LICHFIELD DISTRICT COUNCIL

GAMBLING ACT 2005

Gambling policy statement
(Statement of principles)

2019 – 2022

Effective 31st January 2019

LICHFIELD DISTRICT COUNCIL
GAMBLING ACT 2005 POLICY STATEMENT

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Should any regulations/codes of practice or guidance impact upon the content of this document it will need to be amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in September 2015

PART A

1. The Licensing Objectives

1.1. Under the Gambling Act 2005 (the Act) Lichfield District Council is the licensing authority for the District of Lichfield and licenses 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 Lichfield District Council Licensing Authority.

1.2. The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at certain premises must have applied for the requisite operator's licence and personal licence from the Gambling Commission before they approach the Council for a premises licence.

1.3. The council is responsible for licensing premises where gambling activities are to take place.

1.4. The council will carry out its functions under the Act and will aim to permit gambling in accordance with the three licensing objectives set out at Section 1 of the Act. The expectation is that gambling premises will ensure that the licensing objectives are met.

The three 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***

1.5. 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.

1.6. When making decisions about applications for premises licences, the Council is bound by, and committed to, a statutory aim to permit gambling in so far as it believes that any application made 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 gambling policy

1.7 Moral or ethical objections to gambling are not valid reasons for the rejection of premises licence applications by the council as the licensing authority.

2. Introduction

2.1. The District of Lichfield has a population of 103,500 (based on figures from 2017) and covers some 33,000 hectares. The district has two urban centres – the city of Lichfield and town of Burntwood, with a number of surrounding villages.

2.2. There are relatively fewer children aged under 16 and working age people compared to England, and more people aged 65 and over. The population is projected to have a small increase overall by 2026 but a much larger growth in people aged 65 and over.

2.3. There are a number of wards in Lichfield where families and communities face multiple issues such as unemployment or low incomes, low qualifications, poor housing, social isolation, ill-health (physical and/or mental) and poor quality of life. These wards are: Boney Hay & Central, Chadsmead, Chasetown, and Stowe.

2.4. 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.

2.5. Lichfield District Council consulted widely upon this policy before finalising and publishing. A list of those persons consulted is provided below.

List of persons and agencies this authority consulted:

- Staffordshire Police
- Staffordshire Trading Standards
- Staffordshire Social Services
- Existing operators of premises requiring licences under the Gambling Act 2005
- Representatives of existing licence holders
- National bodies representing the Gambling industry
- Local member of parliament
- Companies in the area who provide gaming machines
- Parish Councils
- Organisations dealing with gambling addiction and gambling problems
- The general public via the Council’s website
- Elected members, LDC
- Community Safety Teams
- Director of Public Health
- Gambling Commission

Our consultation took place between 9 November 2018 and 7 December 2018.

The council then intends to approve and adopt this Statement of Principles at full Council. The finalised document will be published via the Council's website at www.lichfielddc.gov.uk

Should you have any comments on this statement of principles please contact:

Name: The Licensing Team
Address: Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YU.
E-mail: licensing@lichfielddc.gov.uk

3. Declaration

3.1. 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.

3.2. 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. Responsible Authorities

4.1. The Act allows certain agencies to act as responsible authorities. 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.

4.2. The Council is required by regulations to state the principles it will apply 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 etc.

4.3. In accordance with the regulations the Staffordshire Safeguarding Children Board is the designated authority for this purpose.

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

5. Interested parties

5.1. Interested parties are 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:

For the purposes of this Part a person is an interested party in opinion of the licensing authority which issued the licence or to which the applications 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 paragraphs a. or b.

5.2. 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 and the Council will apply this policy flexibly in its decision making. It will consider the examples of considerations provided in the Gambling Commission: Guidance to local authorities.

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.

6. Exchange of Information

6.1. Licensing authorities are required to include in their policy statement the principles which are to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act. It may also share information with other bodies responsible for auditing or administering public funds for these purposes e.g. UK National Fraud initiative.

6.2. The information that is provided will be used by Lichfield District Council, who are the data controller, to allow it to carry out our statutory obligations in relation to the administration, compliance and enforcement of the licensing function within the District. It will only share information with agencies involved in licence processing or licensing enforcement where the law requires or permits it to do so.

7. Equality and Diversity

7.1. Through policies and service delivery, the Council's main aims for ensuing equality and diversity are to:

Eliminate unlawful discrimination
Promote quality of opportunity
Promote good relations between diverse communities.

8. Crime and Disorder Act 1998

8.1. Under section 17 of the Crime and Disorder Act 1998 the Council is under a statutory duty to do all that it can to prevent crime and disorder within its area and is mindful of concerns over the use of licensed premises for criminal activity, for example money laundering and drug dealing.

8.2 The Council will work in partnership with licence holders, local businesses, responsible authorities, councillors and local people with the aim of promoting the licensing objectives.

