



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

**STATEMENT OF LICENSING
PRINCIPLES**

THE GAMBLING ACT 2005

2016 - 2019

Effective date 11th March 2016

STATEMENT OF LICENSING PRINCIPLES GAMBLING ACT 2005 (2016 – 2019)

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This Statement of Licensing Principles was approved by Stockport Metropolitan Borough Council on 28th January 2016 and was first published on 12th February 2016.

All references to 'the Guidance' refer to the Gambling Commission's Guidance to Licensing Authorities, 4th Edition, published July 2012 and draft 5th Edition. All references to 'the Act' refer to the Gambling Act 2005.

PART A: Licensing Objectives and Functions

1. The Licensing Objectives

- 1.1 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 that 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; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.2 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”.
- 1.3 This Licensing Authority is aware that in making decisions about premises licences and temporary use notices, under Section 153 of the Act, it should aim to permit the use of premises for gambling in so far as it thinks fit:
- In accordance with any relevant code of practice issued by the 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 licensing policy.

2. Introduction

- 2.1 Stockport is one of the 10 Metropolitan Districts of Manchester. It has a population of around 300,000 and is home to an estimated 16,000 businesses. Stockport’s countryside extends to the heart of the town centre and more than 45% of the Borough is green belt. Each of the districts that make up the Borough is within easy reach of the town centre.

Stockport Metropolitan Borough Council
Gambling Act 2005
Statement of Licensing Principles (2016 – 2019)



- 2.2 The Act requires Licensing Authorities 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. It may also be reviewed from “time to time” and any amendments consulted upon. The statement must be then re-published.
- 2.3 Stockport Council has consulted widely upon this statement before its publication. A list of those persons and organisations consulted is available via the Stockport Council website.

- 2.4 The Act requires that Licensing Authorities consult 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; and
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- 2.5 Our consultation took place between 2nd August 2015 and 2nd October 2015. The full list of comments made and the consideration by the Council of those comments is available by request to the Licensing Team, Fred Perry House, Edward Street, Stockport, SK1 3XE.
- 2.6 The policy was approved at a meeting of the Full Council on 28th January 2016 and was published via the Stockport Council Website on 12th February 2016. Hard copies are available from the Licensing Team office at Fred Perry House, Edward Street, Stockport, SK1 3XE on request.
- 2.7 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for the a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

3. Declaration

- 3.1 In producing the final licensing policy statement, Stockport Council had regard to the Licensing Objectives of the Act, the guidance issued by the Gambling Commission at the time, and any responses from those consulted about the contents of the statement.

4. Responsible Authorities

- 4.1 Stockport 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 it about the protection of children from harm.

The principles are:

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

4.2 In accordance with the Guidance, Stockport Council will seek the views of the appropriate Authority for safeguarding.

4.3 The contact details of all the Responsible Authorities under the Act are available via the Council website.

5. Interested parties

5.1 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:

“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 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, or
- c) Represents persons who satisfy paragraph (a) or (b)”

5.2 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. Those principles are as follows:

- Decide each case on its merits;
- Not apply a rigid rule to its decision making;
- Consider the examples of considerations provided in the Gambling Commission's “Guidance for Local Authorities” at paragraphs 8.11 and 8.18;
- Consider the Gambling Commission's Guidance that interested parties with

“business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. If in the particular circumstances of the application the Licensing Authority departs from the guidance it will explain its reasons for doing so.

- 5.3 The Gambling Commission has recommended that the Licensing Authority state that interested parties include trade associations and trade unions, and residents’ and tenants’ associations (the Guidance, paragraph 8.17). However, this Authority will not generally consider such bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act i.e. they live sufficiently close to the premises to be likely to be affected by the licensable activities for which the application is made.
- 5.4 Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or Member of Parliament represents the ward likely to be affected. This Authority will generally require written evidence that a person or body (e.g. an advocate or relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be sufficient.
- 5.5 If individuals wish to approach one of their Councillors to ask them to represent their views then care should be taken that the Councillor is not a member of the Licensing Committee dealing with that licence application. Details of the Elected Members on a particular Committee may be obtained from the Licensing Team, Fred Perry House,, Edward Street, Stockport SK1 3XE (Tel: 0161 474 4311) e-mail: licensing@stockport.gov.uk or via the Council website.

