

SOLIHULL METROPOLITAN BOROUGH COUNCIL

GAMBLING ACT 2005

STATEMENT OF LICENSING PRINCIPLES

2019-2022

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SOLIHULL METROPOLITAN BOROUGH COUNCIL

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

**1 PREFACE**

- 1.1 Solihull Metropolitan Borough Council has a duty under the Act, to license premises where gambling takes place and to license certain other activities, including the registration of small society lotteries.
- 1.2 The Gambling Act 2005 requires Licensing Authorities to publish a Statement of Principles, which they propose to apply when exercising their functions. The statement must be kept under review, amended if required and republished at least every three years after consultation.
- 1.3 Gambling will be regulated in the public interest. It should be noted that this policy statement will not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence. Every matter will be considered on its merits and according to the statutory requirements of the Gambling Act 2005.
- 1.4 Any reference to stakes and prizes in this document may be subject to review following the DCMS's proposed changes to stakes and prizes consultation.

## **2 INTRODUCTION**

- 2.1 Solihull is home to several major economic assets located within the M42 Economic Gateway; Birmingham Airport, the National Exhibition Centre, Birmingham and Blythe Valley Park, Jaguar Land Rover and Solihull Town Centre. The Borough is at the heart of the national rail and motorway network with direct rail services to London, Birmingham and the north along the West Coast and Chiltern Mainlines and has excellent access to other regions in the UK through the M42, which links the Borough to the M6 at the northern boundary of the Borough and the M40 to the south. This strategic transport infrastructure, together with Birmingham Airport, has ensured the Borough is the principal gateway to the Greater Birmingham and Solihull Local Enterprise Partnership area and the wider West Midlands region.
- 2.2 The Borough is home to some 7560 businesses (IDBR 2015) and both the business base and private sector employment have been growing recently, with a 6.4% increase in private sector employment recorded between 2013 and 2014 (BRES 2014) compared to 4.3% growth nationally, and particularly strong growth in Manufacturing, Business Administration & Support services, Property, Transport, Retail and Professional, Scientific and Technical activities.
- 2.3 Whilst major employers and investors such as Jaguar Land Rover, Arup, Lafarge Tarmac and Fujitsu play a vital role in the local economy, Solihull's small businesses also play a key role, with nearly 80% of local companies employing no more than 4 people, whilst only 2% employ 50 people or more.
- 2.4 Key growth sectors include Advanced Manufacturing & Engineering, Construction & Building Technologies, Environmental Technologies, Business & Professional Services, ICT and the Tourism & Leisure industry, which has seen significant recent investment and growth, including the development of Genting's new "Resorts World Birmingham" entertainment and leisure complex, with a £150m investment creating 1100 jobs. Figures produced by Marketing Birmingham's Regional Observatory in 2014 estimated the Borough's visitor economy to be worth over £850m a year in 2013, supporting nearly 10,000 full time equivalent jobs.

2.5 Solihull has recently established the “UK Central” brand in order to promote growth around the key economic assets, including maximising the opportunities to be provided by Government investment in HS2, and improve connectivity within the Borough and across the West Midlands. UK Central is an international gateway and one of the country’s strongest performing economies, offering outstanding inward investment potential, an enviable lifestyle and a bold vision for a destination with high speed rail at its heart – further information can be found at [www.investinukcentral.com](http://www.investinukcentral.com)

**SOLIHULL METROPOLITAN BOROUGH COUNCIL**



### **3 DECLARATION**

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

The Licensing Authority has also had regard to the provisions of the European Convention on Human Rights including:

**Article 8 – that everyone has the right to respect for his home and private life.**

**Article 1 of the First Protocol – that every person is entitled to the peaceful enjoyment of his possessions.**

- 3.2 Regard has also been had to the provision in the Human Rights Act 1998, which makes it unlawful for a public authority to act in a way that will be incompatible with a convention right..
- 3.3 The Licensing Authority has also taken into account the provisions of the Crime and Disorder Act 1998, which requires Local Authorities to have regard to the likely effect of the exercise of their function on crime and disorder in their area and to do all they can do to prevent such crime and disorder.
- 3.4 The Licensing Authority will ensure as far as possible that it avoids duplication with other statutory regimes.



## PART A

### **4 THE LICENSING OBJECTIVES**

4.1 The Licensing Authority will aim to permit the use of premises for gambling in accordance with s153 of the Act. In doing so, it must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- **Preventing gambling from being a source of crime and disorder, being associated with crime and 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.**

4.2 It should be noted that the Gambling Commission has stated that, 'The requirement in respect of children, is explicitly to protect them from being harmed or exploited by gambling'.

4.3 This Statement of Principles is intended to meet the obligations imposed on the Licensing Authority by the Act and as such, will only consider matters within the scope of:

- The relevant Codes of Practice issued by the Gambling Commission
- The Guidance to Licensing Authorities issued by the Gambling Commission
- The licensing objectives (subject to the above)
- This Statement of Principles (subject to the above)

### **5 AUTHORISED ACTIVITIES**

5.1 "Gambling" is defined in the Act as gaming, betting or taking part in a lottery:

- "Gaming," means playing a game of chance for a prize.

- “Betting,” means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.
- A “lottery” is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process that relies wholly on chance.

5.2 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

5.3 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions.

## **6 TYPES OF LICENCES AND PERMISSIONS**

6.1 Under the Act, the Gambling Commission is responsible for issuing operating licences and personal licences.

6.2 The Council in its capacity as a licensing authority will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences.
- Issue provisional statements.
- Regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits.
- Issue club machine permits to commercial clubs.
- Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines.

- Grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required.
- Register small society lotteries below prescribed thresholds.
- Issue prize gaming permits.
- Receive and endorse temporary use notices.
- Receive occasional use notices.
- Provide information to the Gambling Commission regarding details of licences issued.
- Maintain registers of the permits and licences that are issued under these functions.
- Exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

6.3 The Licensing Authority will not be involved in licensing remote gambling; this duty will fall to the Gambling Commission

## **7 THE GAMBLING COMMISSION**

7.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

7.2 The Commission has issued guidance under section 25 of the Gambling Act 2005, about the manner in which licensing authorities exercise their licensing functions under the Act and in particular, the principles to be applied.

7.3 The Gambling Commission can be contacted at:

**Gambling Commission**  
**Victoria Square House**

**Victoria Square  
Birmingham  
B2 4BP**

**Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)**

**e-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)**

## **8 CONSULTATION**

8.1 The Gambling Act 2005 requires Licensing Authorities to consult with the following parties:-

- **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 Gambling Act 2005.**

8.2 Should you have any comments in regard to this Statement of Principles, please send them by e-mail or in writing, to the following contact:

**Licensing Team  
Central Depot  
Moat Lane  
Solihull  
B91 2LW  
e-mail: [licensing@solihull.gov.uk](mailto:licensing@solihull.gov.uk)**

## **9 RESPONSIBLE AUTHORITIES**

9.1 The licensing authority is required by regulation 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.

9.2 The principles are:

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

9.3 Accordingly this authority designates the Local Safeguarding Children's Board of Solihull Metropolitan Borough Council for this purpose.

9.4 The contact details of all the responsible authorities under the Gambling Act 2005 are available via the Council's website at [www.solihull.gov.uk](http://www.solihull.gov.uk) and these include: -

- The Licensing Authority (Solihull Metropolitan Borough Council)
- The Gambling Commission
- The Police
- The Fire Service
- The local Planning Authority
- Environment Protection
- The local Safeguarding Children Board
- HM Revenue and Customs

## **10 INTERESTED PARTIES**

10.1 Interested Parties can make representations about licence applications, or apply for a review of an existing licence. An interested party is someone who:

- Lives sufficiently close to the premises and is likely to be affected by the authorised activities; or
- Has business interests that might be affected by the authorised activities; or

- Represents persons in either category above.

10.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party and in accordance with the Commission's Guidance, when such matters are considered, the principle to be applied are: -

- the size and nature of the premises
- the distance of the premises from the person making the representation
- the potential impact of the premises
- the circumstances of the person(s) making the representation

10.3 In determining whether a person has a business interest that could be affected, the licensing authority will take into account, among other things:

- The size of the premises
- The "catchment" area of the premises
- Whether the person making the representation has business interests in the catchment area that may be affected.

10.4 Each case will be decided on its merits and this authority will not apply a rigid rule to its decision making process.

10.5 Interested Parties can include trade associations and residents / tenants associations, providing that they can show they represent someone who would be classed as an Interested Party in their own right. Charities, faith groups, Councillors and MPs may also be Interested Parties. Elected Councillors may represent interested parties, providing they do not also sit on the Licensing Panel determining the application in question.

10.6 The Licensing Authority may receive representations, which it considers to be frivolous or vexatious. A vexatious representation is generally one that is without foundation, or made for some other reason, such as malice. A

frivolous representation is generally one that is without substance, lacking in seriousness, unrelated to the licensing objectives, the guidance issued by the Gambling Commission, or this Statement of Principles. Decisions on whether representations are frivolous or vexatious will generally be a matter of fact, given the circumstances of the representation. In deciding whether or not a representation is frivolous or vexatious the licensing authority will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant.
- whether the representation raises a genuine issue or not.
- whether the representation is specific to the premises that are subject to the application.

10.7 Any such decision will be made objectively and not on the basis of any political judgment. The licensing authority may also reject a representation made on an application on the grounds that it will certainly not influence the determination of the application, and may reject a representation made on an application for review on the grounds that it repeats an earlier representation or will not cause the authority to take any action.

10.8 Where a representation is rejected the person making the representation will be given a written explanation, clearly setting out the reasons behind the rejection.

10.9 In the absence of any regulations to the contrary, or any statutory forms, representations should ideally be made:-

- In writing (includes electronic communications)
- In black ink on single sides of A4 paper
- Indicate the name and address of the person or organisation making the representation
- Indicate the premises to which the representation relates
- Indicate the proximity of the premises to the person making the representation.

A sketch map or plan may be helpful to show this.

- Clearly set out the reasons for making the representation, including how it relates to one or more of the licensing objectives.

## **11 EXCHANGE OF INFORMATION**

11.1 Licensing authorities are required to include in their Statement of Policy, the principles to be applied by the authority in exercising its functions in accordance with:

- Sections 29 and 30 of the Act in respect of the exchange of information between it and the Gambling Commission; and
- Section 350 of the Act in respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

11.2 The principle that this licensing authority will apply is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information. This includes the provision that the Data Protection Act 2018 will not be contravened. This licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

11.3 Details of applications and representations which are referred to the Licensing Authority for determination, will usually be published and made publicly available, in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of individuals making representations will be disclosed to applicants and only withheld on the grounds of personal safety, if the Licensing Authority considers it appropriate to do so.



## **12 COMPLIANCE AND ENFORCEMENT**

12.1 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 offences specified.

12.2 The principles to be applied are that this Licensing Authority will be guided by the Gambling Commission's Guidance for local authorities and endeavour to be:-

- proportionate - only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised.
- accountable - with decisions being justifiable and subject to public scrutiny
- consistent - rules and standards will be consistent and implemented fairly
- transparent and open - licence conditions will be kept simple
- targeted - regulation will be focused on the problem and minimise side effects

12.3 This Licensing Authority will also adopt a risk-based inspection programme to premises, based on the licensing objectives.

12.4 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licence and other permissions that it authorises. The Gambling Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority, but will be notified to the Gambling Commission.

## **13 PUBLIC HEALTH AND GAMBLING**

13.1 The licensing authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.

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

13.3 For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown, and in some cases, criminality. It can also be associated with substance misuse.

