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CORNWALL COUNCIL

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Statement of Principles

Gambling Act 2005

Date *##January 2025*

Public Protection

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1. Introduction

1.1. Cornwall is the most south-westerly part of the country and covers an area of 1,376 square miles. It has a population of just over 570,000.

1.2. Cornwall Council serves one of the largest and most geographically diverse council areas in the country, covering coastal, rural and urban spaces. A map of Cornwall is attached at **Appendix B** for information.

1.3. Cornwall's image has evolved from a rich history and culture of mining and maritime industries, the legacies of which can still be seen across the area. Today the economy depends heavily on its agricultural and tourist industry. Tourism makes up around a quarter of the Cornish economy.

1.4. Cornwall Council is designated under the Gambling Act 2005 as **'the Licensing Authority'** for Cornwall and has a number of important regulatory functions in relation to gambling. These include licensing premises, regulating gaming and gaming machines in clubs, granting permits to family entertainment centres for the use of certain lower stake gaming machines, regulating gaming and gaming machines on alcohol licensed premises, granting permits for prize gaming, registering small society lotteries, and tracks.

1.5. The Council is required by the Act to publish a statement of principles that it proposes to apply when exercising its functions under the Act. This statement must be reviewed 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 re-published after each review.

1.6. The Council has, in accordance with the Act and the Gambling Commission's Guidance for local authorities, prepared, published and reviewed this 'Statement of Principles' (Gambling Policy) that sets out the policies that it will generally apply having regard to the 'licensing objectives' as laid down in the Act.

1.7. The Act requires that the following people and bodies be consulted in the preparation or revision of the statement: -

- The Chief Officer of Police;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

1.8. The Council consulted widely upon this statement. A list of those consulted is included as **Appendix C**.

1.9. This 'Statement of Principles' (Gambling Policy) is published on the Cornwall Council website at www.cornwall.gov.uk. Copies are also available to view at any of the main council offices by prior appointment.

2. Purpose and aim of the policy

2.1 The policy is intended to set out clear and concise guidance, procedure and principles for the benefit of the Licensing Authority, the community, applicants and other relevant organisations.

2.2 This policy statement does 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 Act.

In producing the final statement, the Licensing Authority had regard to the licensing objectives of the Act, the guidance and codes of practice issued by the Gambling Commission and any responses from those consulted on the statement. The full list of comments made and the consideration of responses given will be made available by contacting Cornwall Council.

3. Scope

The Licensing Objectives

3.1 In exercising most of its functions under the Act, the Licensing Authority shall have regard to the licensing objectives set out in section 1 of the Act. In particular, the Licensing Authority shall have regard to the licensing objectives when exercising its functions in relation to premises licences, temporary use notices and some permits. 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; and**
- **protecting children and other vulnerable persons from being harmed or exploited by gambling.**

The Council's approach is to work with and support local businesses whilst balancing risks and concerns in relation to the potential risks to the licensing objectives.

Public Health and Gambling

3.2 The Licensing Authority agrees with the Gambling Commission's view that gambling-related harm should be considered as a public health issue.

Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are however some people who do experience harm as result of their gambling.

Gambling related harm is defined as any type of repetitive gambling that disrupts or damages a person, family, or recreational pursuits. It can impact on an individual's physical and mental health, relationships, housing and finances and affect a wide range of people, such as families, colleagues and wider local communities (for example, where problem gambling is associated with crime or homelessness) and society as a whole (in terms of costs that may be created by problem gambling).

Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas. Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts.

Unfortunately there are links with problem gambling and mental health issues and suicide and the Licensing Authority seeks to help people struggling with mental ill health through its Orange Button Community Scheme and safety planning.

The Licensing Authority also recommends 'GamCare' as the leading provider of support for anyone affected by problem gambling: www.gamcare.org.uk

Gambling Operators must comply with the Gambling Commission's Licence Conditions and Codes of Practice which includes Social Responsibility Codes which requires operators to have and put into effect policies and procedures to promote socially responsible gambling, which should reduce the risk of, and seek to identify problem gambling.

The Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling-related harm in its area. The Licensing Authority will work with the public health team to support people's

health, including those who are gambling and others who may be affected when gambling becomes problematic. The Council's 'Wellbeing guidance for people worried about gambling" contains some useful information in this regard:- https://www.cornwall.gov.uk/media/rvrfi10b/wellbeing-guidance-for-people-worried-about-gambling_final.pdf

The Licensing Authority acknowledges the Gambling Commission's National Strategy to Reduce Gambling Harms and will continue engaging with public health and other partners to reduce gambling harms.

Decision Making

3.3 The Licensing Authority is aware that, under section 153 of the Act, when making decisions about premises licences and temporary use notices it must aim to permit the use of premises for gambling in so far as it thinks it is:-

a. in accordance with any relevant code of practice issued by the Gambling Commission, these codes can be found at: https://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx;
b. in accordance with any relevant guidance issued by the Gambling Commission;
c. reasonably consistent with the licensing objectives (subject to a and b); and
d. in accordance with the Authority's statement of principles.

Responsible Authorities

3.4 Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences. Section 157 of the Act identifies the bodies that are to be treated as responsible authorities.

3.5 Contact details of all responsible authorities under the Act have been attached at **Appendix D.** These contact details are available on the Cornwall Council website together with information on how to make applications for licences and other permissions.

3.6 The Licensing Authority is required by regulations to state the principles which it will apply in exercising its powers under Section 157(h) of the Act to designate 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.*

3.7 In accordance with the Gambling Commission's Guidance for local authorities, the Licensing Authority designates the Safeguarding Children Partnership for this purpose. The Licensing Authority may at any time, if necessary, designate another body for this purpose and as such will do so and amend this policy accordingly without further consultation.

3.8 The Licensing Authority acknowledges that the Secretary of State may prescribe other responsible authorities by means of regulations.

Interested parties

3.9 Interested parties may make representations about premises licence applications, or apply for a review of an existing premises licence. These parties are defined in the Act as follows:-

"For the purpose 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)".

3.10 These factors, along with any other relevant considerations together with the principles indicated below, will be taken into account by the Licensing Authority in determining whether a person can be regarded as an interested party. Other relevant considerations may include for example, the size of the premises and the nature of the activities taking place but of course these examples are illustrative and not exhaustive.

3.11 The principles which the Licensing Authority will apply, in accordance with regulations, in exercising its powers under the Act to determine whether a person is an interested party are: -

a) Each case will be decided upon its own merits. The Licensing Authority will not apply an inflexible approach to its decision-making and will have regard to Gambling Commission's guidance in relation to matters to be considered. It will also consider that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

b) The Licensing Authority will view trade associations, trade unions and residents' and tenants' associations as interested parties provided they have member(s) who can be classed as an interested party(ies) under the terms of the Act, i.e. lives sufficiently close to the premises or has business interests likely to be affected by the authorised activities; or is acting as a representative on behalf of an individual / business likely to be affected. A letter from the interested party requesting the representation will be required.

c) Interested parties can be persons who are democratically elected such as councillors and MPs. The Licensing Authority will normally expect written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from the interested party requesting the representation will usually be sufficient.

