

# **Gambling Act 2005**

## **Statement of Principles**

### **2025 - 2028**

Safe, Sensible and Social:  
A City with Cultural Vibrancy



**Version Control**

FINAL

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## PART A

### Chapter 1. Legislation, Guidance and Regulators Code

- A.1.1 [The Gambling Act 2005](#) (the “Act”) requires this Licensing Authority to draft, consult on and publish a statement of principles (the Statement) in relation to its responsibilities under the Act. Once published, the Statement will be kept under constant review and, in any case, will be re-published after every three years. Before any revision of the Statement is published this Authority will carry out a full consultation exercise on the relevant sections. This version of the Statement has been revised following the 3-year review and is for the period 2025 – 2028.
- A.1.2 As a Licensing Authority we must have regard to the licensing objectives 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.
- A.1.3 The Licensing Authority is aware that, as per Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives; and
  - in accordance with the Authority’s Statement of Principles.
- A.1.4 The Gambling Commission’s Licence Conditions and Code of Practice ([LCCP](#)) requires gambling premises operators to undertake a risk assessment taking into consideration their local information.
- A.1.5 In implementing this Statement the Licensing Authority will aim to follow the clear, flexible and principles-based on the Regulator’s code, which can be viewed at:
- [www.gov.uk/government/publications/regulators-code](http://www.gov.uk/government/publications/regulators-code)

A.1.6

The Gambling Act 2005 can be accessed via:

<http://www.legislation.gov.uk/ukpga/2005/19/contents>

and the Gambling Commission's Guidance to Licensing Authorities (published April 2021) may be accessed via;

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>



## **Chapter 2    Local Area Profile**

### **A.2.1        National Picture & Problem Gambling Estimates**

- A.2.1.1        Nationally, overall gambling rates have decreased over the last 2 years. When broken down by gambling type, in-person gambling is decreasing in popularity whilst online forms of gambling are increasing. The harms from online gambling may be greater, or are likely to occur more often, than those from in-person gambling.
- A.2.1.2        The latest Gambling Commission statistics published July 2024 based on a nationally representative sample of 5003 adults aged 18 years and over who were interviewed during the period November 2023 to February 2024. Participation in any gambling activity was 48 percent, the same proportion that was observed in the previous wave of data.
- A.2.1.3        Overall gambling participation is highest for males aged 35 to 64 years old, however, removing lottery only draw players shifts the age profile downwards, resulting in males aged 18 to 44 years having the highest gambling participation rates.
- A.2.1.4        The online gambling participation rate was 36 percent and falls to 14 percent when lottery draw only players are removed. This highlights the large proportion of online gamblers that only gamble on lottery draws.
- A.2.1.5        The in-person gambling participation rate in the survey was 29 percent. Excluding lottery draw only players, the participation rate was 18 percent.
- A.2.1.6        The most popular gambling activities were lotteries including the National Lottery draws (31 percent) and other charity lottery draws (15 percent). Following lotteries, the next 3 most popular activities were scratch cards (13 percent), betting (9 percent) and instant wins (6 percent). This is consistent with data seen in the previous surveys.
- A.2.1.7        The Statement seeks to enable a good understanding of all the harms and benefits of gambling to society. The legislative framework for gambling recognises it as a legitimate leisure activity that many people enjoy. It generates income, employment and tax revenue for the local economy. However, gambling also generates significant harms such as working days lost through disordered gambling and the cost of treatment for ill-health caused by stress related to gambling debt. There are also less easily measured significant impacts such as the negative effects of some gambling on family relationships, and the psychological and social development of children. Recognising and addressing the risks of harmful gambling to vulnerable groups in particular, as well as to wider families and communities, is a public health priority.

A.2.1.8 The Statement takes the public health issue into account and means that recognising a successful strategy not only focuses on individual gamblers but also needs to include products, environments and marketing within the wider context in which gambling happens. Equal importance needs to be given to prevention and treatment of harm.

A.2.1.9 The Statement is underpinned by a profile of Newcastle upon Tyne to ensure an awareness of local risks and to facilitate constructive engagement with licensees with a coordinated response to local risks. The profile will help to inform specific risks that operators will need to address in their risk assessment.

## A.2.2 **Newcastle Profile**

A.2.2.1 The prevalence of gambling across the city can be estimated by applying national data sets to Newcastle's population. The Gambling Commission estimated that, within the last four weeks, 43% of the 16+ population had engaged in gambling activity

Applying this to Newcastle's population aged 16+ years (n=248,46110), it can be estimated that 106,838 residents in Newcastle have engaged in gambling within the last 4 weeks.

This estimate is based on population data from the 2021 Census.

A.2.2.2 HSE data can also be applied to Newcastle's 16+ population to estimate the number of people who have taken part in some form of gambling within the last 12 months. Given that this data is from 2018, the ONS mid-year population estimates for 2018 are used (n=248,029).

If, according to the national rate, 54% of 16+ individuals in Newcastle took part in gambling at least once over the last 12 months, approximately 133,936 residents of Newcastle gambled at least once in 2018.

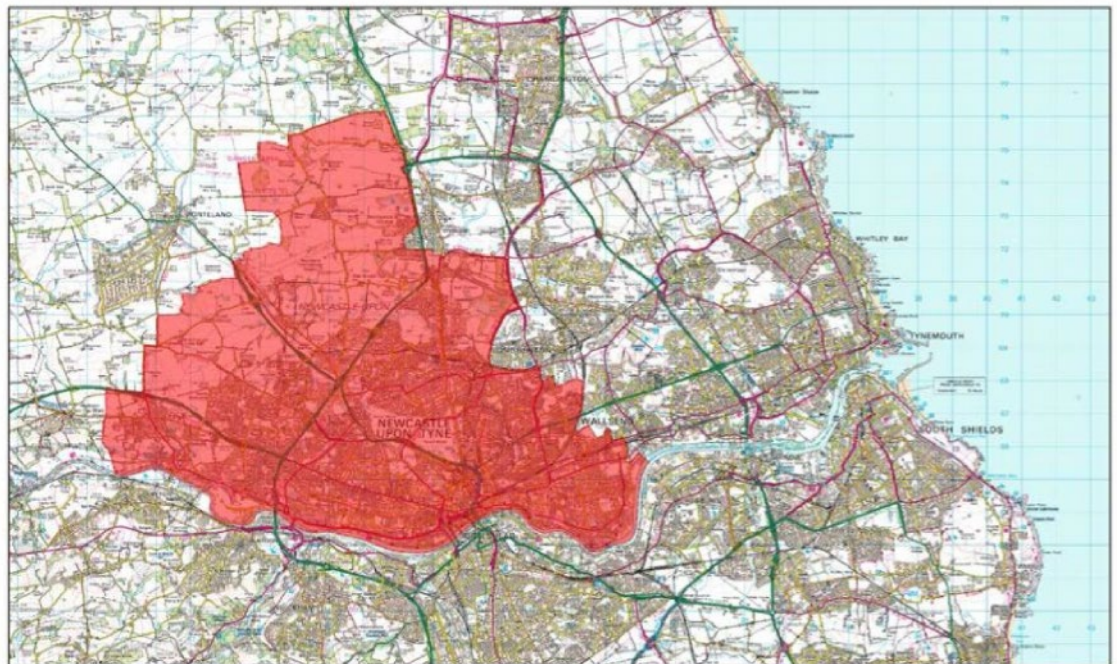
A.2.2.3 Newcastle City Council's Licensing Authority monitor the number of licensed gambling premises across the city, and the number of licensed premises has decreased in each reporting period with a total of 58 premises in 2023.



## Chapter 3. Introduction and Declaration

### A.3.1

#### City of Newcastle upon Tyne



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- A.3.2 The City of Newcastle upon Tyne (the City) is a largely urban conurbation within the county of Tyne and Wear, covering an area of 112km<sup>2</sup> and with a population of approximately 300,820.
- A.3.3 The City also serves as the regional capital for a population over 2 million people. It is one of England's core cities (8th largest economy outside London).
- A.3.4 The population is split almost 50/50 between men and women, around a fifth have a disability that limits their day-to-day life and about a tenth are Black, Asian or from an ethnic minority – this rises to almost a quarter in school-age children. Nearly 50,000 students are enrolled at our universities.
- A.3.5 There are over 199,000 jobs in the City and approximately 80,000 people enter the City every day to work, and it is estimated that in excess of 100,000 people utilise premises in the night-time economy sector at weekends.

- A.3.6 The City has developed into the dominant centre of the region for late night entertainment and as a popular short stay City break destination. Newcastle's night - time economy plays an important part in creating a vibrant, sustainable economy for the city. Every year about 20.17 million people visit Newcastle and Gateshead spending approximately £487 million on food and drink.
- A.3.7 In the preparation of this Statement regard shall be had to The Council Plan, which provides a framework for council staff, residents and partners to better understand the role of the council within the City, and how the local authority will work with the City to deliver improved outcomes around its three priorities:
- A.3.7.1 **Inclusive economy** – Newcastle will be a City where opportunity flows to all, and everyone in the city can contribute to and benefit from Newcastle's success.
- A.3.7.2 **Anti-poverty** – Newcastle will be a fair and inclusive City where everyone is free to live healthy, happy lives.
- A.3.7.3 **Net Zero** – Newcastle will be a City of the future, providing high-quality, sustainable housing and growing an inclusive, low-carbon economy.
- A.3.8 The Act requires that the following parties are consulted by licensing authorities:
- The Chief Officer of Police
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area.
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- A.3.9 The Council has consulted widely upon this Statement before finalising and publishing and a list of persons consulted is provided at Appendix A.
- A.3.10 The consultation took place between 19<sup>th</sup> October 2024 and 15<sup>th</sup> November 2024.
- A.3.11 The full list of comments made and the consideration by the Council of those comments is available by request to the address given below or via the Council's website at [www.newcastle.gov.uk](http://www.newcastle.gov.uk)
- A.3.12 The Statement was approved at a meeting of the Full Council on 22<sup>nd</sup> January 2025 and will be published via our website on 27<sup>th</sup> February 2025. Copies were placed in the Customer Service Centre at the City Library.

A.3.13 Should you have any comments as regards this Statement of Principles please send them via email or letter to the following contact:

Licensing Authority  
Newcastle City Council  
Civic Centre  
Newcastle upon Tyne  
NE1 8QH

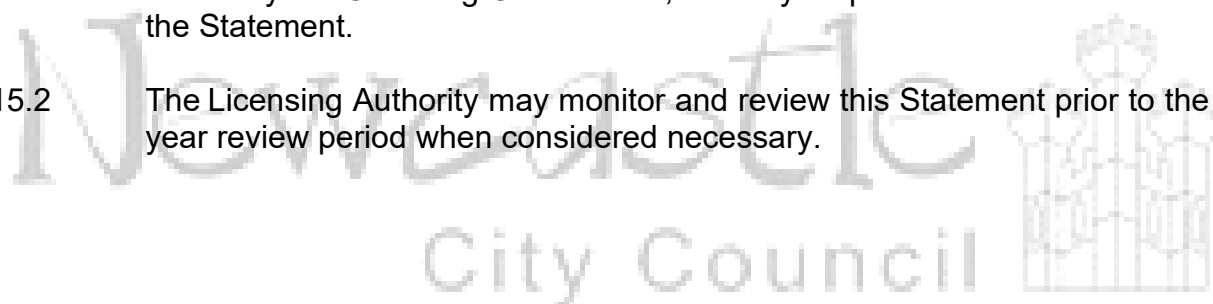
[licensing@newcastle.gov.uk](mailto:licensing@newcastle.gov.uk)

A.3.14 It should be noted that this Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

A.3.15 **Declaration**

A.3.15.1 In producing the final Statement this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the Statement.