13.4 There can also be considerable negative effects experienced by the wider group of people around a gambler, and society in general such as crime and disorder, and lost productivity.. The health and wellbeing of partners, children and friends can all be negatively affected.

13.5 The licensing authority considers that Public Health teams, whilst not a responsible authority, can still assist to help address gambling-related harms in its area.

13.6 The licensing authority will engage with the local Public Health team in the future development of this Statement of Principles and the Local Area Profile. It is hoped that the Public Health team will be able to help the Licensing Authority:

- Identify and interpret health data and evidence to inform the review of the statement and develop locally tailored local area profiles;
- Make decisions that benefit and protect the health and wellbeing of local communities;
- Be clear on issues which they can have regard to when deciding on licences for a wide range of gambling activities;
- Conduct a health impact assessment of gambling in the local area or assess any existing information.

13.7 SIAS (Solihull Integrated Addiction Services) is the Council's contracted supplier of support services for problem gamblers and gambling addiction, and the licensing authority will work closely with them to promote and signpost accordingly. Aquarius, as one of the partners within SIAS, also provide services commissioned by Gamcare. SIAS can be contacted on 0121 301 4141 or [enquiries@solihull-sias.org.uk](mailto:enquiries@solihull-sias.org.uk)

## PART B - PREMISES LICENCES

### **14 GENERAL STATEMENT OF PRINCIPLES**

14.1 The Licensing Authority recognises the wide variety of premises that will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.

14.2 To ensure the licensing objectives are met the Licensing Authority will establish a close working relationship with the Police, the Gambling Commission, licence holders' and where appropriate, any other responsible authorities.

14.3 The Licensing Authority recognises that the responsibility for an individual's gambling is his or her own and that the responsibility to exercise a duty of care is that of the Site Operator. However, the Licensing Authority recommends applicants to consider adopting the British Amusement Catering Trade Association's (BACTA's) voluntary Code of Social Responsibility and Good Practice. This would be particularly relevant in respect of Adult Gaming Centres and Family Entertainment Centres. These codes can be obtained at [www.bacta.org.uk](http://www.bacta.org.uk). The Licensing Authority will welcome and support the development of a unified Code of Practice. In any event, applicants will be expected to follow all Codes of Practice and advice issued by the Gambling Commission.

14.4 Where there are age restrictions on entry to certain premises, the Licensing Authority will normally require applicants to adopt BACTA's and GamCare's joint training initiative on a Site Age-of-Entry Control Policy.

14.5 Where children, young persons and other vulnerable people are allowed access to premises where gambling takes place, the Licensing Authority may take whatever steps are considered necessary to limit access generally. They may alternatively introduce appropriate measures to prevent under-age gambling, where it believes it is right to do so for the

prevention of physical, moral or psychological harm to those at risk, especially where representations to that effect are received.

14.6 Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own, in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

14.7 Whilst the Licensing Authority recognises that the majority of people are able to enjoy and control their gambling, not everyone is able to do so. Accordingly, the Licensing Authority attaches particular importance to compliance with self exclusion obligations in the Licence Conditions and codes of practice; and the prominent availability of leaflets and notices relating to problem gambling.

14.8 Adult Gaming Centres and Family Entertainment Centres, should in general comply with BACTA's and GamCares's Site Self - Exclusion Policy

14.9 When determining the location of proposed gambling facilities, the Licensing Authority will consider very carefully the following factors when looking at applications for Premises Licences, permits and other permissions:

- Proximity of premises to schools, colleges centres or establishments for the education, training or care of young persons and / or vulnerable persons and any other similar facilities which the Licensing Authority considers to create an increased risk;
- Proximity of premises to leisure centres used for sporting and similar activities by young persons and / or vulnerable persons;
- Proximity of the premises to any youth club or similar establishment;
- Proximity of premises to recognised community, welfare, health and similar establishments used specifically or to a large extent by young persons and / or vulnerable persons
- Proximity of premises to places of worship, particularly where Sunday schools or similar facilities are in operation.

- Proximity of premises to residential areas, in particular where there is a high concentration of children and young people or where high levels of deprivation exist;

14.10 Increased proximity is considered to create an increased risk of failing to achieve the Licensing Objectives, although each application will be considered on the basis of its own circumstances and merits.

14.11 However, the overriding principle is that all applications and the circumstances prevailing at each premises, will be considered on their own merits. When applying these principles the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.

## LICENSING OBJECTIVES

### **15 PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME AND DISORDER**

15.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures, which aim to prevent criminals from providing facilities for gambling.

15.2 Anyone applying to the Licensing Authority for a premises licence will first need to obtain an Operating Licence issued by the Gambling Commission. Therefore, the Council will not generally be concerned with the suitability of an applicant, but where concerns about a person's suitability do arise, the Licensing Authority will bring those concerns to the attention of the Commission.

15.3 The Licensing Authority will consider the location of premises, particularly if such a premises is in an area where there is known to be organised crime or where there has been or are recognised problems with disorder or anti-social behaviour and will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied, to prevent those premises from being a source of crime.

- 15.4 Measures already exist within anti-social behaviour and licensing legislation, to prevent nuisance, whether it arises as a result of noise from premises, or from general disturbance, once people have left the premises. The Licensing Authority does not therefore intend to use the Act to deal with general nuisance issues, parking problems, or matters such as litter, which can be dealt with by using other powers.
- 15.5 Issues of disorder should only be dealt with under the Act, if the disorder amounts to activities that are more serious and disruptive than mere nuisance and it can be shown that gambling was the source of that disorder. A factor which could be taken into account is, how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected, or have business interests that might be affected.
- 15.6 Where it considers it necessary, the Licensing Authority will require appropriate conditions to be attached to the Licence, including but not limited to Door Supervisors and CCTV, the way that gambling is conducted on the premises, the siting of large pay out machines, and levels of noise from public address systems.
- 15.7 Where there are persistent levels of disorder, the Licensing Authority may liaise closely with the Gambling Commission to consider the suitability of the applicant as an operator. In addition, the Licensing Authority will strive to have a good working relationship with the Police in accordance with any protocol that is currently in place.

