

CHESTER-LE-STREET DISTRICT COUNCIL

GAMBLING ACT 2005

DRAFT STATEMENT OF PRINCIPLES

**VERSION 3
16 JUNE 2006**

Contents

Item	Page
Equality and Diversity	3
Declaration	3
Background	4
Introduction	4
The Licensing Objectives	6
Local Authority Functions	7
Responsible Authorities	8
Interested Parties	9
Exchange of Information	9
Statement of Principles	10
Integration with Other Strategies / Partnership Working	11
Delegation of Functions	12
Hearings	13
Monitoring and Enforcement	14
Premises Licences	16
General Principles	16
Conditions	17
Casinos	18
Bingo premises	18
Betting Machines	18
Tracks	18
Reviews	19
Permits / Temporary and Occasional Use Notices	20
Unlicensed Family Entertainment Centre gaming machine permits	20
(Alcohol) Licensed premises gaming machine permits	20
Prize Gaming Permits	21
Club Gaming and Club Machines Permits	21
Temporary Use Notices	22
Occasional Use Notices	22
Glossary of Terms	23

EQUALITY AND DIVERSITY

- 1.1 Chester-le-Street District Council is committed to ensuring that all citizens in the District, its staff and all those associated with the Council, receive fair and appropriate services and treatment, irrespective of their race, sex, marital status, disability, religion or belief, sexual orientation, age or any other social factor.
- 1.2 The Council will ensure that it complies with equalities legislation, as set out in its Equalities Policy, and that any new legislative requirements are also addressed. In meeting these requirements, we will ensure that all enforcement decisions made are fair and equitable.
- 1.3 In addition to equalities legislation, the Council will ensure it meets the obligations of the Human Rights Act 1998, and in doing so, protects the rights of individuals within the community.

DECLARATION

- 1.4 In producing the final Statement of Principles, the Council declares that it has had due 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.

BACKGROUND

- 2.1 Chester-le-Street District Council is one of the smallest districts within County Durham with a population of 54,000. It covers 66 square kilometres with a mix of urban and rural areas. The town has a mainline railway station, is close to the A1 and has good transport links.
- 2.2 The local economy and employment patterns have changed significantly since the end of coal mining in the district. The district has for some years served commuters who work in neighbouring Durham, Newcastle upon Tyne and Sunderland but is now attracting investment to develop local business opportunities. Unemployment has fallen significantly during recent years and at 2.1 per cent is now below the regional and national averages.
- 2.3 Whilst there are no large pockets of extreme deprivation, six of the wards are within the 20 per cent most deprived in the country. Ethnic minority communities make up 1.65 per cent of the population.
- 2.4 The District has areas of natural beauty and important wildlife habitats including the Cong Burn local nature reserve and Waldrige Fell, which is County Durham's only area of lowland heath. The Riverside development has turned a 50 hectare site near to Chester-le-Street town centre into a recreation area which incorporates Durham County Cricket Club's ground, many sports facilities; a wildlife area recently designated a Local Nature Reserve and the award winning Riverside Park. Other attractions include Beamish Museum and historic landmarks such as Lumley and Lambton Castles.

INTRODUCTION

- 2.5 The Council is required by the Gambling Act 2005 to publish a Statement of the Principles which it proposes to apply when exercising its functions. This Statement will be published at least every three years. The Statement will be reviewed periodically and any amended parts will be subject to consultation. The Statement will then be re-published.
- 2.6 The Council consulted widely upon this Statement of Principles before finalising and publishing it. A list of the consulted parties is provided below:
- 2.7 The Gambling Act requires that the following parties are consulted by the Council:
 - The Chief Officer of Police, Durham Constabulary
 - One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the authority's area
 - One or more persons who appear to the Council 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

2.8 Additionally, the Council has consulted with the following organisations:

- The Gambling Commission
- Durham and Darlington Fire and Rescue Service
- Social Services
- The Bingo Association
- British Amusement Catering Trade Association
- Association of British Bookmakers Ltd
- The British Casino Association
- GamCare
- Planning Services Manager, Chester-le-Street District Council
- Environmental Health Manager, Chester-le-Street District Council
- Durham Social Care and Health
- HM Revenue and Customs
- Durham County Council
- Citizens Advice Bureau
- Durham and Chester-le-Street Primary Care Trust
- Pubwatch
- Resident's Associations in Chester-le-Street

2.9 Consultation took place between x date and x date and followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

2.10 The full list of comments made and the consideration by the Council of those comments is available by request to the Licensing Manager, Chester-le-Street District Council, Civic Centre, Newcastle Road, Chester-le-Street, County Durham, DH3 3UT, Tel 0191 3872202, e-mail licensing@chester-le-street.gov.uk.

