



# **Gambling Policy Statement**

## **2019 – 2022**

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## Foreword

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## Part A

### A1 Introduction

- A1.1 Section 349 of the Gambling Act 2005 (hereafter referred to as the 'Act') requires each Licensing Authority (in this case Wigan Borough Council) in England and Wales to determine and publish its Policy Statement on the exercise of its gambling functions every three years.
- A1.2 The Policy will be finalised after proper consultation with statutory consultees as required by the Act and a number of other interested parties. The views from the various parties will be given proper weight. The impact of this Policy on equality and diversity will also be assessed.
- A1.3 The Policy Statement will come into effect on 17 May 2019 and will be subject to review and further consultation no later than 3 January 2022. It may be reviewed in the interim.
- A1.4 The Council had regard to the Gambling Commission's Guidance when determining this Policy Statement.
- A1.5 In carrying out its gambling functions the Council will have regard to its Policy Statement and the Guidance issued by the Gambling Commission.

### A.2 Types of Licence

- A2.1 This document sets out the policies that the Council will apply when making decisions upon applications or notifications for:
1. Premises Licences
  2. Temporary Use Notices
  3. Occasional Use Notices
  4. Permits as required under the Act
  5. Registrations as required under the Act

### A.3 Licensable Premises and Permits

- A3.1 This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:
1. Casinos
  2. Bingo Premises
  3. Betting Premises
  4. Tracks
  5. Adult Gaming Centres
  6. Licensed Family Entertainment Centres
  7. Unlicensed Family Entertainment Centres
  8. Club Gaming Permits and Club Machine Permits
  9. Alcohol Licensed Premises
  10. Prize Gaming and Prize Gaming Permits
  11. Occasional Use Notices
  12. Temporary Use Notices
  13. Small Society Lotteries.

- A3.2 It should be noted that licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via Operating Licences. Spread betting is regulated by the Financial Conduct Authority and the National lottery is regulated by the National Lottery Commission.
- A3.3 In addition to the requirement for premises to be licensed, licensees need to also obtain an operating licence and a personal licence. These licences are issued by the Gambling Commission.
- A3.4 In exercising most of their functions under the Act, 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.

#### A4 About Wigan Borough

- A4.1 Our vision is to create a confident place for confident people. We have a unique geography that places us strategically at the heart of two major cities, and in between the regional economies of Greater Manchester, Merseyside, Cheshire and Lancashire.
- A4.2 The quality of the Borough's environment and its connectivity are catalysts for our economic prosperity, and support the future growth and regeneration of the Borough as a place to live, work and do business. Wigan is the second most populated local authority in Greater Manchester, with around 320,000 residents, making up 12% of Greater Manchester's total population.
- A4.3 The Borough is made up of historic towns and villages which punctuate the green landscape and the locals are particularly proud of their 'greenheart' which can provide those living and working in the area with a wonderful quality of life.
- A4.4 Activities are in abundance as a result of the local environment and include golf, fishing, sailing and rambling, not to mention numerous sporting connections. Wigan Athletic Football Club won the 2013 FA Cup, Wigan Warriors Rugby Club is one of the most successful Rugby League Club in the world and Leigh Centurions one of the original twenty two clubs that formed the Northern Rugby Football Union in 1895.
- A4.5 Wigan Borough is home to many small and medium sized business enterprises, which constitute a large proportion of the 12,000 businesses based here and has growth plans to create tens of thousands of new jobs over the coming decades. Whilst manufacturing is still a pillar of the local economy, with the food and drink sectors being particularly strong, digital and creative, environment and professional services are all increasing in importance. Wigan is a place for entrepreneurs and new industries to flourish.
- A4.6 Wigan Borough has a long history as a centre for leisure and entertainment, attracting visitors from all over the country to enjoy the many facilities available.

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## **A5 Consultation**

- A5.1 This policy was finalised after consultation with statutory consultees as required by the Gambling Act 2005 and a number of other interested parties.
- A5.2 The policy has been prepared in accordance with the provisions of the Gambling Act 2005 and the Guidance issued by the Gambling Commission.

## **A6 Declaration**

- A6.1 In producing the final gambling policy statement, this licensing authority will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and responses received as a result of consultation on the policy statement.

## **A7. Responsible Authorities**

- A7.1 Responsible Authorities are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to one or more of the licensing objectives.

Section 157 of the Act defines those authorities. For this area they are:-

- The Gambling Commission
- The Police
- The Fire and Rescue Authority
- The Planning Authority
- The authority which has functions in relation to pollution to the environment or harm to human health
- Wigan Safeguarding Children Board
- HM Revenue and Customs
- The Licensing Authority.

