



South Northamptonshire Council



WELLINGBOROUGH



STATEMENT OF LICENSING POLICY

GAMBLING ACT 2005



Northamptonshire Police



Northamptonshire Fire and Rescue Service

November 2006

Statement of Licensing Policy

Contents

	Item	Page
Part A		
1.	The licensing objectives	3
2.	Introduction	3
3.	Declaration	4
4.	Responsible Authorities	4
5.	Interested parties	4
6.	Exchange of information	5
7.	Enforcement	5
8.	Licensing authority functions	6
Part B - Premises licences		
1.	General Principles	7
2.	Adult Gaming Centres	9
3.	(Licensed) Family Entertainment Centres	10
4.	Casinos	11
5.	Bingo	11
6.	Betting premises	11
7.	Tracks	11
8.	Travelling fairs	13
9.	Provisional Statements	13
10.	Reviews	13
Part C – Permits / Temporary and Occasional Use Notices		
1.	Unlicensed Family Entertainment Centre gaming machine permits	14
2.	(Alcohol) Licensed premises gaming machine permits	15
3.	Prize Gaming Permits	16
4.	Club Gaming and Club Machines Permits	16
5.	Temporary Use Notices	17
6.	Occasional Use Notices	17
Part D - Appendices		
A	Details of Local Authority where policy published	18
B	List of Local Authorities and other partners	19
C	List of Consultees	20
D	Casinos	22
E	Summary of Licensing Authority delegations	23

NORTHAMPTON BOROUGH COUNCIL

PART A

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 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

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”.

2. Introduction

2.1 The County of Northamptonshire contains 7 District Councils in total. The Councils are:

Corby Borough Council
Daventry District Council
East Northamptonshire Council
Kettering Borough Council
Northampton Borough Council
South Northamptonshire Council
Borough Council of Wellingborough

For details and a map of your particular Council, see Appendix A.

2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

2.3 The Council consulted widely upon this policy statement before finalising and publishing. A list of local authorities and partner organisations is given in Appendix B. A list of the persons we consulted is provided in Appendix C. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

2.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005

2.5 Our consultation took place between June and September 2006 and we 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>

NORTHAMPTON BOROUGH COUNCIL

- 2.6 The full list of comments made and the consideration by the Council of those comments is available by request to: (See appendix A for contact names and details of individual Councils, including links to websites etc).
- 2.7 The policy was approved at a meeting of the Full Council on **(insert date)** and was published via our website on **(insert date)**. Copies were placed in the public libraries of the area as well as being available in the Council Offices.
- 2.8 Should you have any comments as regards this policy statement please send them via e-mail or letter to the contacts detailed in Appendix A:
- 2.9 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 a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

- 3.1 In producing the final licensing policy statement, all Licensing Authorities declare that they have had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

4. Responsible Authorities

- 4.1 Each Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc
- 4.2 In accordance with the Gambling Commission's Guidance for local authorities the Authorities designate the Local Safeguarding Children Board for this purpose. The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 4.3 The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Council's website, see Appendix B.

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 Gambling Act 2005 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 applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorities 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 Gambling Act 2005 to determine whether a person is an interested party.

NORTHAMPTON BOROUGH COUNCIL

5.3 The principles are:

- Each case will be decided upon its merits.
- The Council will not apply a rigid rule to its decision making.
- It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.

5.4 The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

5.5 Interested parties can be persons who are democratically elected, such as Councillors and MPs. Other than these persons, the Council will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

5.6 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department, see Appendix A for details.

6. Exchange of Information

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

6.2 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to the 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 Gambling Act 2005.

7. Enforcement

7.1 Licensing Authorities are required by regulation under the Gambling 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 The Council's Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and as per the Gambling Commission's Guidance for local authorities, it 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;

NORTHAMPTON BOROUGH COUNCIL

- 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
- 7.3 As per the Gambling Commission's Guidance for local authorities, this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This Licensing Authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme.
- 7.5 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 7.6 This Licensing Authority will also keep itself 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, this Licensing Authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department, for details see Appendix A.

