

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;

"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI; "relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

'non pecuniary interest' means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

'a connected person' means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

'body exercising functions of a public nature' means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

LICENSING AND GAMBLING COMMITTEE

HELD:29 MAY 2012

Start: 7.30 p.m.

Finish:8.50 p.m.

PRESENT: Councillor Kay (Chairman)
Councillor Owens (Vice Chairman)

Councillors: Delaney Savage
Mrs C. Evans Mrs Stephenson
Griffiths Sudworth
Jones West
Mrs Kean Wilkie
Oliver Wright
Pye

Officers: Commercial, Safety and Licensing Manager (Mr. P. Charlson)
Principal Solicitor (Mr. L. Gardner)
Senior Licensing Officer (Mrs. M. Murray)
Member Services Officer (Mrs. J.Brown)

1. APOLOGIES

There were no apologies for absence received.

2. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor Ms. Melling and the appointment of Councillor Griffiths for this meeting only, thereby giving effect to the wishes of the political groups.

3. URGENT BUSINESS

There were no items of urgent business.

(Note: The Chairman asked Members of the Committee to inform Member Services of their availability to attend the Licensing Sub – Committee).

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

6. MINUTES

RESOLVED: That the Minutes of the meeting held on 6 December 2011 be received as a correct record and signed by the Chairman.

7. MINUTES OF LICENSING SUB - COMMITTEE

The Minutes of the Licensing Sub – Committee held 12 September 2011, 1 November 2011, 29 November 2011, 6 December 2011, 15 December 2011, 31 January 2012 and 14 March 2012 were submitted.

RESOLVED: That the above Minutes be noted.

8. REFORM OF THE LICENSING ACT 2003

Consideration was given to the report of the Assistant Director Community Services as contained on pages 29 to 35 of the Book of Reports, the purpose of which was to inform Members of recent changes to the Licensing Act 2003 and to take the necessary action to implement these changes.

The Commercial, Safety and Licensing Manager outlined the report to Members and responded to questions from the Committee.

RESOLVED: A. That the Assistant Director Community Services be authorised acting as a Responsible Authority to take any actions necessary on behalf of the Licensing Authority under the Licensing Act 2003.

B. That delegated authority be granted to the Assistant Director Community Services to suspend Premises Licences and Club Premises Certificates for non-payment of annual fees in accordance with the Licensing Act 2003.

- CHAIRMAN -



AGENDA ITEM: 7

**LICENSING & GAMBLING
COMMITTEE: 17 July 2012**

CABINET: 11 September 2012

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor D Sudworth

**Contact for further information: Paul Charlson (ext 5246)
(E-mail: paul.charlson@westlancs.gov.uk)**

**SUBJECT: APPROVAL OF DRAFT STATEMENT OF LICENSING POLICY AND
AUTHORISATIONS REQUIRED BY THE GAMBLING ACT 2005**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve the draft Statement of Licensing Policy required under Gambling Act 2005 prior to public consultation.

2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE

2.1 That the draft Statement of Licensing Policy attached at Appendix 2 be approved.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the draft Statement of Licensing Policy attached at Appendix 2 be approved.

3.2 That the Assistant Director Community Services be given delegated authority to publish the draft Statement of Licensing Policy and conduct a period of public consultation prior to returning the final policy for approval before the 31st January 2013.

4.0 BACKGROUND

4.1 In a similar manner to the Licensing Act 2003, the Council acts as Licensing Authority (the Authority) when discharging its functions under the Gambling Act 2005 (the Act).

4.2 As part of these responsibilities, Section 349 of the Act requires the Authority to produce a Statement of Licensing Policy which sets out the overall approach the

Authority will take under the Act. The first such Policy was published in January 2007 and must be reviewed every 3 years. Therefore it is essential that the necessary steps be taken to ensure the current Policy Statement is published before the end of January 2013.

- 4.3 In its formal Guidance to Licensing Authorities, issued under Section 25 of the Act, the Gambling Commission recommends that consultation on draft Statements of Licensing Policy last for a minimum of 12 weeks. However, in order to meet Committee deadlines, the consultation period will last for a substantively similar period, i.e. 11 weeks and 6 days.
- 4.4 Additionally, Section 349(3) of the Act lists the minimum consultees whom all Licensing Authorities must contact. These are:-
- Chief Officer of Police for the Licensing Authority's area.
 - 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.
- 4.5 This list has been made deliberately wide to enable the Authority to undertake a comprehensive consultation exercise with anyone who may be affected by, or otherwise have an interest in, the Statement of Licensing Policy.
- 4.6 In a similar manner to the consultations carried out for the Council's previous Policy Statements, it is intended that consultees be contacted directly by letter, requesting their comments on the draft statement. A specific response form will be used and appended to the draft statement for ease of respondents' use.
- 4.7 In addition, the following activities will be undertaken to ensure increased awareness of the draft statement:-
- Updates in the local press to draw attention to the draft statement and the need for contributions.
 - Copies of the draft statement made available at main Council offices.
 - The draft statement will be posted on the Council's website, with specific online forms to receive comments.
 - The continued use of a dedicated licensing email address to receive comments on the draft statement or other licensing queries.
 - Presentation of the draft policy to the Council's MALT (Multi Agency Licensing Team).

