



# **Statement of Principles Gambling Act 2005**

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## General policy

1. In accordance with the Gambling Act 2005 (the Act), Redcar and Cleveland Borough Council is the licensing authority for the Redcar and Cleveland district and is responsible for licensing premises for gambling activities as well as the issue of various other gambling authorisations. Any reference to the Council in this statement shall mean the licensing authority.
2. The Act requires the Council to publish a statement of the principles which it proposes to apply when exercising its functions. The statement must be reviewed and published at least every three years.
3. The Statement aims to enable a good understanding of all the harms and benefits of gambling to society. The legislative framework recognises gambling as a legitimate leisure activity that many people enjoy. It generates income, employment and tax revenue for the local economy.
4. However, gambling also generates significant harms such as working days lost through disordered gambling and the cost of treatment for ill-health caused by stress related to gambling debt. There are also less easily measured significant impacts such as the negative effects of some gambling on family relationships, and the psychological and social development of children.
5. The Statement takes the approach that gambling-related harm is a significant public health issue. This means recognising that a successful strategy not only focuses on individual gamblers but also needs to include products, environments and marketing and the wider context in which gambling happens. Equal importance needs to be given to prevention and treatment of harm.
6. The Statement is underpinned by the Public Health England Local Area Health Profile for Redcar and Cleveland to ensure an awareness of local risks and to facilitate constructive engagement with licensees and a coordinated response to local risks. The profile will help to highlight specific risks that operators will need to address in their risk assessment.

## Consultation

7. The 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 Act

## **The licensing objectives**

8. 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

## **Duty to pursue the licensing objectives and permit gambling**

9. In exercising its duties under the Act, the Council should aim to permit the use of premises for gambling in so far as it thinks it is:
  - in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with the Council's Statement of Principles.

## **Declaration**

10. This statement will not override the right of any person to make an application, make representations regarding an application, or apply for a review of an existing licence, as each will be considered on its own merits and according to the statutory requirements of the Act.
11. In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Act, the Guidance, and any responses from those consulted on the statement.

## **Better regulation principles**

12. The BRDO (Better Regulation Delivery Office) Regulators' Code has been considered in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the licensing authority and the trade.

## **Sharing information**

13. The Council will share information with other bodies where it is legally required to do so, and also where it considers it necessary to do so. This may include the sharing of data with relevant public bodies and law enforcement agencies in order to help the Council perform its regulatory functions.

## Licensing authority functions

14. As the licensing authority under the Act, the Council is responsible for processing and regulating the following authorisations:
  - Adult gaming centre premises licence
  - Betting premises licences (including at tracks)
  - Bingo premises licences
  - Casino premises licences
  - Family entertainment centre premises licences
  - Club gaming permits and club machine permits
  - Family entertainment centre gaming machine permits
  - Licensed premises gaming machine permits
  - Licensed premises gaming machine notifications
  - Small society lottery registrations
  - Prize gaming permits
  - Occasional and temporary use notices
15. The Council is also responsible for;
  - the statutory annual provision of information to the Gambling Commission
  - maintaining a register of the permits and licences that are issued
16. Licensing authorities are not responsible for licensing remote gambling. This is regulated by the Gambling Commission via operating licences.

## **Promoting the licensing objectives**

17. The Council expects the principles previously set out to assist the pursuit of the statutory licensing objectives in the following ways

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

18. The Gambling Commission takes a leading role in preventing gambling from being a source of crime by ensuring that operating licences are only granted to suitable applications.
19. The Council will pay attention to the proposed location of gambling premises in terms of this licensing objective. Where an area has known high levels of organised crime the Council 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.

### **Ensuring that gambling is conducted in a fair and open way**

20. Ensuring that gambling is conducted in a fair and open way is normally addressed by the Gambling Commission via operating and personal licences. There is, however, more of a role for licensing authorities with regard to tracks which is explained in more detail later in this statement.

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

21. This objective generally means preventing 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. The Council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective which may include the supervision of entrances and gaming machines and the effective segregation of areas within the premises.