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* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - Issue *Club Machine Permits* to *Commercial Clubs*
 - Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
 - Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or 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*

NORTHAMPTON BOROUGH COUNCIL

- Receive *Occasional Use Notices*
 - Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
 - Maintain registers of the permits and licences that are issued under these functions
- 8.2 A summary of the Licensing Authority delegations permitted under the Gambling Act are given in Appendix E.
- 8.3 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.

PART B

PREMISES LICENCES

1. General Principles

- 1.1 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. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- 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 Council's statement of licensing policy
- 1.3 *Definition of "premises"* - Premises is defined in the Act as "any place". It is for the Licensing Authority to 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.
- 1.4 This Licensing Authority takes particular note of the Gambling Commission's Guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, "entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area."
- 1.5 This Licensing Authority will also take note of the Gambling Commission's Guidance to local authorities that: "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)."
- 1.6 *Location* - This licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, the Council will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by

NORTHAMPTON BOROUGH COUNCIL

gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be 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, with the onus upon the applicant showing how the concerns can be overcome.

- 1.7 *Duplication with other regulatory regimes* - This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.8 *Licensing objectives* - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 1.9 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – This Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.
- 1.10 **Ensuring that gambling is conducted in a fair and open way** - This Licensing Authority has noted that the Gambling Commission in its Guidance for local authorities has stated that “Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.” This Licensing Authority also notes, however, that the Gambling Commission also states “in relating to the licensing of tracks the Licensing Authorities’ role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.” This Licensing Authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.
- 1.11 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This Licensing Authority has noted the Gambling Commission Guidance to local authorities states that “The objective talks of protecting children from being “harmed or exploited by gambling”, but in practice that often means preventing them from taking part in or being in close proximity to gambling...”.
- 1.12 This Licensing Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. It is understood 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 the 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, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

NORTHAMPTON BOROUGH COUNCIL

- 1.13 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking 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.” This Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 1.14 *Conditions* - Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises: and
 - reasonable in all other respects.
- 1.15 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures this Licensing Authority 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. There are specific comments made in this regard under each of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
- 1.16 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - conditions in relation to stakes, fees, winning or prizes
- 1.17 *Door Supervisors* - The Gambling Commission advises in its Guidance for local authorities that Licensing Authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Security Industry Act and that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority. This Licensing Authority therefore has specific requirements for door supervisors working at casinos or bingo premises which are that they can demonstrate they are suitably trained, competent and experienced to carry out door supervisor duties. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

2. Adult Gaming Centres

- 2.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

NORTHAMPTON BOROUGH COUNCIL

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

This list is not exhaustive.

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

3. (Licensed) Family Entertainment Centres:

- 3.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. 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

This list is not exhaustive.

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

- 3.3 This Licensing Authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area

NORTHAMPTON BOROUGH COUNCIL

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

4. Casinos

- 4.1 Only one local authority in Northamptonshire has casinos in its area. As the others have varying resolutions regarding the provision of casinos, the details pertaining to this Council are given in Appendix D.

5. Bingo premises

- 5.1 This Licensing Authority notes that the Gambling Commission's Guidance states:

- "Licensing Authorities will be able to find information about the restrictions that apply in the codes of practice that will be published on the Commission's website"
- "Further guidance will be issued in due course about the particular issues that Licensing Authorities should take into account in relation to the suitability and layout of bingo premises"

Once this information is available, this Licensing Authority will consider its application to premises licences for bingo premises.

6. Betting premises

- 6.1 *Betting machines* - It is noted that the Gambling Commission's Guidance for local authorities states: "Section 181 contains an express power for Licensing Authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in a casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Licensing Authority, amongst other things, should 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 persons."

- 6.2 *Credit* - It has also been noted that the Gambling Commission Guidance states: "section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, not make any payment in connection with the machines." It is also understood that the Gambling Commission will be placing restrictions and requirements on Operating Licences for betting premises as regards credit and this Licensing Authority will consider the guidance when it is available.