5.0 ISSUES

- 5.1 The draft Statement of Licensing Policy, which is attached at Appendix 2 to this report, has been compiled using all available legislation and guidance. In order for the Council to function as Licensing Authority, the appended draft Statement of Licensing Policy must be approved for publication and consultation.
- 5.2 Once the consultation period has been completed, the draft Policy Statement will be amended to take account of the views received. The final version of the Policy

Statement will be submitted back to the Licensing and Gambling Committee and Cabinet for approval before publication. The final Policy Statement must be published by the end of January 2013.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

6.1 This legislation has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. The Objectives of the Act, therefore, fit closely with many aspects of the Community Strategy. The proposal has the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D); Health and Social Care (issue A); Culture, Leisure and Sport (issue B).

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 Publication and consultation upon the draft Statement of Licensing Policy will be conducted within existing resources.

8.0 RISK ASSESSMENT

8.1 The Council has a legal duty to carry out the functions of the Act; therefore failure to do so is a breach under the Act. Accordingly, there is significant involvement from, and impact upon, statutory bodies, the gambling trade, the public and other interested parties associated with this legislation and its administration.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>
May 2009	Gambling Commission Guidance to Local Authorities: 3 rd Edition

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment
2. Draft Statement of Licensing Policy required under the Gambling Act 2005

Equality Impact Assessment - process for services, policies, projects and strategies

<p>1. Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p><i>No. The matters contained in this report are largely of a technical nature, but would apply equally to all licensed operations.</i></p>
<p>2. What sources of information have you used to come to this decision?</p>	<p><i>Legislation requires that all relevant operations are subject to the licensing process dictated by the Gambling Act 2005.</i></p>
<p>3. How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p><i>Details of the amended draft policy contained in this report will be published in a local newspaper, on the Council's website and at the Licensing reception at Robert Hodge Centre. The responses to this consultation will be the subject of future reports.</i></p>
<p>4. Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</p> <p><i>Eliminate discrimination, harassment and victimisation;</i> <i>Advance equality of opportunity (removing or</i></p>	<p><i>The recommendations contained in this report apply only to licensed operations under the Gambling Act 2005, which apply equally to all such operations.</i></p>

<p><i>minimising disadvantage, meeting the needs of people);</i></p> <p><i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	
<p>5. What actions will you take to address any issues raised in your answers above?</p>	<p><i>Details of the amended draft policy contained in this report will be published in a local newspaper, on the Council's website and at the Licensing reception at Robert Hodge Centre. The responses to this consultation will be the subject of future reports.</i></p>

West Lancashire Borough Council

Gambling Act 2005 Statement of Licensing Policy

DRAFT

January 2013

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PART A: GENERAL

1.0 The Licensing Objectives

1.1 In exercising most of the functions under the Gambling Act 2005 (the Act), West Lancashire Borough Council (the Council) is designated the Licensing Authority (the Authority) and must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:

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

1.2 The Gambling Commission (the Commission) has specifically stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling, to which the Authority will have regard.

1.3 In accordance with Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks fit:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives, and
- In accordance with this Statement of Licensing Policy.

1.4 A Glossary of the key terms used in this Statement of Licensing Policy is detailed at Appendix 1.

2.0 Introduction

The Borough of West Lancashire

- 2.1** West Lancashire Borough Council is situated in the County of Lancashire, which contains 12 District Councils and 2 Unitary Councils, and is the most southerly of the Local Authorities within the County. The Borough has a population of 108,500 (National Census 2001) and covers an area of over 34,000 hectares, a large proportion of which is good and versatile agricultural land. The Borough has two market towns: Ormskirk and Burscough, with mainly rural parishes and villages to the north, (there are 19 Parish Councils and one Parish Meeting), and the former New Town of Skelmersdale to the east. A map of the Borough is detailed at Appendix 2.
- 2.2** West Lancashire is an attractive area and has a good road and rail network. The Borough benefits from social, retail and leisure links with the nearby urban areas of Liverpool, Southport, Preston and Wigan. These factors have led to Ormskirk and other parts of the Borough becoming popular areas to live for commuters.

Legal background and rationale

- 2.3** This Statement of Licensing Policy (the Statement) sets out the manner in which the Authority will generally apply to promote the Licensing Objectives when considering and making decisions on applications made under the Act. This Statement has been prepared under Section 349 of the Act and in accordance with the Commission's Guidance for Licensing Authorities issued under Section 25 of the Act (the Guidance). The Authority is therefore constrained by the provisions of the Act, the Guidance and any Regulations made under the Act. However, the Authority may depart from the Guidance if it has reason to do so, but will give full justification for such departure.
- 2.4** The Authority is required by Section 349 of the Act to publish this Statement, which it proposes to apply when exercising its functions. This Statement shall be effective from the 31 January 2013, and shall remain in effect for three years; therefore this Statement will be reviewed in January 2016. Following this full review of its Statement, and prior to its publication, the Authority will consult fully those groups and individuals consulted on this version.
- 2.5** This Statement will also be kept under review during this three year period, and accordingly, the Assistant Director Community Services will maintain an 'Issues Log' in which all issues pertaining to this Statement will be recorded. Therefore the Authority will make revisions to the Statement from "time to time" as it considers appropriate. For example, where relevant issues have arisen, or where matters recorded in the 'Issues Log' indicate that that such a review is required. A further consultation will be carried out on any amendments made to the Statement, and the Statement will be re-published. No such issues were recorded that affect this revised statement.