9. Enforcement

9.1. The council will work closely with other agencies in targeting known high risk premises. In doing so we will follow government guidance on better regulation.

9.2. In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act.

The council 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.

9.3. The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

9.4. The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licence conditions and other permissions. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the 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 premise requires a premises licence for gambling activities and no such licence is in force, the council will notify the Gambling Commission.

9.5. The Council will also have regard to any guidance issued and keep itself informed of developments regarding the work of the Regulatory Delivery Division of the Department of Business Innovation and Skills in its consideration of the regulatory functions of local authorities.

9.6. The council's enforcement policy will be available upon request from the

Environmental Health Team section by telephoning 01543 308000.

10. Licensing Authority functions

10.1. Licensing Authorities are responsible under the Act for :

- Licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue of Provisional Statements
- Regulating 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 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 of Prize Gaming Permits
- Receiving and Endorsing Temporary Use Notices
- Receiving of Occasional Use Notices (for tracks)
- Providing information to the Gambling Commission regarding details of licences issued (see section on exchange of information)
- Maintaining registers of the permits and licences that are issued under these functions

10.2. The council does not licence remote gambling. This comes under the Gambling Commission.

11. The Licensing objectives

11.1. The licensing objectives are set out below, together with the respective roles and responsibilities:

- 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

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

11.2. The Gambling Commission takes the lead role in preventing gambling from being a source of crime. The Gambling Commissions Guidance does however encourage licensing authorities to pay particular attention to the proposed location of gambling premises in terms of this licensing objective.

11.3. Such association with crime may include; money laundering; counterfeiting; drug dealing or any similar involvement in organised crime.

Ensuring that gambling is conducted in a fair and open way

11.4. The Gambling Commission takes the lead role in ensuring that gambling is conducted in a fair and open way via operating and personal licences.

11.5. The council will take operator licence conditions into account and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information

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

11.6. This licensing objective seeks to prevent children from taking part in most types of gambling and where appropriate, the council may require specific measures at particular premises which are designed to ensure that the licensing objectives are met. However, harm in this context is not limited to harm from gambling but includes wider child and adult protection considerations, including the risk of child sexual exploitation.

11.7. Preventative measures may include the supervision of premises and machines and appropriate training for staff with regard to suspected truanting school children and how staff should deal in general with unsupervised children.

11.8. The Council will pay particular attention to any codes of practice within the Gambling Commission issues with respect to this licensing objective.

11.9. The Council does not seek to offer a definition for the term “vulnerable people” but for regulatory purposes it will assume that this group

includes older people, adults with learning disabilities, people who gamble more than they meant to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to lacking mental capacity, or because of the influence of alcohol or drugs.

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. Premises licences may for example be issued for amusement arcades, bingo halls and bookmakers.

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 will be 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 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 believes 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 gambling policy.

2 Definition of "premises"

2.1 Premises is 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 within any given circumstance.

2.2 The council will take particular care when 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.

2.3 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.

2.4 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that references to “the premises” are to the premises in which gambling may take place. Thus a licence to use premises for gambling will only be issued by the Council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete, ensures that the Council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

2.5 Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement..

3 Location

3.1 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.

3.2 With regards to these objectives it is the council’s policy, upon receipt of any relevant representations to look at specific location issues including:

- The proximity of the premises to schools, or centres for vulnerable adults
- The proximity of the premises to 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
- The level of organised crime in the area.

4 Duplication with other regulatory regimes

4.1 The council will seek to avoid any duplication with other statutory / regulatory systems such as planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. It will consider carefully and respond to any concerns about conditions which the licence holder cannot meet because of planning restrictions,

5 Conditions

5.1 Applications will normally be granted, subject only to the mandatory and default conditions. Such conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. Additional conditions will only be imposed where there is evidence of a risk to the licensing objectives that requires that the mandatory and default conditions be supplemented. Conditions will only be attached to premises licence where there is evidence of a need to do so.

5.2 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures which the council may consider. These include the use of door supervisors, supervision of entrances, supervision of adult gaming machines and appropriate signage for adult only areas. The council will also expect the applicant to ensure that the licensing objectives are effectively met.

5.3 There are conditions which the council cannot attach to premises licences which are:

- Any condition on the premises licence which makes it impossible for the applicant 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; and
- Conditions in relation to stakes, fees, winnings or prizes.

6 Door Supervision

6.1 The council will consider whether there is a need for door supervision in order to meet the licensing objectives. Where door supervisors are required, it is the operators' responsibility to ensure that any persons employed in this capacity are fit and proper to carry out such duties.

7 Adult Gaming Centres (AGC) and licensed family entertainment centres (LFEC)

7.1 Adult gaming centres are commonly found within town centre environments and are able to make category B, C and D gaming machines available to adults. Nobody under the age of 18 will be permitted to enter an AGC.

