



THE BOROUGH COUNCIL OF CALDERDALE

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

This Statement of Principles, unless otherwise amended will
remain in force until January 2019

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PART A – INTRODUCTION

1. LEGAL FRAMEWORK

1.1 The Gambling Act 2005 places a legal duty on both the Gambling Commission and Licensing Authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

2. THE LICENSING OBJECTIVES

2.1 In exercising our function under the Gambling Act 2005 “The Act” <http://www.legislation.gov.uk/ukpga/2005/19/contents> Calderdale Council’s Licensing Authority “The Council” will carry out its functions under the Act with a view to aiming to permit the use of premises in so far as it is reasonably consistent with the three licensing objectives set out in Section 1 of the Act, namely:

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

3. LICENSING AUTHORITY FUNCTIONS

3.1 Calderdale Council as a Licensing Authority is 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 alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds

- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licenses issued
- Maintain registers of the permits and licenses that are issued under these functions

3.2 The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licenses.

4 . THE CALDERDALE DISTRICT

Calderdale Council was created in 1974 out of local government reorganisation when nine separate local authorities were replaced by Calderdale Metropolitan Borough Council. Calderdale is home to some of the Country's most highly regarded leisure and nightlife providers. Calderdale is the home to six thriving Town Centres, Brighouse, Elland, Halifax, Todmorden, Hebden Bridge and Sowerby Bridge. In 2016 Halifax Town Centre was awarded the Purple flag status for the sixth consecutive year for being a safe and welcoming place for a night out. A map of the Calderdale District is attached at Appendix A.

4.1 Calderdale Council's Mission is: **BE THE BEST BOROUGH IN THE NORTH** and to Grow the Economy, Reduce Inequalities and Build a Sustainable Future.

4.2 The most recent census was held in 2011 and the results showed a significant increase in the population of Calderdale from 192,405 to 203,800 since the previous census in 2001. There is a strong commitment across the borough to work together for the benefit of all Calderdale Communities. The Council works in partnership with other public sector organisations, private companies as well as voluntary and community groups in a strategy which aims to promote the social, economic and environmental success of Calderdale.

4.3 The Licensing Authority has established a Licensing and Regulatory Committee to administer the wide range of licensing decisions and functions. The Licensing and Regulatory Committee has delegated certain decisions and functions and established a number of Sub-committees to deal with them. The grant of non-contentious applications has been further delegated to officers.

4.4 The table below sets out the agreed delegation of decisions and functions to full Council, Licensing and Regulatory Sub Committees and the Head of Customer Services.

Matter to be Dealt with	Full Council	Licensing and Regulatory Sub Committee	Head of Customer Services

Policy not to permit casinos	X		
Fee Setting (Where Appropriate)		X	
Application for premises Licence		Where relevant representations have been received and not withdrawn	Where no relevant representations received or where representations have been withdrawn
Application for a variation of a licence		Where relevant representations have been received and not withdrawn	Where no relevant representations received or where representations have been withdrawn
Application of a transfer of a licence		Where representations have been received from the Gambling Commission	Where no representations have been received from the Gambling Commission
Application for a provisional Statement		Where relevant representations have been received and not withdrawn	Where no relevant representations received or where representations have been withdrawn
Review of a Premises Licence		X	
Application for club gaming/club machine permits		Where objections have been made and not withdrawn	Where no objections have been made or when objections have been withdrawn
Cancellation of Club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of Temporary Use Notice			X
Decision to issue Counter Notice to a Temporary Use Notice		X	
Decision to attach/exclude a condition under section 169(1)(a) or (b) of the Act		Where the consent of the applicant or interested party who has made the relevant representations has not been given	Where the consent of the applicant or interested party who has made relevant representations has been given

Applications for small lottery registrations		Where objections have been made and not withdrawn	Where no relevant representations received or where representations have been withdrawn
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4.5 Where relevant representations have been received each application for a licence will be considered:-

- On its own merits
- In accordance with the Gambling Act 2005 (as amended)
- With reference to statutory Guidance issued by the Gambling Commission as provided for by S25 of the Act
- With reference to this Statement of Principles

4.6 Nothing within this Statement of Principles will:

- Prevent any person from applying under the Act for any of the permissions or consents provided for therein and from having that application considered and determined on its own merits
- Prevent any person or stop any person from making representations on any application or from seeking a review of a licence or permit where the Act permits them to do so.

5. POLICY STATEMENT BACKGROUND

5.1 Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a Statement of Principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years.

5.2 This Policy Statement is the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.

5.3 Calderdale Council does not currently have a Local Area Profile as referenced in the Gambling Commission's Guidance to Local Authorities, however its clear priority is to ensure that children and vulnerable persons are not harmed by gambling. To this end the Licensing Authority will expect applicants to research and understand the local environment in which they wish to operate and to demonstrate that they have effective and robust measures in place to promote this licensing objective and mitigate any risks related to it. The Licensing Authority will not hesitate to take appropriate enforcement action where this does not appear to be the case.

5.4 Applicants should note that the Council may develop a Local Area Profile setting out the local issues, local data, local risks and the expectations that the

Council has of operators who either currently offer gambling facilities or wish to do so in the future.

5.5 In the absence of a Local Area Profile when considering applications for premises licences, permits and other permissions, and when determining whether to review a licence, the Council will consider each application on its merits and relevant considerations are likely to include the type of gambling proposed and the proximity of gambling premises to schools and vulnerable adult centres, or to residential areas where there may be a high concentration of families with children.

5.6 An applicant for a premises licence will be expected to demonstrate how it proposes to overcome licensing objective concerns which the Council will take that into account in its decision making.