- A7.2 This licensing authority has designated the Wigan Safeguarding Children Board as a body which is competent to advise the authority about the protection of children from harm.

- A7.3 The contact details of all the Responsible Bodies under the Act are available via the Council's website at: [www.wigan.gov.uk](http://www.wigan.gov.uk) They are also set out in Appendix 1.

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## **A8. Interested Parties**

- A8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. An interested party is a person who, in the opinion of this licensing authority -
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - (b) has business interests that might be affected by the authorised activities; or
  - (c) represents persons who satisfy paragraph (a) or (b).

- A8.2 The Gambling Commission has recommended that the licensing authority states

that interested parties include trade associations and trade unions, and residents' and tenants' associations. These bodies together with Councillors and MP's can be interested parties as long as they fall within the definition set out in A8.1 above.

- A8.3 This authority will require written evidence that a person / body '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.
- A8.4 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 Gambling Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team via to [licensing@wigan.gov.uk](mailto:licensing@wigan.gov.uk)

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## A9. Exchange of Information

A9.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

A9.2 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 2018 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## A10. Enforcement

A10.1 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities with respect to the inspection of premises and the institution of criminal proceedings and that 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;
- 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.
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A10.2 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

A10.3 This licensing authority will also adopt a risk-based inspection programme.

A10.4 The main enforcement and compliance role for this licensing authority in terms of the Act will be 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 will not be dealt with by the licensing authority but will be notified to the Gambling Commission. In that respect this licensing authority considers that it would be of assistance if gaming machines could be made easily identifiable as to category.

This authority also understands that the Gambling Commission is responsible for compliance as regards unlicensed premises.

A10.5 This licensing authority will have regard to guidance, including the Regulator's Code, issued by relevant Government departments in its consideration of its regulatory functions.

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A10.6 Bearing in mind the principle of transparency, this licensing authority's enforcement policy is available upon request to the Council's Licensing Team via e-mail to [Licensing@wigan.gov.uk](mailto:Licensing@wigan.gov.uk). A copy is also available on the Council's website [www.wigan.gov.uk](http://www.wigan.gov.uk).

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A10.7 The council's aim is to undertake its regulatory and enforcement role in a fair, open and consistent manner. This policy sets out standards and guidance to be applied by the council when acting in its role as regulator and enforcement agent in connection with licensing matters. The policy applies to enforcement and regulation affecting members of the public; e.g. residents and visitors and businesses (e.g., proprietors, employers and employees). Whilst the policy is intended to be reasonably comprehensive, it cannot cover every situation, especially where there are specific national or local codes or standards which have to be met.

A10.8 The Council will take account of the Gambling Commissions guidance document issued in February 2015 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.

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A10.9 Where there is a Primary Authority scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. Further information, including an index of all Primary Authority arrangements can be found at:

## A11 Tackling Child Sexual Exploitation

The licensing authority is committed to protecting children from harm. Intelligence

sharing and the exchange of current strategy developed by the Safeguarding Children Board ensure that the protection of children from harm is proactively addressed. The Licensing Authority is aware that the use of gambling premises by young people and the frequentation of CSE offenders to gambling premises is a risk to those children.

Gambling is an activity mainly carried out by adults, but that doesn't stop young people frequenting certain premises and partaking in particular activities i.e amusement arcades etc. Children are allowed to attend certain gambling premises without any adult supervision so the risk to those children may be escalated by the adults who attend those premises and find a vulnerability which they choose to prey on. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.

Wigan Safeguarding Children Board (WSCB) works with other statutory authorities and the licensing trade to promote risk management in relation to child sexual exploitation. The WSCB can provide advice through training, to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.

The Licensing Authority encourages licence holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime; and
- To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

WSCB has a webpage dedicated to providing local information about child sexual exploitation policies and procedures including risk factors and signs and symptoms:

<http://www.wigan.gov.uk/WSCB/Professionals/Child-sexual-exploitation.aspx>

## Part B

### Premises Licences

#### B1 General Principles

B1.1 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.

B1.2 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 authority's statement of licensing policy.

#### B.2 Definition of "Premises"

B2.1 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 will 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 separated, for example by ropes or moveable partitions, can be properly regarded as different premises.

B2.2 In considering applications for multiple licences for a building or those for a specific part of the building to be licensed, generally this authority will expect that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area.

B2.3 This licensing authority will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

B2.4 The statutory guidance gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises 'neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from any other gambling premises?