## Premises licences

22. A premises licence authorises premises to be used for:
- the operation of a casino (a “casino premises licence”),
  - the provision of facilities for the playing of bingo (a “bingo premises licence”),
  - making Category B gaming machines available for use (an “adult gaming centre premises licence”),
  - making Category C gaming machines available for use (a “family entertainment centre premises licence”), or
  - the provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets (a “betting premises licence”).

### Location of premises

23. With regards to the location of premises, the 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, with the onus upon the applicant showing how potential concerns can be overcome.

### Planning permission

24. When dealing with a premises licence application, the Council will 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 must not form part of the consideration for the premises licence.

### Local risk assessments

25. In accordance with the Licence Conditions and Codes of Practice (LCCP) all non-remote licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. These risk assessments should be submitted to the Licensing Authority when submitting applications for new premises licences and also when varying existing premises licences.
26. The Licensing Authority will expect operators to identify the local risk factors surrounding the premises and consider matters such as;
- whether neighbouring facilities may present risks when located near gambling premises (e.g. schools, hospitals, community centres, homeless centres);
  - whether the premises is located in an area of deprivation;
  - whether the premises is located in an area which is subject to high levels of crime and/or disorder;
27. Operators should also include control measures to mitigate the risks that have been identified. Control measures could include;

- Staff training with regards to excessive gambling
- Updated policies and procedures
- The use of security personnel
- Age verification schemes
- Installation of CCTV
- Provision of signage relating to gambling care
- The layout of the premises to ensure staff have, where possible, unobstructed views of persons using the premises

## **Local Area Profile**

28. When formulating risk assessments, operators are advised to consider the Local Authority Health Profile for Redcar and Cleveland which can be found at <https://fingertips.phe.org.uk/profile/health-profiles>

## **Plans**

29. Applicants are required to submit a plan of the premises with their application which should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
30. 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.
31. 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.

## **Conditions**

32. 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.
33. Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, etc.
34. The Council will also expect applicants to offer their own suggestions as to the way in which the licensing objectives can be met effectively.
35. The Council will also consider specific measures which may be required for buildings which 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.

36. The Council will also ensure that where category C, or above, machines are on offer in 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;
- only persons over the age of 18 years 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 prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

38. This Council is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. The Council will consider the impact upon the objective "protecting children and other 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.

39. The Council cannot attach to premises licences:

- any condition 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, winnings or prizes.

### **Adult gaming centre premises licences**

40. Adult gaming centre premises licences allow the holder of the licence to make gaming machines available for use on the premises in accordance with Section 172(1) of the Act.
41. The Council 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, for example, ensure that under 18 year olds do not have access to the premises.
42. The Council may consider measures to meet the licensing objectives such as proof of age schemes, CCTV, supervision of entrances and machine areas, specific opening hours, and self-exclusion schemes. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **Bingo premises licences**

43. In addition to offering bingo activities, bingo premises licences allow the holder of the licence to make gaming machines available for use on the premises in accordance with Section 172(7) of the Act.
44. The Council will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is issued. 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.
45. 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.
46. The Council may consider measures to meet the licensing objectives such as proof of age schemes, CCTV, supervision of entrances and machine areas, specific opening hours, and self-exclusion schemes. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **Family entertainment centre premises licences**

47. Family entertainment centre premises licences allow the holder of the licence to make gaming machines available for use on the premises in accordance with Section 172(2) of the Act.
48. 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, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
49. The Council may consider measures to meet the licensing objectives such as proof of age schemes, CCTV, supervision of entrances and machine areas, specific opening

hours, and self-exclusion schemes. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **Casino premises licences**

50. The Council has not passed a 'no casino resolution' under Section 166 of the Act but, should the Council decide to pass a resolution in future, this policy statement will be revised and amended with details of that resolution.

