



**Melton  
Borough  
Council**

**GAMBLING ACT 2005**

**DRAFT**

**STATEMENT OF PRINCIPLES**

**2022 – 2025**

CONSULTATION DRAFT

# **Gambling Act 2005**

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# **Gambling Act 2005**

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## **Part 1 - General**

### **1.1 Purpose**

Melton Borough Council is the licensing authority under the Gambling Act 2005. This means that the Council is responsible for dealing with Premises Licences, Permits and Occasional Use Notices and Temporary Use Notices in the Borough of Melton.

The Gambling Act 2005 requires the Council to prepare and publish a “Statement of Principles” that sets out the policies that the Council will have regard to when making decisions on applications made under the Act. This meets the Council’s obligations under Section 349 of the Gambling Act 2005 (referred to in this statement as “the Act”).

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. This statement will come into effect on the 31<sup>st</sup> January 2022 and will have effect until 30<sup>th</sup> January 2025. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

This Statement of Principles has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. Melton Borough Council will consult on this policy, having due regard to any responses from those consulted on this draft statement before adopting and publishing the final document

This Statement of Principles will be available on Melton Borough Council’s website.

### **1.2 The Borough of Melton**

Melton Borough is a rural area in the north-east part of Leicestershire and at the heart of the East Midlands. It has an area of 48,138 hectares and is one of the 50 most sparsely populated districts in the UK.

The population of the Borough in 2011 was 50,376 (2011 Census). It has increased by 4.9% over the past ten years.

The main activities of the Borough are centred on the single market town of Melton Mowbray. There are some 70 small villages within the surrounding rural area. Bottesford and Asfordby are the two largest villages each with a population of about 3,000. The other villages range in size from small hamlets with 20 persons to villages where up to 700 people live.

A plan of the area is at Appendix A

### **1.3 Declaration**

The Authority in preparation of this Statement has had due regard to;

- the Gambling Act 2005
- the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006
- current guidance issued by the Gambling Commission and by the Secretary of State under Section 25 of the Act.
- responses from those consulted on the Statement and the reviews thereof.

In producing the final licensing policy statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and those consulted on the policy statement.

#### **1.4 Licensing Objectives**

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

In exercising its functions under the Act, section.153 states that the licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:

- a. in accordance with any relevant code of practice under s.24
- b. in accordance with any relevant guidance issued by the Commission under s.25
- c. reasonably consistent with the licensing objectives (subject to a and b above)
- d. in accordance with the licensing authority’s statement of licensing policy (policy statement)(subject to a to c above)

#### **1.5 Responsible Authorities**

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

Section 157 of the Act defines those authorities as:-

- The Gambling Commission
- The Police
- The Fire Service
- The Local Planning Authority
- Environmental Health
- Child Protection Committee
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated

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

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

Each representation will, however, be considered on its own individual merits.

## **1.6 Interested Parties**

An interested party is someone who, in the licensing authority's opinion:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above

In determining whether someone lives sufficiently close to a particular premise so as to be affected the Council will take into account, among other things:

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the circumstances of the complainant
- the potential impact of the premises

In determining whether a person has a business interest, which could be affected, the Council will consider among other things:

- the size of the premises
- the catchment area of the premises, and

- whether the person making the representation has business interests in the catchment area that might be affected

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Council would not consider this, in the absence of other evidence, as a relevant representation, as it does not relate to the licensing objectives and instead relates to demand or competition.

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

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

## **1.7 Exchange of Information**

Licensing authorities are required to include in their policy statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) 2018 will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **1.8 Enforcement**

In general, the Gambling Commission will take the lead role on the investigation and, where appropriate, the prosecution of illegal gambling.

The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the review process.

The main enforcement and compliance role for the Council in terms of the Act will be to ensure compliance with licences and permits issued by this Licensing Authority and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and registration of small lotteries.