3.12 If individuals wish to approach a Councillor of the Licensing Authority to ask them to represent their views, then those councillors will not be part of the Licensing Committee convened to determine the licence application. If there are any doubts or concerns, the Licensing Officer should be contacted for further advice.

3.13 Representations in respect of applications for new premises or applications for reviews should be based on the licensing objectives of the Act, relevant guidance and codes of practice.

Licensing Authority Functions

3.14 Licensing Authorities 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 Permits;*
- Issue *Club Machine Permits* to *Commercial Clubs;*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres;*
- Receive notifications from premises licensed under the Licensing Act 2003 for the sale of alcohol for unconditional consumption on the premises for the use of one or two gaming machines (Category C or D);
- 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 applications received and licences issued or refused (see section above on 'information exchange); and
- Maintain registers of the permits and licences issued or refused under these functions.

3.15 Licensable activities are described in the Glossary in **Appendix A**.

The Gambling Commission

3.16 The Gambling Commission regulates remote gambling and issues Personal and Operator licences for premises. The "National Lottery" is also regulated by the Gambling Commission.

The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.

In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.

Information about the Gambling Commission can be found at www.gamblingcommission.gov.uk

4. Policy statement

PREMISES LICENCES

4.1 Premises licences will be subject to the requirements set out in the Act and its regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The Licensing Authority will be able to exclude default conditions and also attach others, where it is believed to be reasonable and proportionate. The mandatory and default conditions can be found at http://www.legislation.gov.uk/uksi/2007/1409/contents/made.

An application for a premises licence may only be made by persons (which includes companies or partnerships):

- who are aged 18 or over and
- who have the right to occupy the premises and
- who have an operating licence which allows them to carry out the proposed activity. Details of operators that hold an operating licence are available on the Gambling Commission's website or
- who have applied for an operating licence to allow them to carry out the proposed activity. A premises licence cannot be determined until an operating licence has been issued by the Gambling Commission.

4.2 The Licensing Authority, in making decisions about premises licences, will aim to permit the use of premises for gambling in so far as it thinks it is:-

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

4.3 The Licensing Authority notes the Gambling Commission's Guidance for local authorities that "Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)".

4.4 Previous legislation required that the grant of certain gambling permissions should take account of whether there is unfulfilled demand for the facilities. The Gambling Commission has stated that "absence of unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its merits without regard to demand.

Gambling Activity

4.5 By distinguishing between premises types the Act makes it clear that the gambling activity of a premises should include that described by the premises licence.

The Licensing Authority will have regard to the relevant Statutory Guidance issued by the Gambling Commission for each specific type of gambling premises.

Definition of "premises"

4.6 A 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. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks and shopping malls to obtain discrete premises licence where appropriate safeguards are in place. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstance. However, the Gambling Commission considers that areas of a building that are artificially or temporarily separated for example by way of ropes or moveable partitions cannot be properly regarded as different premises.

Division of premises and access between premises

4.7. There can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18 and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18s can go into family entertainment centres, tracks, pubs and some bingo clubs. So access is allowed between these types of premises.

4.8 Where a premises are part of the same building / within the same building there should be an area separating the areas concerned which the public visit for the purposes other than Gambling. This will ensure no direct access.

4.9 There is no definition of "direct access" in the Act or regulations. However, the Statutory Guidance states, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.

4.10 The relevant access provisions for each premises type is as follows:

Casinos

- the principal entrance to the premises must be from a street (please refer to the definition in Appendix A for "street")
- 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 centres

- no customer must be able to access the premises directly from any other licensed gambling premises or premises with a Permit under the Gambling Act.

Betting shops

- access must be from a street (please refer to the definition in Appendix A for "street") or from other 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 cafe – 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 premises directly from:
- a casino
- an adult gaming centre
- a betting premises, other than a track.

Family entertainment centres

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

4.11 The Licensing Authority takes particular note of the Gambling Commission's Guidance for local authorities which states that licensing authorities should:-

- take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

4.12 When determining an application the Licensing Authority, in order to satisfy themselves that there is separation between premises and that the access between premises is acceptable, will have regard to

the plan submitted with the application, the ability for the premises to comply with the mandatory conditions, the Act, Gambling Commission guidance and codes of practice.

The Licensing Authority will raise a representation against an application and may request a review of a premises licence should they feel that the separation and access to the premises could or is undermining one or more of the licensing objectives.

4.13 It is noted that some operators may submit an application for the grant of a premises licence rather than applying for a provisional statement. This means that the premises are likely to be under construction and therefore not ready for use. In these circumstances the Licensing Authority will have due regard to the relevant sections of the statutory guidance issued by the Gambling Commission when determining the application.

Location

4.14 The Licensing Authority will not consider 'demand' issues with regard to the location of premises. The Licensing Authority will however, consider the licensing objectives and associated relevant considerations and 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. Associated relevant considerations could include such factors as the proximity of gambling premises to schools and vulnerable adult centres or to residential estates with a high number of children but will be a matter of determination in each case.

Duplication with other regulatory regimes

4.15 The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Licensing Authority will not normally consider whether a licence application is likely to be awarded planning permission or building regulations approval. It will however, listen to, and consider carefully and appropriately, any concerns about conditions which are not able to be met by the licensee due to planning restrictions, should such a situation arise.

Licensing objectives

4.16 Any premises licences granted shall be reasonably consistent with the licensing objectives, subject to any relevant code of practice or guidance issued by the Gambling Commission.

4.17 **Licensing Objective: 'Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime'**

The Licensing Authority acknowledges that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. It also acknowledges the Gambling Commission's guidance which states, *"Licensing Authorities will need to consider the location of premises in the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors"*. The Licensing Authority notes the Gambling Commission's guidance in relation to disorder and nuisance and that in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. When determining whether a disturbance is serious enough to constitute disorder, the Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it or hear it.

4.18 **Licensing Objective: 'Ensuring that gambling is conducted in a fair and open way'**

The Licensing Authority will not normally (except with regard to tracks i.e. where there is no operating licence) become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences issued by the Gambling Commission.

4.19 **Licensing Objective: 'Protecting children and other vulnerable persons from being harmed or exploited by gambling'**

The Licensing Authority acknowledges the Gambling Commission's guidance 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 whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

4.20 The Licensing Authority will take into account any Codes of Practice issued by the Gambling Commission regarding the licensing objectives particularly in relation to specific premises.

4.21 As regards the term "*vulnerable persons*" the Gambling Commission does not 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 mental health needs, learning disability or substance misuse relating to alcohol or drugs."* The Licensing

Authority will consider this licensing objective on a case-by-case basis. Should a more exhaustive practical definition emerge in future then this policy statement will be reviewed in the light of that definition. The Licensing Authority would recommend that Operators have a specific training programme in place to ensure that staff are able to identify children and other vulnerable persons.

Local Area Profile

4.22 At the time of writing this statement of principles and following consultation with Responsible Authorities and other parties there does not appear to be any significant concerns relating to gambling premises generally within Cornwall.

Having said that, the Council appreciates that there is a high density of Gambling premises within tourist areas within Cornwall and the influx of tourists to Cornwall during the summer months increases the use of the premises.

In addition, unlike other regulated areas, such as alcohol, gambling is much less visible as a concern for residents. The problem gambler or the under 18 who gambles is not likely to contact the licensing authority to complain and therefore proactive inspection and enforcement is necessary to ensure the necessary protections, especially for the young and vulnerable, are in place and working effectively.