- 2.6** Nothing in this Statement will override the right of any person to apply under the Act for a variety of permissions and have that considered on its own merits and according to the statutory requirements of the Act.
- 2.7** Nothing in this Statement will override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 2.8** The Council also has a responsibility under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. Accordingly, it is recognised that prevention of crime and disorder is a vital element of ensuring the quality of life in a community and an important aspect of a successful and vibrant economy.
- 2.9** The Authority recognises that under Article 8 of the European Convention on Human Rights everyone has the right to respect for his/her private and family life. The Authority also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable nuisance caused by licensed premises/activities. Full consideration has been given to these issues in formulating this Statement.
- 2.10** This Policy Statement recognises the Equality Act 2010; no condition will be attached to a licence or certificate that conflicts or duplicates the requirements of the Act.

Development process and consultation

- 2.12** The Council consulted widely upon this Statement before finalising and publishing the document. A list of the persons consulted is provided at Appendix 3.
- 2.13** The Act requires the Authority to consult the following parties:
- 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.
- 2.14** The consultation took place between XXXX and XXXX and followed the Revised Code of Practice for public consultations, which came into effect in April 2004, and the Cabinet Office Guidance on consultations by the public sector.

2.15 The full list of comments made, and the consideration by Council of those comments, is available from the Council using the contact details given at Appendix 5.

2.16 This Statement was approved at a meeting of the Licensing and Gambling Committee on XXXX and Cabinet on XXXX. It was published via the Council's website on XXXX and is available from the Council's Licensing Service at the address given in Appendix 5.

2.17 If you have any comments on this Statement, please send them via e-mail or letter to:

Paul Charlson – Commercial, Safety and Licensing Manager
Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE

Telephone: 01695 585246

Fax: 01695 585126

Email: licensing.enquiries@westlancs.gov.uk

Webpage: www.westlancs.gov.uk/licensing

3.0 Declaration

3.1 In producing this Statement, the Authority declares that it has had regard to the Licensing Objectives of the Act, the Guidance, and any responses from those consulted on the Statement.

4.0 Responsible Authorities

4.1 Section 157 of the Act details the necessary Responsible Authorities.

4.2 When exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Authority about the protection of children from harm, the Authority is required to state the principles it will apply. These principles are:

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

4.3 Therefore, in accordance with the Guidance, the Authority designates Lancashire County Council Social Services, Children and Young Persons Services.

4.4 The contact details of all the Responsible Authorities under the Act are given at Appendix 4 and are also available via the Council's website at: www.westlancs.gov.uk/licensing

5.0 Interested Parties

- 5.1** Section 158 of the Act defines an Interested Party. An Interested Party can make representations about licence applications, or apply for a review of an existing licence.
- 5.2** The Authority will determine whether a person is an interested party if the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - Has business interests that might be affected by the authorised activities;
 - Acts as a representative of those persons who satisfy either of the above points.
- 5.3** The Authority will consider each case and make a decision upon its merits, the Authority will also aim not to apply a rigid rule to its decision making.
- 5.4** The Authority will consider the examples of considerations provided in the Guidance when making the decisions whether a person is an interested party. If the Authority does not wish to follow the Guidance in any respect, it will provide written reasons as to why this deviation has taken place, noting that decisions on Premises Licences must be “in accordance” with the Guidance.
- 5.5** Interested Parties can include trade associations and trade unions, and residents’ and tenants’ associations. The Authority will not, however, generally view these bodies as Interested Parties unless they have a member who can be classed as one under the terms of the Act, as outlined in paragraph 5.2
- 5.6** Interested Parties can be persons who are democratically elected such as ward Councillors, Members of Parliament and Parish Councillors. Other than these persons, the Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the Authority’s activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be deemed as sufficient.
- 5.7** If individuals wish to approach ward Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Committee that will deal with the licence application. If there are any doubts, please contact the Council’s Licensing Service using the contact details given at Appendix 5.

6.0 Exchange of Information

- 6.1** Sections 29 and 30 of the Act require the Authority to state the principles to be applied by the Authority with respect to the exchange of information between it and the Commission. In addition, Section 350 of the Act also requires the Authority to state the principles to be applied with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2** In this regard, the Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened and that the requirements of the Freedom of Information Act 2000 will be adhered to. The Authority will also have regard to any guidance issued by the Commission to Local Authorities on this matter, as well as any relevant regulations, codes of practice etc.
- 6.3** Where any protocols are established to facilitate such exchange of information, these will be made available.
- 6.4** Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a Hearing being required, will form part of a public document. Any person making a representation, or applying for review of a Premises Licence, will be informed that their details will be disclosed.