A.3.15.2 The Licensing Authority may monitor and review this Statement prior to the three-year review period when considered necessary.



## **Chapter 4. Integration with other legislation, policies and guidance**

A.4.1 Anyone who is or who seeks to be authorised under the Act to carry out gambling activities in the City should be aware of the other legislation, policies and guidance that may apply to their business. Failure to comply with other legislation and/or regulatory regimes can indicate that a licensee is irresponsible, which may call into question their ability to adequately promote the Licensing Objectives.

A.4.2 Although from the perspective of the business proprietor, there may be an element of crossover between licensing and other regimes, they are separate and are treated as such by the Council.

A.4.3 This Licensing Authority will seek to achieve integration with all relevant Council strategies and their aims in its decision making.

### **A.4.4 Equality and Diversity & Human Rights**

A.4.4.1 The City is committed to ensuring equality in employment and service delivery. To achieve the above standard the Authority is aware of its duties and obligations under the following legislation amongst others:

- Equality Act 2010
- Human Rights Act 1998

A.4.4.2 In addition, the Licensing Authority is preparing an Equality Impact Assessment to complement this Statement.

A.4.4.3 Applicants and licensees should be aware of their obligations under the Equality Act 2010 and the characteristics protected by the legislation which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex; and
- Sexual orientation

A.4.4.4 It is expected that responsible licensees will be sensitive to the needs of their varied customer base and prepared to make reasonable adjustments to accommodate those needs.

A.4.4.5 The Equality Act 2010 also requires the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between people with different protected characteristics. Each application will be considered with this in mind.

A.4.4.6

Where updates are required due to changes in national legislation, statutory guidance or contact details, the Council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.

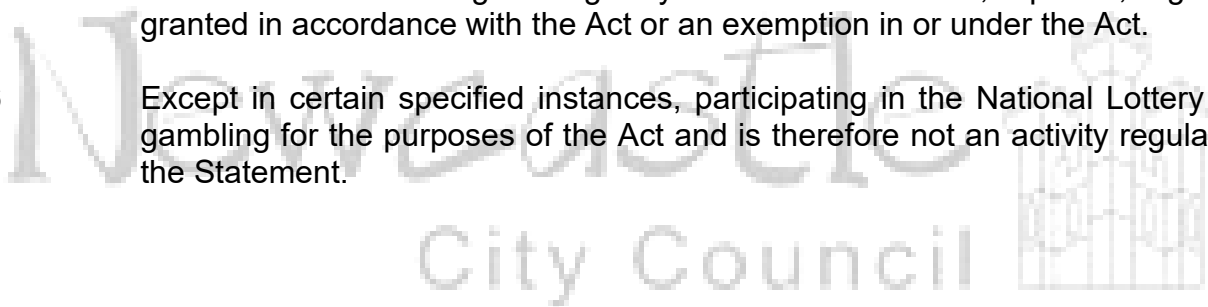


## Chapter 5. Public Health Approach to Gambling

- A.5.1 The Licensing Authority in formulating and implementing the Statement supports a public health approach to gambling.
- A.5.2 Our public health approach seeks to prevent and reduce the risks of gambling related harms. In implementation of the Statement, this Licensing Authority has sought the views of public health colleagues and recognises the need to address the effects of gambling on the families and close associates of gamblers, and on the wider community - as well as on those who suffer harm from their own gambling. This includes intelligence led planning and joint work in the City to reduce harms. This Licensing Authority are also aware of the need to encompass products, environments and marketing and the wider context in which gambling occurs including the range of social, cultural, political and environmental factors.
- A.5.3 The approach also has had regard to the effects on young and vulnerable people. Their needs are different, and they may need different approaches to reducing gambling-related harm. The potential influence of parents, peers and family members as well as social media must be given focus in its creation of “social norms”. Primary prevention efforts can be targeted at young people, often aiming to reach them before they have gambled. Access to specialist support for young people with gambling problems needs separate consideration to adult support or intervention. In most cases it is likely to require lower threshold intervention and to address other, co-occurring problematic behaviours.
- A.5.4 Addressing gambling’s effects on population health and wellbeing needs to be all encompassing and needs to involve a wider range of organisations proactively. This Licensing Authority conducts regular engagement with the gaming industry, Citizens Advice Newcastle, Universities, Charitable bodies, Safeguarding boards, Northumbria Police and The Gambling Commission.
- A.5.5 In formulating the Statement, this Licensing Authority has had regard to the advice and guidance given to the Gambling Commission by the Advisory Board for Safer Gambling via <https://www.gamblingcommission.gov.uk/absq>
- A.5.6 This Licensing Authority acknowledges [High stakes: gambling reform for the digital age](#) - This white paper sets out the government’s plan for reform of gambling regulation following the review of the Gambling Act 2005.
- A.5.7 In addition, the Licensing Authority has had due regard to and has supported the development of, [Gambling and Gambling Related Harms: Needs Assessment](#) to complement this Policy.

## **Chapter 6. Licensable Activities**

- A.6.1 Gambling is unlawful unless permitted by measures contained in or under the Act. It is a criminal offence to provide facilities for gambling or to use premises for gambling without the appropriate permission. The Statement relates to those activities which are controlled by the Act and bestowed by way of regulatory function to the Licensing Authority, namely gaming, betting and participating in a lottery.
- A.6.2 “Gaming” means playing a game of chance for a prize but does not include a sport (within the meaning of section 6 of the Act).
- A.6.3 “Betting” means making or accepting a bet on the outcome of a race, competition or other event or process, the likelihood of anything occurring or not occurring or whether anything is true or not true (within the meaning of section 9 of the Act).
- A.6.4 “A lottery” is an arrangement whereby people pay to participate and win one or more prizes in a process which relies wholly or in the first instance on chance (within the meaning of section 14 and subject to section 15).
- A.6.5 Permission to conduct gambling may come from a licence, a permit, registration granted in accordance with the Act or an exemption in or under the Act.
- A.6.6 Except in certain specified instances, participating in the National Lottery is not gambling for the purposes of the Act and is therefore not an activity regulated by the Statement.



## Chapter 7. Responsible Authorities

A.7.1 Responsible Authorities are public bodies that must be notified of all applications and who are entitled to make representations to the Licensing Authority on matters which are relevant to the licensing objectives.

A.7.2 Section 157 of the Act defines those authorities as:

- The Licensing Authority in whose are the premises are wholly/partly situated
- The Gambling Commission
- Chief Officer of Police
- The Fire and Rescue Authority
- The Local Planning Authority
- The Environmental Health Authority
- A body designated by the Licensing Authority as competent to advise about the protection of children from harm (Local Safeguarding Children Board)
- Her Majesty's Commissioners of Revenue and Customs
- Any other person prescribed in regulations by the Secretary of State.

A.7.3 Responsible Authorities will be provided with a copy of any application for a licence and are invited to make representations on the applications so far as they relate to the promotion of one of the three licensing objectives.

A.7.4 If the premises is a vessel then Responsible Authorities would also include the Navigation Authorities within the meaning of Section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to where the vessel is usually berthed or moored or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These would include:

- The Environment Agency
- The Canal and River Trust
- Port of Tyne
- The Secretary of State (in particular the Secretary of State for Transport who acts through the Maritime and Coastguard Agency).

A.7.5 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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



- A.7.6 This Licensing Authority designates the Local Safeguarding Children Board as the competent body for this purpose. This body is made up of professionals representing the Health Authority, the Police, Education Services and Social Services. The expertise which the Local Safeguarding Children Board has as a result of agencies working together from different fields of expertise is deemed by the Council the most appropriate body to provide competent advice regarding the protection of children in relation to gambling issues.
- A.7.7 The contact details of all the Responsible Authorities under the Act are available via the Council's website at. [www.newcastle.gov.uk/business/licences-and-permits/gambling-and-lottery-licences/gambling-act-2005](http://www.newcastle.gov.uk/business/licences-and-permits/gambling-and-lottery-licences/gambling-act-2005)
- A.7.8 All Responsible Authorities have the right to make representations about licence conditions or apply for a review of a licence.
- A.7.9 It should be noted that as the Licensing Authority is named as a Responsible Authority it can itself make representation about licence applications or apply for review of an existing licence.
- A.7.10 Whilst Public Health is not a Responsible Authority, this Licensing Authority may seek the views of the Director on Public Health on licence applications.



## **Chapter 8. Interested Parties**

- A.8.1 Interested Parties can make representations about licence applications or apply for a review of an existing licence.
- A.8.2 Under section 158 of the Act, a person is an Interested Party in relation to a premises licence if, in the opinion of this Licensing Authority, the person-
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
  - b) has business interests that might be affected by the authorised activities, or
  - c) represents persons in either of these two groups.
- A.8.3 In determining whether an interested party lives sufficiently close to the premises this Licensing Authority will consider the following factors on a case by case basis-
- The size of the premises
  - The nature of activities taking place on the premises
  - The distance of the premises from the location of the person making the representation
  - The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment, and
  - Other relevant factors.
- A.8.4 In determining whether a person has a business interest which could be affected this Licensing Authority will consider-
- The size of the premises
  - The nature of the premises
  - The catchment area of the premises
  - Whether the person making the representation has business interests in that catchment area that might be affected, and
  - Other relevant factors.
- A.8.5 Existing gambling businesses are interested parties and entitled to make representation. Demand and competition issues will not be considered as relevant representations by any interested party.
- A.8.6 Examples of those who live sufficiently close to premises to be affected by it or have business interests, that may be affected by it could include trade associations, trade unions, residents' associations, partnerships, charities, faith groups and medical practices.

- A.8.7 Interested Parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than these however, this Authority will generally require written evidence that a person/body 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the pupils or parents and a community group might represent vulnerable people living near the proposed premises.
- A.8.8 It is important to note that in order for any representation to be relevant it must relate to the licensing objectives. For a representation to be relevant it must relate to issues raised under the Gambling Commission's Codes of Practice or Guidance, relate to the three licensing objectives or raise issues regarding the Authority's own Licensing Policy Statement.