7. Tracks

- 7.1 This Licensing Authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the Guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that 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.

- 7.2 There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and this authority would expect the premises

NORTHAMPTON BOROUGH COUNCIL

licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Appropriate licence conditions may be:

- 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

This list is not exhaustive.

- 7.3 As regards the protection of vulnerable persons, this Licensing Authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GamCare.
- 7.4 *Betting machines* - Licensing Authorities have a power under the Gambling Act 2005, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence. The Gambling Commission's Guidance will be noted in that it states: "In relation to betting premises away from tracks, the Commission is proposing that Licensing Authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing Authorities will want to consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence."
- 7.5 This Licensing Authority also notes that, "In the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises"
- 7.6 *Condition on rules being displayed* - The Gambling Commission has advised in its Guidance for local authorities that "...Licensing Authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

NORTHAMPTON BOROUGH COUNCIL

8. Travelling Fairs

- 8.1 It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is 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 applicant falls within the statutory definition of a travelling fair.
- 8.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

- 9.1 This Licensing Authority notes the Guidance for the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority can inspect it fully”.
- 9.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional licence stage; or
 - which is in the authority’s opinion reflect a change in the operator’s circumstances.
- 9.3 This authority has noted the Gambling Commission’s Guidance that “A Licensing Authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”

10. Reviews:

- 10.1 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.
- 10.2 Representations may include issues relating to the following:
- Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes;
 - Use of licensed premises for the sale and distribution of illegal firearms;
 - Use of licensed premises for prostitution or the sale of unlawful pornography;
 - Use of licensed premises as a base for organised crime activity;
 - Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;

NORTHAMPTON BOROUGH COUNCIL

- Use of licensed premises for the sale of smuggled tobacco or goods;
 - Use of licensed premises for the sale of stolen goods;
 - Children and/or vulnerable persons being put at risk.
- 10.3 Due consideration will be given to all relevant representations, unless they fit the following:
- The grounds are frivolous;
 - The grounds are vexatious;
 - The grounds are irrelevant;
 - The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
 - The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
 - The grounds are substantially the same as representations made at the time the application for a premises licence was considered.
- 10.4 All reviews will be:
- 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
- 10.5 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C

Permits / Temporary & Occasional Use Notice

- 1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 paragraph 7)**
- 1.1 Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this 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).
- 1.2 The Gambling Act 2005 states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities 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

NORTHAMPTON BOROUGH COUNCIL

permits...., Licensing Authorities will want to give weight to child protection issues. Further guidance on the information that should be obtained from the applicant and others will be provided in the next version of this guidance.” (24.6)

1.3 The Guidance also states: “An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Relevant considerations to take into account would be the applicant’s suitability..., such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre.; and the suitability of the premises in relation to their location and issues about disorder.” (24.7)

1.4 It should be noted that a Licensing Authority cannot attach conditions to this type of permit and that the “statement of principles” only applies to initial applications and not to renewals (paragraph 18(4)).

1.5 Statement of Principles

This Licensing Authority 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 CRB 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.

1.6 With regard to renewals of these permits, 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 the pursuit of the licensing objectives.

2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))

2.1 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 premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

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

2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from 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 sight of the bar, or in the sight of staff who will

NORTHAMPTON BOROUGH COUNCIL

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 the applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre premises licence.
- 2.4 It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit to 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 - Schedule 14 Para 8 (3))

- 3.1 The Gambling Act 2005 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 proposes to consider in determining the suitability of the applicant for a permit”.
- 3.2 This Licensing Authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the policy statement.
- 3.3 In making its decision on an application for this permit the Licensing Authority 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 Gambling Act 2005 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 and Club Machines Permits

- 4.1 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 provide 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 provide gaming machines (3 machines of categories B, C or D).
- 4.2 Gambling Commission Guidance for local authorities states: “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

NORTHAMPTON BOROUGH COUNCIL

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." (25.3)

