considered the local area profile and feels the main issues will be covered by the risk assessments required under the LCCP.

## PART E

### GAMBLING RELATED HARM

#### **Introduction**

Between 61 and 73 percent of British adults gamble to some extent each year. For the majority of these people, gambling is a harmless and sociable activity. However, between 0.4 and 1.1 percent of British adults are estimated to be ‘problem gamblers’ who experience harm as a consequence of their gambling. A further 4 percent are estimated to be ‘at-risk gamblers’ who may go on to become problem gamblers.<sup>1</sup> For an area with a demographic like Tameside, this could mean approximately 3,500 problem gamblers live in the region.

Figures published in November 2015 showed that 17% of children been ages 11-15 have gambled in the previous week. In addition to this, approximately 0.6% of children aged 11-15 were problem gamblers. This shows the importance of vigilance by all licence holders in minimising young person’s ability to take part in gambling activities to help reverse these alarming statistics.

Problem gambling has been defined as “gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits”<sup>2</sup>. Males are 5 times more likely than females to be problem gamblers. Problem gambling also varies by age with young people aged 16-24 the most likely to be affected. Problem gambling disproportionately affects people on low incomes and those from ethnic minorities. Individuals of Asian/Asian British heritage and Black/Black British heritage are more likely to be problem gamblers than people who identify as White/White British<sup>3</sup>.

For problem gamblers, harms can include higher levels of physical and mental illness, debt problems, relationship breakdown and criminality. Problem gambling is also associated with domestic violence and substance misuse. Harms from gambling affect far more people than just the problem gambler: it is estimated that for every harmful gambler, between 6 and 10 additional people are directly affected (such as friends, family or colleagues)<sup>4</sup>. Problem gambling also has a significant impact on public finances due to increased costs to the welfare, housing, health and criminal justice sectors. For these reasons, gambling-related harm is increasingly recognised as a public health issue.

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<sup>1</sup> Institute for Public Policy and Research (2016). Cards on the table. The cost to government associated with people who are problem gamblers in Britain.

<sup>2</sup> Lesieur, H. R. & Rosenthal, M. D. (1991). Pathological gambling: A review of the literature (prepared for the American Psychiatric Association Task Force on DSM-IV Committee on disorders of impulse control not elsewhere classified). *Journal of Gambling Studies*, 7 (1), 5-40.

<sup>3</sup> See 1 above.

<sup>4</sup> Local Government Association and Public Health England (2018). Tackling gambling related harm A whole council approach.

## **Gambling in Tameside**

There are 265 premises where people can legally gamble in Tameside, plus multiple premises where people can buy lottery tickets and scratch cards. The majority of the 265 venues are pubs; however, there are 37 licensed betting shops, 6 adult gaming centres and 3 bingo halls. In line with national trends, it is likely that many more people are now gambling online. While the Authority does not regulate online gambling, it is still recognised as a potential source of harm. The overall prevalence of gambling and problem gambling is currently unknown in Tameside. However, there is evidence to indicate that online gambling activity is higher in Tameside than the England average and that activity is higher in more deprived areas of the borough.

### **Support and advice**

The National Gambling Helpline provides confidential advice, information and emotional support to anyone experiencing problems with gambling. The helpline number is 0808 8020 133. Residents who are experiencing gambling-related harm can also seek advice and support from a number of local agencies.

Beacon Counselling Trust (BCT) is the Gamcare accredited treatment provider for problematic gambling issues in Greater Manchester. BCT are commissioned to provide face to face counselling support for gamblers or their families and a clinic has been established in Ashton-under-Lyne. For more information please see - <http://beaconcounsellingtrust.co.uk/free-gambling-counselling/>

## **APPENDIX A RESPONSIBLE AUTHORITIES**

**Any application must be sent to:**

**Licensing Department  
Tameside MBC  
Licensing Office  
Tame St Depot  
Tame St  
Stalybridge  
SK15 1ST**

**Copies of the application must also be sent to the following responsible authorities:**

**Watch Commander Fire Protection  
Tameside Borough HQ  
Hyde Fire Station  
Railway Street  
Hyde  
SK14 1DF**

**HM Customs and Revenue  
National Registration Unit  
21 India Street  
Glasgow G2 4PZ**

**Social Services  
Conference and Review Section  
QA Unit  
Hyde Town Hall  
Hyde  
SK14 1AL**

**Environmental Health (Environmental Protection)  
Tame St Depot  
Tame St  
Stalybridge  
SK15 1ST**

**Chief Superintendent  
Greater Manchester Police  
Tameside Partnership Team (Licensing)  
Manchester Road  
Ashton-Under-Lyne  
OL7 0BG**

**Planning and Building Control  
Clarence Arcade  
Stamford Street  
Ashton-under-Lyne  
Tameside  
OL6 7PT**

**Gambling Commission  
Victoria Square House  
Victoria Square,  
Birmingham B2 4BP**

## APPENDIX B

### TAMESIDE METROPOLITAN BOROUGH COUNCIL SCHEME OF DELEGATION

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)	x		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Application for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	