## Chapter 9. Exchange of Information

- A.9.1 The following section sets out how this Licensing Authority will comply with its obligations under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and their obligations under section 350 of the Act with respect to the exchange of information between it and those persons listed in Schedule 6 to the Act.
- A.9.2 In exchanging relevant information in accordance with its functions under the Act, this Licensing Authority will conform to the requirements of the General Data Protection Regulation (GDPR) and Freedom of Information legislation in line with the Council's existing policies.
- A.9.3 The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant legislation issued by the Secretary of State under the powers provided in the Act.
- A.9.4 Details of those persons making representations in relation to applications will ordinarily be made available to applicants to allow mediation to take place if appropriate, and in the event of a hearing, will form part of a public document. Anyone making representations or applying for a review of a premises licence will be informed that their details will be disclosed. [Appendix<sup>1</sup> D](#) (supplemental to this Statement) details this Licensing Authority's approach toward Disclosure of Representations.
- A.9.5 Should the Licensing Authority participate in information sharing arrangements with others, external persons, bodies or agencies a policy would be established and published on Newcastle City Council website [www.newcastle.gov.uk](http://www.newcastle.gov.uk) and regard will be had to the Council's data handling processes <https://www.newcastle.gov.uk/local-government/access-information-and-data/open-data/privacy-notice>

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<sup>1</sup> [Appendix D -Disclosure of Representations](#)

## Chapter 10. Regulatory Activities

- A.10.1 Prior to the grant of a premises licence, Licensing Authority Officers, the Police and any other authorised person so defined in section 304 of the Act, may at any reasonable time enter the premises to which the application relates to assess the effect of the grant of the licence on the licensing objectives.
- A.10.2 Licensing Authorities are required by regulation under the Act 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 the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- A.10.3 This Licensing Authority's principles are that:
- It will be guided by the Gambling Commission's Guidance to Licensing Authorities, have due regard to the Regulators' Code and will endeavour to be:
- A.10.3.1 **Proportionate** - The Licensing Authority will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised.
- A.10.3.2 **Accountable** - The Licensing Authority will be able to justify decisions, and be subject to public scrutiny.
- A.10.3.3 **Consistent** - Rules and standards must be joined up and implemented fairly.
- A.10.3.4 **Transparent** - The Licensing Authority should be open, and keep regulations simple and user friendly; and
- A.10.3.5 **Targeted** - Regulation should be focused on the problem and minimise side effects.
- A.10.4 The Licensing Authority will follow a risk-based inspection programme, based on:
- The licensing objectives
  - Relevant codes of practice
  - Guidance issued by the Gambling Commission
  - The principles set out in this Statement of Principles.
- A.10.4.1 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Act. When undertaking test purchasing activities the Licensing Authority will liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed an appropriate course of action.

- A.10.4.2 Where there is a Primary Authority scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking enforcement action. If the Primary Authority has developed a National Inspection Strategy (NIS) the Licensing Authority will not seek to review policies and procedures relating to age verification. However, Officers may still ask questions to test the knowledge of staff on the premises to check the implementation of the licensing objective of protecting children from being harmed or exploited by gambling.
- A.10.5 The main enforcement and compliance role for the Licensing Authority in terms of the Act will be to ensure compliance with the premises licences and other permissions which it authorises.
- A.10.6 The Gambling Commission is the enforcement body for operating licences and personal licences. Concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.
- A.10.7 The Licensing Authority will investigate complaints about licensed premises where appropriate and in appropriate circumstances, the Licensing Authority may endeavour to seek a resolution through mediation.
- A.10.8 The Licensing Authority reserve the right, where appropriate, to refer any complaints or related matters to the relevant statutory enforcing agent.
- A.10.9 The Licensing Authority recognises that certain operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single named point of contact, who should be a senior individual and whom the Licensing Authority will contact first should any compliance queries or issues arise.
- A.10.10 The Licensing Authority also keeps itself informed of developments as regards the work of the Office of Product Safety and Standards in its consideration of the regulatory functions of local authorities.
- A.10.11 The Licensing Authority's [enforcement/compliance](#) protocols/written agreements are available upon request.
- A.10.12 The Licensing Authority will work closely with the Gambling Commission to undertake enforcement operations to deal with owners of premises that illegally make gaming machines available for use.

A.10.12.1 If the premises does not have authorisation to site gaming machine(s) this Licensing Authority will:

- advise the premises owner / occupier that they may be committing an offence under the relevant provisions of the Act and may be liable to a maximum penalty of imprisonment.
- either ask the premises owner/occupier to remove the gaming machine(s) from the premises or seize the gaming machines and any relevant documents. This may also impact on other licensable activities associated with the premises.
- inform the Police of the potential illegal activities. They may also be able to assist (a constable has the power of an enforcement officer under the Act).
- notify Her Majesty's Revenue and Customs (HMRC)
- inform the Gambling Commission.

A.10.12.2 Under Section 317 (1) of the Act a constable, enforcement officer or an authorised person may –

- a) inspect any part of the premises and any machine or other thing on the premises
- b) question any person on the premises
- c) require access to any written or electronic record which is kept on the premises
- d) require to be supplied with a copy, in such form as he directs, of an entry in a written or electronic record which is kept on the premises
- e) remove and retain anything if he reasonably believes that it constitutes or contains evidence of-
  - i. the commission of an offence under this Act, or
  - ii. the breach of a term or condition of a licence issued under this Act
- f) remove and retain anything if he reasonably believes that it is being used or has been used in the commission of an offence under this Act.

The powers set out at (e) and (f) above, include the ability to seize machines where appropriate.

A.10.13 Illegal gaming machine enforcement procedure

- Licensing Authority Officers exercise power of entry to both clubs and premises (Section 307 the Act 2005)
- Licensing Authority Officers / Gambling Commission Officers identify illegally sited machines
- Licensing Authority Officers exercise power of seizure and seize gaming machines and supporting evidence (Section 317 of the Act)
- Documentation relating to the unlawful suppliers of the gaming machines given to Gambling Commission Officers
- Licensing Authority Officers will consider conducting a PACE interview with the premises owner / relevant person where the Act offences are suspected
- Following compilation of evidence and completion of PACE interview, Licensing Authority Officers will give consideration to any offences identified under the Act
- Proportionate action will be considered in accordance with the local authority enforcement policy and protocol
- This may result in the issue and acceptance of a simple caution or where deemed appropriate the instigation of legal proceedings including the forfeiture and destruction of seized machines in accordance with PACE.





## Chapter 11 Licensing Authority Functions

A.11.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions.

A.11.2 The Council, as the Licensing Authority, is not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via Operator Licences.

A.11.3 The provisions of the Act delegates all decisions relating to Premises Licences, Temporary Use Notices, Occasional Use Notices and the issuing of permits for gaming machines and prize gaming to the Licensing Committee of the Council.

A.11.4 The Council's Licensing Committee is composed of 14 Councillors. This Committee will be responsible for the discharge by the Licensing Authority of the licensing functions under the Act.

A.11.5 In order to provide a speedy, efficient and cost effective service and in accordance with the Act, it is proposed that the Licensing Committee will delegate decisions and functions and will establish a number of sub-committees to deal with them as detailed in this Statement . Three members will sit on these sub-committees.

A.11.6

In accordance with the Act and guidance this Licensing Authority will:

- Refer approval of this three year Statement to full Council
- Exercise any delegated power to set fees in consultation with the appropriate Cabinet member or Full Cabinet if necessary
- Delegate any decisions where valid representations are lodged to premises licences to the Licensing Committee
- Invite the Licensing Committee to further delegate decision making to a sub-committee or officers in accordance with the law and guidance.



A.11.7 The following table shows how the City Council will deal with matters under the Act.

Matter to be dealt with	Full Council	Full Committee	Sub-Committee	Officers
Three year Gambling Policy	X			
Policy not to permit Casinos	X			
Fee Setting				X
Application for premises licence			Where representations have been received and not withdrawn	Where no representations have been received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations have been received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission or Responsible Authority.	Where no representations have been received from the Commission or Responsible Authority
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations have been received/ representations have been withdrawn
Review of a premises licence			X	

Decision as Responsible Authority to call for a review of a premises licence				X
Application for club gaming/club machine permits			Where objections have been received and not withdrawn	Where no objections have been received/representations have been withdrawn
Cancellation of club gaming/club machine permits			X (if requested by the holder)	X (if no request received)
Application for other permits				X
Cancellation of licensed premises gaming machine permits			X (if requested by the holder)	X (if no request received)
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X (where representations have been received and not withdrawn)	X (where time limits have been exceeded)
Decision on whether a complaint is irrelevant, vexatious, frivolous etc.				X

A.11.7.1 The Licensing Committee can consider any application; it is not precluded from doing so by reason of the fact that the relevant column above is devoid of an entry.

## **Part B**

### **Premises licences: Consideration of applications**

#### **Chapter 1      General Principles**

- B.1.1      Premises licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- B.1.2      The Licensing Authority must ensure that the application is in accordance with the relevant codes of practice, the Gambling Commission Guidance, the licensing objectives and this Statement of Principles. It is therefore reasonable for licensing authorities to request additional information from the applicant to satisfy themselves that the licensing decision is reasonably consistent with the licensing objectives and codes of practice.

#### **Chapter 2      Location**

- B.2.1      The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, the Licensing 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. In deciding whether a licence for a particular premises should be granted, each case will be decided on its merits.

#### **Chapter 3      Local Risk Assessment**

- B.3.1      Licence holders are required to undertake a local risk assessment when applying for a new premises licence.
- B.3.2      The local risk assessment process is not the same as other forms of risk assessments undertaken by gambling operators, such as Health and Safety at Work, Fire Safety etc. The local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the area and the local community.
- B.3.3      Licence holders must assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures in place to mitigate those risks. The exception to this requirement is track premises licence holders who are not the holder of an Operator's Licence from the Gambling Commission.

B.3.4 Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event, in this case the risk of the impact on the licensing objectives.

B.3.5 The Licensing Authority will expect the local risk assessment to consider as a minimum:

- The location of educational establishments attended by persons under 18 years of age
- The location of services for children such as playgrounds, leisure centres and other areas where children will gather
- The location of any establishment frequented by vulnerable adults for the purpose of treatment and/or support
- The location of any establishment frequented by persons addicted to gambling for the purpose of treatment and/or support
- The location of pay day loan shops, pawnbrokers etc
- The location of premises licensed for the sale of alcohol
- The layout of the local area and physical environment in which the premises are situated including any crime and disorder hotspots

B.3.6 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected by the licensee or applicant.

B.3.7 Licence holders must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstances. A significant change may include (but is not limited to) -
  - the development of an educational establishment for persons under 18 years of age
  - the development of an establishment at which vulnerable adults and/or persons addicted to gambling may attend for the purpose of treatment and/or support
  - the licensee becoming aware of a particular risk to premises offering gambling facilities in the location of their premises
  - the Licensing Authority, having received information and having consulted with the licensee upon the significance of that information, determines that this amounts to a change in local circumstances
- When there are significant changes at a licence holder's premises that may affect their mitigation of local risks
- When applying for a variation of a premises licence.