5.7 The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (<http://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>)

5.8 In carrying out the licensing function under the Act the Council will aim to permit the use of premises for gambling as long as it is considered to be:-

- In accordance with any relevant Codes of Practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- In accordance with this Statement of Principles, and
- Reasonably consistent with the licensing objectives

5.9 The Act provides for 3 categories of licence:

- Operating Licences
- Personal Licences
- Premises Licences

5.10 'Gambling' is defined by the Act as gaming, betting, or taking part in a lottery:

- Gaming means playing a game of chance for a prize
- 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
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

6. LOCAL RISK ASSESSMENTS

6.1 The Council is entitled to request such information from operators as it requires to make effective licensing decisions. Whilst the 2005 Act requires that an application must be accompanied by a minimum level of information, the Gambling Commission's view is that this does not preclude reasonable requests from licensing authorities for additional information to satisfy themselves that their licensing decision is reasonably consistent with the licensing objectives and the Commission's codes. That information may include, for example, a suitable business plan or the operator's own assessment of risk to the licensing objectives locally.

6.2 From 6 April 2016, of the Social Responsibility Code provision 10.1.1 (which must be followed and has the force of a licence condition) requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

6.3 Licensees will be required to undertake these local risk assessments when applying for a new premises licence. Their risk assessment must also be updated:

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

6.4 From 6 April 2016, the Ordinary Code provision 10.1.2 encourages licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. The Council will expect this provision to be followed unless equally effective alternative arrangements are in place.

7. POLICY STATEMENT CONSULTATION

7.1 Consultation:

In accordance with the Act, the Licensing Authority has consulted with interested persons and organisations throughout Calderdale with regard to the preparation with this Statement of Principles. In addition to any other consultees the Licensing Authority has consulted, in accordance with S349(3) of the Act with the following:

- West Yorkshire Police
- Persons/Bodies who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Calderdale Area

- Persons/Bodies who appear to the Authority to represent the interests of the persons who are likely to be affected by the exercise of the Authority's functions under this Act.

Appendix B shows a full list of consultees. The views of all consultees were considered by the Licensing Authority. Any amendments to this Statement of Principles, unless minor, will be consulted upon as above.

Should you have any comments as regards this policy statement please sent them via email or letter to the following:

Address The Licensing Manager
 Town Hall,
 Halifax
 HX1 1UJ

Email licensingenforcement@calderdale.gov.uk

8. DECLARATION

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

8.2 In producing the final Statement of Principles, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses received from those consulted on the Statement.

PART B - GENERAL

1. RESPONSIBLE AUTHORITIES

1.1 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.

1.2 The Licensing Authority is required by the Regulations to state the principles it will apply in exercising its powers under section 157(h) of the Act, to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and

- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

1.3 In accordance with the Gambling Commission Guidance for local authorities, **this Authority designates the Adult and Children's Services Directorate** of the Borough Council of Calderdale for this purpose.

1.4 Section 157 of the Act defines the 'Responsible Authorities' as:

- The Licensing Authority in whose area the premises is situated
- The Gambling Commission
- West Yorkshire Police
- West Yorkshire Fire Service
- The Local Planning Authority
- The Local Environmental Health Service
- Adult and Children's Services Directorate
- HM Revenue and Customs

1.5 The inclusion of a wide range of Responsible Authorities in the Act, aims to ensure that all relevant regulatory bodies and organisations are made aware of applications for gambling premises licences or other permissions. In many instances, the comments that Responsible Authorities make will be relevant to the Licensing Authority's determination.

1.6 In some cases representations may not relate to matters that lead to a hearing of the application by the Licensing and Regulatory Committee. However, a policy of wide dissemination of applications allows Responsible Authorities to take action under their own legislation and enforcement powers.

1.7 Any concerns expressed by a Responsible Authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Council will not take into account representations which are deemed to be irrelevant, i.e.:

- There are too many gambling premises in the locality
- The premises are likely to be a fire risk
- The location of the premises is likely to lead to traffic congestion
- The premises will cause crowds to congregate in one area causing noise and nuisance

This list is not exhaustive and each representation will, however, be considered on its own individual merits.

2. INTERESTED PARTIES

2.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These representations must be made in

writing, be relevant to the Licensing Objectives, or raise issues under the statement of principles or Gambling commission Guidance or Codes of Practice and made in accordance with the Act and any Regulations made by the secretary of State.

2.2 **Interested parties** are defined in the Gambling Act 2005 as follows:

“... 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 applications are made, the person -

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- Has business interests that might be affected by the authorised activities, or
- Represents persons in either of the two groups above”

2.3 There are a number of factors that the Council will take into account when determining whether a person ‘lives sufficiently close to the premises’, these may include:-

The size of the premises

- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
- The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

2.4 Relevant factors will depend on the particular application.

2.5 In determining whether a person has a business interest which could be affected there are a number of factors that are likely to be relevant, these include:-

- The size of the premises
- The ‘catchment’ area of the premises, that is, how far people travel to visit the premises
- Whether the person making the representation has business interests in that catchment area that might be affected

2.6 Interested parties can be people who are democratically elected such as Councillors and MPs, as persons representing individuals in the other categories. This would include county, parish and town councillors. Other representatives might include bodies such as trade associations and trade unions, and residents’ and tenants’ associations. A school head or governor may act in representing the

interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

2.7 Individuals may approach their ward Councillors to represent their views, however, care must be taken to ensure that the Councillors are not part of the Licensing and Regulatory Committee dealing with the licence application.

2.8 If an existing gambling business makes a representation stating that it will be affected by another gambling business starting up in the area, the Council will not consider this, in the absence of any other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition. However, where representations do relate to the licensing objectives and are made by a business which meets the criteria of an interested party then they will not be excluded merely because they are made by another gambling business.

2.9 The Council may in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case, but before coming to a decision the Council will normally consider:

- Who is making the representation and whether there is a history of making representations that are not relevant
- Whether it raises a 'relevant' issue or not, or
- Whether it raises issues specifically to do with the premises which are the subject of the application

2.10 Each representation will be considered on its own merits having regard to the Gambling Commission Guidance to local authorities.

3. EXCHANGE OF INFORMATION

3.1 Under Sections 29 and 30 of the Act Licensing Authorities are required to set out the principles applied in relation to the exchange of information with the Gambling Commission, and the functions under section 350 of the Act in respect to the exchange of information between it and the other persons listed in Schedule 6 of the Act as:

- A constable or police force
- An enforcement officer
- A licensing authority
- HMRC
- The First Tier Tribunal
- The Secretary of State
- Scottish Minister

3.2 The Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

3.3 Any information supplied must only be used for the purposes for which it is obtained, it must be securely retained whilst in the possession of the party that has requested it, and must be securely disposed of when no longer required. It must not be further transmitted to a third party without the consent of the original authority that supplied the information.