Conditions

4.23 Mandatory and default conditions are often sufficient to ensure an application is reasonably consistent with the Licensing Objectives. Any conditions attached to premises licences by the Licensing Authority, will be proportionate to the circumstances which are sought to be addressed. Conditions shall be:-

- relevant to the need to make the proposed premises 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.

Additional conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstances of a particular case and that risk is not adequately addressed within the applicant's risk assessment.

4.24 Certain matters are set out in the Act and may not be the subject of conditions. These are:

- conditions which make it impossible to comply with an operating licence;

- conditions as to gaming machines that contradict the provisions in the Act;
- conditions making activities, premises or parts of them operate as a membership club; and
- conditions on fees, winnings, stakes or prizes.

4.25 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures that the 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 in this policy. Applicants may offer their own suggestions as to the way in which the licensing objectives can be met effectively.

4.26 The Licensing Authority, in accordance with the Gambling Commission's guidance, will 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.

4.27 The Licensing Authority expects that where category C (see **Appendix E**) or above machines are on offer in premises to which children are admitted that (including buildings where multiple premises licences are applicable):-

- 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.

Door Supervisors

4.28 The Licensing Authority, in accordance with the Gambling Commission's guidance, will consider whether there is a need for door supervisors in terms of the licensing objectives; the protection of children and vulnerable persons from being harmed or exploited by gambling; and preventing premises becoming a source of crime.

4.29 The Licensing Authority acknowledges that in the case of casinos or

bingo premises (but not betting shops), any contract staff employed as door supervisors (carrying-out functions set-out in Schedule 2 Part 1 of the Private Security Industry Act 2001), must be licensed by the Security Industry Authority (SIA). In-house staff carrying-out the aforementioned functions in casinos and bingo premises, are exempt from this requirement under the 2001 Act and therefore are not required to be licensed by the SIA.

4.30 For casinos or bingo premises where in-house staff employed as door supervisors may come into contact with children or vulnerable persons, the Licensing Authority expects them to be subject to a Police National Database (PND) check or a Disclosure and Barring Service disclosure certificate upon employment and every 3 years thereafter and / or registration with the Independent Safeguarding Authority , as appropriate.

This is to ensure that they are fit and proper persons to work in such a capacity. Staff employed as door supervisors should have undertaken appropriate training such as BIIAB National Certificate for Door Supervisors. This is in recognition of the nature of the work in terms of searching individuals and dealing with potentially aggressive persons.

4.31 For premises other than casinos and bingo premises, the operator and the Licensing Authority may decide that supervision of entrances / machines is appropriate but it will need to be decided whether these door supervisors need to be SIA licensed or not. It will not be automatically assumed that they need to be.

Adult Gaming Centres

4.32 The 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 that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

4.33 The 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
- Self-exclusion schemes in accordance with the Social Responsibility Code
- Provision of information leaflets / helpline numbers for organisations such as GamCare. For more information go to www.GamCare.org.uk

The above list is neither mandatory, nor exhaustive and is merely indicative of example measures.

(Licensed Family) Entertainment Centres (LFECs):

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

4.35 The Licensing Authority may consider measures to meet the licensing objectives such as:-

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Self-exclusion 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

The above list is neither mandatory, nor exhaustive and is merely indicative of example measures.

4.36 The Licensing Authority will have regard to any guidance issued by the Gambling Commission, in relation to any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will also have regard to any mandatory or default conditions issued by the Secretary of State applicable to this type of premises licence.

Casinos

4.37 **No casinos resolution'** – the Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. The decision to pass such a resolution may only be taken by the authority as a whole and cannot be delegated to the Licensing Committee.

4.38 **Casinos and competitive bidding –** where a Licensing Authority area is enabled to grant a premises licence for a new style casino (the Secretary of State has made such regulations under Section 175 of the Act) there are likely to be a number of operators who will want to run the casino. In such situations the Licensing Authority will run a 'competition' under Schedule 9 of the Act and in line with any

regulations / codes of practice issued under the Act.

4.39 **Licence considerations / conditions** – The Licensing Authority will have regard to any guidance issued by the Gambling Commission in relation to casinos.

Bingo

4.40 The Licensing Authority expects that, where children are allowed to enter premises licensed for bingo, they do not participate in gambling other than on category D machines.
Where category C or above machines are available in premises to which children are admitted the Licensing Authority expects that: -

- all such machines will be located in an area of the premises 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 will be 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.

4.41 The Licensing Authority will have regard to any guidance issued by the Gambling Commission, in relation to the suitability and layout of bingo premises.

Betting Machines

4.42 Betting machines – the Licensing Authority will, in accordance with 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 prevent 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.

Betting Premises

4.43 The licence conditions and codes of practice relevant to betting premises requires that gaming machines may be made available for use in licensed betting premises only where there are also substantive facilities for non-remote betting available in the premises.

Tracks "including other sporting venues"

4.44 Tracks under the Act include premises where a race or other sporting event takes place or is intended to take place. Tracks may be subject to more than one premises licence provided each licence relates to a specified area of the track. The Licensing Authority will 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 expects that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

4.45 The Licensing Authority expects premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities, for example, where children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, they must be prevented from entering areas where gaming machines (other than category D machines) are provided.

4.46 The 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
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

The above list is neither mandatory nor exhaustive, and is merely indicative of example measures.

Gaming Machines

4.47 The Licensing Authority will consider the location of gaming machines at tracks and expects applicants for track premises licences to demonstrate, (where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines), that these machines are located in areas from which children are excluded. Children and young persons, however, will not be prohibited from playing category D gaming machines on a track. The Licensing Authority will have regard to any further guidance issued by the Gambling Commission.

Condition on rules being displayed

4.48 The Licensing Authority, in accordance with the Gambling

Commission's guidance, will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules are to be printed in the race card, or made available in leaflet form from the track office.

Applications and Plans

4.49 The Licensing Authority expects applicants to submit a detailed plan(s) (as part of the whole application) of the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. The plan(s) should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

Off Course Betting Premises on 'Tracks'

4.50 The Licensing Authority, in accordance with the Gambling Commission's guidance, considers that it is generally preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Travelling Fairs

4.51 The Licensing Authority will decide whether the statutory requirement for facilities for gambling amount to no more than an ancillary amusement at the fair is met where category D machines and/ or equal chance prize gaming (see **Appendix E**) without a permit are to be made available for use at travelling fairs.

4.52 The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair (refer to **Appendix A** for definition).

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

Provisional Statements

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

(i) which could not have been raised by objectors at the provisional licence stage;
(ii) which in the authority's opinion reflect a change in the operator's circumstances;
(iii) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and Licensing Authorities should discuss any concerns they have with the applicant before making a decision.

4.55 The Licensing Authority, in accordance with Gambling Commission's guidance, will not take into account irrelevant matters. An example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Variations

4.56 Should the authority receive an application to vary a premises licence for a bingo or betting premises in order to extend the opening hours, then in accordance with the Gambling Commission Guidance this authority will need to be satisfied that the reason for the application is in line with the requirements on the gambling activity (i.e. the need for operating licence holders to ensure that the gambling activity appropriate to the licence type is actually offered at those premises).