The Council will act in accordance with the following principles:

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

All licensing enforcement under the Gambling Act will be conducted in accordance with the Regulators Compliance Code. This code replaces the Enforcement Concordat. However, this Council signed up to the Concordat and still believes in the principles it contains.

## **1.9 Planning**

When determining an application, the licensing authority cannot take into account “irrelevant matters”, such as the likelihood of the applicant obtaining planning permission or building control approval. An applicant can apply for a “provisional statement” if the building is not complete or if he does not yet have a right to occupy it. Such an application is, however, a separate and distinct process to the granting of planning permission or building control approval.

## **1.10 The Licensing Authority Functions**

Licensing authorities are required under the Act to:

- issue a statement of licensing policy (policy statement) setting expectations about how gambling will be regulated in the area
- 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
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

Remote gambling, Operator Licences and Personal Licences are dealt with by the Gambling Commission.

The National Lottery is regulated by the Gambling Commission.

Spread betting is regulated by The Financial Services Authority.

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## 1.11 Consultation

In developing this Statement, the licensing authority has consulted with the groups set out below and has taken account of their views:

- Leicestershire Constabulary
- Representatives of the holders of the various licences for premises within the Borough who will be affected by this policy
- Persons/bodies representing the interests of persons likely to be affected by this policy.

A full list is shown at Appendix B.

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## Part 2 – Premises Licences

### 2.1 General Principles

Premises Licences are subject to the requirements set out in section 153 of the Gambling Act 2005 and Regulations, as well as the specific mandatory and default conditions which are detailed in the Regulations issued by Secretary of State. Licensing authorities are able to exclude default conditions and attach others, where it is deemed to be appropriate.

The mandatory and default conditions are designed to be sufficient to ensure operation that is reasonably consistent with the licensing objectives.

The licensing authority will only impose additional conditions where there is clear evidence of risk to the licensing objectives which are not adequately addressed by the applicants risk assessment.

This licensing authority in exercising its functions under Part 8 of the Act, shall aim to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with the Licence Conditions and Codes of Practice (LCCP) and any other codes of practice issued.
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this authority's statement of licensing policy.

A premises licence will only be issued if this authority is satisfied that the premises are going to be used for gambling in the reasonably near future. Therefore, if the construction of the premises is not yet complete, or if they need alteration, or if the occupant does not yet have the right to occupy them, then a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merit, applying a two stage consideration process:

- Whether the premises ought to be permitted to be used for gambling.
- 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.

When considering applications for premises licences the Council will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission being granted.

The Council will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

## 2.2 Definition of Premises

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.

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. But 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. However, 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."

This 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 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 names on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which 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?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

### **2.3 Local Risk Assessments**

The Gambling Commissions LCCP, formalise the need for operators to consider local risks.

This requires all licensees that provide gambling facilities at their premises, to assess the risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. Licensees must take into account any relevant matters identified in the licensing authorities' statement of principles when making their risk assessments.

A local risk assessment should be undertaken by a licensee, when applying for

- A new premises licence
- When applying for a variation of an existing premises licence
- To take into account any local significant changes in the local area, including those identified in this policy statement.
- When there are significant changes within their premises that may affect their mitigation of local risks.

The Commissions, Social Responsibility Code Provision, (SRCP) requires licensees of gambling premises to share their risk assessments with Licensing Authorities when applying for a new premises licence or seeking a variation to an existing premises licence. If concerns exist at a premise, the Licensing Authority may ask the licensee to share a copy of their own risk assessment setting out the measures that a licensee has in place to deal with specific concerns.

The Licensing Authority should have an expectation that all local risk assessments will take into account the local profile of the area and should help reduce the occasions on which additional conditions are required on a premises licence or a review of a premises licence is required.

### **2.4 Local Area Profile**

The following area profile has been included to facilitate operators being able to better understand the environment within the Borough and therefore proactively mitigate risks to the licensing objectives.

At the time of publication the Borough of Melton has a total of four gambling premises licences. Premises licensed under the Gambling Act 2005 within the Borough may be accessed by adults (over 18's) with the exception of the Family Entertainment Centre.