- 4.3 The Guidance also makes it clear that "Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18."(25.14)
- 4.4 This Licensing Authority is aware that: "Licensing Authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the Commission or the police (Gambling Commission's Guidance for Local Authorities 25.18)
- 4.5 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 grounds upon which an authority can refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:
- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

5. Temporary Use Notices

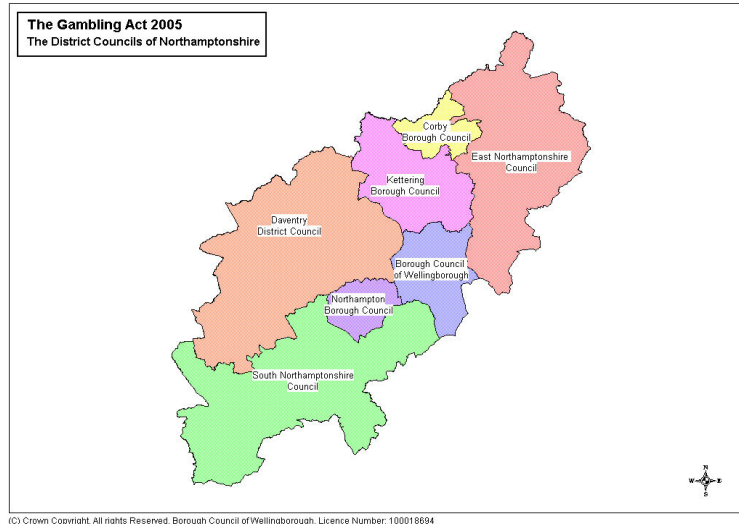
- 5.1 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Licensing Authority to decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site (see Gambling Commission's Guidance for Local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

6. Occasional Use Notices:

- 6.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

Details of Local Authority where Policy Published

This policy has been produced on behalf of all seven Districts in Northamptonshire. The policy follows the format issued by LACORS and for consistency purposes the main document will be the same for all seven authorities.



Northampton Borough Council is the largest district council in England with a population of approximately 196,000, living in 87,747 households. There are over 5,900 businesses in the borough. It is one of seven district councils in the county.

It covers an area of 8,081.88 hectares (31.202 square miles).

Northampton Borough was granted its first Royal Charter in 1189, which was confirmed again in 1200.

Traditionally a market town with one of the largest open markets in the country, it has developed into a regional shopping centre and an important centre for cultural and recreational activities. There is also a university on two campuses.

The town is situated in a mid England location at the crossroads of the country with easy access from three junctions of the M1 and close to the M45, M6 and A14, London being only a little more than an hour away by road or rail.

For further information you can contact the Council's licensing team on 01604 838750/838545 or by writing to the Licensing Department, Northampton Borough Council, The Guildhall, St Giles Square, Northampton, NN1 1DE. A copy of the policy can be viewed at the Council offices or obtained by emailing licensing@northampton.gov.uk. You can also view this policy on our website at www.northampton.gov.uk.

NORTHAMPTON BOROUGH COUNCIL

Appendix B

List of Local Authorities and other Partners

Local Authorities

Corby Borough Council

Deene House
New Post Office Square
CORBY
NN17 1GD

TEL: 01536 464242

FAX: 01536 464644

www.corby.gov.uk

Daventry District Council

Council Offices
Lodge Way
DAVENTRY
NN11 4FP

TEL: 01327 871100

FAX: 01327 302540

www.daventrydc.gov.uk

East Northamptonshire Council

East Northamptonshire House
Cedar Drive
THRAPSTON
NN14 4LZ

TEL: 01832 742057

FAX: 01832 734839

www.east-northamptonshire.gov.uk

Kettering Borough Council

Council Offices
Bowling Green Road
KETTERING
NN15 7QX

TEL: 01536 410333

FAX: 01536 315118

www.kettering.gov.uk

Northampton Borough Council

The Guildhall
St Giles Square
Northampton
NN1 1DE

TEL: 01604 838000

FAX: 01604 838723

www.northampton.gov.uk

South Northamptonshire Council

Council Offices
Springfields
TOWCESTER
NN12 6AE

TEL: 01327 322322

FAX: 01327 359946

www.southnorthants.gov.uk

Borough Council of Wellingborough

Tithe Barn Road
WELLINGBOROUGH
NN8 1BL

TEL: 01933 231964

FAX: 01933 231980

www.wellingborough.gov.uk

Child Protection

Local Safeguarding Children Board
Northamptonshire
First Floor
Century House
The Lakes
NORTHAMPTON NN4 7SJ