6. Exchange of Information

- 6.1 Licensing Authorities are required to include in their statements the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act. These relate to the exchange of information between it and the Gambling Commission, and the functions under section 350 about the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 Stockport Council will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened. It will have regard also to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 6.3 Should any protocols be established about information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing Authorities are required by regulation under the Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 Stockport Council's principles are that:
It will be guided by the Gambling Commission's Guidance for local authorities and 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 consistent and implemented fairly;

- Transparent: regulators should be open, and keep regulations simple and understandable; and
- Targeted: regulation should be focused on the problem, and minimise its effect on associated matters.

7.3 In compliance with the Guidance, Stockport Council will endeavour to avoid duplication as far as possible with other regulatory regimes.

7.4 Stockport Council, as recommended by the Guidance, will adopt a risk-based inspection programme based on:

- The Licensing Objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission, in particular Part 36;
- The principles set out in this statement of licensing policy.

7.5 Stockport Council's enforcement and compliance role under the Act will be to ensure compliance with the premises licences and other permissions it authorises. The Gambling Commission will be the enforcement body for all operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by Licensing Authorities but will be notified to the Gambling Commission.

7.6 Stockport Council will be informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 Bearing in mind the principle of transparency, Stockport Council's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Team.

8. Licensing Authority functions

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Machine Permits to Proprietary Clubs;
- Grant permits for the use of certain lower-stake, gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications for the use of two or fewer gaming machines from premises licensed for the sale of alcohol for consumption on the premises (under the Licensing Act 2003);
- Issue Licensed Premises Gaming Machine Permits where there are more than two gaming machines on premises licensed to sell alcohol for consumption on the premises (under the Licensing Act 2003);
- 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 6, above, on information exchange); and
- Maintain registers of the permits and licences that are issued under these functions.

8.2. It should be noted that local Licensing Authorities will not be involved in licensing remote gambling, or the determination of applications for operators' or personal licences. This function lies with the Gambling Commission.

PART B: PREMISES LICENCES

1. General Principles

- 1.1 Premises licences will be subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 Stockport Council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks fit:
- 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 its statement of licensing policy.
- 1.3 The Guidance states that “moral objections to gambling are not a valid reason to reject applications for premises licences” and that unmet demand is not an issue to be considered by a Licensing Authority.
- 1.4 The Definition of “Premises”.**
- 1.4.1 Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in each circumstance. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

1.4.2 This Licensing Authority takes particular note of the Guidance, 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 that 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;
- Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

1.4.3 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?

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

1.4.4 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.2 of the Guidance).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per paragraph 7.23 of the Guidance) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licenced.

Tracks

- No customer should be able to access the premises directly from:
 - A casino
 - An adult gaming centre

Bingo Premises

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

Family Entertainment Centre

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

Part 7 of the Guidance contains further information on this issue, which this Authority will also take into account in its decision making.

1.5 Premises “ready for gambling”

1.5.1 The Guidance states that a licence to use a premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

1.5.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

1.5.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, Stockport Council will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling;
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

1.5.4 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions but it is not obliged to grant such a licence.

1.5.5 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.60 – 7.67 of the Guidance.

1.6 Location

1.6.1 Stockport Council 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. In considering the Guidance, Stockport Council 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 statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits. The applicant will have to show how potential concerns can be overcome.

1.7 Planning

1.7.1 The Guidance states:

- 7.60 – In determining applications the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the Licensing Objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

1.7.2 Stockport Council will not take into account irrelevant matters as per the above guidance.

1.7.3 In addition this Stockport Council notes the following excerpt from the Guidance:

- 7.67 – When dealing with a premises licence application for finished buildings, the Licensing Authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the

consideration for the premises licence. Section 210 of the 2005 Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

1.8 Duplication with other regulatory regimes

1.8.1 Stockport Council will seek to avoid duplication with other statutory / regulatory systems where possible, including planning and fire. This Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, during its determination of any licensing application. However, it will listen to and consider carefully any concerns about conditions which cannot be met by licensees because of a planning restriction or building constraint, should such a situation arise.

1.9 Licensing Objectives

1.9.1 Premises licences granted must be reasonably consistent with the Licensing Objectives. With regard to these objectives Stockport Council has considered the Guidance, its position on these issues is stated below.

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

1.9.2.1 Stockport Council is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Guidance does however envisage that Licensing Authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Accordingly, where an area has known high levels of organised crime this Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. Stockport Council is aware a distinction may be made between disorder and public nuisance. It will consider factors i.e. whether police assistance was required and how threatening the behaviour was to those who

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could see it, so as to make that distinction. Public nuisance cannot be addressed by licensing controls under the Act. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.