## **16 ENSURING GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY**

- 16.1 The Gambling Commission does not generally expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for management of the gambling business, or

will relate to the suitability and actions of an individual. The Commission, through the operating and personal licensing regime, will address both issues.

- 16.2 The Licensing Authority will however if it considers it necessary, wish to satisfy itself that players know what to expect. This may include but not be limited to easily understandable information being made available on the rules and probability of winning/losing; ensuring the rules are fair; and that advertising is not misleading. Further recommendations would be to ensure that the results of competitions/events are made public and it is a requirement that machines, equipment and software meet the required standards set by the Gambling Commission.
- 16.3 In view of the fact that track operators do not need an operating licence from the Commission, the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

## **17 PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS FROM HARM**

- 17.1 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are adult-only environments.
- 17.2 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling, especially with regard to premises situated in areas where there may be a high rate of reported truancy. There may also be restrictions on advertising so that gambling products are not aimed at children, or advertised in such a way that makes them particularly attractive to children. In relation to casinos only, the Gambling Commission code of practice regarding access to casino premises for children and young persons must be followed.
- 17.3 When considering whether to grant a premises licence or permit, the Licensing Authority will consider whether any measures are necessary to protect children. An example of this might be the supervision of entrances, the segregation of

gambling from areas frequented by children, staff training, careful consideration of the siting of ATMs and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs and betting tracks, etc.

17.4 Such measures will be particularly relevant in mixed use premises. Other such measures may include appropriate signage, location of machines, numbers of staff on duty and ensuring there is no accidental access to observe or enter premises used for gambling.

17.5 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through another premises and will consider:

- Whether or not children can gain access;
- the compatibility of the two establishments; and
- its ability to comply with requirements of the Gambling Act.

17.6 The Licensing Authority will also consider whether the co-location of the licensed premises with other facilities will create an arrangement that is likely to be prohibited under the Act. In any event, the Licensing Authority will require access to all adult areas in licensed premises to be monitored in accordance with any mandatory conditions and Gambling Commission Codes of Practice

17.7 The Licensing Authority will require all staff to be suitably trained and aware of the Gambling laws, social responsibility and statutory requirements related to age restrictions on gaming machines. The Licensing Authority will require appropriate measures to be taken to prevent under age use of such machines, including clear and appropriate signage, an approved Proof of Age scheme, a requirement for staff to be vigilant and aware at all times and ensuring the Adult Gaming area is not visible from the street



17.8 Children (those under 16 years of age) and young persons (16 – 17 years of age) may take part in private and non-commercial betting and gaming. However, the Act contains a number of restrictions on the circumstances in which they may participate in gambling or be on premises where gambling is taking place. An adult is defined as a person aged 18 or over. In summary:

- Betting shops cannot admit anyone under 18
- Bingo clubs may admit those under 18 but must have policies to ensure they do not gamble, except on category D machines – (see Appendix 3)
- Adult entertainment centres cannot admit those under 18
- Casinos cannot admit anyone under 18.
- Family entertainment centres and premises with an alcohol premises licence (such as pubs) can admit under 18s, but they may not play category C machines which are restricted to those over 18 – (see Appendix 3)
- Clubs with a Club Premises Certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines – (see Appendix 3)
- Tracks will be required to have policies to ensure that those under 18 years of age do not participate in gambling, other than on category D machines (see Appendix 3)

17.9 In seeking to protect vulnerable persons, the Licensing Authority will include 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 a mental impairment, alcohol or drugs.

17.10 Whilst the Gambling Act does not prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the Licensing Authority will consider whether or not appropriate proactive measures have been taken to protect such people or whether it will require such measures to be put in place.

17.11 The Licensing Authority will always treat each case on its own merits and when considering whether specific measures are required to protect children and other

vulnerable people, will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

## **18 PREMISES LICENCES**

- 18.1 Premises are defined in the Act as ‘any place’ and it is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises. It will always be a question of fact in the circumstances. It is not considered that areas of a building that are artificially or temporarily separated can be properly regarded as different premises.
- 18.2 This licensing authority takes particular note of the Gambling Commission’s Guidance for licensing authorities, which states that in considering applications for multiple licences for a building, or those for a specific part of the building to be licensed, “entrances and exits from parts of a building covered by one or more licences, should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area”.
- 18.3 Where it considers it necessary, the Licensing Authority will require measures to be taken to ensure entrances and exits from parts of a building covered by one or more licences are separate and identifiable so that people do not drift into a gambling area in error. Such measures could include appropriate signage, physically separating gambling from non-gambling areas, and supervision of entrances.
- 18.4 Where the Licensing Authority has concerns about the use of premises for gambling these will generally be addressed through licence conditions.
- 18.5 Other than an application for a betting premises licence in respect of a track, the Licensing Authority is unable to issue a premises licence, unless the applicant holds the relevant operating licence from the Gambling Commission

## **19 LOCATION**

- 19.1 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 can. As set out in the Statement of General Principles above, the authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be amended. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how the concerns can be overcome.
- 19.2 Upon receipt of any relevant representations, the council will consider specific location issues, including:
- The possible impact a gambling premises may have on a premises used by young or vulnerable people, e.g. a school or premises used by vulnerable adults in the area;
  - The possible impact a gambling premises may have on residential areas where there may be a high concentration of families and children;
  - The size of the premises and the nature of activities taking place;
  - Any levels of organised crime in the area.
- 19.3 The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Since 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (section 10) for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures in place to mitigate those risks.
- 19.4 Licensees must review (and update as required) their local risk assessments:

- To take account of significant changes in local circumstance, including those identified in this policy;
- When there are significant changes at a licensee's premises that might affect their mitigation of local risks;
- When applying for a variation of a premises licence;
- In any case, undertake a local risk assessment when applying for a new premises licence.