B.3.8 This Licensing Authority requires applicants to provide local risk assessments at the time of making new applications or variations to existing premises licences and to also make them available to officers at the time of premises inspection.

- B.3.9 In preparing a Local Risk Assessment the licence holder may have regard to;
- The crime mapping website (<https://www.police.uk>)
  - Office for National Statistics data ([www.ons.gov.uk](http://www.ons.gov.uk))
  - Official labour market statistics ([www.nomisweb.co.uk](http://www.nomisweb.co.uk))
  - Any local area profile developed by the Licensing Authority.
- B.3.10 Where concerns do exist, this Licensing Authority would suggest that the licence holder considers consulting the most appropriate Responsible Authority for guidance before submitting an application for a licence or a variation of a licence, or where it is believed there has been a significant change in local circumstances.
- B.3.11 When this Licensing Authority's officers undertake an inspection of premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is therefore a requirement that the Local Risk Assessment, or a copy, is kept at the premises at all times.
- B.3.12 As a matter of best practice this Licensing Authority recommends that operators establish a regular review regime. This review programme would ensure that these assessments are considered at regular intervals and updated if necessary.
- B.3.13 This Licensing Authority has produced guidance to operators on completing local risk assessments and an associated risk assessment template. This is held on the Council's Website: [www.newcastle.gov.uk/business/licences-and-permits](http://www.newcastle.gov.uk/business/licences-and-permits)
- This template is not mandatory and gambling operators can develop their own assessment forms to suit their own business.

#### **Chapter 4 Local Area Profile**

- B.4.1 This Licensing Authority will maintain a local area profile in conjunction with Public Health Epidemiology and Intelligence Team. The area profile will be held on the Council's website: [Gambling and Gambling Related Harms: Needs Assessment](#) and will be updated from time to time.

## Chapter 5 Decision Making

B.5.1 This Licensing 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 Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives; and
- in accordance with this Licensing Authority's Statement of Principles.

B.5.2 In determining applications for premises licences this Licensing Authority is aware it should **not** have regard to:-

- the expected demand for the gambling premises that are the subject of the application
- whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building.

B.5.3 This Licensing Authority is also aware that other matters such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences.

## Chapter 6 Definition of "Premises"

B.6.1 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.



B.6.2 The Gambling Commission states in its Guidance to Licensing Authorities that: *“In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. However, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”*

B.6.3 The Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: *“licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:*

- *The third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.*
- *Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.*
- *Customers should be able to participate in the activity named on the premises licence.”*

B.6.4 This Licensing Authority takes the view, in accordance with Statutory Guidance issued by the Gambling Commission that, with the exception of tracks the Act generally prevents more than one licence applying to any premises. Any attempt to reconfigure premises in order to obtain multiple licences will be closely scrutinised by this Licensing Authority who will consider statutory guidance. Factors which this Licensing Authority may take into consideration may include:

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

B.6.5 This Licensing Authority will consider the above points and other relevant factors in making its decision, depending on all the circumstances of the case. The determination of any application by the Council will be made having taken into consideration the mandatory and default conditions, which may apply to the premises subject to the application.

B.6.6 **Access provisions**

This Licensing Authority will take into account the Commission's Guidance in respect of the following premises:

**Casinos**

- The principal access entrance to the premises must be from a street (as defined in the Guidance to Licensing Authorities)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

**Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises.

**Betting Shops**

- Access must be from a street (as defined in the Guidance to Licensing Authorities) or from another premises with a betting premises licence.
- No direct access is permitted from a betting premises to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting premises from a shop of any kind unless that shop is itself a licensed betting premises.

**Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre.

### **Bingo Premises**

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

### **Family Entertainment Centre**

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

B.6.7 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this Licensing Authority will also take into account in its decision-making.

## **Chapter 7 Plans of Premises**

B.7.1 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) states that a plan must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

B.7.2 In determining an application for a premises licence, or an application to vary a premises licence, the Licensing Authority must establish whether the application is –

- In accordance with the relevant codes of practice (including social responsibility codes).
- In accordance with any relevant Guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives (e.g. protecting the young and vulnerable)
- In accordance with the Statement of Principles published by the Licensing Authority.

B.7.3

The premises plan itself is only one means by which the Licensing Authority may seek reassurance that the requirements will be met. The plan may or may not satisfy the Licensing Authority in discharging its functions as set out in section 153 of the Act.

Should the application and the accompanying plan be insufficient to satisfy the requirements set out in the bullet points above, this Licensing Authority will ask for more information.



## **Chapter 8 Premises “ready for gambling”**

- B.8.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
- B.8.2 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this Licensing Authority will determine applications on their merits, applying a two stage consideration process:
- First, whether the premises ought to be permitted to be used for gambling
  - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- B.8.3 Applicants should note that this Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

## **Chapter 9 Provisional Statements**

- B.9.1 Developers may wish to apply to this Licensing Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence.
- B.9.2 Section 204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
  - expects to be altered; or
  - expects to acquire a right to occupy.
- B.9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.
- B.9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

B.9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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.

B.9.6 In addition, the Licensing Authority may refuse the premises licence or grant it on terms different to those attached to the provisional statement only by reference to matters:

- which could not have been raised by way of representation at the provisional statement stage;
- which, in the Licensing Authority's opinion, reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **Chapter 10 Duplication with other regulatory regimes**

B.10.1 This Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This Licensing Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. It will however, listen to, and in making its determination consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

B.10.2 When dealing with a premises licence application for finished buildings, this Licensing Authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, building control and other regulations. These must not form part of the consideration for the grant of a premises licence.

## **Chapter 11 Licensing objectives**

B.11.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

### **B.11.2 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area is noted for particular problems with disorder, organised criminal activity etc this Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This Licensing Authority is aware that there is a distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

### **B.11.3 Ensuring that gambling is conducted in a fair and open way**

This Licensing Authority has noted that the Gambling Commission states that it generally does not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

### **B.11.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling**

This objective means preventing children from taking part in gambling save for those gambling activities which children are expressly permitted to engage in under the Act (as well as a restriction of advertising so that gambling products are neither aimed at nor are particularly attractive to children). This Licensing Authority will therefore consider whether specific measures are required at particular premises and whether staff will be able to adequately supervise the gambling premises. This is a necessary consideration with regard to the prevention of underage gambling. Appropriate measures may include supervision of entrances/machines, segregation of areas etc. Supervision also applies to premises that are themselves not age-restricted (e.g. bingo and family entertainment centres (FEC) premises) but which make gambling products and facilities available.

- B.11.5 Where this Licensing Authority considers the structure or layout of premises to be an inhibition or potential inhibition to satisfying this licensing objective, the licensee should consider what changes are required to ensure the risk is mitigated. Such changes might include the positioning of staff or CCTV, the use of floor-walkers and the relocation of the staff counter to enable direct line of sight.
- B.11.6 This Licensing Authority is aware of the Gambling Commission codes of practice as regards this licensing objective, in relation to specific premises.
- B.11.7 This Licensing Authority will seek to ensure that licensees have policies and procedures for preventing underage gambling and take account of the structure and layout of their gambling premises. Licensees must be able to supervise their premises and also should mitigate the risks of under 18s being attracted to enter premises by the products available within them. Where this Licensing Authority has concerns that such products are visible, it could for example require the licensee to re-site the products out of view.
- B.11.8 The Gambling Commission does not seek to offer a definition of “vulnerable persons” but states that “it does for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs”.
- B.11.9 This Licensing Authority will consider this licensing objective on a case by case basis.

## **Chapter 12 Conditions**

- B.12.1 Any conditions attached to licences will be proportionate and necessary 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.
- B.12.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a need. This Licensing Authority will also expect the applicant to offer his/her own suggestions as to the ways in which the licensing objectives can be met effectively.
- B.12.3 Conditions may be attached to premises licences in one of three ways:
- automatically, being set out in the Act;
  - through Regulations made by the Secretary of State;
  - by the Licensing Authority.



- B.12.4 This Licensing Authority has no discretion to exclude conditions in the first category above.
- B.12.5 The second category of conditions may be either “mandatory” or “default.” There is no discretion for mandatory conditions set out in Regulations to be excluded from a licence and default conditions apply to a licence unless the Licensing Authority decides to exclude them using its powers under the Act.
- B.12.6 If a particular aspect of a licence is covered by Mandatory conditions it is extremely unlikely that this Licensing Authority will consider it necessary to impose a more restrictive regime by including further conditions itself.
- B.12.7 In relation to default conditions the Licensing Authority may exclude a condition and substitute it with a condition that is either more or less restrictive. The Licensing Authority will need to have clear regulatory reasons for excluding default conditions which are replaced with more restrictive ones. This Licensing Authority will make decisions on conditions on a case by case basis. They must aim to permit the use of the premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Gambling Commission codes of practice and this Statement of Principles.
- B.12.8 Where there are risks associated with a specific premises or class of premises, this Licensing Authority may consider it necessary to attach conditions to the licence to address those risks, taking into account local circumstances.
- B.12.9 Where certain measures are not already addressed by the mandatory and default conditions, Gambling Commission codes of practice or by the applicant in their application content or local area risk assessment, the Licensing Authority may consider including licence conditions to address such issues in order to meet the licensing objectives such as:
- Proof of age schemes
  - CCTV
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Specific opening hours
  - Measures/training for staff on how to deal with suspected truant school children on the premises
- This list is not exhaustive and is merely indicative of example measures.
- B.12.10 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

- B.12.11 In accordance with the mandatory and default conditions, where Category C or above machines are available for use in premises to which children are admitted the Licensing Authority will ensure that:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. (For this purpose, a rope, floor markings or similar provision will not suffice. The Licensing Authority will consider each application individually and may insist on a permanent barrier of a specific height)
  - only adults are admitted to the area where these machines are located
  - access to the area where these machines are located is supervised at all times
  - the area where these machines are located is arranged so that it can be observed by the staff
  - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- B.12.12 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition
  - conditions relating to gaming machine categories, numbers, or method of operation
  - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
  - conditions in relation to stakes, fees, winning or prizes.
  -
- B.12.13 Gaming machine categories and entitlements are established by Regulations and a summary of the entitlements are set out in **Appendix B**<sup>2</sup>.
- B.12.14 The entitlement of each premises is set out in **Appendix C**<sup>3</sup>.

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<sup>2</sup>[Appendix B - Summary of Gaming Machine Categories and Entitlements](#)

<sup>3</sup>[Appendix C - Entitlement of each Premises](#)

## **Chapter 13 Door Supervisors**

- B.13.1 If a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example by children and young persons, then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be Security Industry Authority (SIA) licensed or not will be necessary.

Where contract staff are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by the SIA. However, in-house employees working as door supervisors at casino and bingo premises are exempt from these requirements.

## **Chapter 14 Adult Gaming Centres**

- B.14.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

- B.14.2 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission codes of practice or by the applicant, the Licensing Authority may consider including licence conditions to address such issues to meet the licensing objectives.