Reviews

4.57 Requests for a review of a premises licence can be made by interested parties or responsible authorities. The Licensing Authority will decide whether the review is to be carried out and will be determined on the basis of whether the request for the review is relevant to the matters listed below; the request is frivolous, vexatious; and whether it is substantially the same as previous representations or requests for review. These will certainly not cause this Licensing Authority to alter/revoke/suspend the licence.

Any requests for a review of a premises licence must be: -

- 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.

4.58 The Licensing Authority may also initiate a review of a licence on the basis of any relevant reason that it thinks is appropriate.

4.59 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during the statutory consultation period.

4.60 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. The options available are:

- Add, remove or amend a licence condition;
- Remove or amend a default condition, such as opening hours;
- Suspend the premises licence for a period not exceeding 3 months;
- Revoke the licence.

Premises based Risk Assessments

4.61 In accordance with the Social Responsibility code within the Gambling Commission's Licence Conditions and Codes of Practice, operators must assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises, and have policies, procedures and control measures in place to mitigate those risks.

All new and varied premises operators must also undertake a review of those assessments when certain triggers are met.

These triggers along with the Council's view on what would instigate either a new assessment or the review of an existing one are detailed within Guidance on undertaking risk assessments, this guidance includes a Specimen risk assessment for use should premises choose to use it.

4.62 Local risk factors are risks that affect one or more of the licensing objectives. Should risks be identified upon completion of a risk assessment the local authority will expect operators to implement any measures identified to mitigate any risks.

Conditions may be identified that are considered appropriate in addition to the mandatory and default conditions, however each case will be considered on its own merits and evidence must be produced

that supports additional conditions that premises are not already subject to.

The Licensing Authority expects a copy of the most recent local risk assessment to be kept on each premises that is subject to a premises licence under the Gambling Act 2005.

The risk assessment must be shared with the Licensing Authority when applying for a new or variation of premises licence or at the request of the Licensing Authority.

Permits / Temporary & Occasional Use Notice

Unlicensed Family Entertainment Centre (uFEC) gaming machine permits

4.63 Unlicensed Family Entertainment Centres will be able to offer only category D machines (refer to **Appendix E**) in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit.

4.64 If the operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, the operator will need to apply for an operating licence from the Gambling Commission and a premises licence from the Licensing Authority. The Council recommends that operators consider observing the BACTA Voluntary Code of Practice which can be found at www.bacta.org.uk. These are BACTA's current codes on social responsibility for the gaming machine sector.

4.65 Permits cannot be issued in respect of Vessels or Vehicles.

4.66 Applicants when applying for a permit must show that the premises will be wholly or mainly used for making gaming machines available for use. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example. Typically, the machines would be in a designated, enclosed area.

4.67 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence under the Gambling Act 2005 is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.

4.68 The application must be submitted on the Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used as an uFEC,

which shows the location of any gaming machines that will be provided if the permit were to be granted.

4.69 The Licensing Authority will expect applicants to show that there are policies and procedures in place to protect children and other vulnerable persons from being harmed or exploited by gambling. The efficiency of such policies and procedures will each be considered on their merit; however, they may include appropriate measures / training for staff as regards to 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, etc.

4.70 The Licensing Authority will expect applicants to demonstrate: -

- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act). In order to satisfy that the applicant has no relevant convictions, a basic ~~Disclosure certificate issued by the Disclosure and Barring Service (DBS)~~ *DBS check is required to be submitted by the applicant which must be no more than 1 month old at the time of submitting the application* ~~before the application is made is required to be submitted by the applicant~~. If the applicant is a company, a basic ~~disclosure certificate~~ *DBS check* will be required to be submitted by each of the Directors of the company.
  The basic DBS check can be obtained either via GOV.UK; or through a Responsible Organisation - the DBS has a list of companies who are Responsible Organisations on the GOV.UK webpage.

- that staff are trained to have a full understanding of the maximum stakes and prizes

4.71 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application.

4.72 When considering an application, the Licensing Authority will consider the suitability of the applicant. Given that family entertainment centres are likely to appeal particularly to children and young persons, the Licensing Authority will give particular weight to matters relating to the protection of children from being harmed or exploited by gambling.

4.73 When considering applications for a permit, in accordance with the Act, the Licensing Authority will have regard to any relevant guidance issued by the Gambling Commission; however it need not (but may) have regard to the licensing objectives.

4.74 It should be noted that the Licensing Authority cannot attach conditions to this type of permit.

4.74 The Licensing Authority may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.

4.75 The permit will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. There is no annual fee for an uFEC gaming machine permit

The permit may lapse for a number of reasons, namely:

- if the holder ceases to occupy the premises
- if the Licensing Authority notifies the holder that the premises are not being used as an uFEC
- if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
- if the company holding the permit ceases to exist or goes into liquidation.

Renewal of a Permit

4.76 An application for renewal of an uFEC gaming machine permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application. Licensing Authority may only refuse to renew a permit on the grounds that:

- an authorised local authority officer has been refused access to the premises without reasonable excuse
- renewal would not be reasonably consistent with the licensing objectives.

In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit.

4.77 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

Automatic entitlement to two gaming machines

4.78 Premises licensed to sell alcohol for consumption on the premises are automatically entitled to have two gaming machines (of category C or D) (see **Appendix E**). The person who holds the on-premises alcohol licence must give notice to the Licensing Authority of their intention to make gaming machines available for use and must pay the prescribed fee.

4.79 This is not an authorisation procedure. The Licensing Authority has no discretion to consider the notification or to turn it down. The only matter to determine whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirements for premises to display a notice of their automatic entitlement to gaming machines.

4.80 The Licensing Authority expects licence holders making machines available in accordance with their automatic entitlement to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

4.81 The Licensing Authority can remove the automatic authorisation in respect of any particular premises, by making an order under section 284 of the Act. The Licensing Authority can make such an order if:-

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

Before making an order, the Licensing Authority will give the holder at least 21 days' notice of the intention to make the order and will consider any representations that they may make. The Licensing Authority will hold a hearing if the holder requests and will comply with other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after the notice of intention was given. The Licensing Authority must give the holder a copy of the order and reasons for its decision. The holder may appeal to the Magistrates Court.

(Alcohol) Licensed premises gaming machine permits

4.82 If a premises wishes to have more than two machines, then it needs to apply for a permit. Such a permit can authorise the provision of any number of category C or D gaming machines within the relevant licensed premises. The Licensing Authority will consider that application based upon the licensing objectives and have regard to any guidance issued by the Gambling Commission and also such matters as they think relevant. In particular the Licensing Authority will have regard to the size and nature of the premises, the number of gaming machines requested and the ability of the licence holder to comply with the relevant code of practice.

4.83 The 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 applicants to satisfy the authority that there will be sufficient measures to ensure that persons under 18 years do not have access to the adult only gaming machines.

Measures which may 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 years. Notices and signage may also be of 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.

4.84 The Licensing Authority may also require an applicant to submit a plan of the premises showing where the gaming machines are to be located and showing the position of the bar.