2.11 The Statement of Principles was approved at a meeting of the Full Council on X date and was published on the Council's website on x date. Copies were placed in the public libraries within the District as well as being available in the Civic Centre.

2.12 Anyone having comments with regard to this Statement of Principles should send them via e-mail or letter to Licensing Manager, Chester-le-Street District Council, Civic Centre, Newcastle Road, Chester-le-Street, County Durham, DH3 3UT, Tel 0191 3872202, e-mail licensing@chester-le-street.gov.uk

2.13 It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each of these will be considered on its own merits in accordance with the statutory requirements of the Gambling Act 2005.

THE LICENSING OBJECTIVES

2.14 In exercising its functions under the Gambling Act 2005 (the Act), the Council will 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

2.15 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".

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

2.16 The Council is aware of the distinction between disorder and nuisance and will, in assessing these issues consider factors such as whether police assistance was required to deal with any situation and how threatening the behaviour was to those who could experience it.

Ensuring that gambling is conducted in a fair and open way

2.17 This objective is predominantly enforced via the operator and personal licences issued by the Gambling Commission and therefore the Council's input into this process will be limited. The exception to this will be in the case of track betting where the operators will not necessarily have an operating licence. In these cases the premises licence will contain conditions to ensure that the environment in which betting takes place is suitable.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

2.18 The objective of protecting children from being harmed or exploited by gambling, will in practice often mean preventing them from taking part in or being in close proximity to gambling activities.

2.19 The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective in relation to specific premises such as casinos. The Council understands that a Code for casinos must:

- specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of a regional casino, do not enter the gambling area;
- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person ("the

supervisor”) who is responsible for compliance with the code of practice; and

- require that evidence of age must be provided in respect of anyone seeking to enter the casino or gambling area, unless the supervisor of that area is certain that any such person is aged 18 or over.

LICENSING AUTHORITY FUNCTIONS

2.20 Licensing Authorities are required under the Act to:

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

2.21 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via Operator Licences.

RESPONSIBLE AUTHORITIES

- 2.22 The Council 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 Council about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons
- 2.23 In accordance with the Gambling Commission's Guidance for local authorities, the Council designates Durham Care and Social Health for this purpose.
- 2.24 The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Council's website at www.chester-le-street.gov.uk or by contacting the Licensing Section on (0191) 3872202 or by e-mail licensing@chester-le-street.gov.uk.

INTERESTED PARTIES

- 2.25 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:
- 2.26 “For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Council which issues the licence or to which the applications is made, the person:
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) has business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)”
- 2.27 Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament. Other than these persons (for example trade associations and trade unions, and residents’ and tenants’ associations), the Council will require written evidence that the body or person ‘represents’ someone who can be classed as an interested party. A letter from one of these persons, requesting the representation is sufficient to satisfy this requirement.
- 2.28 Each case will be decided upon its own merits. The Council will not apply a rigid rule to its decision making.
- 2.29 If individuals wish to approach Councillors to ask them to represent their views the Council will ensure that the Councillors are not part of the Licensing Sub Committee dealing with the licence application. Anyone having doubts in this situation should contact the Licensing Section on (0191) 3872202 or e-mail licensing@chester-le-street.gov.uk.

EXCHANGE OF INFORMATION

- 2.30 The Council 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 1998 will not be contravened. The Council 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 Gambling Act 2005.