## **Chapter 15 Licensed Family Entertainment Centres**

- B.15.1 A licensed Family Entertainment Centre (FEC) is classified as 'premises', and only premises that are wholly or mainly used for making gaming machines available may hold a FEC premises licence. As a result, it is generally not permissible for such premises to relate to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.

- B.15.2 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. Children and young persons are permitted to enter a FEC and may use category D machines. They are not permitted to use category C machines. The Licensing Authority will expect the applicant to satisfy the Licensing Authority, for example, that there will be sufficient measures to ensure that under 18s do not have access to the adult only gaming machine areas.

- B.15.3 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission codes of practice or by the applicant, the Licensing Authority may consider including licence conditions to address such issues to meet the licensing objectives.

- B.15.4 The Licensing Authority will have regard to the conditions that apply to operating licences dealing with preventing access to the area containing the category C machines by under 18s. Applicants must satisfy the requirements set out within paragraph **B.12.11** of this Statement of Principles addressing conditions.

## **Chapter 16 Casinos**

- B.16.1 **No Casinos resolution** - This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Act but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution. Any such decision will be made by the Full Council.
- B.16.2 This Licensing Authority currently has **3 casinos** (Converted Casino Premises Licences).
- B.16.3 This Licensing Authority will have regard to Guidance for Licensing Authorities and licence conditions and codes of practice in determining applications.
- B.16.4 Where certain measures are not already addressed by the mandatory and default conditions, Gambling Commission licence conditions and codes of practice or by the applicant, the Licensing Authority may consider attaching licence conditions to address certain issues.



## **Chapter 17 Bingo Premises**

- B.17.1 This Licensing Authority will have regard to Guidance for Licensing Authorities and licence conditions and codes of practice in determining applications.
- B.17.2 The Gambling Commission's Guidance provides:
- Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. Should an operator apply for multiple new premises licences, with the aim of creating separate premises in that area the Licensing Authority will need to consider whether bingo can be played at each of those new premises.
- B.17.3 Children and young people are allowed into bingo premises. However, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Licence holders must ensure that their policies and procedures take into account the structure and layout of their gambling premises in order to prevent underage gambling.
- B.17.4 This Licensing Authority will have regard to the conditions that apply to operating licences dealing with preventing access to the area containing the category B and C machines by under 18s. Applicants must satisfy the requirements set out within paragraph **B.12.11** of this Statement of Principles addressing conditions.
- B.17.5 Where certain measures are not already addressed by the mandatory and default conditions, Gambling Commission licence conditions and codes of practice or by the applicant, the Licensing Authority may consider attaching licence conditions to address certain issues.

## **Chapter 18 Betting Premises**

- B.18.1 This Licensing Authority will have regard to Guidance for Licensing Authorities and licence conditions and codes of practice in determining applications.
- B.18.2 **Self Service Betting Terminals (SSBTs)**

Section 235 of the Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events.

This Licensing Authority is aware that Section 181 of the Act contains an express power for Licensing Authorities to restrict the number of SSBTs, their nature and circumstances in which they are made available by attaching a licence condition to a betting premises licence.

When considering whether to impose a condition to restrict the number of these machines in particular premises, the licensing authority, amongst other matters, 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.

- B.18.3 Licence holders must ensure that their policies and procedures take into account the structure and layout of their gambling premises in order to prevent underage gambling.
- B.18.4 Where certain measures are not already addressed by the mandatory and default conditions, Gambling Commission licence conditions and codes of practice or by the applicant, the Licensing Authority may consider attaching licence conditions to address certain issues.

## **Chapter 19 Tracks**

- B.19.1 A track is defined in section 353 of the Act as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
- B.19.2 Premises Licences in relation to tracks differ from other types of premises licences in a number of ways, most importantly the applicant for the licence need not hold an Operator's licence from the Gambling Commission.
- B.19.3 This Licensing Authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track.
- This Licensing Authority will especially consider the impact upon the licensing objective regarding 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.
- B.19.4 This Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

It is noted that 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, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

B.19.5 This Licensing Authority will consider measures to meet the licensing objectives 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-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not exhaustive and is merely indicative of example measures.

#### B.19.6 **Gaming Machines**

A track premises licence does not itself entitle the holder to provide gaming machines, as this type of premises licence can be held without any corresponding operating licence. However, track owners holding both a track premises licence and a pool betting operating licence issued by the Gambling Commission may site up to four gaming machines within categories B2 to D on the track. Children and young persons can play category D machines on a track but must be excluded from the areas in which other categories of machines are located.

#### B.19.7 **Self Service Betting Terminals (SSBTs)**

Section 235 of the Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Licensed Operators may install SSBTs on tracks. When considering whether to impose a condition to restrict the number of these machines in particular premises, this Licensing Authority, amongst other matters, will take into account the size of the premises, the number of counter positions available for person to person transactions, the ability of staff to monitor the use of the machines and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

#### B.19.8 **Applications and Plans**

Section 151 of the Act requires applicants to submit plans of the premises with their application, in order to ensure that this Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

B.19.9 This Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track.

Applicants should provide sufficient information to enable this Licensing Authority to assess the application.

B.19.10 This Licensing Authority recognises the commentary at paragraph 20.55 in the Gambling Commission's Guidance to Licensing Authorities which identifies an anomaly within the Act and remedies the situation to allow children and young people to work on tracks in roles which do not involve any form of gambling.

This Licensing Authority implements this Statement subject to any change in the law which addresses this issue, or any other matters, as and when they become effective.

## **Chapter 20 Travelling Fairs**

B.20.1 Section 286 of the Act defines a travelling fair as wholly or principally providing amusements and that must be on a site that has been used for fairs for no more than 27 days per calendar year.

B.20.2 Travelling fairs may provide an unlimited number of Category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machine operates.

B.20.3 Higher stake category B and C machines are not permitted. Fairground operators must source their machines from a Gambling Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

B.20.4 There is a 27 day statutory maximum that the land can be used as a fair and this applies on a per calendar year basis to the piece of land on which the fairs are held, regardless of whether the same or different travelling fairs occupy the land.

## **Chapter 21 Reviews**

B.21.1 A premises licence may be reviewed by this Licensing Authority of its own volition or following the receipt of an application requesting a review from a Responsible Authority or an Interested Party (as defined in section 157 and section 158 of the Act).

B.21.2 This Licensing Authority may initiate a review of a particular premises licence, or a particular class of premises licence.



B.21.3 In relation to particular premises, this Licensing Authority may review any matter connected with the use made of the premises if:

- it has reason to suspect that premises licence conditions are not being observed
- the premises is operating outside of what is set out in this Licensing Authority's Statement of Principles
- there is evidence to suggest that compliance with the licensing objectives is at risk
- for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.

In relation to a class of premises, this Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions.

B.21.4 When a request for a review of a premises licence is received from a Responsible Authority or Interested Party it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

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

B.21.5 The request for the review will also be subject to the consideration by this Licensing Authority as to whether the request:

- is frivolous
- is vexatious
- is substantially the same grounds cited in a previous application relating to the same premises (having regard to the time that has elapsed since the previous application)
- is substantially the same as representations made at the time the application was considered (having regard to the time that has elapsed since the previous representations were made).

B.21.6 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence, namely:

- add, remove or amend a licence condition imposed by the Licensing Authority
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months
- revoke the premises licence.

- B.21.7 This Licensing Authority may also take the above action on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them. Equally, the premises licence holder must offer the type of gambling that they are permitted to.
- B.21.8 The Licensing Authority must hold a hearing, unless the applicant and any person who has made representations consent to the review being conducted without one. In determining what action, if any, should be taken following a review the Licensing Authority must have regard to any relevant representations and the principles set out in section 153 of the Act.
- B.21.9 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:
- the licence holder
  - the applicant for review (if any)
  - the Gambling Commission
  - any person who made representations
  - the Chief Officer of Police or Chief Constable
  - HM Revenue and Customs.

## **Chapter 22 Appeals**

- B.22.1 Where an application for a premises licence or to vary a premises licence is refused the Applicant may appeal against the decision of the Licensing Authority. Appeals are to the Magistrates Court and must be made within 21 days of the receipt of the decision notice.
- B.22.2 Where an application for a premises licence or to vary a premises licence is granted, an Applicant and any person who made relevant representations may appeal against the decision of the Licensing Authority. Appeals are to the Magistrates Court and must be made within 21 days of the receipt of the decision notice.
- B.22.3 Following a review application, either a licensee, a person who made representations in relation to the review, the person (if any) who applied for the review and the Gambling Commission have a right of appeal to the Magistrates Court within 21 days of receipt of the decision notice.
- B.22.4 In relation to a decision to take action or make a determination in relation to a transfer application, the licensee and the applicant for transfer have a right of appeal to the Magistrates Court within 21 days of receipt of the decision notice.
- B.22.5 In relation to an application for a Temporary Use Notice either the applicant or person entitled to receive a copy of such notice has a right of appeal to the Magistrates' Court within the period of 14 days beginning with the day on which the appellant receives notice of the action against which the appeal is brought.

## PART C

### Permits, Temporary & Occasional Use Notices and Small Society Lottery Registrations

#### Chapter 1 Unlicensed Family Entertainment Centre Gaming Machine Permits

- C.1.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to the Licensing Authority for an unlicensed family entertainment centre gaming machine permit (uFEC)
- C.1.2 uFECs are premises which are 'wholly or mainly' used for making gaming machines available, as set out in section 238 of the Act. As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.
- C.1.3 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, they must be aged 18 or over.
- C.1.4 An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an uFEC, and if the Chief Officer of Police has been consulted on the application.
- C.1.5 In considering the application the Licensing Authority shall have regard to the Guidance to Local Authorities, the licensing objectives and this Statement of Principles.

In particular the applicant will be expected to show that they have policies and procedures in place relating to the protection of children from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child-protection considerations.

The application and the efficiency of such policies and procedures will each be considered on their merits. The Licensing Authority will require an applicant to demonstrate amongst other things:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
- that the applicant has no relevant convictions (these are set out in Schedule 7 of the Act)
- that staff are suitably trained and have a full understanding of the maximum stakes and prizes (see Guidance to Local Authorities)
- that the applicant has in place a policy regarding the suitability of staff, taking into account any convictions
- appropriate measures/ training for staff as regards suspected truant school children on the premises
- appropriate measures/training covering how staff would deal with unsupervised young children being on the premises
- appropriate measures/training covering how staff would deal with children causing perceived problems on/around the premises

- appropriate measures/training covering how staff would deal with vulnerable persons on the premises.

C.1.6 The applicant must complete this Licensing Authority's application for an uFEC gaming machine permit and provide all of the requested information and documentation. A detailed scale plan is required as part of the application process.

C.1.7 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

C.1.8 A permit lapses if the Licensing Authority informs the permit holder that the premises are not being used as an uFEC.

C.1.9 If the permit holder is convicted of a relevant offence (as defined in section 126 and Schedule 7 of the Act) the court may order the forfeiture of the permit.