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

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 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 within the LFEC

7.4 The council will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions may cover:.

- Proof of age schemes (e.g. PASS Schemes)
- The use of Challenge 25 policy
- The use of ‘No ID No Entry’ policy
- CCTV
- Door Supervision
- Supervision of machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Staff training in the law and the provision of a named point of contact to help ensure compliance.
- Measure/training for staff on how to deal with suspected truanting school children and how to recognise signs of potential child sexual exploitation
- Clear policies that outline the steps to be taken to protect children from harm
- Self exclusion schemes and the provision of leaflets/helpline numbers to organisations such as Gamcare, the Responsible Gambling Trust or GambleAware Etc.
- A policy in place which addresses the Multi operator self exclusion scheme (MOSES)

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

8 Casinos

8.1 Potential licence applicants should take note that as a “no casino” resolution under Section 166 of the Gambling Act 2005 was passed by this authority in December 2006, no applications will be considered. Any applications received will be returned with confirmation that a no casino resolution is in place.

9 Bingo premises

9.1 There is no official definition for bingo in the Gambling Act 2005. Such premises may however provide cash and prize bingo. In addition bingo premises are also able to provide a limited number of gaming machines in line with the provisions of the Act.

9.2 It is important that where children are allowed to enter bingo premises 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 operator will ensure that:

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

10 Betting premises

10.1 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.

10.2 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines and the nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. The Council is also aware that it is not possible to restrict the number of gaming machines which may be made available within betting premises.

10.3 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 by children or by vulnerable adults.

11 Tracks

11.1 Currently the licensing authority does not licence any tracks which permit on-course betting. Where an application for a track premises licence is being considered, the applicant should contact the Council's Licensing team at the earliest opportunity. The Council's focus will be the need to protect children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to premises are distinct. Children must be excluded from gambling areas where they are not permitted to enter.

12 Travelling Fairs

12.1 Travelling fairs have the right to provide an unlimited number of category D machines and / or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

12.2 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.

13 Provisional Statements

13.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed, or is about to be altered for the purpose of gambling would be granted a premises licence when the building work is complete. 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 project can be started. Once works are complete a full premises licence would still be required.

13.2 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.

13.3 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.

14 Reviews

14.1 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.

14.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council 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 - statement of gambling 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.

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

PART C
Permits / Temporary & Occasional Use Notice

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

1.1. The term '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 are 'unlicensed' in that they do not require a premises licence but do require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines.

1.2. In accordance with Gambling Commission guidance, the council will give weight to child protection issues when considering applications for permits.

1.3. The Council will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations, including Child Sexual Exploitation. The council will assess these policies and procedures on their merits. However they may include appropriate measures/training for staff regarding how staff would deal with unsupervised children being on the premises, or children causing problems on or around the premises.

1.4. The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in licensed FEC's 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.

1.5. An application for a permit may only be granted if the chief officer of police for the district has been consulted on the application.

1.6. In line with the Act the council cannot attach conditions to this type of permit and the statement of principles only to initial applications and not renewals.

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

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 council. The council 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.

2.2. If a premises wishes to have more than 2 machines, then it needs to apply for a permit 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 it thinks relevant." The council considers that "such matters" will be decided on a case by case basis but generally regard will be given to the need to protect children and vulnerable adults from harm 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 under 18 year olds do not have access to the adult only gaming machines.

2.3. Measures which may satisfy the council that there will be no access include the adult machines being situated in close proximity to the bar, or insight of staff who will monitor that the machines are not being used by those under 18 years of age. Notices and signage may also be help. Regarding the protection of vulnerable adults, applicants may wish to consider the provision of information leaflets/ helpline numbers for organisations such as Gamcare.

2.4. The council 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.

2.5. 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).

2.6. 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.

3. Prize Gaming Permits

3.1. The Council will expect the applicant to set out the types of gaming that he or she is intending to offer and 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

3.2. In making its decision on an application for prize gaming permits, the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

3.3. There are conditions in the Gambling Act 2005 with which the permit holder must comply, but the council 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.

3.4. 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

4.1. Members Clubs and Miners' welfare institutes (but not commercial clubs) may apply for a 'Club Gaming Permit' or a 'Club gaming 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 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).

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 purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which replicates? the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

4.3. 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.

4.4. 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 Gambling Commission or the police.

5. Temporary Use Notices

5.1. 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 used for a temporary use notice would include hotels, conference centres and sporting venues.

5.2. 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.

5.3. 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.

6.2. The council has very little discretion regarding these notices apart 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

7.1. The Act creates two principal 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.

7.2. 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 the Lichfield district and want to run such a lottery.

7.3. 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.

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

8. Territorial applications

Vessels

8.1. Vessels such as cruise ships, ferries, boats and hovercrafts are required to have a 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. The Licensing Act 2003 does not apply airside, so pubs and clubs are not required to obtain a licence to serve alcohol.