4.85 It is recognised that some alcohol-licensed premises may apply for a premises licence under the Act for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as a premises licence under the Act but the individual circumstances are likely to need to be looked at in each case to assess the requirements of the Act.

4.86 The application does not require notification to the Commission or police before determination. However, the Licensing Authority is able to specify this as a requirement should they see fit.

4.87 The Licensing Authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the Licensing Authority will issue the permit as soon as possible after that. Where they refuse the application they will notify the applicant as soon as possible, setting out the reasons for refusal. The Licensing Authority will not refuse an application or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.

4.88 Holders of permits must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

4.89 The Licensing Authority is able to cancel a permit. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority will notify the holder, giving 21 days' notice of intention to cancel, consider any representations made by the holder, hold a

hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.

The Licensing Authority can also cancel a permit if the holder fails to pay the annual fee, unless failure is the result of an administrative error. The court may order forfeiture of the permit if the holder is convicted of a relevant offence.

Exempt Gaming

4.90 Exempt gaming is generally permissible in any club. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises but is subject to statutory stakes and prize limits determined by the Secretary of State.

Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as dominoes, cribbage, bingo and poker.

The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises and details of these can be found on the Gambling Commission's website.

4.91 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount they may charge is as prescribed in regulations and the relevant details can be found on the Gambling Commission's website. However, in order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.

4.92 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

Prize Gaming Permits

4.93 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

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

4.94 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises under the Gambling Act 2005. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.

4.95 When applying for a permit, the applicant should set out the types of gaming that they intend to offer and be able to demonstrate:-

- that they understand the limits to stakes and prizes that are set out in Regulations;
- and that the gaming offered is within the law
- The Licensing Authority requires applicants for prize gaming permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made.

4.96 The application must be submitted on the standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used for gaming with prizes.

In considering an application, the licensing authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.

4.97 The Licensing Authority can grant or refuse an application for a permit, but cannot attach conditions; however, there are mandatory conditions in the Act with which permit holders must comply. They 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.

The Licensing Authority will grant a prize gaming permit only if they have consulted the chief officer of police about the application. The Licensing Authority will take account of any objections that the police may wish to make which are relevant to the licensing objectives.

Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.

A permit cannot be issued in respect of a vessel or a vehicle.

The Licensing Authority will not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it and given them an opportunity to make representations orally or in writing or both.

If granted, the permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.

The permit may lapse for a number of reasons:

- if the holder ceases to occupy the premises
- if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
- if a company holding the permit goes into liquidation
- if the holder (for example a partnership) otherwise ceases to exist.

4.98 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.

A permit will not cease to have effect while a renewal application is pending, including an appeal against a decision not to renew.

Club Gaming and Club Machines Permits

4.99 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (up to 3 machines from categories B3A, B4, 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 (up to 3 machines from categories B3A, B4, C or D). (Only one of the 3 machines can be a category B3A).

4.100 Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. (It is anticipated that this will cover bridge and whist clubs, which will

replicate the position under the Gaming Act 1968). A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

4.101 The Licensing Authority will therefore require applicants for permits to supply sufficient information and documents to enable it to satisfy itself that the club meets the requirements of the Act to obtain a Club Gaming Permit.

4.102 The Licensing Authority may only refuse an application on the grounds that:-

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

4.103 There is 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). Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced. 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."

4.104 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.

4.105 Club Gaming Permits and Club Machine Permits will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a permit. In addition, a permit will cease to have effect upon being surrendered to the Authority. A notice to surrender must be accompanied by the permit or a statement explaining why it cannot be produced. The Licensing Authority must inform the Police and the Commission when a permit has been surrendered or lapsed.

The Licensing Authority may cancel the permit if:

- the premises are used wholly by children and/or young persons
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

Reference here to 'a permit condition' means a condition in the Act or in regulations that the permit is operating under.

Before cancelling a permit, the Licensing Authority will give the permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make.

The Licensing Authority will hold a hearing if the permit holder so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The Licensing Authority will notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

4.106 In accordance with paragraph 24 of Schedule 12 of the Act, an application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires. The procedure for renewal is the same as for an application.

The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

If, at the time a permit is renewed, the applicant holds a club premises certificate, the fast-track procedure will apply as it does when application is first made for the permit.

Temporary Use Notices

4.107 These 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.

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". In

considering whether a place falls within the definition of "a set of premises", the Licensing Authority will need to look at, amongst other things, the ownership/occupation and control of the premises. Licensing Authority will consider objecting 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.

Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.

Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as dominoes, cribbage, bingo and poker.

Occasional Use Notices for Betting on Tracks

4.108 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. The Licensing Authority will however consider the definition of a *'track'* and whether the applicant is permitted to avail him/herself of the notice.

Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

4.109 The Licensing Authority will share information with the Gambling Commission in relation to any Occasional Use Notices received. The Licensing Authority may also work in partnership with the Gambling Commission to carry out test purchase operations involving licensed operators that are providing facilities for betting in reliance on an Occasional Use Notice. Further information regarding Occasional Use Notices can be found at: https://www.gamblingcommission.gov.uk/authorities/guide/occasional-use-notices-ouns

Lotteries

4.110 A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Act.

An arrangement is a simple lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a process which relies wholly on chance.

An arrangement is a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance.

conducted:

- for charitable purposes, as defined in s.2 of the Charities Act 2006
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

The Licensing Authority will consider the Gambling Commission's additional guidance relating to small society lottery applications.

There are a number of lotteries that are considered exempt therefore requiring no licence. Further details regarding exempt lotteries can be found at https://www.gamblingcommission.gov.uk/public-and-players/guide/page/types-of-lottery-you-can-run-without-a-licence

4.111 The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Licensing Authority believes that a society's principal office is situated in another area, it will inform the society and the other Licensing Authority as soon as possible.

4.112 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application.

If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary

evidence in support of their application. The types of evidence that may be required include, but are not restricted to-

- A list of the members of the society
- The society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements
- A written declaration from the applicant stating that they represent a *bona fide* non-commercial society.

4.113 The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application—

- an operating licence held by the applicant for registration has been revoked under section 119(1) of the Act, or
- an application for an operating licence made by the applicant for registration has been refused.

The Licensing Authority may refuse an application for registration if they think that—

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

The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society would be consistent with the Act
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society would be consistent with any relevant code of practise issued by the Gambling Commission

Promotion of small society lotteries once registered

4.114 Participation in a lottery is a form of gambling, and as such the

Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

4.115 The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

As the minimum age for participation in a lottery is 16, the Licensing Authority expects those societies that it registers to have effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets
- taking action where there are unlawful attempts to purchase tickets.

4.116 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:

- the name of the promoting society
- the price of the ticket, which must be the same for all tickets
- the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the external lottery manager (ELM)
- the date of the draw, or information which enables the date to be determined.

The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.

4.117 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following criteria to all small society lottery operators:

Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door.

This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

Financial Returns

4.118 As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society
- no single prize may be worth more than £25,000
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed

4.119 The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

The following information must be submitted:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

The Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

The Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority's website.

Where societies run more than one lottery in a calendar year, the Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

The Licensing Authority will notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

Revocation of a registration

4.120 The Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society to continue would be consistent with the Act
- Whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society to continue would be consistent with any relevant code of practise issued by the Gambling Commission.