## **Chapter 2 Alcohol Licensed Premises Gaming Machine Permits**

C.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises without a requirement that alcohol is served only with food to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority and pay the prescribed fee.

C.2.2 The Licensing 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;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

C.2.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any Guidance issued by the Gambling Commission issued under section 25 of the Act, and such other matters that it considers relevant to the application.

- C.2.4 This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy this Licensing 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 this Licensing Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- C.2.5 It should be noted that the Licensing 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.
- C.2.6 When making an application the applicant must submit a scale plan of the premises identifying the location of the proposed gaming machines and any existing gaming machines.
- C.2.7 It should also be noted that the holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.
- C.2.8 This Licensing Authority will expect that all staff on the premises are aware of the code of practice issued by the Gambling Commission for gaming machines in clubs and premises with an alcohol licence.
- C.2.9 The Licensing Authority is able to cancel a permit where it has grounds to believe that the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority must notify the holder, giving 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.
- C.2.10 Gambling must remain ancillary to the main purpose of the premises and the exemptions and permits are reliant on the premises holding an appropriate and valid licence under the Licensing Act 2003. Where breaches of gambling regulations occur, licensing authorities may seek compliance through review of the premises licence.

### **Chapter 3 Prize Gaming Permits**

- C.3.1 Section 288 of the Act defines gaming as 'prize gaming' if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.
- C.3.2 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.
- C.3.3 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and, if the applicant is an individual, they must be aged 18 or over. An application cannot be made if a premises licence or a club gaming permit is in effect for the same premises.
- C.3.4 The applicant must complete this Licensing Authority's application for a prize gaming permit and provide all of the requested information and documentation. A detailed scale plan is required as part of the application process.
- C.3.5 The Licensing Authority may grant a permit only if it has consulted the Chief Officer of Police about the application. The Licensing Authority will take into account any objections that the police may wish to make which are relevant to the licensing objectives. Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, and the suitability of the premises in relation to their location and any issues concerning disorder.
- C.3.6 In considering the application, this Licensing Authority shall have regard to the Guidance to Local Authorities, the licensing objectives and this Statement of Principles. In particular, the applicant will be expected to show that they have policies and procedures in place relating to the protection of children from being harmed or exploited by gambling. Harm in this context is not limited to harm from gambling but includes wider child-protection considerations. The application and the efficiency of such policies and procedures will each be considered on their merits. This Licensing Authority will require an applicant to demonstrate amongst other things:
- that they understand the limits to stakes and prizes that are set out in regulations
  - that the gaming offered is within the law
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
  - that staff are suitably trained and have a full understanding of the maximum stakes and prizes (see Guidance to Local Authorities)
  - that the applicant has in place a policy regarding the suitability of staff, taking into account any convictions
  - appropriate measures/ training for staff as regards suspected truant school children on the premises
  - appropriate measures/training covering how staff would deal with unsupervised young children being on the premises

- appropriate measures/training covering how staff would deal with children causing perceived problems on/around the premises
- appropriate measures/training covering how staff would deal with vulnerable persons on the premises

C.3.7 The Licensing Authority can grant or refuse an application for a permit but cannot add conditions.

C.3.8 It should be noted that there are four conditions in the Act with which the permit holder must comply. 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.

C.3.9 If the permit holder is convicted of a relevant offence (as defined in section 126 and Schedule 7 of the Act) the court may order the forfeiture of the permit.

#### **Chapter 4 Club Gaming and Club Machine Permits**

C.4.1 Members Clubs and Miners' Welfare Institutes (but **not** Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A (only one of this category), B4, C or D), equal chance gaming and games of chance as set-out in the Gambling Act 2005 (Club Gaming & Club Machine Permits) Regulations 2005 (or as amended).

C.4.2 Members Clubs and Miner's Welfare Institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B3A (only one of this category), B4, C or D).

**NB.** Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

C.4.3 Members Clubs and Miner's Welfare Institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B3A (only one of this category), B4, C or D).

**NB.** Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

C.4.4 A Commercial Club is a club established for commercial gain, whether or not they actually make a commercial gain.

C.4.5 When determining whether a club is able to apply for and be issued with a permit, the Licensing Authority must consider whether the club is a genuine Members' Club or a Commercial Club in the meaning of the Act and that it satisfies all the requirements of the legislation.

In order to determine this issue, this Licensing Authority will have regard to the matters set out in the Guidance to Local Authorities.

C.4.6 The Licensing Authority must 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;

(a) the applicant's premises are used wholly or mainly by children and/or young persons;

(b) The Licensing Authority may refuse an application on the grounds that:

(c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

(d) a permit held by the applicant has been cancelled in the previous ten years; or

(e) an objection has been lodged by the Gambling Commission or the Police.



- C.4.7 There is also a fast-track procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced and are as follows:
- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled.
- C.4.8 There are statutory conditions on Club Gaming and Club Machine Permits stipulating that no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.
- C.4.9 This Licensing Authority will expect that all staff on the premises are aware of the code of practice issued by the Gambling Commission for gaming machines in clubs and premises with an alcohol licence.

## **Chapter 5 Temporary Use Notices**

- C.5.1 Temporary Use Notices (as defined in The Gambling Act 2005 (Temporary Use Notices) Regulations 2007)) allow the use of premises on not more than 21 days in any 12-month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
- C.5.2 The Licensing Authority can only grant a Temporary Use Notice (TUN) to a person or company holding a relevant operating licence.
- C.5.3 The Secretary of State has the power to determine what form of gambling can be authorised by TUNs, and at the time of writing this Statement of Principles, the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, eg poker tournaments.
- C.5.4 Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject to a TUN if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' is intended to restrict the TUN to 21 days per year in order to prevent the subdivision of 'large premises' and limits being exceeded.

- C.5.5 In considering whether a place falls within the definition of "a set of premises", the Licensing Authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- C.5.6 This Licensing Authority expects to object to TUNs where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.
- C.5.7 The applicant must give the TUN to this Licensing Authority not less than three months and one day before the day on which the gambling event will begin. A fee is payable to the Licensing Authority to whom the notification is sent. The TUN must be copied to:
- The Gambling Commission
  - The Police
  - HM Revenues and Customs; and if applicable
  - Any other Licensing Authority in whose area the premises are situated.
- C.5.8 The person who is giving the TUN must ensure that the notice and copies are with the recipients within seven days of the date of the notice otherwise the event will be unlawful.
- C.5.9 If no objections are made within 14 days of the date of the notice, the Licensing Authority must endorse the notice as valid and return it to the person who gave it.
- C.5.10 Within 14 days of being given the TUN the Licensing Authority and the authorities to which the notice has been copied can give a notice of objection to the person who gave the TUN, if they think that having regard to the licensing objectives the notice should not have effect or should have effect only with modification. Any notice of objection must be served upon the person who gave the TUN. Such notice must also be copied to the Licensing Authority.
- C.5.11 Where objections are received, the Licensing Authority will hold a hearing. If all the participants agree in writing that a hearing is unnecessary, it may be dispensed with.
- C.5.12 Following consideration of the objections, the Licensing Authority may either give a counter notice that a TUN should not have effect or should have effect only with specified modifications (activity, times of day or conditions) or dismiss the objections. If the objections are dismissed the Licensing Authority will endorse the TUN.

## Chapter 6 Occasional Use Notices

- C.6.1 Section 39 of the Act provides that where there is betting on a track on eight days or fewer in a calendar year, betting may be permitted by an Occasional Use Notice (OUN) without the need for a full premises licence.
- C.6.2 The Secretary of State has the power to increase or decrease the number of OUNs that an operating licence holder could apply for each calendar year. 'Day' is defined as midnight to midnight, so an event that starts on one calendar day and ends on the following day would count as two days.
- C.6.3 OUNs are designed to allow licensed betting operators to provide betting facilities at genuine sporting events (such as point-to-point racecourses and golf courses for major competitions) within the boundaries of the identified venue on a specific date, without the need for a full betting premises licence.
- C.6.4 An OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The following should be noted in relation to an OUN:
- OUNs can only be relied upon for eight days or fewer in a calendar year and therefore licensing authorities should keep a record of the number of notices served in relation to each track. The period of eight days applies to the venue and not the individual who has submitted the notice.
  - the OUN must be served on the Licensing Authority and copied to the Chief Officer of Police for the area in which the track is wholly or partly located.
  - an OUN must be submitted for each day that betting activity will be conducted on the premises. If betting activity is to be held over a period of eight consecutive days, the operator will be required to submit eight separate notices.
  - the OUN must specify the day on which it has effect. An event running past midnight and ending on the following day accounts for two occasional use days, even though in practice it is one event.
  - no objection or counter notice (refusal) is possible unless the maximum number will be exceeded.
  - notice must be given to the licensing authority and the police, in writing, before the event starts.
  - no premises licence can exist for the place which is the subject of the OUN.
  - land can be used temporarily as a track, for example for a point-to-point race, provided that sporting events or races take place there. There is no need for a track to be permanently established.
  - a 'track' does not just include a horserace course or a dog track, but also any other premises on any part of which a race or any other sporting event takes place or is intended to take place.
- C.6.5 It should be noted that betting operators cannot provide gaming machines at tracks by virtue of an OUN.
- C.6.6 This Licensing Authority is aware of some instances of the misuse of OUNs, by the arrangement of a contrived sporting event to solely or primarily facilitate betting

taking place on events occurring away from the identified venue, examples include Cheltenham Festival and Grand National meeting.

- C.6.7 This Licensing Authority will check that the betting operator has the appropriate licence from the Gambling Commission and consider the nature of any event associated with an OUN and seek to establish details of the 'sporting event' taking place. This Licensing Authority will seek to ensure that the primary purpose is to facilitate betting at genuine sporting events, within the boundaries of the identified venue on a specific date.

## **Chapter 7 Small Society Lotteries**

- C.7.1 A lottery is illegal under the Act unless it is either a licensed lottery run in accordance with an operating licence issued by the Gambling Commission or it is an "exempt" lottery (as set out in sections 269, 270 and Schedule 11 of the Act). Note the Act does not apply to the National Lottery which is governed by separate legislation.
- C.7.2 One of the exemptions provided by the Act is in respect of "Small Society Lotteries". Societies running such lotteries are required to be registered with the local authority in whose area their principal office is situated.
- C.7.3 In determining lottery registration applications and other matters involving lotteries, this Licensing Authority will have regard to the Act, the licensing objectives, Guidance issued by the Gambling Commission, any code of practice issued by the Gambling Commission and this Statement of Principles.
- C.7.4 To qualify for registration a society must be "non-commercial". To be considered non-commercial the society must be established and conducted for: -
- charitable purposes; or
  - the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
  - any other non-commercial purpose other than that of private gain.
- C.7.5 If the total value of tickets that a society puts on sale in any one lottery exceeds £20,000, or the tickets in separate lotteries in one calendar year are to exceed £250,000 in aggregate, the lottery is a large lottery and the society will require an operating licence from the Gambling Commission.
- C.7.6 This Licensing Authority will carefully consider any application by a society for more than one registration. If the aims and objectives are the same and therefore the threshold limits for small society lotteries are likely to be exceeded, the applicant will be advised to apply to the Gambling Commission for a society lottery operating licence.  
In cases where a society has separate branches with different aims and objectives, it may be acceptable for them to hold more than one licence or registration.
- C.7.7 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a licensing authority.