TEL: 01604 654040

www.northamptonshire.gov.uk

H M Revenue & Customs

Derby Detection Team
St James House
Mansfield Road
DERBY
DE1 3TU

TEL: 01332 267402

www.hmrc.gov.uk

Northamptonshire Fire & Rescue Service

The Inspection Team Manager
Bolton House
Wootton Hall Park
NORTHAMPTON NN4 9BN

TEL: 01604 797000

www.northantsfire.org.uk

Northamptonshire Police

Northamptonshire West Area
Western Area Commander
Campbell Square
The Mounts
NORTHAMPTON NN1 3EL

TEL: 08453 700 700

www.northants.police.uk

Northamptonshire Police

Northamptonshire North Area
Northern Area Commander
Corby Police Station
Elizabeth Street
CORBY NN7 1SH

TEL: 08453 700 700

www.northants.police.uk

NORTHAMPTON BOROUGH COUNCIL

Appendix C

List of Consultees on the Gambling Act Policy Statement

The list of consultees on the Gambling Act Policy Statement are:

Chief Constable of Northamptonshire Police Wootton Hall Northampton NN4 0JQ	British Beer and Pub Association Market Towers 1 Nine Elms Lane London SW8 5NQ	Daventry and South Northants PCT Nene House Drayton Way Drayton Fields Industrial Estate Daventry NN11 8EA
The Chief Fire Officer Fire Service Headquarters Moulton Way Northampton NN3 6XJ	Bingo Association Lexham House 75 High Street North Dunstable Bedfordshire LU6 1JF	Northampton PCT Highfield Cliftonville Road Northampton NN1 5DN
Trading Standards Service Wootton Hall Park Northampton NN4 0GB	Casino Operators Association P O Box 55 Thorncombe Chard Somerset TA20 4YT	Northamptonshire Heartlands PCT Bevan House Kettering Parkway Kettering Venture Park Kettering NN15 6XR
Her Majesty's Revenue & Customs Boundary House Cheadle Point Cheadle Cheshire SK8 2JZ	Internet Gambling Gaming and Betting Association Regency House 1-4 Warwick Street London W1B 5LT	East Northants Faith Group Rushden Full Gospel Church & Christian Centre 60 High Street South Rushden NN10 0QY
Sally Keeble MP	Brian Binley MP	Northampton Borough Councillors
Responsibility in Gambling Trust First Floor Downstream Building 1 London Bridge London SE1 9BG	GamCare 2& 3 Baden Place Crosby Row London SE1 1YW	Northampton Youth Ministry Office Ker Anna Centre Aylesbury Road Princes Risborough Buckinghamshire HP27 0JN
British Casino Association 38 Grosvenor Gardens London SW1W 0EB	The Gordon House Association 114 Wellington Road Dudley West Midlands DY1 1UB	Archdeaconry of Northampton Westbrook 11 The Drive Northampton NN1 4RZ
BACTA King's Cross House 211 King's Cross Road London WC1X 9DN	Gamblers Anonymous P O Box 88 London SW10 0EU	Methodist Church Nene Valley Circuit Office Park Road Methodist Church Rushden NN10 0RW
Association of British Bookmakers Regency House 1-4 Warwick Street London W1B 5LT	Mencap 123 Golden Lane London EC1Y 0RT	Multi Faith Group Victoria Centre Palk Road Wellingborough