The breakdown of those licences by location and type are given below:

### **Electoral Ward**

Egerton Ward	1 x Adult Gaming Centre
Craven Ward	2 x Betting Premises
Waltham on The Wolds Ward	1x Family Entertainment Centre

### **Betting Premises**

There are currently two betting premises within the borough. No complaints have been received about any individual betting premises since 2007 when the Council became the Licensing Authority. Betting premises may only be entered by persons over the age of 18. Officers will continue to monitor premises through compliance visits.

### **Adult Gaming Centre (AGC)**

There is one AGC in Melton town centre. The premises are able to make category B, C and D gaming machines available for use. Only persons over the age of 18 can enter the premises and play the machines.

### **Casino**

There are no licensed casinos in the borough.

### **Tracks**

There are no licensed track betting premises in the Borough although there is one racecourse which operates under Occasional Use Notices.

### **Family Entertainment Centre (FEC)**

There is one family entertainment centre at Twinlakes.

### **Bingo Hall**

There are no licensed bingo halls in the borough.

## **2.5 Bingo**

Operators of premises offering Bingo (cash or prize) require a bingo operating licence from the Gambling Commission, and a premises licence from the licensing authority.

The holder of a bingo licence may, in addition to bingo in all its forms, make available for use on the premises a number of Category B gaming machines not exceeding 20 percent of the total number of gaming machines which are available for use on the premises and any number of category C & D machines.

For bingo and FEC premises, it is a mandatory condition that under-18s should not have access to areas where category B and C gaming machines are located and this is achieved through default conditions that require the area to be:

separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose

supervised at all times to ensure that under-18s do not enter the area, and supervised by either:

one or more persons whose responsibilities include ensuring that under- 18s do not enter the areas

CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas

arranged in a way that ensures that all parts of the area can be observed.

A notice must be displayed in a prominent place at the entrance to the area stating that no person under the age of 18 is permitted to enter the area.

## **2.6 Tracks**

Section 353 of the Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

The Act does not give a list of premises that are officially recognised as 'tracks' but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of tracks include:

- a horse racecourse (referred to in this guidance as 'racecourses')
- a greyhound track
- a point-to-point horserace meeting
- football, cricket and rugby grounds
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments

- a premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event.

This list is not exhaustive as, in theory, betting could take place at any venue where a sporting or competitive event is occurring. While many of these venues are not commonly understood to be 'tracks', they fall within the definition of 'track' in the Act.

Section 151 of the Act requires applicants for premises licences to submit plans of the premises with their application. This ensures that licensing authorities have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan also informs future premises inspection activity.

Plans for tracks need not be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. This is important for ensuring that the right licence conditions are applied

By virtue of section 179 of the Act, a track premises licence may only authorise the acceptance of bets by way of pool betting on horseracing or dog racing, and if the bets are accepted by the holder of the track premises licence or in accordance with arrangements made by him. Additionally, pool betting on a licensed greyhound track will only be permitted while the public are admitted to the track for the purpose of attending greyhound races, and no other sporting events are taking place. A mandatory condition is attached to the premises licence to this effect (SI 2007/1409: Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007, Schedule 6(3)(1)).

## **2.7 Betting Premises**

The Act contains a single class of licence for betting premises although within this, there are different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises. section 13 of the Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others.

Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises based trading room.

The holder of a betting premises licence may make available for use 4 gaming machines of category B (B2, B3, B4), C or D.

The licensing authority may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the licensing authority will take into account the following:

- The size of the premises
- The number of counter positions available for person to person transactions; and
- The ability of staff to monitor the use of machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.

## **2.8 Adult Gaming Centres**

Persons operating an adult gaming centre (AGC) must hold a gaming machines general operating licence (adult gaming centre) from the Commission and a premises licence from the relevant licensing authority. They are able to make category B, C and D gaming machines available.