1.9.3 Ensuring that gambling is conducted in a fair and open way.

1.9.3.1 Stockport Council notes that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be addressed through the Commission's control of operating and personal licences. Though there are none at present in Stockport, this Authority would have more of a role at a racetrack, which is explained in section 7.

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

1.9.4.1 Stockport Council notes that the Guidance states that this objective means the prevention of children from taking part in gambling (as well as the restriction of advertising so that gambling products are not aimed at, or are particularly attractive, to children). This Licensing Authority will therefore consider, as suggested in the Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include the supervision of entrances, machines or the segregation of gaming areas etc.

1.9.4.2 Stockport Council will have regard to the Codes of Practice issued by the Gambling Commission about this licensing objective particularly in relation to premises such as casinos.

1.9.4.3 Under the Act, the term "vulnerable persons" is not defined and, in its guidance, the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes

- people who gamble more than they want to;
- people who gamble beyond their means; and

- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

1.9.4.4 Stockport Council will consider this licensing objective on a case by case basis.

1.9.5 Conditions

1.9.5.1 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 being determined;
- fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

1.9.5.2 Decisions upon individual conditions will be made on the merits of each application, although there will be a number of measures this Licensing Authority will consider utilising should there be an evidence of need, i.e.

- The use of supervisors;
- Appropriate signage for adult only areas etc.

1.9.5.3 There are specific comments made in this regard under some of the licence types below. Stockport Council will expect each applicant to offer their own suggestions as to the way in which the Licensing Objectives can be met effectively.

1.9.5.4 Stockport Council will also consider any specific measures required for buildings that are subject to multiple premises licences. Such measures may include:

- the supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children; and
- The supervision of gaming machines in non-adult gambling specific premises in order to pursue the Licensing Objectives.

These matters are in accordance with the Guidance.

1.9.5.5 Stockport Council will also ensure that where category C gaming machines or above are available on premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- physical barriers to segregate these areas should not impede the escape routes from that or other areas:
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are notices prominently displayed indicating that access to the area is prohibited to persons under 18 years of age.

These considerations will apply to premises including buildings where multiple premises licences are held.

1.9.5.6 This Licensing Authority is aware that racetracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. Stockport Council will consider the impact upon the third licensing objective, protecting children and other vulnerable persons, and the need to ensure that entrances to each type of premises are distinct and that children are effectively excluded from gambling areas where they are not permitted to enter.

1.9.5.7 It is noted that there are conditions the Licensing Authority cannot attach to premises licences, which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the Act 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.

1.9.6 Door Supervisors

1.9.6.1 The Guidance advises that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempt at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor and is entitled to impose a premises licence condition to this effect, where there is evidence that an additional condition is required in the circumstances of that premises.

1.9.6.2 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

2.1 Stockport Council will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect each applicant to satisfy the Authority that there will be sufficient measures to ensure, for example, that under 18 year olds do not have access to the premises.

2.2 Stockport Council may consider measures to meet the Licensing Objectives such as:

- Proof of Age schemes;
- Closed Circuit Television (CCTV);
- Supervision of entrances and gaming machine areas;
- Physical separation of areas;
- Location of entrances;
- Use of notices and signs;

- Specific opening hours;
- Self-exclusion schemes; and
- Provision of information leaflets / help line numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the type measures available.

3. (Licensed) Family Entertainment Centres:

3.1 Stockport Council will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. It will expect each applicant to satisfy the Authority that there will be sufficient measures to ensure, for example, that under 18 year olds do not have access to the premises.

3.2 Stockport Council may consider measures to meet the Licensing Objectives such as:

- Closed Circuit Television (CCTV);
- Supervision of entrances and gaming machine areas;
- Physical separation of areas;
- Location of entrances;
- Use of notices and signs;
- Choice of opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare; and
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of the type measures available.

3.3 Stockport Council will as per the Guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the

area containing the category C machines should be delineated. Stockport Council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

4.1 No Casinos resolution

4.1.1. Stockport Council has not passed a “no casino” resolution under section 166 of the Act, but is aware that it has the power to do so. Should the full council decide to pass such a resolution in future, it will update this policy statement with details of that resolution.

4.2 Casinos and competitive bidding

4.2.1 Stockport Council is aware that if and when it is enabled to grant a premises licence for a new casino (i.e. the Secretary of State having made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. When this occurs, the Authority will run a casino premises licence competition under Schedule 9 of the Gambling Act 2005. Such competition will be conducted in compliance with any regulations / codes of practice issued under the Gambling Act 2005.