5. Policy Details

5.1 In developing this policy the Council has had regard to:

(a) The Gambling Act 2005 and subsequent regulations

(b) Section 17 of the Crime and Disorder Act 1998 to take all responsible steps to reduce crime and disorder within the county;

(c) The Regulators Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and

(d) The Provision of Services Regulations 2009 to ensure requirements are:

i) non–discriminatory
ii) justified by an overriding reason relating to the public interest
iii) proportionate to that public interest objective
iv) clear and unambiguous
v) objective
vi) made public in advance, and transparent and accessible

6. Consultation and Engagement

6.1 The Council consulted on this policy between ~~5 September and 31 October 2022~~ *1 July and 12 August 2024.*

Consultation took place with a number of agencies, some of which are detailed at Appendix C. A full list of the persons / bodies who were consulted can be provided upon receipt of a written request.

7. Performance and Risk Management

7.1 The Policy will be regularly reviewed and monitored to ensure that it reflects current legislation, its effective, up to date and achieving a responsible regulatory framework for Cornwall.

7.2 This will be achieved by monitoring the outcome of hearings, appeals through Magistrates courts, developments in legislation, by having regard to stated cases, local needs and economic impacts.

7.3 The Council will ensure that Members and Council officers are involved in the development and implementation of this policy, the enforcement of the licensing regime and anyone involved in the day to day operation of the service receives adequate training.

7.4 Training will be carried out following any review and amendment of the policy, alterations to legislative requirements or fundamental changes to the provision of the licensing service.

7.5 Three-yearly policy reviews are included within the Neighbourhoods and Public Protection Service Plan.

8. Communicating the Policy

8.1 This policy is available on the Council's website and will be made available at the main Council Offices in ~~Camborne and~~ Bodmin. In addition, responsible authorities will be provided with a copy of this policy document.

8.2 Any amendment to the policy will be communicated to the community by way of a press release on the Council's website. Persons having been actively involved in any consultation on the policy will be notified directly.

9. Breaches and Non-Compliance

Inspection and Enforcement

9.1 The principles which the Licensing Authority will apply, in exercising its functions with respect to the inspection of premises and the powers it is given to institute criminal proceedings in respect of the offences specified, will be guided by any advice issued by the Gambling Commission and will endeavour to be: -

- Proportionate: only intervene when necessary: remedies will be appropriate to the risk posed and costs identified and minimised;
- Accountable: able to justify decisions and be subject to public scrutiny;
- Consistent: be joined-up and implement rules and standards fairly;
- Transparent: be open and keep regulations simple and user-friendly; and
- Targeted: regulate by focussing on the problem, and minimising side effects.

Under the Legislative and Regulatory Reform Act 2006, any person exercising a specified regulatory function has a legal duty to have regard to the statutory principles of good regulation in the exercise of the function. These provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed. The Gambling Commission has regard to these principles in relation to its responsibilities and also has regard to the requirements of the Regulators' Compliance Code ("the Code"). The purpose of the Code is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business

9.2 In accordance with the Gambling Commission's Guidance the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is reasonably practicable.

9.3 The Licensing Authority will endeavour to adopt targeted risk-based inspection regimes in accordance with any Codes of Practice issued concerning the inspection of premises and will also have regard to any guidance or risk models proposed by the Gambling Commission.

9.4 The main enforcement role for the Licensing Authority under the Act will be to ensure that premises issued with premises licences and other permissions it authorises comply with the law. Under the provisions of the Act, the Licensing Authority will also follow up any complaints and enquiries about premises and persons / organisations.

9.5 The Gambling Commission will be the enforcement body for the operating licences and personal licences that it issues. The Licensing Authority will, therefore, not deal directly with any concerns relating to the manufacture, supply or repair of gaming machines, but will notify the Gambling Commission of any such concerns.

9.6 The Licensing Authority, in exercising its regulatory functions, will be mindful of any advice issued as a result of the developments of the work of the Department for Business, Innovation and Skills. For more information go to http://www.bis.gov.uk/.

9.7 Any enforcement action taken on any premises or individual will be in accordance with Cornwall Council's Enforcement Policy.

Exchange of Information

9.8 The Licensing Authority will ensure it exercises its functions in accordance with the laws on exchange of information with respect to the exchange of information between it and the Gambling Commission and its functions under the Act with respect to the exchange of information between it and other persons listed in Schedule 6 to the Act.

9.9 The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information whilst complying with the provisions of the General Data Protection Regulations. The Licensing Authority will have regard to any guidance issued by the Gambling Commission as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

9.10 The Licensing Authority will have regard to any advice given by the Gambling Commission when establishing local protocols regarding information exchange with other bodies and which will be available upon written request.

9.11 Representations made by interested parties will be disclosed in full to the applicant and to Members (councillors) determining the application at any hearing. Disclosure will normally include the identity of the person / body making the representation. Anonymous representations will not be accepted as the Licensing Authority must

be satisfied that the representation is made by an 'interested party' as defined in the Act.

10. Information and Training

10.1 The information can be viewed at www.opsi.gov.uk

- Gambling Act 2005
- Gambling Commission Guidance issued to Local Authorities
- Gambling Commission Codes of Practice
- The Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Equality Act 2010

11. Evaluation and Review

This policy will be reviewed on a three yearly basis. Any proposed amendments to the Policy will be fully consulted upon, prior to re-adoption by the Council.

This policy will be subject to review by 31 January 2026 although the policy may be subject to further review changes as a result of the forthcoming Gambling Review.

12. Further Information *

Useful web-links:-

Gambling Act 2005 (legislation.gov.uk)

The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 (legislation.gov.uk)

Guidance to licensing authorities - Gambling Commission

Gambling Commission website - Gambling Commission

The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (legislation.gov.uk)

Licence Conditions and Codes of Practice - Gambling Commission

Pubs and clubs toolkit - Gambling Commission

Premises assessments toolkit and Primary Authority agreements - Gambling Commission

Occasional use notices (OUNs) - Gambling Commission

Types of lottery you can run without a licence - Gambling Commission

Data Protection Act 2018 (legislation.gov.uk)

Office for Product Safety and Standards

www.GamCare.org.uk
Support and advice to keep your gambling under control | BeGambleAware

Wellbeing guidance Gambling (cornwall.gov.uk)

Orange Button Community Scheme - Cornwall Council

Mental health safety plans - Cornwall Council

Mental wellbeing guides - Cornwall Council

* This section will be kept under review and may be updated by the Licensing Service

If any of the web-links referred to above or throughout this document are not able to be accessed, please contact the Licensing Service to request the necessary information be emailed or posted.

If you would like this information in another format please contact:

Cornwall Council
County Hall
Treyew Road
Truro TR1 3AY

Telephone: **0300 1234 100**

Email: **enquiries@cornwall.gov.uk**

www.cornwall.gov.uk

Please consider the environment. Only print this document if it cannot be sent electronically.