7.0 Integration Strategies

General

- 7.1** There are many stakeholders in the gambling industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives. The Authority, therefore, recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage such activities for the wider cultural benefit of the community. The Authority will aim to monitor the impact of its decisions to ensure that this principle is being upheld.
- 7.2** Many of these strategies deal in part with the licensing function, and the Authority will establish appropriate liaison arrangements to ensure proper integration of local crime prevention, planning, local transport, tourism and cultural strategies.
- 7.3** Coordination of duties will involve close, and regular, liaison with Responsible Authorities. This shall be principally carried out through regular MALT (Multi Agency Licensing Team) meetings, which will address strategic and operational issues raised by the Act.
- 7.4** The Authority recognises the need to avoid so far as possible duplication with any other regulatory regimes. However, some regulatory regimes do not cover the unique circumstances of some entertainment and, where relevant representations have been received, the Authority will consider attaching conditions to a licence or permission where these are necessary for the promotion of the Licensing Objectives and are not already provided for in any other legislation.

Planning

- 7.5** The Authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. The Authority will therefore ensure that the two regimes are kept separate. Planning Officers will be kept regularly apprised of the situation regarding licensed premises within the Borough through the MALT meetings.

8.0 Enforcement

8.1 The Authority is required by regulation to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and its powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

8.2 The Authority's principles for enforcement are that:

It will be guided by the Guidance and so it 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.

8.3 In accordance with the Guidance, the Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The Authority will also, as recommended by the Guidance, adopt a risk-based inspection programme of premises. The details of such programmes will be made available separately from this Statement.

8.4 The main enforcement and compliance role for the Authority will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority, but will be notified to the Commission. The Commission will also be responsible for compliance as regards unlicensed premises.

8.5 The Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

8.6 To ensure transparency in its enforcement action, the Authority maintains an enforcement policy that all staff must comply with. A copy of the enforcement policy is available upon request to the Licensing Service, using the contact details provided at Appendix 5.

9.0 Licensing Authority functions

9.1 The Act requires the Authority 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) of the use of two or fewer gaming machines;
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

9.2 It should be noted that the Authority is not involved in the licensing of remote gambling at all. This is the responsibility of the Commission, which is controlled via Operator Licences.

10.0 Hearings

- 10.1** A Hearing will be arranged to deal with any applications, which cannot be dealt with under delegated powers or resolved by agreement between applicants and Interested Parties and/or Responsible Authorities.
- 10.2** Each case will be determined on its individual merits.
- 10.3** Hearings will be held at the earliest possible date having regard to the regulations published under the Act and the laws of natural justice. The Licensing Sub-Committee will conduct a quasi-judicial consideration of the application, objections and representations. Members will carefully consider their position should they be requested to hear a matter which occurs in their own ward.
- 10.4** A legal advisor, advocate or a friend may represent applicants where they do not choose to represent themselves. The Authority will endeavour to assist applicants in preparing for and participating in a Hearing.
- 10.5** Whilst the Committee and Sub-Committees will usually meet in public, they do have the power to hear certain applications in private. If this happens, a public announcement of the decision will be made at the end of the Hearing. The decision of the Committee or Sub-Committee will be accompanied by clear reasons for the decisions, having regard to the Human Rights Act 1998, the four Licensing Objectives and all other relevant legislation.
- 10.6** Conditions may be attached to licences where relevant representations are received. Any condition attached to a licence will be related to one or more of the Licensing Objectives and conditions will not relate to matters that are the subject of other legislation.

PART B: PREMISES LICENCES

11.0 General Principles

11.1 Premises Licences will be subject to the permissions/restrictions set out in the Act and associated Regulations, as well as specific mandatory and default conditions. The Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

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

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this Statement.

Definition of “premises”

11.3 Premises is defined in the Act as “any place”. Different Premises Licences cannot apply in respect of a 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 can be reasonably regarded as being different premises. Whether different parts of a building can be properly regarded as being separate premises will always be a question of fact in the circumstances. However, the Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

11.4 When considering applications for multiple licences for a building or those for a specific part of the building to be licensed, the Authority will consider the relevant section of the Guidance appertaining to the division of premises and the access between premises.

11.5 Similarly, when considering applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), the Authority will consider the same section of the Guidance.

Location

11.6 Demand issues cannot be considered with regard to the location of premises but considerations in terms of the Licensing Objectives can. The Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. For example, the Authority would have regard to the proximity of the premises to schools, vulnerable adult centres

or residential areas where there may be a high concentration of families and children. If the Authority is mindful to make any specific decision that states any area(s) where gambling premises should not be located, this Statement will be updated. It should be noted that any such decision would not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how such concerns can be overcome.

Duplication with other regulatory regimes

11.7 The Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including the Council's Planning Service. The Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. However, the Authority will listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives

11.8 All Premises Licences granted by the Authority must be reasonably consistent with the Licensing Objectives. With regard to these objectives, the Authority has considered the Guidance and offers the following comments:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - Notwithstanding the above paragraphs, the Authority will pay attention to the proposed location of any gambling premises in relation to this Objective. Therefore, if an area has known high levels of organised crime, the Authority will consider whether gambling premises are suitable for that location.
- The Authority is also aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it. Issues of nuisance cannot be addressed under the Act.
- **Ensuring that gambling is conducted in a fair and open way** – The Authority will not concern itself with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – The Authority will take the approach that in practice this would often mean preventing children from taking part in gambling, and therefore when determining a relevant application, the Authority will consider whether specific measures are required at the premises.
- At present no definition is offered with regard to the term “vulnerable persons”, therefore the Authority will consider this Objective on a case-by-case basis. However the Guidance does state that “it will for regulatory purposes assume that this group includes people who

gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” Where a practical definition is made available in the future, this Statement will be updated.