Appendix A – List of Responsible authorities

<table>
<tr><td>Licensing Team
Lichfield District Council
District Council House
Frog Lane
Lichfield
Staffordshire WS13 6YU

Tel: 01543 308066
licensing@lichfielddc.gov.uk</td><td>Police Licensing Officer
Southern Licensing Department
Burton Police Station
Horninglow Street
Burton upon Trent
Staffordshire
DE14 1PA

Tel: 01785 234722</td></tr>
<tr><td>Corporate Director for Social Care & Health
Walton Buildings
PO BOX 11
Martin Street
Stafford
ST16 2LH

Tel: 01785 277157</td><td>Lichfield District Council
Environmental Protection & Enforcing Authority
Frog Lane
Lichfield
Staffordshire
WS13 6ZE

Tel: 01543 308735</td></tr>
<tr><td>Development Services
Lichfield District Council
Frog Lane
Lichfield
Staffordshire
WS13 6YZ

Tel: 01543 308900</td><td rowspan="2">Lichfield District Council
Health and Safety Team
Frog Lane
Lichfield
Staffordshire
WS13 6ZE

Tel: 01543 308900

Or

Health & Safety Executive
Marches House
Midway
Newcastle Under Lyme
Staffordshire
ST1 5DT

Tel: 01782 602300</td></tr>
<tr><td>Trading Standards
Staffordshire County Council
Consumer Services Section
Martin Street
Stafford
ST16 2LG

Tel 01785 277888</td></tr>
<tr><td>The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP</td><td></td></tr>
</table>

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

Appendix B

Local Risk assessments

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for Operators to consider local risks.

The Social Responsibility (SR) code requires licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises. It also requires them to have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments applicants must take into account relevant matters identified within this statement of principles.

Applicants are required to undertake a local risk assessment when applying for a new premises licence. Furthermore, their risk assessment must also be updated:

- When applying for a variation of a premises licence.
- To take account of significant changes in local circumstances, including those identified in this policy statement
- Where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

The Council will require applicants to provide a local risk assessment when applying for a new premises licence or for a variation to existing premises licence. A copy of the risk assessment must also be kept on the premises at all times and be made available for inspection at any reasonable time.

The risk assessment should set out the measures the applicant has in place to address areas of local concern. In broad terms, the risk assessment should include reference to any specified local risk, how the operator intends to mitigate any risks identified and how the operator will monitor those risks.

There are areas of the District where heightened local risks may exist.

The web links below are links to external documents which are intended to assist applicants in obtaining a greater understanding of the challenges which the Council face.

Public Health England, Lichfield District, Health Profile can be viewed at:
https://fingertips.phe.org.uk/profile/health-profiles

Staffordshire County Council and the Staffordshire Observatory Locality Profile for the Lichfield District can be found at:
https://www.staffordshireobservatory.org.uk/documents/LocalityProfiles/Locality-Profiles-2018/Lichfield-Locality-Profile-2018i.pdf

Having considered the information provided above, applicants should provide the licensing authority with the policies and procedures they have in place, which are designed to prevent underage gambling. These policies and procedures should also take into account of the

structure and layout of the particular premises as well as any training provided to staff.

Upon application, larger operators who are already required by the Gambling Commission to undertake their own age related compliance tests will be required to provide the licensing authority with the said age related compliance test results which related to the premises concerned. Smaller operators must provide similar information upon appropriate application if compliance tests have been carried out at their premises and the results are available to them.

To prevent vulnerable people from gambling, applicants must demonstrate how they intend to ensure that the licensing objective is met. This might include providing details about their own self exclusion schemes and their intentions towards the Multi Operator Self Exclusion Scheme (Moses).

Details should also be provided of what responsible gambling information is made available to customers. This should include information from organisations such as Gambleaware https://about.gambleaware.org/ and Gamcare http://www.gamcare.org.uk/

Further information should be provided which detail what controls are in place for challenging excluded persons from entering into the premises and what arrangements are in place for monitoring the use of fixed odds betting terminals (FOBT).

Local area profile

The Licensing Authority has completed an assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the Licensing Authority to complete an area profile; however benefits for both the Licensing Authority and Operators would be in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

The Council will proactively engage with all responsible authorities as well as other organisations; public health, mental health, housing, education, community welfare groups and safety partnerships to ensure any new or varied applications are assessed taking the local area profile and any risks into account.

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

Lichfield District Council has a total of 11 gambling premises licences.

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

By premises:

Betting - 9
Adult Gaming Centres (AGC's) – 2
Licensed Premises Gaming Machine Permit – 9
Notifications – 67
Club Gaming Machine Permit – 16

Figures correct as of September 2018

The number of gambling premises has remained stable since inception of the Act.

Historically low – almost nil – complaints have been received about individual premises.