4. LICENSING OBJECTIVES

Preventing gambling from being a Source of crime or Disorder or being used to Support Crime:-

4.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime. The Council will consider the proposed location of the gambling premises in terms of this Licensing objective. If an application for a Licence or Permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Council will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This council may include a requirement for door supervisors. The Council will also require that premises have protocols in place to prevent staff or customers becoming a victim of crime or disorder (eg robbery), and identify those persons who may be at risk and the existence of these protocols is well-publicised.

4.2 Anyone applying to the Council for a Premises Licence will have to hold an Operating Licence from the Commission before a Premises Licence can be issued. This means that the Council will not need to concern itself with the suitability of the applicant. Where concerns about a person's suitability arise, the Council will bring these concerns to the attention of the Commission.

4.3 As far as disorder is concerned, there are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Council does not, therefore, intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers.

4.4 The Council will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if Police

assistance was required to deal with it. Another factor the Council is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.

4.5 When making decisions in this regard the Council will have due regard to any representations made by the Police.

Ensuring that Gambling is conducted in a Fair and Open Way:-

4.6 The Gambling commission does not expect Local Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

4.7 Betting Track Operators do not need an operating licence from the commission and the Council may, in certain circumstances require conditions to be attached to the licence.

Protecting Children and other Vulnerable Persons from being harmed or exploited by gambling:-

4.8 This Licensing Authority has noted that the Gambling Commission's Guidance for Local Authorities states that this Objective means, preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will, therefore, consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this Licensing Objective. Such measures may include the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs clubs, betting tracks etc.

4.9 The Gambling Act defines "children" as those persons under 16 years of age and "young persons" as those persons aged 16 and 17 years of age. The term "vulnerable persons" is not defined, however the gambling commission does offer some guidance:

- People who gamble more than they want to
- People who gamble beyond their means
- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs

In Calderdale we would also consider the following people to be vulnerable:

- Those with an inclination to gamble more than they want to or beyond their means

- Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
- Children and young persons as defined by the Act

4.10 This Council will make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

4.11 The Council will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

4.12 We expect all premises licence holders to have suitable safeguarding policies in respect of children, young persons and vulnerable persons. We expect premises licence holders to ensure that all staff are trained to recognise safeguarding issues when they arise and act appropriately. Such policies must be kept updated and staff training refreshed at frequent intervals.

PART C – PREMISES LICENCES

1. GENERAL PRINCIPLES

1.1 In accordance with S.150 of the Act, premises licenses can authorise the provision of facilities on:

- a) Casino premises
- b) Bingo premises
- c) Betting premises, including tracks and premises used by betting intermediaries
- d) Adult gaming centre (AGC) premises (for category B3, B4, C and D machines)
- e) Family entertainment centre (FEC) premises (for category C and D machines)

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

1.3 When making decisions about premises licensed the Council will aim to permit the use of premises for gambling:

- 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 Authorities Statement of Licensing Policy

In determining whether to grant a premises licence the Council will not have regard to the expected demand for the facilities which it is proposed to provide.

1.4 Moral objections for gambling are not a valid reason for the Council to reject applications for premises licensed (except as regards any 'no casino resolution') and also that unmet demand is not a factor that can be considered.

1.5 In the Act 'premises' is defined as including 'any place' which therefore prevents more than one premises licence applying to any place. However, a single building can 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 reasonably be regarded as being different premises. Areas of a building that are artificially or temporarily separated, for example, by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a plan of the venue should be provided on which the premises should be identified as a separate unit.

1.6 When considering application for multiple licenses for a building and those relating to a discrete part of a building used for other (non-gambling) purposes we will consider the following:

- The third Licensing Objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- That entrances and exits from parts of a building covered by one or more licence 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. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit; and
- Customers should be able to participate in the activity named on the premises licence.

Other factors that are considered are:

- Is a separate registration for business rates in place for the premises?

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

1.7 An applicant cannot obtain a full Premises Licence until the premises in which it is proposed to offer the gambling are constructed. References to "the premises" are to the premises in which gambling may now take place. Thus a License to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. It is a question of fact and degree whether premises are finished in order to be considered for a Premises Licence. The Gambling Commission emphasises that requiring the building to be complete to ensure that the Authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

1.8 Demand issues cannot be considered with regard to the location of premises but that considered with regard to the location of premises, however, considerations regarding location can be made when addressing the Licensing Objectives. The Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should the gambling commission guidance been amended as regards to areas where gambling premises should not be located, this statement will be updated. It should be noted that any such Policy does not preclude any application being made and each application will be decided upon its own merits, with the onus upon the Applicant showing how any potential issues can be addressed and overcome.

1.9 The majority of premises licences will have mandatory and/or default conditions attached to the Licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 (<http://www.legislation.gov.uk/uksi/2007/1409/contents/made>).

Any conditions attached to a Licence will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects

1.10 Decisions upon individual conditions will be made on a case by case basis. There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the licence Applicant, to offer his/her own suggestions as a way in which the Licensing Objectives can be met effectively.

1.11 The Council 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. A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area. These matters are in accordance with the Gambling Commission's Guidance.

1.12 The Council will also ensure that where Category C or above machines are on offer in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by 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 or indicating that access to the area is prohibited to persons under 18.

1.13 These considerations will apply to premises including building where multiple premises licences are applicable.

1.14 The Council is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track. The Council will consider the impact upon the third Licensing Objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.15 It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences which are:-

- Any condition on the Premises Licence which makes it impossible to comply with an operating licence condition;
- Conditions relating to gaming machine categories, numbers or method of operation;
- Conditions which provide that membership of a club or a body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- Conditions in relation to stakes, fees, winning or prizes

1.16 The Council will consider whether there is a need for door Supervisors in terms of the Licensing Objectives relating to the protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing the premises becoming a source of crime. It is noted though that Door Supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA). The Council, therefore, has specific requirements for Door Supervisors working at casinos or bingo premises which are that such Door Supervisors meet the same standards in relation to training and conduct as is required by the SIA. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc. However, the Licensing Authority will only require door staff at premises, where there is clear evidence from the history of trading at the premises, that the premise cannot be adequately supervised and therefore, the requirement for door supervision is both necessary and proportionate.