### **Betting premises licences**

51. In addition to offering betting facilities, betting premises licences allow the holder of the licence to make gaming machines available for use on the premises in accordance with Section 172(8) of the Act.
52. Betting premises may make available for use machines that accept bets on live events, such as a sporting event, as a substitute for placing a bet over the counter. When considering the betting machines that an operator wants to offer, the Council will 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.
53. The Council may consider measures to meet the licensing objectives such as proof of age schemes, CCTV, supervision of entrances and machine areas, and self-exclusion schemes. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **Tracks**

54. In addition to offering betting facilities, betting track premises licences allow the holder of the licence to make gaming machines available for use on the premises in accordance with Section 172(8) of the Act only if the holder also holds a pool betting operating licence.
55. The Council is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. The Council will especially consider 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.
56. The Council will expect the 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.
57. The Council may consider measures to meet the licensing objectives such as proof of age schemes, CCTV, supervision of entrances and machine areas, specific opening

hours, and self-exclusion schemes. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

58. Where the applicant holds a pool betting operating licence and intends to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
59. The Council will 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 proposes to offer.

## **Permits and other authorisations**

60. There are certain activities which do not require a premises licence but must be covered under an appropriate permit, registration or notice.

### **Family entertainment centre gaming machine permits**

61. A family entertainment centre gaming machine permit authorises Category D gaming machines at premises.
62. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
63. The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.
64. The licensing authority will expect that applicants (and staff) can demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible under a family entertainment centre gaming machine permit.

### **Entitlement for up to two gaming machines**

65. Premises licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises are entitled to make available up to two gaming machines of categories C and/or D. The holder of the premises licence (under the Licensing Act 2003) needs to notify the licensing authority in writing, pay the prescribed fee and comply with any relevant codes of practice.
66. 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 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.

## **Licensed premises gaming machine permit**

67. If the holder of an alcohol-licensed premises (under the Licensing Act 2003) wishes to make available more than 2 machines, they need to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters as they think relevant.”
68. Applications 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.
69. 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 that can monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.
70. It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an Adult Gaming Centre premises licence.
71. The Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.
72. The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **Prize gaming permits**

73. Prize gaming permits authorise the provision of facilities for gaming with prizes on specified premises. The Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
74. In applying for a prize gaming permit, the applicant should set out the types of gaming that they are intending to offer and 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
  - the steps to be taken to protect children from harm
75. The Act sets out the following conditions which the permit holder must comply with:
  - the limits on participation fees, as set out in regulations, must be complied with;



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

### **Club gaming and club machine permits**

76. Members' clubs and miners' welfare institutes may apply for a club gaming permit or a club machine permit. The club gaming permit allows 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 regulations. A club machine permit allows the premises to provide gaming machines (3 machines of categories B, C or D).
77. 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 (e.g. bridge and whist). A members' club must be permanent in nature and not established or conducted for commercial enterprise.
78. 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;
  - an objection has been lodged by the Commission or the police.
79. The Act prescribes a 'fast-track' procedure for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which the Council can refuse a permit 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.
80. 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.

## **Small society lotteries**

81. Small society lotteries are exempt from registration with the Gambling Commission but are required to be registered with the local authority.
82. Small society lotteries must be promoted wholly on behalf of a non-commercial society and the proceeds must not exceed £20,000 for each lottery and must not exceed £250,000 in a calendar year.
83. The arrangements for a small society lottery must ensure that at least 20% of the proceeds of the lottery are applied to a purpose for which the society is conducted.
84. The maximum amount that can be won by a single ticket (whether in money or money's worth) is £25,000.
85. Where a person purchases a lottery ticket, they must receive a document (which can be sent electronically) which contains the following information:
  - The promoting society
  - The price of the ticket
  - The name and address of the promoter (or the external lottery manager)
  - The date of the draw or enables the date of the draw to be determined
86. The price of each lottery ticket must be the same.
87. The promoting society of a small society lottery must send to the registering local authority a statement containing the matters of the lottery (as listed below) within three months of the draw date.
88. The statement must be signed by two members of the society who are appointed for the purpose by the society in writing. A copy of that appointment by the society should accompany the statement.
89. The statement should include the following information:
  - The dates on which tickets were available for sale or supply
  - The dates of any draw
  - The arrangements for prizes (including any rollover)
  - The proceeds of the lottery
  - The amounts deducted in respect of the provision of prizes
  - The amounts deducted in respect of costs incurred in organising the lottery
  - The amounts applied to a purpose for which the society is conducted
  - Any other expenses incurred