4.3. Licence considerations / conditions

4.3.1 Stockport Council will attach conditions to casino premises licences according to the principles set out in the Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

4.4 Betting machines

4.4.1 Stockport Council will, as per the Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

- 5.1 Stockport Council notes that the Guidance states at paragraph 18.4 that Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 5.2 Stockport Council also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 5.3 Stockport Council also notes the Guidance at paragraph 18.7 that children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting premises

6.1 Betting machines

- 6.1.1 Stockport Council will as per the Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

- 7.1 Although there are currently no racetracks in Stockport, Stockport Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. Should there be any application for such a premises licence, it will consider especially the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.2 This Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.3 Stockport Council may consider measures to meet the Licensing Objectives such as:
- Proof of Age schemes;
 - Closed Circuit Television (CCTV);
 - Supervision of entrances and gaming machine areas;
 - Physical separation of areas;
 - Location of entrances;
 - Use of notices and signs;
 - Specific opening hours;
 - Self-exclusion schemes; and
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of the type measures available.

7.4 Gaming machines

7.4.1 Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

7.5 Betting machines

7.5.1 This Licensing Authority will, as per Part 6 of the Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7.6 Applications and plans

7.6.1 The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the Licensing Authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan future premises inspection activity (see the Guidance paragraph 20.28).

7.6.2 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations, (see the Guidance paragraph 20.29).

7.6.3 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (see the Guidance paragraph 20.31).

- 7.6.4 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined, (see the Guidance paragraph 20.33).
- 7.6.5 This Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See the Guidance paragraph 20.33).

8. Travelling Fairs

- 8.1 Stockport Council will decide whether, where category D machines and /or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The Licensing Authority will also consider whether the application falls within the statutory definition of a travelling fair.
- 8.3 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 the same or different travelling fairs occupying the land. Stockport Council will monitor and record the use of land for such fairs and will work with neighbouring authorities to ensure that land which crosses mutual boundaries is monitored so that the statutory limits are not

exceeded. In any event, neighbouring authorities will be consulted to ensure best practice and consistency.

9. Provisional Statements

- 9.1 Developers may wish to apply to Stockport Council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 9.2 S204 of the Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - Expects to acquire a right to occupy.
- 9.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 9.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 9.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further

representations from relevant authorities or interested parties can be taken into account unless:

- They concern matters which could not have been addressed at the provisional statement stage, or
- They reflect a change in the applicant's circumstances.

9.6 In addition, the Authority may refuse to grant 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 submitted with the application. This must be a substantial change to the plan and Stockport Council notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews

10.1 Requests for the 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. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- In accordance with any relevant Code of Practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with the Authority's statement of licensing principles.

10.2 The request for the review will also be subject to the consideration by the Authority as to whether the request is frivolous, vexatious or whether it will

certainly not cause this Authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review. Stockport Council, as the Licensing Authority, can also initiate a review of a premises licence on the basis of any reason which it thinks appropriate.

- 10.3 Once a valid application for a review has been received by Stockport Council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Stockport Council, who will publish notice of the application within 7 days of receipt.
- 10.4 Stockport Council must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 10.5 The purpose of the review will be to determine whether Stockport Council should take any action in relation to the licence. If action is justified, the options open to Stockport Council are:-
- a) Add, remove or amend a licence condition imposed by the Licensing Authority;
 - b) Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - c) Suspend the premises licence for a period not exceeding three months; and
 - d) Revoke the premises licence.
- 10.6 In determining what action, if any, should be taken following a review, Stockport Council must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 10.7 In particular, Stockport Council may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

10.8 Once the review has been completed, Stockport Council must, as soon as possible, notify its decision to:

- The licence holder;
- The applicant for review (if any);
- The Commission;
- Any person who made representations;
- The Chief Officer of Police or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PART C: Permits / Temporary and Occasional Use Notices

1. Unlicensed Family Entertainment Centre gaming machine permits. (Statement of Principles on Permits, Gambling Act 2005, Schedule 10 paragraph 7)

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for a permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the Act).
- 1.2 The Act states that a Licensing Authority may prepare a statement of principles that they propose to consider when determining the suitability of an applicant for a permit. In preparing this statement and/or considering applications, Stockport Council need not (but may) have regard to the Licensing Objectives and shall have regard to any relevant guidance issued by the Commission under section 25 of the Act. The Guidance (paragraph 24.6) also states "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., Licensing Authorities will want to give weight to child protection issues".