1.17 For premises other than casinos and bingo premises, Operators and Licensing Authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

1.18 The following policy objectives summarise the key elements that underpin the approach to controlling where gaming machines may be played:

- With very few low risk exceptions, non-remote gambling should be confined to dedicated gambling premises
- The distinctions between different types of licensed gambling premises are maintained
- Gambling activities are supervised appropriately
- Within casino, bingo and betting premises, gaming machines are only made available in combination with the named non-remote activity of the operating licence.

In exercising its functions under the Act the Council will take account of the relevant code of practice on 'controlling where gaming machines may be played'.

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

1.20 In accordance with the guidance the Council **will not** take into consideration matters that aren't related to gambling and the licensing objectives, including whether the relevant planning permission or building regulations approval has been sought.

2. ADULT GAMING CENTRES

2.1 Persons operating an adult gaming centre (AGC) must hold a 'gaming machines general operating licence (adult gaming centre)' from the Commission and a premises licence from the Council.

2.2 The Council 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.

2.3 The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

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

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

3. LICENSED FAMILY ENTERTAINMENT CENTRES (FEC's)

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

3.2 The Council will expect applicants to offer their own measures to meet the Licensing Objectives, however, appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical Separation of areas
- Location of entry
- Notices/Signage

- Specific opening hours
- Self-barring schemes
- Provision of information/leaflets/helpline numbers for organisations
- Measures/training for staff on how to deal with suspected truant school children on the premises

3.3 The Mandatory conditions attached to premises licences are:

- The summary of the terms and conditions of the premises licence issued by the licensing authority under section 164(1)(c) of the Act must be displayed in a prominent place within the premises.
- The layout of the premises must be maintained in accordance with the plan
- The premises must not be used for the sale of tickets in a private lottery or customer lottery, or the National Lottery.
- No customers shall be able to enter the premises directly from a casino, and adult gaming centre or betting premises (other than a track). There should be an area separating the premises concerned, which the public go to for purposes other than gambling, for there to be shown to be no direct access.
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- Over 18 areas within FECs that admit under 18s must be separated by a barrier with prominently displayed notices at the entrance stating that under 18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas for the category C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

4. CASINOS

4.1 Licensing Authorities have the role of issuing premises licensed for casino and monitoring those licenses. New casino premises licensed issued under the Act fall within one of two categories namely large casinos and small casinos which are subject to separate regulations.

4.2 The Council has not passed a 'no casino' resolution under S166 of the Gambling Act 2005. There are no Casinos currently permitted in the Calderdale district. Calderdale Council is not listed in the Gambling Act 2005 and is therefore, not currently eligible to permit either a large or a small scale casino. This will remain the case unless there is a change in the currently legislation.

5. BINGO PREMISES

5.1 Bingo is not given a statutory definition in the Act although two types of Bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

5.2 Children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines. Further information about restrictions can be found in Licensing conditions and Codes of Practice. (<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx>)

5.3 Children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B and C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.

5.4. Mandatory Conditions –

- A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
- No customer shall be able to enter bingo premises directly from a casino, an adult gaming centre or betting premises (other than a track).
- Over 18 areas within bingo halls that admit under 18s must be separated by a barrier with prominently displayed notices stating that under 18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio visual guide to the rules prior to any bingo game being commenced.

- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

5.5 Default Conditions – Bingo Facilities in bingo premises may not be offered between the hours of midnight and 9am. However, there are no restrictions on access to gaming machines in bingo premises.

6. BETTING PREMISES

6.1 The Council is responsible for issuing and monitoring premises licences for all betting premises.

6.2 Children and young persons are not permitted to enter premises with a betting premises licence. 'Licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling. Children and young persons are not allowed to be employed at premises with a betting premises licence.

6.3 Mandatory Conditions:

- A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
- There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a throughfare or not).
- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or self-service betting terminal (SSBT) in order to do so.
- No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:-
 - Information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements)
 - Information relating to betting (including results) on any event in connection with which bets may have been affected on the premises
 Betting operator-owned TV channels are permitted.
- No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within the above paragraph or machines

which do not come within the categories of machine explicitly allowed in betting premises under s.172(8) of the Act.

- The consumption of alcohol on the premises is prohibited during any time which facilities for gambling are being provided on the premises.
- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.
- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

6.4 Default Conditions – Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am the next day, on any day.

7. TRACKS

7.1 The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

7.2 There are differences between track premises licenses and most other premises licenses. In essence, tracks admit third-party operators to provide betting facilities, whereas other premises licence holders provide the gambling facilities themselves and are subject to the conditions of the operating licence as well as the premises licence.

7.3 Tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. The Council will consider the impact upon the third Licensing Objective (namely the protection of children and vulnerable persons from being harmed or exploited by gambling), there is a need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

7.4 The Premises Licence Applicant will need to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. Children and young people are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but they are still prohibited from entering areas where gaming machines (other than category D machines) are provided.

7.5 The Council expects applicants to offer their own measures to meet the Licensing objectives, however, such measures/licence conditions may cover issues such as:-

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

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

7.6 Gaming Machines – A track premises licence does not itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operating licence. However, track owners holding both a track premises licence and a pool betting operating licence issued by the commission (currently only greyhound tracks), may site up to four gaming machines within categories B2 to D on the track. Tracks that hold an alcohol licence will be entitled to two gaming machines of category C and D. If the licence holder has both alcohol and pool betting operating licences then they are entitled to a total of six gaming machines. Children and young persons can play category D gaming machines on a track, but are not allowed to play other categories of machine.