### **Incidental lotteries**

90. A lottery is exempt from registration if it is incidental to an event and the lottery is promoted wholly for a purpose other than private gain.
91. Lottery tickets may only be sold or supplied on the premises on which the event takes place and while the event is taking place. Incidental lotteries must not include a rollover.
92. Promoters of an incidental lottery may not deduct from the proceeds more than the prescribed amounts in respect of the cost of prizes and the costs incurred in organising the lottery.

### **Private lotteries**

93. A lottery is exempt from registration if it is a private society lottery, a work lottery or a residents' lottery.
94. A private society lottery must be promoted only by authorised members of a society and each member and tickets must be sold to a member of the society or on premises wholly or mainly used for the society's affairs.
95. A private society lottery may be promoted for any of the purposes for which the society is conducted or for any other purpose other than private gain.
96. A lottery is a work lottery if the promoters work on a single set of premises and tickets are only sold or supplied to people who also work on the premises.
97. A lottery is a residents' lottery if the promoters live on a single set of premises and tickets are only sold or supplied to people who also live on the premises.
98. A work lottery or residents' lottery must be organised in such a way as to ensure that no profits are made or promoted wholly for a purpose other than that of private gain.
99. The price payable for each ticket in a private lottery must be the same and there can be no rollover.

### **Customer lotteries**

100. A lottery is exempt from registration if the promoter occupies premises in the course of a business and tickets are only sold to customers of that business while they are on the premises.
101. A customer lottery must be organised in such a way to ensure that no profits are made.
102. Each ticket in a customer lottery must state the name and address of the promoter and must explain the class of persons that can purchase a ticket and also that tickets are not transferable.
103. The price payable for each ticket in a private lottery must be the same and must be displayed on each ticket. There can also be no rollover.

## **Temporary Use Notices**

104. Temporary use notices can be given by the holder of an operating licence to use premises for gambling where there is no premises licence. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues.
105. Regulations<sup>1</sup> prescribe the activities which may be specified in a temporary use notice as providing facilities for any form of equal chance gaming where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner (this does not include the use of a gaming machine).
106. A temporary use notice given by a person may specify a prescribed activity only if the person's operating licence authorises the activity.
107. Temporary use notices are subject to the limits and procedures set out in Part 9 of the Act.

## **Occasional Use Notices**

108. An occasional use notice allows a person to accept bets on a track, or cause or permit premises to be used for the acceptance of bets.
109. An occasional use notice may not be given in respect of a track for a day in a calendar year if eight occasional use notices have been given in respect of that track for days in that year.

## **Travelling Fairs**

110. A 'travelling fair' is a fair held on a day in a calendar year consisting wholly or principally of the provision of amusements and provided by persons who travel from place to place for the purpose of providing fairs.
111. Category D machines and equal chance prize gaming can be provided at a travelling fair without a permit where the facilities for gambling amount together to no more than an ancillary amusement at the fair.
112. A travelling fair cannot be provided at a place no part of which has been used for the provision of a fair on more than 27 days in a calendar year.

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<sup>1</sup> The Gambling Act 2005 (Temporary Use Notices) Regulations 2007

## **Representations, hearings and reviews**

113. The Council has established a Licensing Committee to administer the wide range of licensing decisions and functions it is responsible for.
114. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.
115. Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council officers.
116. This form of delegation is without prejudice to officers referring an application to a Sub-Committee or Full Committee, or Full Council if considered appropriate in the circumstances of any particular case.