- C.7.8 This Licensing Authority may ask new applicants for a copy of their terms and conditions or their constitution to establish that they are a non-commercial society. It may also request applicants to provide a declaration, stating that they represent a bona-fide non-commercial society.
- C.7.9 An application by a society to register a small lottery must be refused if in the period of five years ending with the date of application: -
- an operating licence held by the applicant for registration has been revoked under section 119 (1); or
  - an application for an operating licence made by the applicant has been refused.
- C.7.10 This Licensing Authority may refuse an application for registration if it considers that:-
- the applicant is not a non-commercial society.
  - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
  - information provided with or in the application for registration is false or misleading.
- C.7.11 This Licensing Authority may revoke the registration if it considers that it would be obliged or able to refuse an application for registration if it were being made anew.
- C.7.12 An application for registration of a small lottery which is refused, or where revocation takes place, has a right of appeal to the Magistrates' Court within twenty one days of receipt of the decision notice.
- C.7.13 Lotteries are a form of gambling and as such this Licensing Authority will expect societies to have regard to social responsibility in ensuring that children and vulnerable persons are not exploited by their lottery.
- C.7.14 This Licensing Authority will maintain a register of small society lotteries that it has registered and will notify the Gambling Commission as soon as practicable of certain prescribed information about the society and the lottery.
- C.7.15 Within three months of any small society lottery draw, the promoting society must send to this Licensing Authority a return signed by two members of the society providing the prescribed information set out in the Act. If after receipt of the return it is apparent that the ticket sales are above the permitted limits for a small society lottery, the Licensing Authority will notify the Gambling Commission. A copy of that notification will be provided to the society.

C.7.16

In addition to small society lotteries, there are three other types of lottery which are “exempt” - an incidental lottery, a private lottery and a customer lottery. If a person is in doubt as to the nature of the lottery they intend to operate they should contact this Licensing Authority



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### Appendix A



## List of Consultees

Name	Address	
The Gambling Commission	4 <sup>th</sup> Floor, Victoria Square House, Victoria Square, Birmingham, B2 4BP	Responsible Authority
HM Revenue and Customs	HM Revenue and Customs, Excise Processing Team, BX9 1GL	Responsible Authority
The Chief Officer of Police	The Chief Constable, Northumbria Police Headquarters, Middle Engine Lane, Wallsend, Tyne and Wear NE28 9NT	Responsible Authority
Fire Authority	The Chief Fire Officer, Tyne & Wear Fire & Rescue Service, Service Headquarters, Nissan Way, Barmstone Mere, Sunderland, SR5 3QY	Responsible Authority
City Operations Neighbourhoods & Regulatory Services Directorate	Director of City Operations Neighbourhoods and Regulatory Services, Newcastle City Council, Civic Centre, Newcastle upon Tyne, NE1 8QH	Responsible Authority
Local Planning Authority	Development Management Team, Place Directorate, Newcastle City Council, Civic Centre, Newcastle upon Tyne, NE1 8QH	Responsible Authority
Protection of Children from Harm	Local Safeguarding Children Board Coordinator, Children Education and Skills Directorate, Newcastle City Council, Allendale Road, Newcastle upon Tyne, NE1 8PA	Responsible Authority
Public Health	Director of Public Health, City Futures Directorate, Newcastle City Council, Civic Centre, Newcastle upon Tyne, NE1 8QH	Local Authority
Youth Offending Team	College Street Centre, College Lane, Newcastle upon Tyne NE1 8DX	Support Group
CIU Northumberland Branch	1 <sup>st</sup> Floor, Blucher Social Club, Hexham Road, Newcastle upon Tyne NE15 9SN	Trade Organisation
British Beer and Pub Association	Ground Floor, 61 Queen Street, London EC4R 1EB	Trade Organisation
GAMCARE	1 <sup>st</sup> Floor, 91-94 Saffron Hill, London EC1N 8QP	Support Group
NECA Services Limited	Derwent Point, Clasper Way, Swalwell, Newcastle upon Tyne, NE16 3BE	Support Group



Gamblers Anonymous	Union House, 111 New Union Street, Coventry, CV1 2NT	Support Group
Citizens Advice Newcastle	4 <sup>th</sup> Floor, City Library, Charles Avison Building, 33 New Bridge Street West, Newcastle upon Tyne NE1 8AX	Advisory Service
Northumbria Probation Service	70-78 St James Boulevard, Newcastle upon Tyne NE1 4BN	Regulatory Body
Racecourse Association Limited	Racecourse Services Executive, Winkfield Road, Ascot, Berkshire, SL5 7HX	Trade Organisation
BACTA	29-30 Ely Place, London EC1N 6TD	Trade Organisation
National Casino Forum	Carlyle House, 235-237 Vauxhall Bridge Road, Pimlico, London SW1V 1EJ	Trade Organisation
BALPPA	The British Association of Leisure Parks, Piers & Attractions Limited, 29-30 Ely Place, London EC1N 6TD	Trade Organisation
The Bingo Association	Lexham House, 75 High Street North, Dunstable, Beds, LU6 1JF	Trade Organisation
The Lotteries Council	Peershaws, Berewyk Hall Court, White Colne, Essex, CO6 2QB	Trade Organisation
Gordon Moody Association	Unit 3, 1 Castlegate Way, Dudley, DY1 4RD	Support Group
Association of British Bookmakers Limited (ABB)	Warwick House, 25 Buckingham Palace Road, London SW1W 0PP	Trade Organisation
The National Association of Bookmakers	7 Bell Yard, London WC2A 2JR	Trade Organisation
Greyhound Board of Great Britain	3 <sup>rd</sup> Floor, 1 Knightrider Court, London, EC1N 6TD	Trade Organisation
Newcastle Greyhound Stadium	The Fossway, Byker, Newcastle upon Tyne, NE6 2XJ	Track Betting Operator
William Hill Organization Ltd	1 Bedford Avenue, London WC1B 3AU	Betting & Gaming Operator
Ladbrokes Betting and Gaming Limited	One Stratford Place, Montfichet Road, London E20 1EJ	Betting & Gaming Operator
Chisholm Bookmakers Ltd	Deneside Buildings, Remschied Way, Jubilee Industrial Estate, Ashington, Northumberland, NE63 8UB.	Betting & Gaming Operator

Power Leisure Bookmakers Limited	Waterfront Hammersmith Embankment, Chancellors Road, London W6 9HP	Betting & Gaming Operator
Done Brothers (Cash Betting) Ltd	56-58 Benson Road, Birchwood, Warrington, WA3 7PQ.	Betting & Gaming Operator
High Gosforth Park Ltd	Newcastle Racecourse, Gosforth Park, Newcastle upon Tyne NE3 5HP	Track Betting Operator
Trafalgar Leisure Limited	12 Clayton Street, Newcastle upon Tyne NE1 5PU	Amusement Centre Operator
Treatview Limited	19 Market Place, Bedlington, Northumberland, NE22 5TN.	Amusement Centre Operator
Malhotra Commercial Property Limited	Malhotra House, 50 Grey Street, Newcastle upon Tyne NE1 6AE	Amusement Centre Operator
Luxury Leisure	Fifth Avenue, Queensway, Gateshead, Tyne and Wear, NE11 0PL	Amusement Centre and Bingo Operator
Grosvenor Casinos Limited	TOR, Saint-Cloud Way, Maidenhead SL6 8BN	Casino Operator
Genting Casinos UK Ltd	Circus Casino Star City, Watson Road, Birmingham B7 5SA	Casino Operator
Asper's Newcastle Limited	C/O WB Company Services Ltd, 3 Dorset Rise, Blackfriars, London, EC4Y 8EN	Casino Operator
Buzz Holdings Limited	Unit1, Castle Marina Road, Nottingham NG7 1TN	Bingo Operator
FEC Group Limited	Northgate House, Northgate, New Basford, Nottingham NG7 7BQ	Amusement Centre Operator
Card Trix (Greetings) Limited	Unit 1 Hall Dene Way, Seaham Industrial Estate, Seaham, Co Durham SR7 0PU	Amusement Centre Operator
Newcastle United Football Club Company Ltd	St James Park, Newcastle upon Tyne NE1 4ST	Track Betting Operator
George Street Social	45-51 George Street, Newcastle upon Tyne, NE4 7JN	Support Organisation
Betting Shop Operations Limited	4 Simon Champion Court, 232-234 High Street, Epping, Essex, CM16 4AU	Trade Organisation
Merkur Slots UK Ltd	Second Floor, Matrix House, New Fourth Street, Milton Keynes, MK9 1NU	Trade Organisation

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## Appendix B

## Summary of Gaming Machine Categories and Entitlements

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (with the option of max £20,000 linked progressive jackpot on premises basis only)
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be money prize)

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## Appendix C

### Entitlement of each Premises

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Regional casino (table/ machine ratio of 25-1 up to maximum)	Maximum of 1250 machines. Any combination of machines in categories A to D, within the total limit of 1250 (subject to table/machine ratio) <b>not to include B3A</b>						
Large Casino (table/machine ratio of 5-1 up to maximum)	X	Maximum of 150 machines. Any combination of machines in categories B to D, within the total limit of 150 (subject to table/machine ratio) <b>not to include B3A</b>					
Small Casino (table/machine ratio of 2-1 up to maximum)	X	Maximum of 80 machines. Any combination of machines in categories B to D, within the total limit of 80 (subject to table/machine ratio) <b>not to include B3A</b>					
Pre-2005 Act Casinos (no table/machine ratio)	X	Maximum of 20 machines categories B to D or any number of C or D machines instead. <b>not to include B3A</b>					
Betting Premises and Tracks Occupied by Pool Betting	X	X	Maximum of 4 machines categories B2 to D <b>not to include B3A</b>				
Bingo Premises	X	X	X	Maximum of 20% of the total number of gaming machines which are available for use on the premises - categories B3 or B4*		No limit C or D machines	
Adult Gaming Centre	X	X	X	Maximum of 20% of the total number of gaming machines which are available for use on the premises - categories B3 or B4**		No limit C or D machines	
Family Entertainment Centre (with Premises Licence)	X	X	X	X	X	No limit on category C or D machines	
Family Entertainment Centre (with Permit)	X	X	X	X	X	X	No limit on category D machines
Club or Miner's Welfare Institutes with Permits	X	X	X	Maximum of 3 machines in categories B3A or B4 C and D (only one B3A machine can be sited as part of this entitlement).			
Commercial Club with a Club Machine permit	X	X	X	X	A maximum of 3 machines B4, C or D.		