19.5 The council will expect as a minimum, the following considerations to be made:

- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and disorder
- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, parks, leisure centres and other areas where children frequent.

19.6 The risk assessment should show how vulnerable people, including those with gambling dependency, are protected.

19.7 Other matters that licensees should consider in undertaking their risk assessments include, but are not limited to:

- The training of staff in brief intervention when customers show signs of excessive gambling;
- The location and coverage of working CCTV cameras, as well as the operation and monitoring of the system;
- The layout of the premises and how this may impact on staff viewing persons in the premises;
- The number of staff available on the premises at any one time, including supervisory and monitoring responsibilities;
- Arrangements for identifying and dealing with underage and vulnerable persons, including training and the provision of display material, self-exclusion schemes and advertisements;
- The provision of signage/documentation relating to games rules, gambling care providers etc.

## **20 RESPONSIBLE AUTHORITIES**

20.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Licensing Authority, if they are relevant to the licensing objectives.

20.2 Any concerns expressed by any Responsible Authority in relation to their own functions cannot be taken into account, unless they are relevant to the application itself and the licensing objectives. In this regard, the Licensing Authority will not generally take into account representations that are deemed irrelevant, such as:

- There are too many gambling premises in the locality (because need for gambling facilities cannot be taken into account).
- The premises are likely to be a fire risk (because public safety is not a licensing objective and can be dealt with under existing legislation).
- The location of the premises is likely to lead to traffic congestion (traffic matters do not fall within the licensing objectives).
- The premises will cause crowds to congregate in one area causing noise and nuisance (such matters can be dealt with under existing legislation).
- It should be noted that unlike the Licensing Act 2003, the Gambling Act 2005 does not include as a specific licensing objective, 'the prevention of public nuisance'. Any nuisance associated with gambling premises should be tackled under other relevant legislation.

## **21 CONDITIONS**

21.1 Any conditions attached to licences will be proportionate and will be: -

- Relevant to the need to make the proposed building suitable as a gambling facility

- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

21.2 Decisions about 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 perceived need, such as the use of door supervisors, appropriate signage for adult only areas etc. This licensing authority will normally expect the applicant to offer his / her own suggestions, as to ways in which the licensing objectives can be met effectively.

21.3 The licensing authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licenses. 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. Such matters are in accordance with the Gambling Commission's Guidance.

21.4 It is noted that the licensing authority cannot attach certain conditions to a premises licence and these are:

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

## **22 DOOR SUPERVISORS**

22.1 The Gambling Commission advises, that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives

of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.

22.2 Casino and bingo premises are exempt from the requirement that its door supervisors be licensed by the Security Industry Authority (SIA) when they are directly employed by the casino or bingo premises operator. The Licensing Authority may have specific requirements for door supervisors working at casino or bingo premises, which are shown to be appropriate to individual premises. This is in recognition of the nature of the work in terms of searching individuals, or dealing with potentially aggressive persons.

22.3 For premises, other than casinos and bingo premises, operators and licensing authorities may decide that the supervision of entrances / machines is appropriate in particular cases. Where door supervisors are contract staff, or where they are employed by the venue which also holds a premises licence under the Licensing Act 2003 for the supply of alcohol or the provision of regulated entertainment, they will need to be licensed by the SIA.

## **23 ADULT GAMING CENTRES**

23.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm, or from being exploited by gambling, and will expect the applicant to satisfy the authority that there will be sufficient measures in place to do so; for example, by having in place a system which ensures that those under 18 years of age, do not have access to the premises. Applicants will be expected to offer their own measures to meet the licensing objectives and appropriate measures / licence conditions may cover matters such as:

- Proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- notices and signage

- specific opening hours
- information leaflets / numbers for organisations such as GamCare

23.2 This list is neither mandatory nor exhaustive and is merely indicative of example measures.

## **24 (LICENSED) FAMILY ENTERTAINMENT CENTRES**

24.1 This 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 do so; for example by having in place a system which ensures that those under 18 years of age do not have access to the adult only gaming machine areas.

24.2 Applicants will be expected to offer their own measures to meet the licensing objectives and appropriate measures / licence conditions may cover issues such as:

- Supervision of entrances and/or machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with suspected truanting school children on the premises.

24.3 This list is neither mandatory nor exhaustive and is merely indicative of example measures.

24.4 This Licensing Authority will, in accordance with the Gambling Commission's guidance, refer to the Commission's website from time to time, to view any



conditions that apply to Operating Licences, covering the way in which the area containing category C machines should be delineated. This Licensing Authority will also make itself aware of any mandatory or default conditions required on these premises licences.

## **25 CASINOS**

25.1 Solihull was awarded a Large Casino under the Gambling Act 2005.

25.2 The Act states that a Casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. A Large Casino can also provide equal chance gaming and gaming machines, as well as betting machines.

25.3 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice, or by the operator, the Council may consider the imposition of licence conditions.

## **26 BINGO PREMISES**

26.1 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs, provided it does not exceed a maximum of £2000 per week in stakes and / or prizes.(or other legally designated limit). Should this be the case, a bingo operating licence must be obtained from the Gambling Commission.

- Commercial bingo halls require a bingo premises licence from the Licensing Authority
- The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- Amusement arcades providing prize bingo will require a prize gaming permit from the Licensing authority.

26.2 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to play bingo, or use category B or C machines. When considering applications of this type, the Licensing Authority will take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.

26.3 A number of gaming machines may also be made available at bingo licensed premises. Where category C or above machines are available in premises to which children and young persons are admitted, the licensing authority will seek to ensure that: -

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder and
- at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons less than 18 years of age.

## **27 MEMBERS' CLUBS AND COMMERCIAL CLUBS**

27.1 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days to £2000 and require the Commission to be notified as soon as is reasonably practicable, if that limit is breached. Stakes or prizes above that limit will require a Bingo Operators Licence and the corresponding Personal and Premises Licence.