### **Committee Terms of Reference**

117. The Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and/or responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.
118. Where a Councillor who is a member of the Licensing Sub-Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.
119. The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.
120. Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.
121. The Council's licensing officers will deal with all other licensing applications either where no representations have been received, or where representations have been received and withdrawn, or it is agreed by the parties that a hearing is not necessary.
122. "Frivolous" or "vexatious" representations need not be taken into consideration by the Council. Whether a representation is frivolous or vexatious is a matter of fact, however, matters which this Licensing Authority may consider in deciding whether a representation is frivolous or vexatious include the following;

- Who is making the representation and whether there is a history of making applications that are not relevant,
- Whether it raises a relevant issue, or
- Whether it raises issues specifically to do with the premises that are the subject of the application.

123. Where representations are rejected, the person making the representation will be given written reasons as to why this is the case. There is no right of appeal against a determination that representations are not admissible.

### **Responsible Authorities**

124. Responsible authorities are public bodies that must be notified of applications and are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences.

125. The 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.

126. 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.

127. In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.

128. The Responsible Authorities are:

- The Council
- The Gambling Commission
- The chief officer of police or chief constable
- The Council's Planning Department
- The Council's Environmental Protection team
- The Local Safeguarding Children Board

129. The contact details of all the Responsible Authorities under the Act are available via [www.redcar-cleveland.gov.uk](http://www.redcar-cleveland.gov.uk)

## Interested Parties

130. Interested parties can also make representation to the licensing authority in relation to applications for, and in relation to, premises licences.
131. A person is an interested party in relation to an application for, or in respect of, a premises licence if, in the opinion of the Council;
- a) the person lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
  - b) has business interests that might be affected by the authorised activities,
  - c) or represents persons who satisfy paragraph (a) or (b)
132. When determining whether a person is an interested party, the Council will apply the following principles;
- Each case will be decided upon its merits.
  - The Council will not apply a rigid rule to its decision making.
  - The Council will consider the examples of considerations provided in the Guidance
  - The Council will also consider the Guidance that the term "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
133. Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/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 is sufficient.
134. 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 Team.
135. Anyone wishing to make a representation concerning an application will be required to relate their objection to one or more of the licensing objectives, as specified in Part A of this statement.

## Reviews

136. Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried out. In deciding whether to carry out a review the Council will have regard to the Guidance, this statement of principles and the relevancy of the request with the licensing objectives.
137. 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.
138. The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
139. Once a valid application for a review has been received, 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 licensing authority, who will publish notice of the application within 7 days of receipt.
140. Reviews will be carried out as soon as possible after the 28-day period for making representations has passed. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
  - Add, remove or amend a licence condition imposed by the licensing authority;
  - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
  - Suspend the premises licence for a period not exceeding three months; and
  - Revoke the premises licence.
141. In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations. In particular, the licensing authority 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.
142. Once the review has been completed, the licensing authority 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



## **Enforcement**

143. 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.
144. With respect to exercising the functions under Part 15 of the Act with regards to the inspection of premises, the Council will have regard to the Guidance and, in doing so, will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - Consistent: rules and standards must be joined up and implemented fairly;
  - Transparent: regulators should be open, and keep regulations simple and user friendly; and
  - Targeted: regulation should be focused on the problem and minimise side effects.
145. The main enforcement and compliance role for this licensing authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are also the responsibility of the Gambling Commission.

### **Complaints about licensed premises**

146. The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
147. Where an interested party has made either a valid representation about licensed premises or a valid application for a licence review, the Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.
148. This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

## Contacting the licensing team

149. The licensing team can be contacted in the following ways:

- Email [LicensingAdmin@redcar-cleveland.gov.uk](mailto:LicensingAdmin@redcar-cleveland.gov.uk)
- Call 01287 612377
- Redcar and Cleveland Borough Council, Redcar and Cleveland House, Kirkleatham Street, Redcar, TS10 1RT

## Complaints about the service

150. Any dissatisfaction with the actions of an officer of the council will be dealt with under the council's complaints procedure, copies of which are available from offices of the council, by accessing the council's website ([www.redcar-cleveland.gov.uk](http://www.redcar-cleveland.gov.uk)) or by telephoning Redcar & Cleveland Borough Council on 01642 774774.