1.3 Statement of Principles

1.3.1 Stockport Council will expect the applicant to show that they have policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from the use of gambling but includes wider child protection considerations. The efficiency of such policies and procedures will be considered on their merits, however, they may include appropriate:

- Measures / training for staff as regards suspected truant school children on the premises;
- Measures / training for staff on how to deal with unsupervised, very young children being on the premises; or
- Children causing perceived problems on or around the premises.

1.3.2 Stockport Council will also expect that the applicant:

- Has no relevant convictions (as set out in Schedule 7 of the Act); and
- Will be able to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; and
- Has staff trained to have a full understanding of those maximum stakes and prizes.

1.3.3 An application for a permit may be granted only if Stockport Council is satisfied that:

- The premises will be used as an unlicensed Family Entertainment Centre and
- The chief officer of police has been consulted on the application.

1.3.4 It should be noted that Stockport Council cannot attach conditions to this type of permit.

2. Licensed premises gaming machine permits

Premises licensed for the sale of alcohol under the Licensing Act 2003 and gaming machine permits under the Act, Schedule 13 paragraph 4(1).

2.1 Automatic entitlement: 2 machines

2.1.1 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. The licensee must notify the Licensing Authority of the presence and operation of such machines and pay the prescribed fee. Stockport Council can remove this automatic authorisation in respect of any particular premises if:

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

2.2 Permit: 3 or more machines

2.2.1 If an operator of premises wishes to have more than 2 machines, then they must apply for a permit and Stockport Council must consider that application based on:

- The gambling Licensing Objectives;
- Any guidance issued by the Gambling Commission issued under Section 25 of the Act; and
- Such matters it thinks are relevant. 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 harmed or being exploited by gambling. It 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 insight 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 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.

- 2.2.2 Where the operator of premises is applying for additional machines these would normally be granted where the premises comply with the Gambling Commission’s Code of Practice. Normally, where there are no objections, Officers will grant applications for up to 4 machines.
- 2.3 It is recognised that some licensed premises (licensed for the sale of alcohol under the 2003 Act) may apply for a premises licence under the Act for their non-alcohol, licensed areas. Stockport Council considers that in such cases, any such application would be applied for, and dealt with as a premises licence for an Adult Gaming Centre.
- 2.4 Stockport Council can decide to grant such permits with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5. 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.

3. Prize Gaming Permits

Statement of Principles on Permits, the Act, Schedule 14 paragraph 8 (3).

- 3.1 The Act states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.

- 3.2 Stockport Council has prepared a Statement of Principles which is that 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 Regulations;
 - That the gaming offered is within the law; and
 - Clear policies that outline the steps to be taken to protect children from harm.
- 3.3 In making its decision on an application for this type of permit, Stockport Council does not need to have regard to the Licensing Objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Act by which the permit holder must comply, but that the Licensing Authority cannot attach 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.

4. Club Gaming Permits and Club Machines Permits

- 4.1 Private Members Clubs (but not proprietary, commercial clubs) may apply for a Club Gaming Permit or a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C

or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

- 4.2 Private Members Clubs and also Commercial Clubs may apply for a Club Machine Permit. A Club Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.
- 4.3 The Licensing Authority notes the Guidance (paragraph 25.46) states:
“The Licensing Authority has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account of a number of matters as outlined in paragraphs 25.47 – 25.49 of the Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. The club must be conducted ‘wholly or mainly’ for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.
- 4.3 The Guidance also notes 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) The Gambling Commission or the police have lodged an objection”.

4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial Clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Guidance 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."

4.5 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.

5. Temporary Use Notices

5.1 Temporary Use Notices allow the use of 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. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

5.2 Stockport Council can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement

the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

- 5.4 There are a number of statutory limits as regards temporary use notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act, "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", Stockport Council will consider, amongst other things, the ownership/occupation and control of the premises.
- 5.5 Stockport Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

6. Occasional Use Notices

- 6.1 Stockport 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 though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice. Stockport Council will also ensure that no more than 8 Occasional Use Notices are issued in one calendar year in respect of any venue.

7. Small Society Lotteries

- 7.1 Stockport Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. It considers that the following list, although not exclusive, could affect the risk status of the operator:
- Submission of late returns (returns must be submitted no later than 3 months after the date on which the lottery draw was held);
 - Submission of incomplete or incorrect returns; and

- Breaches of the limits for small society lotteries.

7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- By, or on behalf of, a charity or for charitable purposes; and
- To enable participation in, or support of, sporting, athletic or cultural activities.

7.3 Charities and community groups should contact this Licensing Authority for further advice.