

# **West Lancashire Borough Council**

## **Gambling Act 2005 Statement of Licensing Policy**

**January 2016**

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## **PART A: GENERAL**

### **1.0 Introduction**

**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.

### **2.0 Declaration**

**2.1** In producing this Statement of Licensing Policy, 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.

### **3.0 Legal background and rationale**

- 3.1** This Statement of Licensing Policy (this 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.
- 3.2** 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 2016, and shall remain in effect for three years; therefore this Statement will be reviewed in January 2019. 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.
- 3.3** 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.
- 3.4** 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.
- 3.5** 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.
- 3.6** 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.
- 3.7** 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.

**3.8** This 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***

**3.9** The Council consulted widely upon this Statement before finalising and publishing the document. A list of the persons consulted is maintained separately from this Statement and is available on request from the Licensing Service using the details provided at Appendix 3.

**3.10** 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.

**3.11** The consultation took place between 22 July 2015 and 16 October 2015 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.

**3.12** 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 3.

**3.13** This Statement was approved at a meeting of the Licensing and Gambling Committee on 1<sup>st</sup> December 2015 and Full Council 16 December 2015. It was published on the Council's website on 6<sup>th</sup> January 2016 and is available from the Council's Licensing Service at the address given in Appendix 3.

**3.14** 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](mailto:licensing.enquiries@westlancs.gov.uk)  
Webpage: [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

#### **4.0 Responsible Authorities**

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

**4.2** Therefore, in accordance with the Guidance, the Authority designates Lancashire County Council Social Services Safeguarding Children's Board.

**4.3** The contact details of all the Responsible Authorities under the Act are given at Appendix 2 and are also available at [www.westlancs.gov.uk/licensing](http://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 3.

## **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 at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)
- 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.

### *Multi Agency Licensing Team (MALT)*

- 6.5** The coordination of its duties under the Act requires the Authority to maintain close and regular liaison with Responsible Authorities as well other bodies involved in the licensing process. The MALT has been established for this purpose and is coordinated by the Authority.

## **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 meetings, which will address strategic and operational issues raised by the Act.
- 7.4** 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.
- 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 Inspection and criminal proceedings**

**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** In this regard, the Authority will undertake its inspection and enforcement functions in accordance with the relevant legislation, the Guidance and the principles of better regulation in the Regulator's Code. The Authority's principles for enforcement are:

- 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** 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.

**8.4** The MALT ensures that a coordinated and proactive approach to the issues arising from licensed premises can be formulated and delivered. This is conducted on a priority basis. Those premises that have been identified as presenting a risk from the perspective of one or more MALT members will be targeted. Such premises could expect increased monitoring and MALT members may conduct more frequent visits to such premises. This affords the licensed operation sufficient opportunity, as well as support, to address the problems. Should the matter be sufficiently serious and/or the operation does not take the necessary action to address the problems, the premises will be subject to further intervention. These premises will be subject to close scrutiny and a coordinated approach to enforcement devised between the appropriate MALT members. This approach ensures an efficient and proportionate deployment of resources engaged in enforcing relevant legislation within licensed premises, as only problem and/or high-risk premises are targeted.

**8.5** However, the role of the MALT is not solely focused upon enforcement activity. It also sees the promotion and encouragement of best practice within the industry as being fundamental in the development of responsibly managed licensed operations. Accordingly, the Authority will carry out

proactive visits to premises on a risk based programme to ensure operators are provided with appropriate support.

- 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 3.

## **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** 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** The Authority will consider each case on its merits and the relevant section of the Guidance when considering applications for:

- multiple licences for a building;
- a specific part of the building to be licensed;
- access to the licensed premises is through other premises (which themselves may be licensed or unlicensed)

#### ***Local area profile***

**11.5** 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 110,700 (National Census 2011) 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 and the former New Town of Skelmersdale to the east. A map of the Borough is detailed at Appendix 1.

**11.6** West Lancashire is an attractive area and has a good transport links. 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.

- 11.7** There are a relatively low number of licensed premises in the Borough. These premises mainly comprise of betting shops and bingo establishments. Whilst there are differing demographics between the residential and commercial areas within the Borough, there are currently no concentrations of licensed premises that would necessitate any specific policy requirements other than those detailed below.
- 11.8** 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.