Conditions

11.11 Any conditions attached to licences will be proportionate and will be:

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

11.12 Decisions upon individual conditions will be made on a case by case basis. However, there are a number of control measures that the Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. Specific comments made in this regard under each of the licence types below. The Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the Licensing Objectives can be met effectively.

11.13 It is noted that there are conditions, which the Authority cannot attach to Premises Licences. These 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 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.

Door Supervisors

11.14 The Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. However, it is noted that the Security Industry Authority cannot license door supervisors at casinos

or bingo premises. The Authority therefore may produce specific requirements for door supervisors working at casinos or bingo premises. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

- 11.15** Where conditions requiring the presence of door supervisors may be attached to Premises Licences or other permissions, the Authority will take account of available evidence, trading history and whether the presence of door supervisors is both necessary and proportionate.

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12.0 Adult Gaming Centres

12.1 The 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 ensure that under 18 year olds do not have access to the premises. For example, appropriate licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- 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.

Please note that this list is not mandatory, nor exhaustive.

13.0 (Licensed) Family Entertainment Centres

13.1 The 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 ensure that under 18 year olds do not have access to the adult only gaming machine areas. For example, appropriate licence conditions may cover issues such as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- 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.

Please note that this list is not mandatory, nor exhaustive.

13.2 The Authority will refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. The Authority will also ensure that any mandatory or default conditions on these Premises Licences are used accordingly.

14.0 Casinos

- 14.1** Under Section 166 of the Act, the Authority passed a 'no casino' resolution on the 26th April 2006. This matter was determined by full Council at that time.

Casinos and competitive bidding

- 14.2** Notwithstanding the above paragraph, where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Act) there are likely to be a number of operators which will want to run the casino. In such situations the Authority will run a 'competition' under Schedule 9 of the Act and in compliance with the appropriate regulations.

Betting machines

- 14.3** The Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons when considering the number, nature and/or circumstances of betting machines an operator wants to offer.

15.0 Bingo premises

15.1 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than category D machines. Where category C machines, or above, are available in the premises to which children are admitted, the Authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to this 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.

15.2 The Authority will consider any guidance issued by the Commission relating to the suitability and layout of bingo premises.

16.0 Betting premises

Betting machines

- 16.1** The Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons when considering the number, nature and/or circumstances of betting machines an operator wants to offer.

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17.0 Betting Tracks

17.1 Tracks are different from other premises in that there may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track.

17.2 The Authority will have particular regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

The Authority would expect Premises Licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. However, children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

17.3 The Authority will expect applicants to offer their own measures to meet the Licensing Objectives. For example, appropriate licence conditions may cover such issues as:

- Proof of age schemes;
- CCTV;
- Door supervisors;
- 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.

Please note that this list is not mandatory, nor exhaustive.

Gaming Machines

17.4 The Commission will issue further guidance relating to location of such machines and any special conditions relating to them. The Authority will therefore consider this information when it is published.

Betting machines

17.5 The Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons when considering the number, nature and/or circumstances of betting machines an operator wants to offer. The Authority will also consider restricting the number and location of such machines in respect of applications for track betting Premises Licences.

Condition on rules being displayed

17.6 The Authority may 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 could be printed in the race card or made available in leaflet form from the track office.

Applications and plans

17.7 The Government will publish regulations setting out any specific requirements for applications for premises licences. The Authority will consider these regulations when published in accordance with the Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license, they should, in their licensing policies, set out 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."

17.8 The Authority also notes that in the Commission's view, it would be 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.

18.0 Travelling Fairs

- 18.1** The Authority will decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 18.2** The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 18.3** The 27-day statutory maximum for the land being used as a fair, is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

19.0 Provisional Statements

19.1 When considering Provisional Statements, it is a question of fact and degree whether premises are finished to a degree that they can be considered for a Premises Licence. Similarly, requiring the building to be complete ensures that the Authority can inspect it fully.

19.2 In terms of representations about Premises Licence applications, following 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 Authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

19.3 The Authority will not take into account irrelevant matters. An example of such an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

20.0 Reviews

20.1 Responsible Authorities and Interested Parties may request a review of a Premises Licence at any time. However, it is for the Authority to decide whether the review is to be conducted. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this statement.

20.2 The Authority can also initiate a review of a licence on the basis of any reason that it considers is appropriate.

PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

21.0 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Schedule 10 paragraph 7)

- 21.1** Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. Applicants should note that they must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 21.2** The Authority may prepare a *statement of principles* that it proposes to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the Licensing Objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. Paragraph 26.4 of the Guidance directs the Authority to give weight to child protection issues when considering these permits.
- 21.3** An application for a permit may be granted only if the Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Licensing Unit of Lancashire Constabulary has been consulted on the application. The Authority would take into account considerations such as the applicant's suitability (e.g. any convictions that they may have that would make them unsuitable to operate a family entertainment centre), the suitability of the premises in relation to their location, and issues about disorder.
- 21.4** The Authority cannot attach conditions to this type of permit, and the "Statement of Principles" only applies to initial applications and not to renewals.