Appendix A – Glossary / Definitions

The "Act"	means the Gambling Act 2005
Adult Gaming Centres (AGC)	Premises with an adult gaming centre premises licence, authorising the use of Category B machines (restricted to B3 and B4 machines).
Amusement Arcades	These are not referred to as such in the Act. See Adult Gaming Centres and Family Entertainment Centres (Licensed & Unlicensed).
BACTA	British Amusement Catering Trade Association
Betting	'Betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.
Betting Machines	A machine which has been designed or adapted for use to bet on future real events, such as horse racing, and used as a substitute for placing a bet over a counter.
Bingo	Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes were derived from the stakes and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators. A holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. Alcohol-licensed premises, clubs and miners' welfare institutes are able to offer bingo in all forms (up to a total weekly prize value of less than £2,000). Prize bingo is traditionally played in arcades or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that AGCs, both licensed and unlicensed FECs, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. Limits have been set in Government Regulations.
Child / Children & Young persons	In the Act:- **'Child'** means an individual who is less than 16 years old '**Young person**' means an individual who is 16 -18yrs old
Club Gaming Permits	Issued by the Licensing Authority authorising the provision of facilities for gaming on premises where a members' club or miners' welfare institute operates. Such permits authorise up to 3 gaming machines (Categories B3A, B4, C or D but note that only one of the 3 machines can be a B3A category), the provision of facilities for some gaming activities, and facilities for games of chance subject to regulations etc.

Club Machine Permits	Issued by the Licensing Authority authorising up to 3 gaming machines (Categories B3A, B4, C or D but note that only one of the 3 machines can be a B3A category) on premises where a members' club or miners' welfare institute operates (and for use only by members of the club/institute and their guests). Conditions are applied to such permits as required by Section 273 of the Act.
Equal chance gaming	This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a "bank". It is immaterial how the "bank" is described and whether or not it is controlled by a player.
Exempt activities	Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer. Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equally chance gaming takes place; and it does not occur in a place to which the public have access.
Gambling	Defined as either gaming, betting or participating in a lottery.
Games of chance	Includes games that involve both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.
Gaming	Playing a game of chance for a prize.
Gaming machines	A machine designed or adapted for use by individuals to gamble (whether or not the machine can also be used for other purposes). This does not include a machine designed to bet on future real events, or to play bingo. See also **Appendix E**.
Licensed Family Entertainment Centres (LFECs)	Premises (other than AGCs) which are wholly or mainly used for provision of gaming machines and licensed via an **'FEC premises licence'** for the provision of Category C or D gaming machines.
"Licensing Authority"	means Cornwall Council
Non-commercial gambling	When no part of the proceeds/profits will be for private gain. Proceeds/profits are sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. Certain conditions and limits apply which are prescribed in the Act and its Regulations.

Occasional Use Notices	Notice given under section 39 in respect of a track which is intended to be used to accept bets. The notice can only be given by a person who is an occupier of the track or responsible for the administration of events on the track.
Off-course betting	Off-course betting operators may operate self-contained betting premises within a track premises as well as betting premises away from the track
On-course betting	An on-course betting operator is one who comes onto a track temporarily while races are taking place and operates at the track side.
Operating licence	An operating licence is a licence issued to the gambling premises operator by the Gambling Commission.
Personal licence	A personal Licence is a licence issued to individuals by the Gambling Commission.
Pool betting	Betting is 'pool betting' if made on terms that all or part of winnings: - (a) shall be determined by reference to the aggregate of stakes paid or agreed to be paid by the persons betting (b) shall be divided among the winners; or (c) shall or may be something other than money
Premises Licences	A licence issued by the Licensing Authority, which authorises premises to be used for:- a) the operation of a casino (a 'casino premises licence') b) the provision of facilities for the playing of bingo (a 'bingo premises licence') c) making Category B, C or D gaming machines available for use (an 'adult gaming centre premises licence') d) making Category C and D gaming machines available for use (a ' family entertainment centre premises licence') or e) the provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or providing other facilities for the making or accepting of bets (a 'betting premises licence')
Prize Gaming Permits	Permits issued by the Licensing Authority authorising a person to provide facilities for gaming with prizes on a specified premises. Section 188 of the Act defines gaming as prize gaming if the nature and size of the prizes is not determined by the number of people playing and the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
Provisional Statements	An application for a provisional statement is an application in respect of premises in anticipation (by the applicant) that the premises will be constructed, altered or occupied for the purpose. A provisional statement (if granted by the

	Licensing Authority) is followed by an application for a premises licence once the premises are appropriated, altered or built, and the Licensing Authority must then disregard any representations made, unless the representations address matters that could not have been addressed in relation to the provisional statement application or reflect a change in the applicant's circumstances.
Remote gambling	Gambling in which persons participate by the use of remote communication. Remote communication under section 4 of the Gambling Act 2005 means using the internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication.
Small society lotteries	Proceeds of the lottery do not exceed £20,000 or, if it is promoted wholly or partly at a time in a calendar year, the aggregate proceeds in a calendar year do not exceed £250,000 (subject to other conditions set out in Part 4 of the Act). A small society lottery is exempt from the licensing requirements providing certain conditions are met, however, the promoting society is required to be registered with the local authority (Part 5).
Street	This is defined in the GA05 (Mandatory and Default Conditions) Regulations as "including any bridge, road, lane, footway, subway, square, court, alley or passageway (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not"
Temporary Use Notices	Notification by the holder of an operating licence that they intend to use an unlicensed premises for gambling on specified days not exceeding 21 days in any 12-month period. Such notices are required to be given to the Licensing Authority at least 3 months prior to the proposed use of the premises.
The Gambling Commission	Established on 1 October 2005, the Commission has responsibility for the regulation of all commercial gambling in Great Britain (other than spread betting or the National Lottery).
Tracks	A horse racecourse, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
Travelling fairs	A 'fair' is a fair consisting wholly or mainly for the provision of amusements, and a 'travelling fair' is a fair held wholly or mainly by persons who travel from place to place for the purpose of providing fairs, and the fair is held at a place which has been used for the provision of a fair on not more than 27 days in that calendar year.
Unlicensed Family Entertainment Centres (uFECs)	Premises (other than AGCs or Licensed FECs) which are wholly or mainly used for the provision of gaming machines (a family entertainment centre) and authorised via an 'FEC gaming machine permit' to make Category D machines available for use in a premises.

Note
All references to the Gambling Commissions' Guidance for Local Authorities refer to the latest version. ~~which was last updated in April 2021.~~

Appendix B - Map of Cornwall

Appendix C – List of Consultees

Consultation included the following agencies; this is not an exhaustive list.

- The Police
- Health Authority
- Local Safeguarding Children Board
- Fire & Rescue Authority
- The Licensing Authority
- The Gambling Commission
- The Local Planning Authority
- Environmental Health
- HM Revenue & Customs
- Casinos and Bingo Premises
- The Bingo Association
- Betting Shops
- Betting and Gaming Council
- Representatives of premises licensed to sell alcohol
- Amusement Arcades/Family Entertainment Centres
- Ten Pin Bowling Centres
- Pools Operators and Lotteries Operators
- Gaming Machine Suppliers & Bookmakers Association
- Gambling Help/Support Organisations
- Other bodies such as Parish Councils, Ward Councillors etc., considered to be bodies representing persons who may be affected by the exercise of the Authority's functions under this Act.