## **28 BETTING PREMISES**

- 28.1 Anyone wishing to operate a betting office will require a betting premises licence from the Licensing Authority. Children and young persons will not be able to enter premises with a betting premises licence.
- 28.2 Betting premises will be able to provide a limited number of gaming machines and some betting machines, albeit the Licensing Authority has the power to restrict the number of betting machines, their nature and the circumstances in which that are made available.
- 28.3 It will not generally exercise this power, unless there are good reasons to do so, taking into account among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned. However, every representation made will always be considered on its own merits.

## **29 TRACKS**

- 29.1 Only one Premises Licence can be issued in respect of any particular premises at any time, unless the premises are a 'track'. A track is a site where races or other sporting events take place.
- 29.2 Track Operators are not required to hold an Operators Licence granted by the Gambling Commission. Therefore Premises Licences for tracks issued by the Licensing Authority are likely to contain requirements for Premises Licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play in ensuring that betting areas are properly administered and managed.
- 29.3 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises licence applicants 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

**Appropriate licence conditions may relate to:**

- Proof of age schemes
- CCTV
- Door supervisors
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- The location of gaming machines

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

29.5 Although there will primarily be a betting premises licence for a track and there may be a number of subsidiary licences, authorising other gambling activities to take place, unlike betting offices a Betting Premises Licence in respect of a track does not give an automatic entitlement to use gaming machines.

29.6 When considering whether to exercise its power to restrict the number of gaming machines at a track, the Licensing Authority will consider the circumstances of each individual application and amongst other things will consider: the potential space for the number of machines requested; the ability of track staff to monitor those machines, especially if they are scattered around the site; and the ability of the track operator to prevent children and young persons and vulnerable people from betting on the machines.

## **30 BETTING MACHINES AT TRACKS**

- 30.1 Licensing authorities have a power under the Act to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.
- 30.2 In addition to the comments above regarding betting machines in betting premises, similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of track operator to comply with the law and prevent children betting on the machines. The licensing authority may consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.
- 30.3 This licensing authority notes the Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibility of the track operator and the off-course betting operator running a self contained unit on the premises.

### Condition on rules being displayed

- 30.4 In line with guidance from the Gambling Commission, the Council will attach a condition to track premises licences, requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, and / or that other measures are taken to ensure that they are made available to the public, such as being printed in the race-card or made available in leaflet form from the track office.

## **31 TRAVELLING FAIRS**

31.1 It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is made available for use at travelling fairs, the statutory requirement, that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met.

## **32 REVIEWS**

32.1 Interested parties or responsible authorities can make requests for a review of a premises licence. However, 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. However, due consideration will be given to all representations, unless:

- They are frivolous, vexatious or irrelevant;
- The grounds would not cause this Authority to, revoke or suspend a licence, or to remove, amend or attach a condition on a premises licence or;
- The grounds are substantially the same as previous representations or requests for review or;
- The representations do not suggest that the use of the premises for gambling fail to accord with any relevant code of practice or guidance issued by the Gambling Commission or with the licensing objectives or with this statement of licensing policy.

32.2 Where a valid application for a premises licence to be reviewed has been received, the Licensing Authority may arrange a conciliation meeting between parties involved, to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the Licensing Committee consider their valid representations or for any licence holder to decline to participate in a conciliation meeting.

32.3 The licensing authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

**33 UNLICENSED FAMILY ENTERTAINMENT CENTRE (FEC) GAMING MACHINE PERMITS**

- 33.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for a Family Entertainment Centre Gaming Machine Permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use. The Licensing Authority will normally expect applicants to have carried out a risk assessment to identify and mitigate any risks associated with the granting of a permit.
- 33.2 The Act states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit. In preparing that statement, and / or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission.
- 33.3 A Family entertainment Centre Gaming Machine Permit cannot be granted unless the Chief Officer of Police has been consulted. No conditions may be imposed upon the grant of such permit and therefore the licensing authority will wish to be satisfied as to the applicant's suitability before granting such a permit. Unlicensed Family entertainment Centres will not be subject to scrutiny by the Gambling Commission.

Statement of Principles

- 33.4 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency and effectiveness of such policies and procedures will be considered on their merits. However, they may include background checks on staff, training for staff in dealing with unsupervised young children that may be on the premises, or children perceived to be causing problems, on or around the premises. In the

interest of the prevention of crime and disorder, operators will be asked to install fully functional CCTV equipment.

33.5 Applicants will be expected to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family entertainments,
- that the applicant has no relevant convictions (as set out in Schedule 7 of the Act),
- that the staff are trained to have a full understanding of the maximum stakes and prizes; and
- an awareness of local school holiday times and how to contact the local education office should truants be identified.

33.6 Compliance with the Code of Practice for Family Entertainment Centres, issued by British Amusement Catering Trade Association, (BACTA), may be taken by the Licensing Authority as evidence, that (apart from the criteria relating to criminal convictions), the applicant has met the requirements.

33.7 Applicants must submit with their application, two copies of plans of the premises, to a scale of 1:100, (or as otherwise agreed with the Licensing Authority), showing the exits / entrances to the premises, location of gaming machines and the location of safety equipment such as fire extinguishers.

33.8 The licensing authority may refuse an application for renewal of a permit, only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

## **34 ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS**

34.1 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 two gaming machines, of categories C and / or D. The premises merely need to notify the licensing authority. In all cases, the licensing authority considers that gambling must remain ancillary to the main purpose of the premises.

34.2 The Licensing Authority can remove the automatic authorisation in respect of any particular premises, under section 284 of the Act, if: -

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives,
- Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e., that written notice has not been provided to the licensing authority, that a fee has not been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with).
- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

34.3 Should it be necessary to issue a section 284 order, the licence-holder will be given at least twenty-one days' notice of the intention to make the order and consider any representation that might be made. The authority will hold a hearing if requested by the licensee.