Statement of Principles

- 21.5** The Authority will invite the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. However they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. The Authority will also expect, as per the Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

22.0 (Alcohol) Licensed Premises Gaming Machine Permits – (Schedule 13 Para 4(1))

22.1 The Act makes provision for premises that holds a Premises Licence under the Licensing Act 2003 for the sale/supply of alcohol on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Authority. The Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the 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 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.

22.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Authority will consider that application based upon the Licensing Objectives, the Guidance, and “*such matters as they think relevant.*” This Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in site 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. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

22.3 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre Premises Licence.

22.4 The Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

22.5 The holder of a permit must comply with any Code of Practice issued by the Commission about the location and operation of the machine.

23.0 Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

23.1 The Authority may prepare a *Statement of Principles* that it proposes to apply in exercising their functions under this Schedule which may, in particular, specify matters that the Authority propose to consider in determining the suitability of the applicant for a permit.

23.2 The Authority has prepared a *Statement of Principles*, which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

23.3 In making its decision on an application for this permit the Authority does not need to have regard to the Licensing Objectives but must have regard to any guidance produced by the Commission.

23.4 There are conditions in the Act, which the permit holder must comply with, but the Authority cannot add conditions. The conditions in the Act are:

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

24.0 Club Gaming and Club Machines Permits

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

24.2 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 Royal British Legion and clubs with political affiliations.

24.3 Before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

24.4 The Authority may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- The applicant's premises are used wholly or mainly by children and/or young 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; or
- An objection has been lodged by the Commission or the police.

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

- That the club is established primarily for gaming, other than gaming prescribed under schedule 12;

- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

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25.0 Temporary Use Notices

- 25.1** There are a number of statutory limits with regard to Temporary Use Notices. As with the definition of "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 Authority will need to look at, amongst other things, the ownership/occupation and control of the premises. The Authority will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

26.0 Occasional Use Notices

- 26.1** The Authority has very little discretion with such notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. However, the Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

APPENDICES

Appendix 1: Glossary of Terminology

All key terms are defined in Section 353 of the Act or relevant Regulations and Statutory Guidance, however the following terms will be of use when reading this Statement.

Adult Gaming Centres (AGC)	Premises that hold a gaming machines general Operating Licence from the Commission and holds an AGC Premises Licence from the Authority. They will be able to make category B, C and D gaming machines available to their customers.
Betting premises	Premises licensed for off-course betting, that is betting that takes place other than at a track in what is currently known as a betting office.
Betting track	Sites (including horse racecourses and dog tracks) where races, or other sporting events take place. There is no special class of betting premises licence for a track, but the Act does contain rules which apply for premises licences granted in a respect of a track.
Bingo	<p>Bingo has no statutory definition. It is to have its ordinary and natural meaning. The Gaming Act 1968, defined 2 types of bingo:</p> <ul style="list-style-type: none">• Cash bingo, where the stakes paid made up the cash prizes that were won; or• Prize bingo, where various forms of prizes were won, not directly related to the stakes paid. <p>For commercial operators, the Gambling Act 2005 abolishes the distinction between these two versions of the game, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. Therefore a premises that hold a bingo premises Licence will be able to offer bingo in all its forms.</p> <p>Apart from commercial bingo halls, prize bingo is traditionally a game played in arcades, or travelling funfairs. For these operators, prize bingo is being subsumed within the allowances for prize gaming in the Act. This means that Adult Gaming Centres, both Licensed and Unlicensed Family Entertainment Centres, and travelling fairs, (or any premises with a prize gaming permit) will be able to offer prize gaming, which includes prize bingo. (In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming.)</p>
Code of Practice:	Means any relevant code of practice under Section 24 of the Gambling Act 2005
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by West Lancashire Borough Council
Borough:	The area of West Lancashire administered by West Lancashire Borough Council (Map appended at Appendix 2)
Interested Party:	For the purposes of this Act, a person is an interested party in relation to 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;
- c) Represents persons who satisfy a) or b) above.

Licensing Objectives:

As defined in paragraph 1.1

Mandatory Condition:

Means a specified condition provided by regulations to be attached to a licence

Notifications:

Means notification of temporary and occasional use notices

Regulations:

Regulations made under the Gambling Act 2005

Responsible Authority:

Those Authorities detailed in Appendix 4

Travelling fairs:

A fair consisting wholly or principally of the provision of amusements and provided wholly or principally by persons who travel from place to place for the purpose of providing fairs and held on a site that has been used for fairs for no more than 27 days per calendar year.