STATEMENT OF PRINCIPLES

- 3.1 The Council recognises the significant role that gambling plays in the social life and leisure time of many individuals. Additionally, gambling activities provide a valuable income and support to other industries such as the alcohol licensed trade. Gambling, in the majority of individuals, is an enjoyable pastime and does not raise any significant issues. However, this is not the case for children and certain groups of adults who may be unable to control their gambling activities. The Council will seek always to safeguard the security and quality of life of residents and protect children and other vulnerable persons from being harmed or exploited by gambling.
- 3.2 The Council will require businesses to promote the three licensing objectives and in doing so identify, implement and successfully manage an appropriate range of control strategies, work in full harmony with regulatory agencies and have particular regard to their neighbours.
- 3.3 The Council will, where appropriate, monitor and review the operation of the Statement of Principles, above and beyond the minimum statutory requirements, thus recognising the fluid nature and rapid developments that can take place in the industry.
- 3.4 To ensure that licensed activities are carried out in accordance with licence conditions and therefore support the licensing objectives, the Council will carry out appropriate monitoring of licensed premises and activities. Where necessary this will be in conjunction with other relevant agencies.
- 3.5 Where monitoring indicates enforcement may be necessary, this will be considered and carried out in accordance with both the Regulatory Compliance Code and relevant enforcement policies.
- 3.6 The Council will ensure that there is no unnecessary duplication between licence conditions under the Act and those imposed under other legislation. Consequently it may be necessary on occasions to use powers outside of the Act to deal with problems arising from licensed premises and the management thereof.
- 3.7 The Council will not consider the question of need in any licensing decision under the Act. The Council will aim to permit the use of premises for gambling and will not attach conditions that limit the use of premises for gambling except where it is necessary as a result of a requirement to act in accordance with statutory guidance or the three licensing objectives.

INTEGRATION WITH OTHER STRATEGIES / PARTNERSHIP WORKING

- 3.8 The Act predominantly represents the major piece of legislation for the regulation of the gambling industry. However, the Council recognises the contribution the Act could make in delivering its broader vision for the district, particularly key priorities of the Community Strategy.
- 3.9 In discharging its functions under the Act (for example determining applications, seeking and considering reviews of licences and monitoring and enforcing), the Council will strive to make the district a safer place in which to live, work and visit and to further reduce crime and disorder.
- 3.10 The Council, when promoting the third licensing objective (protecting children and other vulnerable persons from being harmed or exploited by gambling), will seek to protect the health and well-being of young people and other vulnerable individuals.
- 3.11 The Council recognises that the local gambling industry plays a small yet significant direct role in both the District's economy and leisure provision. However, indirectly gambling can play a major part in supporting other business sectors in particular the alcohol licensed trade. As such the Council recognises the Statement of Principles' potential impact on both tourism and support to the districts existing businesses.
- 3.12 The Council recognises the important relationship between the Act and other legislation, in particular the Crime and Disorder Act 1998, and the essential role partnership working will play in the effective delivery of the aims of other legislation. The central partnership will be with the Police, however, the Council appreciates that there are a multitude of other agencies that indirectly impact upon the three licensing objectives.
- 3.13 Gambling addiction and problem gambling help, advice and support is provided by organisations such as Gamcare. Durham Care and Social Health play an important role in advising the Council on child protection matters. Strategic agencies such as the Crime and Disorder Reduction Partnership, County Council departments including those responsible for Planning and Transport and Local Strategic Partnership schemes also contribute to provide the broader context in which the gambling industry exists and develops.
- 3.14 The Council responds to this challenging situation in two ways:
- Undertaking a diverse and wide ranging initial consultation process
 - Actively seeking and responding to the views of all responsible authorities and interested parties throughout the lifetime of the Statement of Principles.

DELEGATION OF FUNCTIONS

4.1 The Council's functions as a Licensing Authority are to be carried out by its Licensing Statutory Committee. As many of the decisions and functions will be purely administrative in nature, officers will be given appropriate delegated powers. The scheme of delegation is outlined below:

Matter to be dealt with	Full Council	Licensing Sub - Committee	Officers
Final approval of three year Statement of Principles	√		
Policy not to permit casinos	√		
Fee setting (where appropriate)			√
Applications for premises licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Applications for the variation to licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Applications for the transfer of licences		Where representations have been received from the Commission	Where no representations received from the Commission
Applications for provisional statements		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of premise licences		√	
Applications 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		√	
Applications for other permits			√
Cancellation of licensed premises gaming machine permits			√
Consideration of temporary use notices			√
Decisions to issue counter notices to temporary use notices		√	

HEARINGS

- 4.2 Hearings will be arranged to deal with any applications which cannot be dealt with under delegated powers or resolved by agreement between applicants, interested parties and/or responsible authorities.
- 4.3 Each case will be decided on its own merits.
- 4.4 Hearings will be held at the earliest opportunity and have regard to the rules of natural justice. The Licensing Sub Committee will conduct a quasi-judicial consideration of the application, objections and representations.
- 4.5 A legal advisor, advocate or friend may represent any person making representations against an application where affected persons do not choose to represent themselves.
- 4.6 Conditions may be attached to licences. Any condition will be based upon the particular circumstances of the application.
- 4.7 Any condition attached to a licence will be related to one or more of the licensing objectives.
- 4.8 The full hearings procedure will be produced when the regulations are announced.