Qualifying Alcohol Licensed Premises	X	X	X	X	X	1 or 2 machines of category C or D automatic upon notification	
Qualifying Alcohol Licensed Premises with Gaming Machine Permit	X	X	X	X	X	Number as specified on permit (C-D only)	
Travelling Fair	X	X	X	X	X	X	No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

(**X** = category of machines not permitted on this type of premises)

\* Bingo premises are entitled to make available for use a number of category B3/B4 gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater.

\*\* Adult Gaming Centres are entitled to make available for use a number of category B3/B4 gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater



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## Appendix D



## **Purpose**

The purpose of this Protocol is to set out the Licensing Authority's practice on the disclosure of representations with applications made under the Gambling Act 2005 and Licensing Act 2003.

## **Right to Make Representations**

1. Any person can make representations in respect of a licensing application but there are important rules that need to be followed otherwise the Licensing Authority may not be able to take them into account.
2. If the council receives valid "relevant representations" to a licensing application the council must hold a hearing to consider them. If no "relevant representations" are received, the council must grant the application.
3. "Relevant representations" must:-
  - a. Be about the likely effect of the grant or issue on the promotion of the licensing objectives;
  - b. They must be made by a responsible authority or any other person (e.g. a resident, neighbour, business, councillor);
  - c. They must be made within the prescribed period;
  - d. They must not have been withdrawn;
  - e. In the cases of representation made by any person who is not a responsible authority, they must not be frivolous or vexatious in the opinion of the Licensing Authority;
  - f. If they relate to the identity of the proposed premises supervisor, they can only be made by the police and must comply with section 18(9)(b) of the Licensing Act 2003;
  - g. If the application is for a premises licence following the issue of a provisional statement for a similar activity, the representation must not be excluded under section 32 of the Licensing Act 2003, because they could have been made at the time of the application for a provisional statement.

## Time Limits

4. The time limits for making representations are strict. Most representations must be made at any time during a period of 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority (there is a shorter period in the case of reviews following a Closure Order). See example table below.
5. In the case of an application for review following a closure order, the time limit is shorter. Representations must be made at any time up to and including seven days starting on the day after the day on which the Licensing Authority received notice in relation to the closure order and any extension to it.

Day		Examples	
0	Day application given to the Licensing Authority	Tuesday, May 7	Friday, August 9
1	Next day	Wednesday, May 8	Saturday, August 10
...	Count 28 days	...	...
28	Last day to make representations	Tuesday, June 4	Friday, September 6

### What if my representations are late?

6. You should assume that late representations will not be considered and ensure that your representations are received in time.

### No one has made any relevant representations in time

7. If no relevant representations are made in time by anybody, the Licensing Authority **MUST** grant the application. Late representations will not be considered in these circumstances and there will be no hearing.

### Somebody has made relevant representations in time and others have made late representations

8. If relevant representations are made by somebody in time, there will usually be a hearing, unless they are withdrawn or unless the Licensing Authority, the Applicant and each person who has made relevant representations in time agree that a hearing is unnecessary.

Anyone who made late representations will not have a right to appear at the hearing except as a member of the public observing the hearing, and the Licensing Authority is not obliged to have regard to their late representations.

9. If there is a hearing, the Licensing Authority considers that it has a discretion to consider late representations provided that they are otherwise relevant.

They must be about the effect on the promotion of the licensing objectives and not be frivolous or vexatious. The Licensing Authority feels that if its discretion is engaged, good decision making requires that it considers all material circumstances before a decision is made. The licensing Authority will approach the exercise of its discretion in the following manner:-

- a. Your written late but otherwise relevant representations will be included in the papers for consideration at the hearing;
- b. You will not have the right to appear and participate in the hearing;
- c. You may request the right to appear and participate in the hearing. If you want to appear and participate in the hearing, you should tell the Licensing Authority five working days before the date of the hearing. The Licensing Authority will notify the applicant and the other parties about your request. The Hearing will consider your request and make its decision as part of the preliminary business. It will listen to your reasons for the request and the views of the applicant and other parties, before making a decision.
- d. In exceptional cases, the Licensing Authority may of its own accord consider that you should have a right to appear and participate in the hearing without the need for you to make a request. This is only likely to be the case where you raise significant issues not raised by anyone else and where it would be an affront to good decision making to consider them without a discussion at a hearing in which you are allowed to participate. In such exceptional circumstances, both you, the applicant and other parties will be notified of the Licensing Authority's initial view before the hearing. The Hearing will consider the issue and make its final decision as part of the preliminary business. It will listen to your views and the views of the applicant and other parties, before making a decision.

### **Representations must be in writing or email**

10. Representations must be in writing including electronic communication.

### **When are Representations made?**

11. Representations must be made and received by the Licensing Authority within the prescribed period.
  - a. If representations are made by e-mail, this will be the time when a clear and legible email is delivered to the Licensing Authority which is capable of being accessed, read and printed.
  - b. In the case of a hard document, it must be addressed to the Licensing Authority and left at or sent by post to the Civic Centre.
  - c. If the document is left at the Civic Centre, it must be left at the Civic Centre within the prescribed period.

- d. If the document is sent by post, it must be delivered to the Civic Centre within the prescribed period. It must be properly
- addressed
  - with postage (first or second class) pre-paid
  - posted

Unless the contrary is proved, it will be deemed to have been made at the time at which the letter would be delivered in the ordinary course of post.

This means that you need to post it so that the usual expectation was that it would have been delivered to the Licensing Authority within the prescribed period, depending on whether you sent it first or second class

- e. To avoid problems, you should make your representations promptly and not wait until the last moment.

### **What will happen to representations once they are received?**

12. The Licensing Authority will consider your representations and decide whether or not they are “relevant representations”.
13. We will consider whether the representation is about the likely effect of the grant or issue on the promotion of the licensing objectives. Representations by a local business person about commercial damage caused by competition would not be relevant.
14. Representations by a local business person that nuisance caused by new premises would deter customers, and the steps proposed to prevent the nuisance were inadequate, would be relevant.
15. If we consider that they are not relevant to the licensing objectives, we will tell you in writing what are our reasons for that decision as soon as possible before making a decision on the application.
16. We will also consider whether or not the representations are frivolous or vexatious. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, without reasonable cause or justification. Frivolous representations would be essentially categorised by a lack of seriousness. They would also cover minor issues in relation to which no remedial steps would be warranted or proportionate.
17. If we consider that they are frivolous or vexatious we will tell you in writing what our reasons for that decision are as soon as possible before making a decision on the application.

18. The fact that we have not rejected a representation at this stage does not mean that we have decided that the representations are justified. It simply means that there will be a hearing at which you, the applicant, responsible authorities and other persons who have made representations will be able to amplify and clarify their views, before a final decision is made.

19. If you disagree with our decision, you may complain through our corporate complaints procedure. You may also challenge our decision by judicial review

### **Will my representations be made public and will the applicant be told about them?**

20. There are three provisions that mean that your representation may be made public:-

a. The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England & Wales) Regulations 2007;

b. Freedom of Information Act 2000, Data Protection Act 1998 and Environmental Information Regulations 2004.

### **The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England & Wales) Regulations 2007**

21. Under these regulations, we must send copies of all relevant representations to the applicant.

22. The regulations also say that all hearings shall take place in public which means that your representations will usually become public. We can exclude the public from all or part of a hearing where we consider that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

### **Freedom of Information Act 2000, Data Protection Act 1998 and Environmental Information Regulations 2004**

23. These acts and regulations contain further rights to access information held by the Licensing Authority. There are a number of exemptions that may apply. While it is unlikely that anyone would need to rely on this legislation to require access to your representations, since the provisions already referred to are extensive. You should be aware that this legislation could also apply to your representations and require the Licensing Authority to disclose them.

### **Licensing Authority's Approach to Disclosure of Your Representations**

24. The legislation referred to creates a presumption in fairness to the applicant, and in the public interest of transparency and openness, that your representations will be disclosed to the applicant and the public.

25. We will NOT usually EXCLUDE or REDACT any information that is given to the applicant. As a matter of fairness, there is a presumption that an applicant should be fully aware of the details of the persons who has made representations in relation to the application.

26. We will attempt however to EXCLUDE or REDACT certain sensitive information from information that is available for the public but not information that is given to the applicant. This applies to:

- a. Your signature;
- b. Your personal telephone number;
- c. Your personal email address;
- d. Your postcode;

27. We will NOT usually EXCLUDE or REDACT your name and address. We consider that it will generally be in the public interest to be transparent and open as to who made representations.

### **Can I request that my details are not disclosed?**

28. We can decide to withhold more of your personal details (such as your name and address) and instead give only minimal details such as, your street name or general location within a street. However, we can only do so where the circumstances justify such action. This will only be in cases where you consider that you or your family might suffer some detriment were the details disclosed.

- You must tell us why you feel that we should do this in writing.
- If we decide that we cannot comply with your request, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it.

29. If you are reluctant to make representations because of fears of intimidation or violence if your personal details, such as name and address, are divulged, please tell us.

Where we consider that you have a genuine fear of intimidation and may be deterred from making representation on this basis, we will consider if there is an alternative approach. One solution may be for you to give details to a responsible authority as to how you consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified. These will be exceptional circumstances.

It may not be the case that your fears arise from divulging your details to the applicant; rather they may arise from divulging your details to the public. It may not be the case that you fear intimidation or violence from the applicant but rather from others; but that disclosure to the applicant raises the risk of your details becoming more widely known.

Again:-

- It is important is that you tell us exactly what your fears are in writing
- If we decide that we cannot comply with your request, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it.

30. If either of these circumstances applies to you, you should contact us promptly and not wait until the time for making representations has almost expired.

31. It may be that the applicant disagrees with our decision. If so we will listen to their views. It may be that we change our mind. If we do change our mind having heard what the applicant has said, we will tell you and give you an opportunity to consider your position and/or withdraw your representation before we disclose it. It may be that we feel that the final decision should be made at the hearing rather than by Licensing Officers.

#### **Am I likely to be contacted if I make representations?**

32. After relevant representations are made and before a hearing, applicants may wish to try and understand and/or address issues raised by the representations with a view to agreeing a way forward. This may result in the applicant amending the application or proposing conditions.

The Applicant will often wish to have discussions with persons who have made relevant representations. The Licensing Authority wishes to encourage such mediation with both responsible authorities and other persons. It will be beneficial and enable the hearing to focus on the more important issues where agreement has not been possible.

33. Residents who have made relevant representations may feel uncomfortable about engaging in discussions with applicants or their representatives. Such discussions should be non-confrontational and meditative.

If residents begin to feel uncomfortable with the way the process is going, they are entitled to politely and non-confrontationally terminate the discussions. They can also tell the Licensing Authority about their concerns. We will consider whether we can do anything about the concerns.

34. While we do encourage such discussions:-

- Persons are under no obligation to participate. They may decline to participate at all. They can also discontinue discussions at any time
- Persons are entitled to state how they want such discussions to take place – by letter, email, telephone conversation or face-to-face discussion and what is the most convenient time.