7.7 It is a mandatory premises licence condition of track premises licence that the licence holder makes arrangements to ensure that the betting operators they admit to their track operate under valid operating licences. The track premises licence holders are required to take reasonable steps to remove from the racecourse anybody found to be providing facilities for gambling without authorisation

7.8 Clear and accessible information about the terms on which a bet may be placed must be displayed at betting premises, including tracks. There are often multiple locations of betting on a track. It would be disproportionate and unnecessary to insist that betting rules are displayed at each distinct location; rather the rules should be made available at suitable central locations. The betting rules should be accessible to all customers, regardless of which area of the track they are in. Other measures could be that they are printed in the race-card or programme or made available in leaflet form at the main track office.

7.9 Applications and plans – Section 151 of the Act requires applicants for Premises Licenses to submit plans of the premises with their application. This ensures that Licensing Authorities have the necessary information to make an informed judgement about whether the premises are fit for gambling. Plans for tracks need not be in a particular scale, but should be drawn to scale and should be

sufficiently detailed to include the information required by the Regulations. The Guidance to Licensing Authorities advises them of the information that they will require, which should include detailed plans for 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”, and that “plans should make clear what is being sought for authorisation under the Track Betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence.”

7.10 It is preferable for all self-contained premises operated by off-course Betting Operators on track to be the subject of separate Premises Licensed, 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.

8. TRAVELLING FAIRS

8.1 Travelling Fairs are defined as ‘wholly or principally’ providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.

8.2 Travelling fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates.

8.3 Higher category B and C fruit machines are not permitted. Fairground operators must source their machines from a Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

8.4 The Council will consider whether the applicant falls within the statutory definition of a ‘travelling fair’.

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

9. PROVISIONAL STATEMENTS

9.1 S.204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- Expects to be constructed
- Expects to be altered

- Expects to acquire a right to occupy

9.2 Applicants for premises licences must hold or have applied for an operating licence from the commission and they must have the right to occupy the premises in respect of which their premises licence application is made, these restrictions do not apply in relation to an application for a provisional statement.

9.3 An application for a provisional statement must be accompanied by plans and the prescribed fee. Subject to necessary modifications, the process for considering an application for a provisional statement is the same as that for a premises licence application.

9.4 If a provisional statement has been granted, there are constraints in the matters it can consider when an application for a premises licence is subsequently made in relation to the same premises. No further representations from relevant authorities or interested parties will 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.

9.5 In addition the premises licence may be refused, or granted on terms different to those attached to the provisional statement, only by reference to matters:

- Which could not have been raised by way of representations at the provisional licence stage
- Which, in the authority's opinion, reflect a change in the operator's circumstances
- 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.

10. HEARINGS AND REVIEWS

10.1 A hearing will be held to determine an application for a Premises Licence, Provisional Statement or Club Gaming'Club Machine Permits if an interested party or responsible authority has made relevant representations about the application.

10.2 The hearing will be held before a Licensing Sub-Committee of three elected members.

10.3 A hearing will also be held if the Licensing Authority propose to attach or exclude a condition under Section 169 (1) (a) (b) of the Act without the consent of the applicant and any interested party who has made representations about the application.

10.4 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application requesting a review from a

responsible authority or an interested party. Reviews cannot be delegated to an officer of the Licensing Authority and the lowest level of delegation permitted is to a licensing sub-committee.

10.5 Requests for a review of a Premises Licence can be made by interested parties or responsible authorities. However, the request may be rejected if it is decided that the grounds on which the review are sought:

- a) Are not relevant to the principles that must be applied by the Licensing Authority in accordance with the licensing objectives, the Commission's codes of practice, the Guidance issued by the Gambling Commission and the Council's statement of policy.
- b) Are Frivolous or Vexatious
- c) 'Will certainly not' cause the licensing authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence
- d) Are substantially the same as the grounds cited in a previous application relating to the same premises
- e) Are substantially the same as representations made at the time the application for a premises licence was considered

10.6 In the case of e) and f), the Council will take into account the period of time that has passed since the previous application or representations were made, in deciding whether this is a reasonable basis for not reviewing the licence.

10.7 Following the review the Council may:

- Add, remove or amend a licence condition
- Exclude a default condition imposed by the Secretary of State or amend such an exclusion
- Suspend the premises licence for a period not exceeding three months
- Revoke the premises licence

10.8 In considering an application or review, the Licensing Sub-Committee will have regard to the Licensing Objectives, the Human Rights Act 1998 and any regulation's made by the Secretary of State.

11. RIGHTS OF APPEAL AND JUDICIAL REVIEW

11.1 The Licensing Authority is aware that its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. To ensure a transparent decision making process the Licensing Authority will:

- Give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so;
- Wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so;

- The reasons for the decisions will reflect the extent to which the decision has been made with regard to this Statement of Policy and Gambling Commission Guidance. Reasons for decisions will be made available to all of the parties involved.

The Council is aware that failure to do so may result in an appeal of the decision or the suggestion that the Authority did not have regard to all the relevant information when making its decision

11.2 An appeal against a decision has to be made to the Magistrates' Court. The appellant must give notice of their appeal within 21 days of the date that they received notice of the relevant decision.

11.3 If the licence holder or the person who made the application appeals, the licensing authority will be the respondent. If the appeal is made by someone else, then the licence holder/applicants will be a respondent to the appeal along with the licensing authority.

11.4 In deciding the appeal the Magistrates Court may:

- Dismiss the appeal
- Substitute the decision with any other decision that could have been made by the Licensing Authority
- Remit the case back to the licensing authority to deal with the appeal in accordance with the direction of the Court.

11.5 The Court may also make such order for costs, but will consider guidance and legislation about the awarding of costs against a public body.

11.6 As soon as an appeal decision has been notified by all parties, the licensing authority will not delay its implementation.

11.7 Any part to a decision may apply for judicial review if they believe that a decision taken by the Licensing Authority is:

- Illegal – that is beyond the powers available to the licensing authority
- Subject to procedural impropriety or unfairness – which is a failure in the process of reaching the decision, such as not observing the rules of natural justice
- Irrational – where a decision is so unreasonable that no sensible person could have reached it.

11.8 For an application to succeed, the application must show that:

- The applicant has sufficient standing to make that claim
- The actions of the reviewed licensing authority give grounds for review

However, the remedy is a discretionary one and the Court may decline judicial review if, for example, it considers that the applicant has an alternative remedy which is more appropriate to pursue.

Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

PART D – PERMITS, NOTICES AND LOTTERY REGISTRATIONS

1. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

1.1 Unlicensed Family Entertainment Centres (UFEC) are able to offer only category D machines in reliance on a gaming machine permit. UFECs are premises which are ‘wholly or mainly’ used for making gaming machines available.

1.2 Statement Of Principles:-

This Licensing Authority will expect the applicant to show in their application that there are Policies and Procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such Policies and Procedures will each be considered on their merits, however, they may include:

- Appropriate measures
- Training for staff as regards suspected truant school children on the premises
- Measures/training to cover how staff would deal with unsupervised very young children being on the premises
- Measures/training to cover how staff would deal with children causing perceived problems on/around the premises

This Licensing Authority will also expect that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC’s, that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

A plan for the UFEC must also be included with the application.

2. ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS

2.1 It is important to remember that gambling must remain ancillary to the main purpose of the premises and the exemptions and permits are reliant on the premises holding a valid alcohol licence.

2.2 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.

2.3 The Licensing Authority can remove the automatic authorisation in respect of any particular premises by making an order under s.284 of the Act 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 s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
- The premises are mainly used for gaming
- An offence under the Act has been committed on the premises

Before making an order the licensee will be given 21 days' notice of the intention to make the order and will consider any representations that are made. A hearing will be held at the request of the licensee, if there is no appeal, the order will take effect 21 days after the notice of the intention was given. A copy of the order and reasons for making it will be provided to the licensee, a licensee may appeal to the Magistrates Court.

2.4 If a premises hold an alcohol licence and wishes to have more than 2 machines, it will then be required to apply for a permit and the Licensing Authority will then consider that application based upon the Licensing Objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and such matters that they think are relevant. "Such matters that they think are relevant" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures that will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also 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.

2.5 Some alcohol licensed premises may wish to apply for a premises licence for their non-alcohol licensed areas. This would therefore require an Adult Gaming Premises Licence.

2.6 The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than applied for, however, conditions cannot be attached. The holder of a permit must comply with

any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. PRIZE GAMING PERMITS

3.1 Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

3.2 Statement of Principles – When considering applications for a prize gaming permit matters that will be taken into consideration when determining the suitability of an applicant and the authority will consult the Adult and Children’s Services Directorate. The Authority expects that the applicant will set out the types of gaming that he or she is intending to offer and that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in the Regulations;
- And that the gaming offered is within the law

3.3 An application for a permit can be granted or refused, but conditions will not be added. The licensing authority will consult the chief officer of police and will take account of any objections that the police may wish to make which are relevant to the licensing objectives. Relevant considerations will include:

- The suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming
- The suitability of the premises in relation to their location
- Any issues concerning disorder.

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

- The limits on participation fees, 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 gaming.

4. CLUB GAMING AND CLUB MACHINE PERMITS

4.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:

- Members' clubs (Including miners' welfare institutes) and
- Commercial clubs

This is an important distinction in respect of the gaming that may take place.

4.2 Members clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. Under s.271 of the Act members' clubs and miners' welfare institutes can be granted club gaming permits which authorise establishments to provide gaming machines, equal chance gaming and games of chance. Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.

4.3 Conditions cannot be attached to a permit and the Authority will inform the applicant, the commission and the police of the outcome of the application and any objections made.

4.4 An application will only be refused on the following grounds:-

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

4.5 There is a 'fast-track' procedure available under the Act. There is no opportunity for objections to be made by the commission or the Police, and the grounds upon which an authority can refuse a permit are reduced. This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act. The grounds on which an application under the process may be refused are:-

- The club is established primarily for gaming, other than gaming prescribed by regulations under s.266 of the Act
- In addition to the prescribed gaming, the applicant provides facilities for other gaming

- A club gaming permit or club machine permit or club machine permit issued to the applicant in the last ten years has been cancelled.

4.6 The Commission has issued a statutory code of practice on equal chance gaming, the provisions of the code of practice for equal chance gaming in clubs and premises with an alcohol licence include:-

- Ensuring that young people and children are protected by excluding them from gaming (even if they are permitted on the premises)
- Ensuring that gaming is fair and open by requiring close supervision of the games, record keeping (as appropriate), the need for standard rules and the display of stakes and prizes limits and the rules during play

4.7 A 48 hour rule applies in respect of all three types of gaming, so that the games may only be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

5. TEMPORARY USE NOTICES

5.1 It is an offence to provide facilities for gambling unless either the required permissions are in place, or an exemption applies. One such exemption is for the holder of an operating licence to notify a Temporary Use Notice (TUN). This is not a permanent arrangement, but allows premises such as hotels, conference centres or sporting venues to be used temporarily for providing facilities for gambling.

5.2 The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 sets out the restrictions on the type of gambling to be offered under a TUN. These restrictions are:

- It can only be used to offer gambling of a form authorised by the operator's operating licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both
- Gambling under the TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises
- It can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
- Gaming machines may not be made available under a TUN.

5.3 The meaning of Premises – The Act refers to a 'set of premises' and provides that a set of premises is the subject of a TUN if 'any part' of the premises is the subject of a notice. The reference to 'a set of premises' prevents one large premises from having a TUN in effect for more than 21 days in a year. The definition of 'a set of premises' will be a question of fact in the particular circumstances of each notice

that is given. When considering whether a place falls within the definition the council will look at, amongst other things, the ownership/occupation and control of the premises.

5.4 Consideration will be given to whether a notice of objection is given, to do so the Council will have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications. The notice of objection will be given to the person who gave the TUN within 14 days, beginning with the date on which the TUN is given.

5.5 Should objections be received the licensing authority will arrange a hearing. Those who make objections may propose modifications to the notice that will alleviate their concerns, if modifications are accepted by the applicant; a new TUN must be given, incorporating the modifications. The person who made the original objection and proposed the modification may not object to the new notice, but others to whom it is copied may object.