MONITORING AND ENFORCEMENT

- 5.1 The licensing objectives relate to the prevention of the commission of a range of possible offences including:
- the unlawful supply or manufacture of machines for use in gambling
 - the commission of acts of serious crime and disorder
 - matters which may cause harm to children and young persons
- 5.2 The Council acknowledges the wide range of options available, to prevent, control or mitigate potential problems, and also understands that it is not the only authority or agency involved. Likewise, the Act itself is only one of several pieces of legislation applicable in these circumstances. In all instances, the Council will be guided by the principles outlined in the Regulatory Compliance Code and its own enforcement policies.

Monitoring

- 5.3 Monitoring refers to the various processes by which the authority and other agencies involved gather information concerning this Statement of Principles, its impact and individual and collective compliance with it. Given the diversity of both the District and the premises and businesses involved, monitoring will take a variety of forms, both proactive and reactive. Effective monitoring will serve a variety of purposes. In the first instance it will allow for the identification of problems and early intervention in them in order to avoid the need for formal action. In more serious situations it will act as the basis for gathering intelligence/evidence necessary to take formal action. Over time, monitoring activities will allow the authority to build an accurate picture of the effectiveness of its Statement of Principles in meeting the licensing objectives, allowing for its continual review and improvement.
- 5.4 The Council as the Licensing Authority has a central role in collating and disseminating information and intelligence to and from key partners including the Police, Gambling Commission and Durham Care and Social Health. The Council will attempt to achieve this by establishing appropriate working / liaison groups, producing publicity material and holding public meetings where appropriate.

Enforcement

- 5.5 The Council in the first instance will attempt to balance the needs and rights of all parties concerned and resolve issues without recourse to formal legal action. Notwithstanding this, the Council recognises its duty to protect the security and quality of life of the public. In doing so, due regard will be given not only to the powers contained in this Act, but also to other appropriate legislation.
- 5.6 The Council will be guided by the Gambling Commission's Guidance for local authorities. The Council will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects
- 5.7 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible. The Council will also adopt a risk-based inspection programme.
- 5.8 The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. The Council will not deal with concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but these issues will be notified to the Gambling Commission. Similarly, the Council will not be responsible for dealing with unlicensed premises. Such premises referred to the Council will be passed to the Gambling Commission for investigation.
- 5.9 The Council enforcement/compliance protocols/written agreements will be available upon request to the Licensing Section on (0191) 3872202 or e-mail licensing@chester-le-street.gov.uk. The Council's risk methodology will also be available upon request.

PREMISES LICENCES

General Principles

- 6.1 Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. The Council will exclude default conditions and also attach others, where it considers this to be appropriate.
- 6.2 In general, in making decisions regarding premises licences the Council will aim to permit the use of premises for gambling in so far as it is considered that this is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority's Statement of Principles
- 6.3 Premises licences can be issued for the following type of premises:
- Adult Gaming Centres
 - (Licensed) Family Entertainment Centres
 - Casinos
 - Bingo premises
 - Betting premises
 - Tracks
- 6.4 In relation to premises licences, the Council will determine whether different parts of a building can be properly regarded as being separate premises.
- 6.5 Where dealing with issues over multiple licensing and licensing different parts of a building, the Council will decide these cases on its own merits, however, the Council will have due regard to the following:
- Are areas of the building artificially or temporarily separate?
 - Are entrances and exits from parts of a building covered by one or more licences separate and identifiable?
 - Is access to a licensed premises through another premises, whether licensed or unlicensed?
- 6.6 It should be noted that any such Statement of Principles 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.
- 6.7 The Council will have regard to the three licensing objectives and expect the applicant to satisfy the Council that there will be sufficient measures to ensure that the objectives are met. Appropriate licence conditions may cover issues such as:

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

6.8 This list is not exhaustive.

6.9 As regards the protection of vulnerable persons, The Council will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.

Conditions

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

- relevant to the need to make the proposed premises 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.

6.11 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures the Council will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. The Council will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively. This will particularly be the case when the application is in relation to premises in close proximity to schools, vulnerable adult centres or residential areas where there may be high concentrations of families with children.