Categories of gaming machine:

Category	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50P	£25
D	10p or 30p when non monetary prize	£5 or £8 when non monetary prize

Number of gaming machines by premises type:

Type of premises	Gaming tables (minimum)	Gaming machines
Regional casino	40	25 gaming machines of category A to D for each table available for use.
Large casino	1	5 gaming machines of category B to D for each table available for use.
Small casino	1	2 gaming machines of category B to D for each table available for use.
Bingo premises	N/A	4 gaming machines of Category B3 and B4. Unlimited machines of
Betting premises	N/A	4 gaming machines of category B2 to D

Betting premises	N/A	4 gaming machines of category B2 to D
Track betting premises where pool betting licence held	NA	4 gaming machines of category B2 to D
Adult gaming centre	N/A	4 gaming machines of category B3 to D. Unlimited machines of category C and D
Family entertainment centre with operating licence	N/A	Unlimited gaming machines of category C to D
Family entertainment centre with gaming permit	N/A	Unlimited gaming machines of category D
Members club premises	N/A	3 gaming machines of category B4 to D
On sales alcohol licensed premises without food restriction	N/A	2 gaming machines of category C to D by notification. Unlimited of category C to D with alcohol premises gaming permit

Appendix 2: Map detailing key locations in West Lancashire



Appendix 3: List of consultees

Responsible Authorities:				
Lancashire Constabulary Licensing Unit	County Police Office	St Thomas Road	Chorley	PR7 1DR
Lancashire Fire & Rescue Service	Skelmersdale Fire Station	Tanhouse Road	Skelmersdale	WN8 9NN
HM Customs and Excise	Boundary House	Cheadle Point	Cheadle	SK8 2JZ
Lancashire County Council	Childrens and Young Persons Division	PO Box 162 East Cliff County Offices	Preston	PR1 3EA
Gambling Commission	Victoria Square House	Victoria Square	Birmingham	B2 4BP
WLBC	Environmental Protection	Robert Hodge Centre	Skelmersdale	
WLBC	Development Control Services	52 Derby Street	Ormskirk	

Gambling Act: Licensed Premises				
David Pluck Bookmakers	24 Ormskirk Road	Up Holland		WN8 0AG
William Hill Bookmakers	58 Liverpool Road North	Burscough		L40 4BY
William Hill Bookmakers	14 Moorgate	Ormskirk		L39 4RY
William Hill Bookmakers	51-53 The Concourse	Skelmersdale		
William Hill Bookmakers	120 The Concourse	Skelmersdale		WN8 6LJ
William Hill Bookmakers	61-63 Birleywood	Skelmersdale		WN8 9HR
Ladbroke Racing Ltd	32 Moor Street	Ormskirk		L39 2AQ
Done Bros Ltd	53 Westgate	Skelmersdale		WN8 8LP
David Pluck Bookmakers	2-4 Hall Green	up Holland		WN8 0PB
Taylormade Betting	17-17a Aughton Street	Ormskirk		L39 3BH

Gambling Act: Licensed Premises Head Offices				
William Hill	Greenside House	50 Station Road, Wood Green	London	N22 7TP
David Pluck (North West) Ltd	Northwest House	343 Woodchurch Road	Birkenhead, Wirral	CH42 8PE
Ladbrokes PLC	Imperial House	Imperial Driver, Rayners Lane	Harrow	HA2 7JW
Leisure Time Amusements	12 Church Street	Ormskirk		L39 3AN
C&Ks Ltd	77 The Concourse	Skelmersdale		WN8 6HD

MPs, Councillors etc.:				
Clerk to Aughton Parish Council	6 Cole Crescent	Aughton	Ormskirk	L39 5AJ
Clerk to Bickerstaffe Parish Council	7 Hilltop Walk	Ormskirk		L39 4TH
Clerk to Bispham Parish Council	14 Grimshaw Green Lane	Bispham	Parbold	WN8 7BB
Clerk to Burscough Parish Council	Office 1, Martland Mill	Mart Lane	Burscough	L40 0SD
Clerk to Dalton, Lathom South & Parbold Parish Councils	1 Pinewood	Skelmersdale		
Clerk to Dalton Parish Council	2 Tarnbeck Drive	Mawdsley		
Clerk to Great Altcar Parish Council	1 Engine Lane	Great Altcar	Liverpool	L37 5AH
Clerk to Halsall Parish Council	3 Rawlinson Grove	Southport		
Clerk to Hesketh with Beconsall Parish Council	125 Roe Lane	Southport		
Clerk to Hilldale Parish Council	57 Fairhurst Drive	Parbold		
Clerk to Lathom Parish Council	14 Eastleigh	Skelmersdale		
Clerk to Newburgh Parish Council	Avilion	Hillock Lane	Dalton	WN8 7RJ
Clerk to North Meols Parish Council	25 Irton Road	Southport		PR9 9DY
Clerk to Rufford Parish Council	36 Newington Drive	Bury		
Clerk to Scarisbrick Parish Council	5 Chambres Road	Southport		PR8 6JG
Clerk to Simonswood Parish Council	The Barn, Sand Brow Farm	Sandy Brow Lane	Kirkby	L33 3AE
Clerk to Tarleton Parish Council	18 Delamere Road	Ainsdale	Southport	PR8 2RD
Clerk to Up Holland Parish Council	10 The Nook	Appley Bridge	Wigan	WN6 9JB
Clerk to Wrightington Parish Council	321 Preston Road	Standish	Wigan	WN6 0QB
Rosie Cooper MP	127 Burscough Street	Ormskirk		L39 2EP
David Borrow MP	Crescent House	2-6 Sandy Lane	Leyland	PR25 2EB
All WLBC elected Members				