No-one under the age of 18 is permitted to enter an AGC. This Authority will have particular regard to the location of and entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre.

In considering licence applications for adult gaming centres, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The licensing authority will therefore expect applicants to demonstrate that there will be sufficient measures in place to promote this objective.

Applicants will be encouraged to consider the following steps:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Location of and entry to premises
- Notices/signage
- Staff training
- Opening hours
- Self-exclusion schemes
- Provision of information leaflets and helpline telephone numbers for organisations such as Gamcare.

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

## **2.9 Family Entertainment Centres**

The Act creates two classes of family entertainment centre (FEC). Licensed FECs, which provide category C and D machines and require a premises licence. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

Children and young persons will be permitted to enter an FEC and may play on the category D machines. They will not be permitted to play on category C machines, and it will be a requirement that there must be clear segregation between the two types of machine, so that children do not have access to category C machines.

As Family Entertainment Centres particularly appeal to children and young persons and cater for families, including unaccompanied children and young persons. weight shall be given to child protection issues. Where category C machines are made available this authority will normally require that:

- Only adults are admitted to the area where these machines are located.
- Access to the area where Cat C machines are located is supervised and that the machines are located in an area that can be observed by staff.
- At the entrance to, and inside any such area, there are prominently displayed notices indicating that access to this area is prohibited by persons under 18.
- Staff challenge children and young persons who attempt to use Cat C machines.

## **2.10 Casinos**

There are currently no casinos operating within the Borough.

There is no resolution to prohibit casinos in the Borough at present. However, the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos.

Should the licensing authority choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

## **2.11 Travelling Fairs**

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on

which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **2.12 Provisional Statements**

Applicants for premises licences must fulfil certain criteria. They must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they must have the right to occupy the premises in respect of which their premises licence is made. These restrictions do not apply in the case of a provisional statement.

The application for a provisional statement must be accompanied by plans and the fee. Responsible Authorities and Interested parties may make representations.

Once the premises are constructed, altered or acquired the holder of a provisional statement can return to this licensing authority and submit an application for the necessary premises licence.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances.
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and licensing authorities should discuss any concerns they have with the applicant before making a decision.

## **2.13 Reviews**

In determining what action, if any, should be taken following a review, this licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether

the review is to be carried out. A licensing authority may reject a review application if they feel the ground on which the review is sought is not:

- Relevant
- Are frivolous or vexatious
- 'Will certainly not' cause the licensing authority to revoke or suspend a licence, or to remove, amend or attach conditions on the premises licence;
- Are substantially the same as the grounds cited in a previous application relating to the same premises
- Are substantially the same as representations made at the time the application for a premises licence was first considered.

This licensing authority can initiate a review of a particular premise, or a particular class of premise licence, on the basis of any reason which it thinks is appropriate.

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## **Part 3 – Permits, Temporary and Occasional Use Notices**

### **3.1 Unlicensed Family Entertainment Centre Gaming Permits**

Family entertainment centres (FECs) will cater for families, including unaccompanied children and young persons. Unlicensed FECs will be able to offer only category D machines in reliance on a gaming machine permit.

Any number of category D machines can be made available with such a permit (subject to other considerations, such as fire regulations and health and safety, which will not be issues for the Authority under the Gambling Act). Permits cannot be issued to vessels or vehicles

With regard to applications for Family Entertainment Centre Gaming Permits this licensing authority will ensure that applicant will demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres
- that the applicant has no relevant convictions
- that staff are trained to have a full understanding of the maximum stakes and prizes.

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

There is provision within the act for an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee (as set by regulations)

If the person ceases to be the holder of the relevant alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence would also need to apply under section 282(2).

A renewal of the automatic entitlement is required only where there is a change in the alcohol licence premises holder (either due to a transfer of licence or application for new licence), not for a change in designated premises supervisor/designated premises manager alone.