6.12 Where the Council is not satisfied that imposing additional conditions within a premises licence would not promote the three licensing objectives, it will consider refusing to issue a premises licence.

6.13 It is noted that there are conditions which the Council cannot attach to premises licences which are:

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

Door Supervisors

- 6.14 The Council require individuals acting as door supervisors at casinos or bingo premises to be suitably trained.

Casinos

- 6.15 The Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this Statement of Principles with details of that resolution.

Bingo premises

- 6.16 The Act does not define bingo, however, it will be given its ordinary and natural meaning that is a class of equal chance gaming.

Betting Machines in all premises

- 6.17 In deciding whether to exercise its powers in relation to section 181 of the Act as regards the power to restrict the number of betting machines their nature and the circumstances in which they are made available, the Council will determine the matter on a case by case basis but will have due regard to the size of the premises, the number of counter positions available for person to person transactions and the ability of staff to monitor and control the use of the machines by children and young persons.
- 6.18 This is particularly the case in respect of track premises where machines may be in various locations around the track thus affecting the ability of track staff to supervise them.

Tracks

- 6.19 The Council recognises that tracks are different from other premises in that more than one premises licence may be in effect. Additionally, the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.
- 6.20 The Council will have due regard as to whether there may be specific considerations concerning the protection of children and vulnerable persons and will expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

REVIEWS

- 6.21 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. In deciding whether to conduct a review of a premises licence the Council will:
- a) Determine whether the request for the review is:
 - in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority's Statement of Principles
 - b) Determine whether the request is frivolous or vexatious
 - c) Determine whether the review requested is substantially the same as previous representations or requests for review.
- 6.22 The Council can also initiate a review of a licence whenever it thinks appropriate. Serious or repeated non-compliance with premises licence conditions may cause the Council to initiate such a review.

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 Para 7)

- 7.1 The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include Criminal Record Bureau checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 7.2 A 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.

Gaming Machines in Alcohol Licensed premises

- 7.3 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. Operators of these premises merely need to notify the licensing authority.
- 7.4 If premises wishes to have more than 2 machines, then they need to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” The Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 7.5 It is recognised that alcohol licensed premises operators 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.
- 7.6 It should be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

- 7.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Prize Gaming Permits

- 7.8 In making its decision on an application for a prize gaming permit the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 7.9 The conditions in the Gambling Act 2005 which the permit holder must comply with 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.

Club Gaming and Club Machines Permits

- 7.10 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to contain gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to contain gaming machines (3 machines of categories B, C or D).
- 7.11 Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.
- 7.12 The Council is aware that: Licensing authorities may only refuse an application on the grounds that:
- (a) 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;

- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police (Gambling Commission's Guidance for Local Authorities 25.18)

7.13 It should be noted that there is a 'fast-track' procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. As the Gambling Commission's Guidance for local authorities states: Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced and the grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

Temporary Use Notices

7.14 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the licensing authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site (see Gambling Commission's Guidance for Local Authorities).

Occasional Use Notices

7.15 The Council 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. The licensing authority will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

GLOSSARY OF TERMS

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

Premises - Premises is defined in the Act as “any place, including a vehicle, vessel or moveable structure”. The Council will decide whether different parts of a building can be properly regarded as being separate premises and as the Gambling Commission states in its Guidance for local authorities, it “will always be a question of fact in the circumstances.” The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

Vulnerable persons - this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

Licensing Objectives –

- 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

The Act – The Gambling Act 2005

The Council – Chester-le-Street District Council

Notifications - Means notification of temporary and occasional use notices

Regulations - Regulations made under the Gambling Act 2005

Code of Practice - Means any relevant code of practice under section 24 of the Gambling Act 2005

Mandatory Condition - Means a specified condition provided by regulations to be attached to a licence

Default Condition - Means a specified condition provided by regulations to be attached to a licence, unless excluded by Chester-le-Street District Council

Responsible Authority - For the purposes of this Act, the following are responsible authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated (“Chester-le-Street District Council”);
2. The Gambling Commission;
3. Durham Constabulary;
4. County Durham and Darlington Fire and Rescue Service;
5. Planning Services Manager, Chester-le-Street District Council;
6. Environmental Health Manager, Chester-le-Street District Council;
7. Durham Care and Social Health, Durham County Council;
8. HM Customs and Excise

Interested Party - For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) Has business interests that might be affected by the authorised activities;
- c) Represents persons who satisfy a) or b) above.