Community, Business, Support Agencies:				
British Beer and Pub Association	Rowan House	Fairways Court, Darrington	West Yorkshire	
Federation of Small Businesses	347a Garstang Road	Fulwood	Preston	
Federation of Licensed Victuallers Assoc	126 Bradford Road	Brighouse	West Yorkshire	
GONW	Sunley Tower	Piccadilly Plaza	Manchester	
NWDA	13 Winkley Street	Preston		

North & West Lancashire Chamber of Commerce	9/10 Eastway Business Village	Oliver's Way	Preston	
National Assoc of Licensed House Managers	14 Birmingham Road	Walsall	West Midlands	
BACTA	Alders House	133 Aldersgate Street	London	
West & Central Lancs Chamber of Commerce	9/10 Oliver's Way	Eastway	Preston	
Clerk of the Court	Lancashire Magistrates Court Service	St Thomas Square, St Thomas Road	Chorley	
Edge Hill University	St Helens Road	Ormskirk		
Gam Anon	National Service Office	PO Box 88	London	
Gamblers Anonymous UK	PO Box 5382		London	
West Lancashire CAB	128 Sandy Lane	Skelmersdale	Lancashire	
GamCare	2nd Floor 7-11 St Johns Hill		London	SW11 1TR

Residents associations etc.:				
Birch Green EMB	83 Firbeck	Birch Green	Skelmersdale	
Clay Brow & Holland Moor EMB	44b Carfield	Clay Brow	Skelmersdale	
Digmoor EMB	185 Banksbarn	Digmoor	Skelmersdale	
Tanhouse EMB	103 Elmridge	Tanhouse	Skelmersdale	
Ashurst 1 Residents Assoc	66 Lindens	Ashurst	Skelmersdale	
Tanhouse 4 & 5 Residents Assoc	2 Evenwood	Tanhouse	Skelmersdale	
New Church Farm Residents Assoc	80 Windrows	New Church Farm	Skelmersdale	
Scott Estate Residents Assoc	3 Scott Drive	Ormskirk		
Old Skelmersdale Residents Assoc	15 Marchbank Road	Skelmersdale		
Birch Green 4 ,8, 10 & 11 Residents Assoc	9 Ivybrdige	Skelmersdale		

Appendix 4: List of Responsible Authorities

For the purposes of this Act, the following are Responsible Authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated (“West Lancashire Borough Council”);
2. The Gambling Commission;
3. Lancashire Constabulary;
4. Lancashire Fire and Rescue Service;
5. Development Control, Planning Dept, West Lancashire Borough Council;
6. Environmental Protection Service, West Lancashire Borough Council;
7. Children and Young Persons Division, Lancashire County Council;
8. HM Customs and Excise.

Lancashire Constabulary
Licensing Unit: C Division
County Police Office, St Thomas's Road
Chorley Lancashire PR7 1DR

Telephone: 01257 246215

Fax: 01257 246217

Email:

anthony.bushell@lancashire.pnn.police.uk

Lancashire Fire and Rescue Service
Fire Safety Officer - Skelmersdale Fire Station
Tanhouse Road, Skelmersdale,
Lancashire WN8 9NN

Telephone: 01695 723853

Fax: 01695 731172

Email:

skelmersdaleFireSafety@lancsfireandrescue.org.uk

West Lancashire Borough Council
Development Control Service
52 Derby Street, Ormskirk
Lancashire L39 2DF

Telephone: 01695 577177

Email: plan.apps@westlancs.gov.uk

Andrew Hill - Environmental Protection &
Community Safety Manager
West Lancashire Borough Council
Robert Hodge Centre, Stanley Way, Skelmersdale
Lancashire WN8 8EE

Telephone: 01695 585243

Fax: 01695 585126

Email: a.hill@westlancs.gov.uk

HM Customs and Excise
Boundary House
Cheadle Point
Cheadle
Cheshire
SK8 2JZ

Telephone: 0845 010 9000

Email: mailto:enquiries.nw@hmrc.gsi.gov.uk

Lancashire County Council
Children and Young Persons Division
PO Box 162
East Cliff County Offices
Preston
PR1 3EA

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Telephone: 0121 230 6500

Fax: 0121 233 1096

Email: info@gamblingcommission.gov.uk

Appendix 5: Useful contacts

Further information on West Lancashire Borough Council's Statement of Licensing Policy or the Gambling Act 2005 can be obtained from the Council's Licensing Service:

West Lancashire Borough Council, Licensing Service, Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE

Telephone: 01695 577177
Fax: 01695 585126
Email: licensing.enquiries@westlancs.gov.uk
Webpage: www.westlancs.gov.uk/licensing

Information on the Gambling Act 2005 is also available from:

The Department for Culture, Media and Sport
2-4 Cockspur Street,
London SW1Y 5DH
Telephone: 020 7211 6200
Email: enquiries@culture.gov.uk
Internet: www.culture.gov.uk

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Telephone: 0121 230 6500
Fax: 0121 233 1096
Email: info@gamblingcommission.gov.uk