NORTHAMPTON BOROUGH COUNCIL

<p>The Northamptonshire Millenium Volunteer Project University College Northampton Nene Centre for Children and Youth Room MY93 Avenue Campus St. George's Avenue Northampton NN2 6JG</p>	<p>Northampton Citizens Advice Centre 72a St Giles Street Northampton NN1 1JW</p>	<p>Turner Coulston 29 Billing Road Northampton NN1 5DQ</p>
<p>Whizz-Kidz Elliott House 10-12 Allington Street London SW1E 5EH</p>	<p>Oundle Citizens Advice Centre Fletton House Glaphorn Road Oundle PE8 4JA</p>	<p>Vincent Sykes & Higham Montague House Chamcery Lane Thrapston</p>
<p>NSPCC Weston House 42 Curtain Road London EC2A 3NH</p>	<p>Rushden Citizens Advice Centre Bakehouse Office 46 Duck Street Rushden NN10 9SD</p>	<p>Wilson Browne Commercial Law Kettering Parkway Kettering Venture Park Kettering NN15 6WN</p>
<p>NCH Eastern 1 Carisbrooke Court Buckingway Business Park Swavesey Cambridge CB4 5UG</p>	<p>Wellingborough Citizens Advice Centre 2b High Street Wellingborough NN8 4HR</p>	<p>Park Woodfine Solicitors 16 High Street Rushden NN10 0PR</p>
<p>Brackley Citizens Advice Centre 2 Bridge Street Brackley NN13</p>	<p>Borneo Hughes Martell 9 Notre Dame Mews Northampton NN1 2BG</p>	<p>Poppleston Allen (Nottingham) 37 Stoney Street The Lace Market Nottingham NG1 1LS</p>
<p>Corby Citizens Advice Centre Civic Centre Annex George Street Corby NN17 1QG</p>	<p>EMW Law Eleanor House Queens Office Park Northampton NN4 7JJ</p>	<p>R J Osborne & Co 59 Midland Road Wellingborough NN8 1HF</p>
<p>Daventry Citizens Advice Centre The Abbey Centre Abbey Street Daventry NN11 4BH</p>	<p>Frank Jones & Harley 87 St.Giles Street Northampton NN1 1UD</p>	<p>Alan Thompson 41 Winston Cliose Nether Heyford Northampton NN7 3JX</p>
<p>Kettering Citizens Advice Centre The Oasis Centre 10 Market Street Kettering NN16 0AH</p>	<p>Hardman & Co Solicitors 3 Albion Place Northampton NN1 1UD</p>	<p>John Birch 47 Staverton Road Daventry NN11 4EY</p>
<p>Market Harborough Citizens Advice Centre 11 St. Mary's Road Markey Harborough LE16 7DS</p>	<p>MJK Law Plum Park Estate Paulerspury Towcester NN12 6LQ</p>	<p>licenza 2nd Floor 119b Midland Road Bedford MK40 1DE</p>
<p>All Parish Councils in Northamptonshire</p>	<p>All Licensed premises in Northamptonshire</p>	<p>All gambling premises in Northamptonshire</p>

Casinos

Four Licences have been issued by the Magistrates for casinos in Northampton, two of which, Gala Casino Sol Central and Gala Casino Regent Street, are operating. The other two, Tanners Casino Commercial Street and Beacon Casino Weedon Road, are due to open in the future. The other districts have varying resolutions regarding the provision of casinos. The options available to local authorities are:

- Proposal for a casino

This Licensing Authority has submitted a proposal for a premises licence for a small/large/regional casino to the Independent Casinos Advisory Panel (please delete if this is not appropriate).

Details regarding this proposal can be found at (insert website link) or are available via request to (insert contact details)

- No Casinos resolution

This licensing authority 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 this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

Or

This Licensing Authority has passed a 'no casino' resolution on the basis that..... (insert details of how the decision was arrived at and on what basis)

- Casinos and competitive bidding

This Licensing Authority is aware that where a Licensing Authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has 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. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This Licensing Authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State.

NORTHAMPTON BOROUGH COUNCIL

Appendix E

Licensing Authority Delegations

Matter to be dealt with	Full Council	Sub Committee of Licensing Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licenced premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X indicates the lowest level to which decisions can be delegated