As there is no requirement to stipulate whether the alcohol licensed premises intends to site category C or D or one of each category, a re-notification should not be required for a change in the mix of gaming machines made available provided it remains within the automatic entitlement to two machines of either category C or D. For more than two machines a permit must be applied for. In considering such an application this licensing authority will have regard to the licensing objective of protecting children and vulnerable people from harm or being exploited by gambling.

With this in mind this authority will satisfy itself that there are sufficient measures in place to ensure that under 18 year olds do not have access to the adult only machines. These measures are:

- Adult only gaming machines must be in sight of the bar.
- Staff will monitor that these machines are not being used by under 18s
- Notices and signage may be appropriate in certain circumstances.
- As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as Gamcare.

It should be noted that the holder of such a permit is also required to have regard to the Code of Practice issued by the Gambling Commission.

### **3.3 Prize Gaming Permits**

Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

A prize gaming permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises.

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, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises. The application must be made to the Authority in whose area the premises are wholly or partly situated.

### **3.4 Club Gaming Permits**

The Authority may grant members clubs and miners welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.

Members Clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless that gaming is permitted by separate regulations. (Bridge and whist clubs) This licensing authority will have regard to the Gambling Commission Guidance and any objections by the police when considering applications.

The Authority only refuses 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
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.

### **3.5 Club Machine Permits**

If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the licensing authority for a club machine permit under section 273 of the Act. This authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.

Commercial clubs are not permitted to provide non-machine gaming other than exempt gaming under section 269 of the Act, so they should apply for a club machine permit (although such a permit does not allow the siting of category B3A gaming machines).

In England and Wales, premises which operate membership-based social clubs (often work premises) are able to apply for a club machine permit. Before granting the permit, the licensing authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18 years of age. The permit will allow up to three machines of category B3A, B4, C or D. If under-18s use the club, for example there are apprentices, they may play the category D, but not the B4 or C, machines.

### **3.6 Temporary Use Notices**

Temporary Use Notices (TUN) allow the use of premises for gambling where there is no premises licence but where a person or a company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling. Premises which may be suitable include hotels, conference centres, sporting venues etc.

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

The licensing authority expects to object to notices where it appears that their effect would 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.

### **3.7 Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. (Day is defined as midnight to midnight) This licensing authority will, however, consider the definition of a 'track' and whether the applicant is permitted to avail themselves of such a notice.

### **3.8 Lotteries**

In carrying out its functions in relation to Lotteries the authority will have regard to the Act, the guidance issued by the Gambling Commission from time to time and any Regulations issued by the Secretary of State.

CONSULTATION DRAFT

## Part 4 – Complaints against Licensed Premises

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Authority may initially arrange a conciliation meeting 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 objections or for any licence holder to decline to participate in a conciliation meeting. Due consideration will be given to all relevant representations.

### FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Gambling Principles or the application process can be obtained from:-

**Licensing**

Melton Borough Council  
Parkside,  
Station Approach  
Burton Street  
Melton Mowbray  
Leics. LE13 1GH  
Tel: 01664 502502  
E-mail [Licensing@melton.gov.uk](mailto:Licensing@melton.gov.uk)

Information is also available from:-

**Gambling Commission**

4<sup>th</sup> Floor  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Tel: 0121 230 6666  
Fax: 0121 230 6720  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)  
<http://www.gamblingcommission.gov.uk/>

APPENDIX A – Map of the Borough



## **APPENDIX B - Consultees**

The Authority has consulted the following on the content of this Statement of Principles: -

- National Association of British Bookmakers
- British Amusement Catering Association
- British Casino Association
- Bingo Association
- British Horse Racing Authority
- Greyhound Board of Great Britain
- Club & Institute Union
- Gamcare
- Gamblers Anonymous
- Age UK
- Licensed Victuallers Association
- Lotteries Council
- East Midlands Chamber
- Responsible Authorities as defined in the Gambling Act 2005
- Holders of existing licences, permits and registrations who will be affected by the provisions of the Act.
- Adjoining local authorities.

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