5.6 If the TUN is considered to have no effect after a hearing a counter notice will be issued which may provide for the TUN:

- Not to have effect
- To have effect only in respect of a specified activity
- To have effect only in respect of activity carried on during a specified period of time or at specified times of day
- To have effect subject to compliance with a specified condition

5.7 The issues that the authority will apply in issuing a counter notice will be the same as those in determining premises licence applications. The Licensing authority will aim to permit the provision of facilities for gambling under a TUN subject to its view as to whether to do so accords with the Commission's License conditions, Codes of Practice, Guidance and the Authorities Statement of policy, and is reasonably consistent with the licensing objectives.

5.8 An appeal against the decision may be made by the applicant or any person entitled to receive a copy of the TUN to the Magistrates' Court within 14 days of receipt of the notice of decision. If no objections are made within the 14 days of the date of the notice, the notice will be endorsed as valid.

6. OCCASIONAL USE NOTICES

6.1 Where there is betting on a track on 8 days or fewer in a calendar year, betting may be permitted by an Occasional Use Notice (OUN) without the need for a full premises licence. The intention behind OUNs is to permit licensed betting operators with appropriate permission from the Commission, to use tracks for short periods for conducting betting, where the event upon which the betting is to take

place is of a temporary, infrequent nature. The following should be noted in relation to an OUN:-

- OUNs can only be relied upon for 8 days or fewer in a calendar year and therefore a record of the number of notices served in relation to each track will be kept. The 8 day period applies to the venue and not the individual who submits a notice
- An OUN must be submitted for each day that betting activity will be conducted on the premises. If betting is to be held over a period of 8 consecutive days for example, the operator will be required to submit 8 separate notices.
- The notice must specify the day on which it has effect. An event running past midnight and ending on the following day accounts for 2 occasional use days, even though in practice it is one event
- No objection or counter notice is possible unless the maximum number is exceeded
- Notice must be given to the licensing authority and the police before the event starts
- No premises licence can exist for the place which is the subject of the notice
- Land can be used temporarily as a track.

7. SMALL SOCIETY LOTTERY REGISTRATIONS

7.1 Local Authorities are responsible for registering societies to run Small Society Lotteries, as opposed to licensing authorities. However, it is accepted that both terms are broadly the same.

7.2 The Act sets out a definition of a lottery:

- Licensed Lotteries
- Exempt lotteries

7.3 A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of wither a simple lottery or a complex lottery.

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

7.4 A 'society' is defined as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and it needs to be established that it is a non- commercial organisation. S19 of the Act defines a society as such if it is established and conducted:

- For charitable purposes
- 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

7.5 The Licensing Authority has produced its own guidance for organisations and individuals seeking to operate small society lotteries and this can be viewed using the link: <https://www.calderdale.gov.uk/v2/businesses/licences/gambling-and-gaming-licences>

PART E - ENFORCEMENT

1. ENFORCEMENT PRINCIPLES

1.1 The Principles applied in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified are that:-

1.2 This Licensing Authority will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

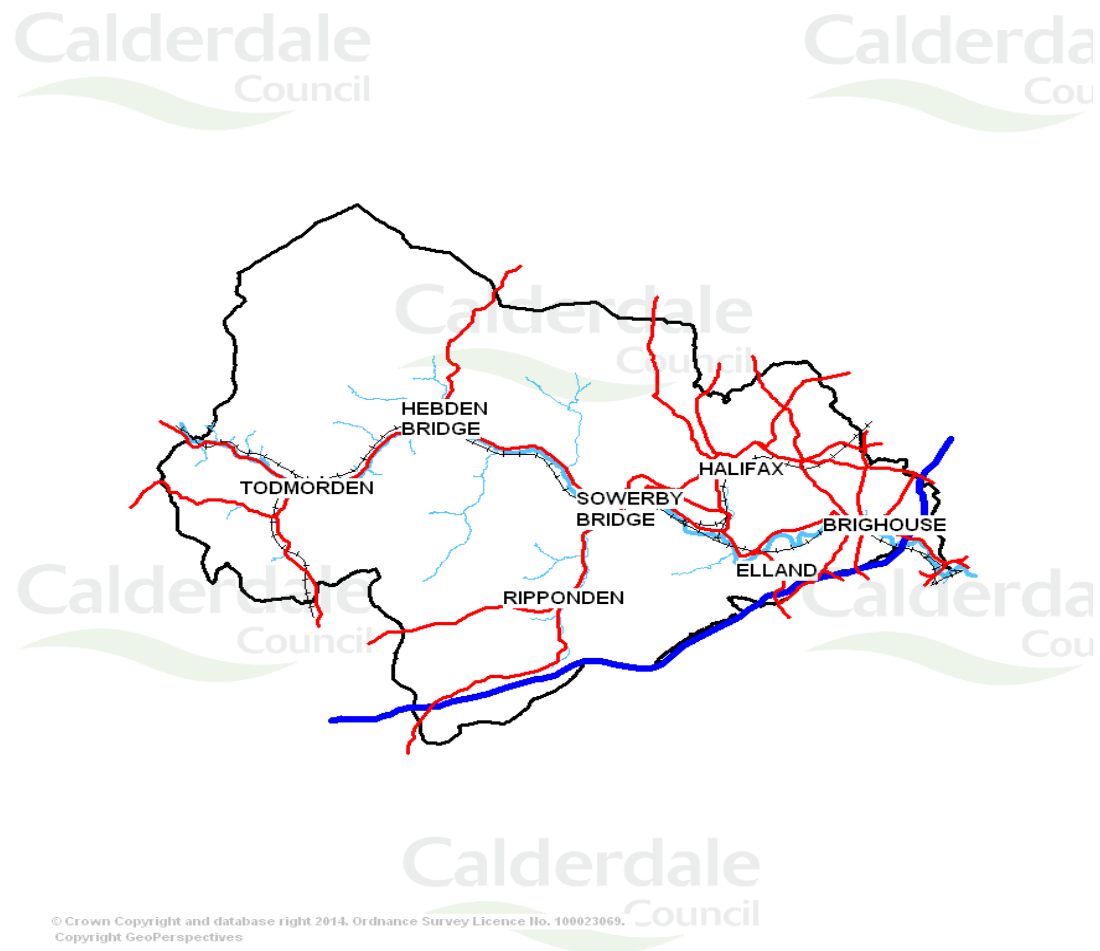
- **Proportionate** – regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable** – regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent** – rules and standards must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

1.3 With regard to inspections the Council has adopted a risk-based approach to our inspection programmes. The approach that will be taken is to target high risk premises which require greater attention, whilst operating a light touch in respect of low-risk premises, so that resources are more effectively concentrated on potential problem premises.