Appendix D

List of Responsible Authorities

Responsible Authority	Address	Telephone / Email
Licensing Authority	Licensing Service Cornwall Council *New County Hall* *Treyew Road* *Truro* *TR1 3AY* ~~P O Box 676~~ ~~Threemilestone~~ ~~Truro~~ ~~TR1 9EQ~~	~~01726 223433~~ *01872 324210* licensing@cornwall.gov.uk
Gambling Commission	Victoria Square House Victoria Square Birmingham B2 4BP	0121 230 6500 info@gamblingcommission.gov.uk
Children Safeguarding Partnership	3rd Floor, North Wing New County Hall Truro TR1 3AY	0300 1234 101 childrenslicencechecks@cornwall.gov.uk
HM Revenues & Customs	HM Revenue & Customs Excise Processing Teams BX9 1GL	0300 322 7072 (option 7) NRUBettingGaming@hmrc.gov.uk

Chief Officer of Police	Devon & Cornwall Constabulary Launceston Police Station Moorland Road Launceston PL15 7HY	01566 771309 *licensing.team@devonandcornwall.pnn.police.uk*
Fire & Rescue Authority	Cornwall Fire and Rescue Service St Austell Community Fire Station Carlyon Road St Austell PL25 4LD	01726 223620 *csadmin@fire.cornwall.gov.uk*
Local Planning Authority	Planning Service Cornwall Council Chy Trevail Beacon Technology Park Bodmin PL31 2FR	01208 265712 planning.enforcement@cornwall.gov.uk
Environmental Health	Environmental Health Cornwall Council ~~Dolcoath Avenue~~ ~~Camborne~~ ~~TR14 8SX~~ *New County Hall, Treyew Road, Truro, TR1 3AY*	0300 1234 212 *businesscompliance@cornwall.gov.uk* *communityandenvironmentalprotection@cornwall.gov.uk*
Any other persons prescribed by regulations made by the Secretary of State	The responsible authorities listed are correct at the time of printing, but the Act allows for additions to be made by way of regulations passed by the Secretary of State. Details of responsible authorities will be provided on request to the Licensing Service and will in any case accompany application forms issued by the licensing service. An up to date list of contact details will also be available from the Council's Licensing Service.	

Responsible authorities also include navigation authorities for vessels moored/ berthed/navigated in any water at a time when used for licensable activities: -

Maritime and Coastguard Agency	Plymouth Main Office New Fish Market Baylys Wharf Sutton Harbour Plymouth PL4 0LH	01752 266211 *mcaplymouthadmin@mcga.gov.uk*
Canal & River Trust	Bumpers Way Bumpers Farm Chippenham SN14 6NG	0303 040 4040 customer.services@canalrivertrust.org.uk
Environment Agency (Head Office)	Rio House Waterside Drive Aztec West Almondsbury BS32 4UD	03708 506506 *enquiries@environment-agency.gov.uk*

Appendix E
Definition of Gaming Machines
Based on Gambling Commission's Guidance to Licensing Authorities

Section 235 of the Act defines a "gaming machine" as "a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes)". This definition is wider than those included in previous gaming legislation and covers all types of gambling activity which can take place on a machine, including betting on virtual events. However, the following should be noted:

- there remains a distinction between skill machines and gaming machines in that skill machines are unregulated; and
- section 235 contains important exemptions for equipment that is not to be considered a gaming machine, even when gambling can be performed on it - for example, a home PC is not to be classed as a gaming machine, even though someone can access remote gambling facilities on it.

Categories of Gaming Machines

Category of machine	Maximum Stake	Maximum Prize
B1	£5	£10,000*
B2	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D non-money prize (not crane grab)	30p	£8
D non-money prize (crane grab)	£1	£50
D money prize	10p	£5
D combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine only)	20p	£20 (of which no more than £10 may be a money prize)

* with option of maximum £20,000 linked progressive jackpot on premises basis only

It should be noted that these stakes and prizes are subject to change, refer to https://www.gamblingcommission.gov.uk/home.aspx for the most up to date stakes and prizes.

Age restrictions

- Categories B (including B3A machines offering lottery games) and C machines – minimum age of 18 years for all players;
- Category D – no minimum age for players, however the Secretary of State has a reserve of power to set a minimum age for playing category D machines with an associated power to exempt certain machines like penny pushers;
- The holder of a permit or premises licence will have to ensure that he complies with the Codes of Practice issued by the Commission on the location of and access to such machines by children and young persons, and their separation from category C and B machines where those are also located on the same premises.

Summary of Maximum Number of Machines by Premises Type

<table>
<tr><th></th><th colspan="7">Machine category</th></tr>
<tr><th>Premises Type</th><th>A</th><th>B1</th><th>B2</th><th>B3</th><th>B4</th><th>C</th><th>D</th></tr>
<tr><td>Regional casino (machine/table ratio 25-1 up to maximum)</td><td colspan="7">Maximum of 1250 machines
Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)</td></tr>
<tr><td>Large casino (machine/table ratio of 5-1 up to maximum)</td><td></td><td colspan="6">Maximum of 150 machines
Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine / table ratio)</td></tr>
<tr><td>Small casino (machine/table ratio of 2-1 up to maximum)</td><td></td><td colspan="6">Maximum of 80 machines
Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/ table ratio)</td></tr>
<tr><td>Pre-2005 Act casinos (no machine/table ratio)</td><td></td><td colspan="6">Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead</td></tr>
<tr><td>Betting premises and tracks occupied by Pool Betting</td><td></td><td></td><td colspan="5">Maximum of 4 machines categories B2 to D (expect B3A machines)</td></tr>
<tr><td>Bingo premises</td><td></td><td></td><td></td><td colspan="2">maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**</td><td colspan="2">No limit C or D machines</td></tr>
<tr><td>Adult gaming centre</td><td></td><td></td><td></td><td colspan="2">maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**</td><td colspan="2">No limit C or D machines</td></tr>
<tr><td>(Licensed) Family entertainment centre (with premises licence)</td><td></td><td></td><td></td><td></td><td></td><td colspan="2">No limit on category C or D machines</td></tr>
<tr><td>(Unlicensed) Family</td><td></td><td></td><td></td><td></td><td></td><td></td><td>No limit</td></tr>
</table>

entertainment centre (with permit)							on category D machines
Clubs or miners' welfare institutes with permits					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	A	**B1**	**B2**	**B3**	**B4**	**C**	**D**

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D and commercial clubs are entitled to a total of three machines in categories B4 to D.

**** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. The Gambling Commission's available for use guidance makes it clear that for the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance.**

Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is greater.

Appendix F

Summary of Licensing Authority delegations permitted under the Gambling Act (Based on Gambling Commission's Guidance to Licensing Authorities April 2021)

Matter to be dealt with	Full Council	Sub-committee of Regulatory 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
Determination of review of a premises licence		X	
Instigation of 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	

Matter to be dealt with	Full Council	Sub-committee of Regulatory Licensing Committee	Officers
Applications for other permits			**X**
Cancellation of licensed premises gaming machine permits			**X**
Small Lottery Registration		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Consideration of temporary use notice		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Decision to give a counter notice to a temporary use notice		**X**	
Give notice to dispense with a hearing where all parties consider a hearing is unnecessary and the relevant licensing sub-committee have confirmed in writing their agreement that a hearing is unnecessary			**X**

X Indicates the lowest level to which decisions can be delegated