34.4 If a premises wishes to have more than 2 machines, an application for a permit, must be made to the Licensing Authority, who will consider the application in line with the licensing objectives, any Gambling Commission guidance and such matters as they think relevant. Further requirements are set out in the Gambling Commission's Gaming Machine Permissions Code of Practice.

### Statement of Principles

34.5 This licensing authority's approach to decision-making will be to consider each case on its merits but generally it will have regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures

- to ensure that under 18 year olds do not have access to the adults-only gaming machines. The authority will take into account whether access by children to the premises under the Licensing Act 2003 is restricted or not.
- 34.6 Measures that may satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / help line numbers for organisations such as GamCare.
- 34.7 A plan must accompany applications indicating where and what types of gambling machines are to be provided. This plan may take the form of an amendment to the plan attached to the premises licence issued under the Licensing Act 2003.
- 34.8 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for and dealt with as an adult entertainment centre premises licence.
- 34.9 It should be noted that the licensing authority could 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.

## **35 PRIZE GAMING: PERMITS AND PERMISSIONS**

- 35.1 Prize Gaming may be provided in Bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing that none of the gambling facilities amount to more than an ancillary amusement. Children and young people may participate in equal chance

gaming in accordance with a prize gaming permit or prize gaming at a non-licensed family entertainment centre or travelling fair.

35.2 In making its decision on an application for a prize gaming permit, the licensing authority does not need to have regard to the licensing objectives, but must have regard to any Gambling Commission guidance.

35.3 The applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

35.4 It should be noted that there are conditions in the Gambling Act 2005, which the permit holder must comply with but that the licensing authority cannot attach additional conditions. The conditions in the Act are:

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

35.5 Applications may only be made by people who occupy or plan to occupy the premises, are over 18 years of age (if and individual) and no premises licence, or club gaming permit under the Act is in force.

### Statement of Principles:

35.6 The Licensing Authority considers that such matters will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to unequal chance prize gaming.

35.7 A plan must accompany applications, indicating where and what type of prize gaming is to be provided.

## **36 CLUB GAMING AND CLUB MACHINE PERMITS**

36.1 Bona Fide Members Clubs and Miners' welfare institutes may apply for a Club Gaming Permit or Club Machines Permit. Commercial Clubs can apply for a Clubs Machines Permit.

36.2 The Club Gaming Permit will enable the premises to provide:

- 3 gaming machines of categories B, C or D,
- equal chance gaming
- games of chance as set out in regulations.

36.3 A Club Gaming machine permit will enable the premises to provide:

- 3 gaming machines of categories B, C or D.

36.4 It should be noted that category B3A is restricted to members' clubs and miners' welfare institutes. Category B4 is also available to commercial clubs

36.5 The Gambling Commission's Guidance states, "Members Clubs must have at least 25 members and be established and conducted 'wholly or mainly', for purposes other than gaming, unless gaming is permitted by separate regulations. It is

anticipated that this will cover, bridge and whist clubs, which will replicate the position under the Gaming Act 1968.

36.6 A Members' Club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

36.7 The Gambling Commission Guidance also states that licensing authorities may only refuse an application on the grounds that:

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

36.8 There are statutory conditions on club gaming permits that:

- no child uses a category B or C machine on the premises, and
- that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

36.9 Clubs that hold a Club Premises Certificate under the Licensing Act 2003 are entitled to benefit from a fast track application procedure.

## **37 TEMPORARY USE NOTICES (TUNS)**

37.1 There are a number of statutory time limits restricting the use of premises for gambling under the authority of a Temporary Use Notice.

37.2 It is for the Licensing Authority to decide what constitutes a 'set of premises' and this will be a question of fact in the particular circumstances of each notice that is given. In making its decision, the Licensing Authority will consider, amongst other things, the ownership, occupation and control of the premises.

### **38 OCCASIONAL USE NOTICES (OUNS)**

38.1 An Occasional Use Notice may be used where there is betting on a track for 8 days or less in a calendar year and dispenses with the need for a Betting Premises Licence to be in force on that track.

38.2 The Licensing Authority has very little discretion as regards these notices, apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will however, need to consider the definition of track and whether the applicant is permitted to avail himself of the notice.

## **39 LOTTERIES**

39.1 The Gambling Act 2005 provides that promoting a lottery or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- Licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences.
- Exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

39.2 The licensing authority is responsible for the registration of societies for the purpose of carrying on small society lotteries. Information on other forms of exempt lotteries is available from the Gambling Commission website.

39.3 The licensing authority defines 'society' as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

39.4 Section 19 of the Act defines a society as such if it is established and conducted: for charitable purposes, as defined in section 2 of the Charities Act 2006;

- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than for private gain

39.5 The licensing authority with which a small society lottery is required to register must be in the area where their principal office is located. The licensing authority will maintain a register of small society lotteries.

Appendix 1

Decision Making Responsibilities

The table shown below, sets out the agreed functions and delegation of decisions, to the Licensing Committee, Licensing Panel and Officers.