1.4 Licensees are required to submit a local risk assessment when applying for a new premises licence or updated when applying for a variation, or take account of significant changes in local circumstances, when there are significant changes at a

licensee's premises that may affect their mitigation of local risks. The risk assessment should also be supplied at our request such as when inspecting a premises.

APPENDIX 1 - Map of the Calderdale District



APPENDIX 2

The Chief Fire Officer – john.roberts@westyorksfire.gov.uk
The Chief Officer of Police – West Yorkshire and Halifax Police Richmond Close HX1 5TW
Environmental Health Service – Environmental.health@calderdale.gov.uk
Legal Services – legal.services@calderdale.gov.uk
Social Services – socialcareandwellbeinghub@calderdale.gov.uk
West Yorkshire Trading Standards -
The Primary Care Trust – 121 E Mill Dean Clough Halifax HX3 5AX
Adult and Children's Services - AdultandChildrensServices@calderdale.gov.uk
Planning Services – planning&buildingcontrol@calderdale.gov.uk
Calderdale and Huddersfield NHS Trust – Acre Street Huddersfield HD3 3EA
Calderdale Probation Service – Town Hall Huddersfield Road Brighouse HD6 1EA
Calderdale College – Francis Street Halifax HX1 3UZ
Public Health – Director of Public Health paul.butcher@calderdale.gov.uk
Neighbourhoods and Cohesion Manager – jo.richmond@calderdale.gov.uk
West Yorkshire Learning and Skills Council – Mercury House 4 Manchester Road Bradford BD5 0QL
Hebden Royd Town Council (The Clerk) – Jason@hebdenroyd.org.uk
Ripponden Parish Council (The Clerk) – 107 Halifax Road Ripponden Sowerby Bridge HX6 4DA
Todmorden Town Council (The Clerk) – Todmorden Community College Burnley Road Todmorden OL14 7BX
Blackshaw Parish Council (The Clerk) – blackshawclerk@gmail.com
Erringden Parish Council (The Clerk) – 2 Beaumont View Hebden Bridge HX7 6NL
Heptonstall Parish Council (The Clerk) – heptonstallpc@aol.co.uk
Wadsworth Parish Council (The Clerk) – wparish@hotmail.com
Calderdale Victim Support – Community-safety@calderdale.gov.uk
Mecca Bingo Limited – Tor Saint Cloud Way Maidenhead Berkshire SL6 8BN
Welcome Break Limited – 2 Vantage Court Tickford Street Newport Pagnell Buckinghamshire MK16 9EZ
W H Marshall Ltd – 11 Wellington Arcade Brighouse HD6 1DN
CASHINO GAMING LTD – Seebeck House 1a Seebeck Place Knowhill Milton Keynes MK5 8FR
Royal Amusements and Five Leisure Amusements - C/o Mr Mohammed Yousaf 61-67 Carlisle Road Bradford BD8 8DE
Quicksilver – Birch House Woodlands Business Park Linford Wood West Milton Keynes MK14 6EW
Admiral Novomatic Group – 362C Dukesway Team Valey Trading Estate Gateshead NE11 0PZ
William Hill – Greenside House 50 Station Road Wood Green London N22 7TP
Coral – Glebe House Vicarage Drive Barking Essex IG11 7NS
Betfred Spectrm 0 56-58 Benson Road Birchwood Warrington WA3 7PQ
Ladbrokees – Imperial House Imperial Drive Rayners Lane Harrow Middlesex HA2 7JW
Wetherspoons Ltd – Wetherspoon House PO Box 616 Watford WD24 4QU
Mitchells and Butlers Leisure Retail Ltd – 27 Fleet Street Birmingham B3 1JP
StonegatePub Company Limited – One Standhope Gate London WK1 1AF

Atmosphere Bars and Clubs Limited – Seedbeck House 1 Seedbeck Place, Knowhill Milton Keynes MK5 8FR
Weston Castle Limited – 501 Green Place Watton Summit Centre Bamber Bridge Preston PR5 8AY
Spirit Pub Company – Westgate Brewery Bury St Edmonds Suffolk IP33 1QT
Storme Holdings Limited – C/o Stuart Armstrong Co. 25 Wells Street Scunthorpe DN15 6HL
Halifax Snooker Club Limited – 70 Commercial Street Halifax HX1 2JE
Merrie Men Inn's Preston Limited 20-24 Leister Road Preston Lancs PR1 1PP
Hexagon Pub Company – 8 Wantage Road Hungerford Berkshire RG17 0HG
Amber Taverns – Victory Offices 112 Victory Road Hungerford Berkshire RG17 0HG
Punch Taverns Ltd – Jubilee House Second Avenue Burton on Trent Staffordshire
Gamcare - 1 st Floor CAN Mezzanine Old Street London N1 6AH
Gamblers Anonymous – 13-18 Westbar Green Sheffield S1 2DA
The Lotteries Council – 65-66 Lincoln's Inn Fields London WC2A 3LH
The Federation of Licensed Victuallers – 126 Bradford Road Brighouse HD6 4AU
British Beer and Pub Association – Brewers Hall Aldermanbury square London EC2V 7HR
BACTA – info@bacta.org.uk
Association of British Bookmakers – mail@abb.uk.com
The British Casino Association – 38 Grosvenor Gardens London SW1W 0EB
Citizens Advice Bureau – 10A West Parade Halifax HX1 2TA
Gambling Commission – info@gamblingcommission.gov.uk
HM Revenue and Customs - Local Compliance PO Box 168 Bootle L30 4WN
A sample of Small Lotteries Holders.
Notice at Halifax Town Hall and copy of the policy available
Consultation Advertised in Halifax Courier
Ecall