### ***Location and demand for premises***

**11.9** The Authority will reflect the 'aim to permit' principle of the Act and will not comment on whether there is a demand for gambling premises. However, the Authority does consider the location of premises in so far as it relates to the Licensing Objectives to be relevant. 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;
- Residential areas where there may be a high concentration of families and children;
- An area with known high levels of organised crime and/or disorder and nuisance.

### ***Conditions***

**11.10** 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.

**11.11** 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. as detailed below. The Authority will also expect applicants to offer their own suggestions as to ways in which the Licensing Objectives can be met effectively.

### ***Consideration of applications***

**11.12** Each case will be determined on its merits and will depend to a large extent on the type of gambling proposed. The Authority recognises that the good management of licensed businesses and the street environment within which they operate is vital to the infrastructure of the Borough and to attracting a

wide range of people to work, visit or live in the Borough. However, the varied nature of the Borough means that the impact of a given operation can vary. The Authority will expect all applicants to, where appropriate, specify the methods, precisely and clearly, by which they will promote the Licensing Objectives and address the specific issues relating to the nature and location of the premises.

**11.13** The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Authority will take the approach that, in practice, this would often mean preventing such persons from taking part in gambling, and therefore when determining a relevant application, the Authority will consider whether specific measures are required at the premises.

**11.14** Applicants are expected to satisfy the Authority that there will be sufficient controls in place so as to reduce the risk to such persons. 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.

**11.15** It is important that if children are allowed to enter licensed premises that they do not participate in gambling - other than category D machines. Where other machines are available in the premises to which children are not permitted to use, applicants are expected to ensure that:

- The suitability and layout of the premises promotes restricted access to relevant areas;
- 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.

**11.16** Similarly, 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 machines by children and young persons or by vulnerable persons when considering the number, nature and/or circumstances of machines an operator wants to offer. The Authority may also consider restricting the number and location of any machines to facilitate the protection of children and other vulnerable persons from being harmed or exploited by gambling.

### ***Unlicensed Family Entertainment Centre Gaming Machine Permits - Statement of Principles***

**11.17** 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).

**11.18** 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.

**11.19** 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.

**11.20** The Authority cannot attach conditions to this type of permit, and the "Statement of Principles" only applies to initial applications and not to renewals.

### ***(Alcohol) Licensed Premises Gaming Machine Permits***

**11.21** 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.

**11.22** 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.

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

### ***Prize Gaming Permits - Statement of Principles***

**11.24** The Authority expects applicants to set out the types of gaming that there are 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.

**11.25** 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.

### ***Club Gaming and Club Machines Permits***

**11.26** 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.

**11.27** 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.

### ***Tracks***

**11.28** 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.

**11.29** 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.

**11.30** The Authority would expect 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.

**11.31** 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.

**11.32** 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.

### ***Travelling Fairs***

**11.33** 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.

**11.34** The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

**11.35** 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.

### ***Door Supervisors***

**11.36** 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.

**11.37** 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.

## **12.0 Casinos**

**12.1** In accordance with Section 166 of the Act, the Authority has passed a 'no casino' resolution. This was determined on 26<sup>th</sup> April 2006 by full Council.

## **13.0 Provisional Statements**

**13.1** 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.

**13.2** 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.

**13.3** 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.

## **14.0 Reviews**

**14.1** 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.

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

## APPENDICES

### Appendix 1: Map detailing key locations in West Lancashire



## Appendix 2: 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](mailto:anthony.bushell@lancashire.pnn.police.uk)

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

Telephone: 01695 577177  
Email: [plan.apps@westlancs.gov.uk](mailto:plan.apps@westlancs.gov.uk)

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

Telephone: 0845 010 9000  
Email: [enquiries.nw@hmrc.gsi.gov.uk](mailto:enquiries.nw@hmrc.gsi.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](mailto:info@gamblingcommission.gov.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](mailto:skelmersdaleFireSafety@lancsfireandrescue.org.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](mailto:a.hill@westlancs.gov.uk)

Lancashire County Council  
Lancashire Safeguarding Children's Board Manager  
Room B52, PO Box 61  
County Hall  
Preston  
Lancashire PR1 8RJ

### **Appendix 3: 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@westlancls.gov.uk](mailto:licensing.enquiries@westlancls.gov.uk)  
Webpage: [www.westlancls.gov.uk/licensing](http://www.westlancls.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](mailto:enquiries@culture.gov.uk)  
Internet: [www.culture.gov.uk](http://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](mailto:info@gamblingcommission.gov.uk)