**TABLE OF DELEGATIONS OF LICENSING FUNCTIONS**

MATTER TO BE CONSIDERED	FULL COUNCIL	PANEL	OFFICERS
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate			(may be approved by Executive Councillor)
Application for a premises licence		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a variation licence		Where representations have been received and not withdrawn	Where no representations received or representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made and not withdrawn	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	



## Appendix 2

### Glossary of Terms

Within this draft Statement of Policy, the following words and terms are defined as stated:

<b>Licensing Objectives</b>	<b>As defined by the Gambling Act 2005</b>
<b>Licensing Authority</b>	<b>Solihull Metropolitan Borough Council</b>
<b>Area Map</b>	<b>The area of Solihull Metropolitan Borough Council</b>
<b>Licence</b>	<b>Means a specific type of authority to carry out a function under the Gambling Act 2005</b>
<b>Applications</b>	<b>Means an application for an authority to carry out a specific function under the Gambling Act 2005</b>
<b>Notifications</b>	<b>Means notification of temporary and occasional use notices</b>
<b>The Act</b>	<b>The Gambling Act 2005</b>
<b>Regulations</b>	<b>Regulations made under the Gambling Act 2005</b>
<b>Premises</b>	<b>Any place, including a vehicle, vessel or moveable structure</b>
<b>Code of Practice</b>	<b>Means any relevant code of practice under section 24 of the Gambling Act 2005</b>
<b>Mandatory Condition</b>	<b>Means a specified condition provided by regulations to be attached to a licence</b>
<b>Default Condition</b>	<b>Means a specified condition provided by regulations to be attached to a licence, unless excluded by the Licensing Authority</b>
<b>Responsible Authority</b>	<b>For the purposes of this Act, the following are responsible authorities in relation to premises:</b> <ul style="list-style-type: none"><li>• <b>The Licensing Authority</b></li><li>• <b>The Gambling Commission</b></li><li>• <b>The Police</b></li><li>• <b>The Fire Service</b></li><li>• <b>The local Planning Authority</b></li><li>• <b>Environmental Health</b></li><li>• <b>Child Protection Committee</b></li><li>• <b>HM Revenue and Customs</b></li></ul>
<b>Interested Party</b>	<b>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person</b> <ol style="list-style-type: none"><li>a) <b>Lives sufficiently close to the premises to be likely to be affected by authorised activities</b></li></ol>

	<p>b) Has business interests that might be affected by the authorised activities</p> <p>c) Represents persons who satisfy a) or b) above</p>
<b>Casinos</b>	A commercial gaming club whereby people are given an opportunity to participate in one or more casino games. Casino games are defined as a game of chance, which is not equal chance gaming.
<b>Bingo Premise</b>	A commercial club which promotes equal chance gaming in the form of cash or prize bingo
<b>Betting Premises</b>	Currently known as a Betting Office
<b>Tracks</b>	Tracks are sites that include horse racecourses and dog tracks
<b>Adult Gaming Centres</b>	Commercial premises offering a variety of games and gaming machines. Category B, C and D gaming machines available
<b>Family Entertainment Centres</b>	A centre with a wide variety of rides and games including amusement machines and skill games. Typically found at the seaside. Licensed family entertainment centres provide category C and D machines, unlicensed family entertainment centers provide category D machines only and are regulated through FEC gaming machine permits
<b>Club Gaming Permits</b>	Members clubs (not commercial clubs) permits which authorise the establishment to provide gaming machines, equal chance gaming & games of chance
<b>Prize Gaming Permits</b>	A permit issued to authorise the provision of facilities for gaming with prizes
<b>Temporary Use Notices</b>	These allow the use of a premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling
<b>Registration of Small Society Lotteries</b>	A small society lottery is a lottery promoted on behalf of a noncommercial society and is registered by the Licensing Authority
<b>Gaming Machine</b>	A game of chance machine which requires coins or tokens to activate

Appendix 3

CATEGORY OF CASINO

TYPE OF CASINO	REQUIREMENTS	CURRENT NUMBER OF NEW LICENCES AUTHORISED
<b>Large</b>	<b>Minimum customer area 1500M/2. Casino games, bingo and betting and up to 150 gaming machines</b>	8
<b>Small</b>	<b>Small Minimum customer area of 750M/2. Casino games and betting and up to 80 gaming machines</b>	8

CATEGORY OF GAMING MACHINE

CATEGORY	MAXIMUM STAKE	MAXIMUM PRIZE
<b>A</b>	<b>Unlimited</b>	<b>Unlimited</b>
<b>B1</b>	<b>£5</b>	<b>£10000</b>
<b>B2</b>	<b>£100</b>	<b>£500</b>
<b>B3A</b>	<b>£2</b>	<b>£500</b>
<b>B3</b>	<b>£2</b>	<b>£500</b>
<b>B4</b>	<b>£2</b>	<b>£400</b>
<b>C</b>	<b>£1</b>	<b>£100</b>
<b>D – non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)</b>	<b>30p</b>	<b>£8</b>
<b>D – non-money prize (crane grab machine)</b>	<b>£1</b>	<b>£50</b>
<b>D – money prize (other than a coin pusher or penny falls machine)</b>	<b>10p</b>	<b>£5</b>
<b>D – combined money and non-money prize (other than a coin pusher or penny falls machine)</b>	<b>10p</b>	<b>£8 (of which no more than £5 may be a money prize)</b>
<b>D – combined money and non-money prize (coin pusher or penny falls machine)</b>	<b>20p</b>	<b>£20 (of which no more than £10 may be a money prize)</b>

Appendix 4

Consultations

**All Responsible Authorities  
Gambling Commission (Charlotte Meller and Stephen Foster)  
All Elected Members  
All Parish Councils  
Economic Development & Regeneration  
Touchwood  
Popleston Allen Solicitors  
Aquarius  
Bet Fred  
Birmingham Council of Faiths  
Blossomfield Club  
Birmingham & Solihull Mental Health Trust  
Clearhill  
Solihull Sustain  
Eversheds Solicitors  
Debt Advice Foundation  
Greene King  
GamCare  
Genting  
Illegal Money Lending team  
Landrover Sports Club  
Langley Hall Social Club  
Langley Secondary School  
Marston Green Club  
Meriden Tree of Thought  
Olton Golf Club  
IM Properties  
NEC Group  
Parkgate  
Public Health  
Ladbrokes  
SIAS  
Solihull College  
Solihull Municipal Club  
Solihull Life Opportunities  
Mitchells & Butlers  
Stonegate Pubs  
Birmingham International Airport  
West Warwickshire Club  
William Hill  
West Midlands Faith Forum**