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

B2.5 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

B2.5.1 Casinos

The principal access entrance to the premises must be from a street (as defined in the guidance)

No entrance to a casino must be from premises that are used wholly or mainly by children and /or young persons.

No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

B2.5.2 Adult Gaming Centre

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

B2.5.3 Betting Shops

Access must be from a street (as per paragraph 7.23 of the guidance) or from another premises with a betting premises licence.

No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

B2.5.4 Tracks

No customer should be able to access the premises directly from:

- a casino
- an adult gaming centre

B2.5.5 Bingo Premises

No customer must be able to access the premise directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

B2.5.6 Family Entertainment Centre

No customer must be able to access the premises directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

**B3 Premises ready for Gambling**

B3.1 This licensing authority notes the Gambling Commission's guidance which states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are

brought into use.

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

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

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

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

#### **B4 Location**

B4.1 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 are relevant to its decision making. This authority will therefore 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. It should be noted that each application will be decided on its merits, with the onus upon the applicant to show how they will meet the licensing objectives.

#### **B5. Avoidance of Duplication**

B5.1 This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Council is well aware of Section 210 of the Gambling Act whereby its Licensing Committee, in making a decision on an application, shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.

#### **B6. Licensing Objectives**

B6.1 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.

B6.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – In relation to disorder this licensing authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.

B6.3 **Ensuring that gambling is conducted in a fair and open way** - Generally the Gambling 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. However, if such concerns come to the notice of the licensing authority it will forward them to the Commission. The Commission also states “in relation 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.”

B6.4 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This licensing authority has noted the Gambling Commission’s guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission’s guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

B6.5 This licensing authority will pay particular attention to any Codes of Practice which the Commission issues as regards this licensing objective in relation to specific types of premises.

B6.6 This licensing authority is aware of the British Amusement Catering Trade Association (BACTA) Code of Practice and particularly welcomes the approach taken to prevent children who are truanting from school and frequenting their members’ premises. Whilst such problems have not been the cause of recent concern in this area, should any issues arise in the future we will liaise with BACTA. We will also take into account information from the Gambling Commission in relation to social responsibility issues when available.

B6.7 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.

## **B7 Conditions**

B7.1 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.

B7.2 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; and
- 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 ways in which the licensing objectives can be met effectively.

B7.3 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- conditions on the premises licence which make it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

## **B8 Door Supervisors**

B8.1 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 Act has amended the Security Industry Act and that door supervisors employed in house at casinos or bingo premises need not be licensed by the Security Industry Authority. However, casino and bingo premises will still need to ensure that any contract staff are licensed by the SIA.

B8.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public this authority will make a door supervisor requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

## **B9 Definition of and Categories of Gaming and Betting Machines**

### **B9.1 Gaming Machines**

B9.1.1 Subject to certain exceptions a gaming machine means a machine which is designed or adapted for use by individuals to gamble. There are four categories of gaming machines A, B, C, and D with category B machines being subdivided into five further categories.

### **B9.2 Betting Machines**

B9.2.1 A machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely automate the process which can be conducted in person and therefore do not require regulation as gaming machines.

B9.2.2 However, where a machine is made available to take bets on virtual races (that is, images generated by computer to resemble races or other events) that machine is a gaming machine and does count towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

### **B9.3 Skill Games**

B9.3.1 The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player’s skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes. Other examples include racing games, such as F1 simulators, and shooting games. Many family entertainment centres have games that give prizes by redemption of tickets accumulated. Providing these machines give prizes according to the skill of the player e.g. getting a high score shooting basketball, these will be exempt.

## **B10. Adult Gaming Centres**

B10.1 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:

- 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.

B10.2 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.

## **B11 Family Entertainment Centres**

B11.1 The Act creates two classes of family entertainment centre. The first class, which does not require a premises licence, can only provide gaming machines in category D but will require a permit for the gaming machines. This class of premises can cater for families and unaccompanied children and young persons. See paragraph D1 below for further information.

The second class, which does require a premises licence, can provide both category C and category D machines. Children and young persons will be permitted to enter this class of premises but may only play the category D machines. In operating licences the Gambling Commission is likely to set conditions to require operators to ensure that any category C machines are clearly marked for over 18s use only and that staff must prevent access by under 18s and challenge any young persons who attempt to play the machines.

B11.2 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.

B11.3 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.

**B11.4** The licensing authority welcomes participation in partnership schemes such as 'Betwatch' and 'Gamblewatch'. Businesses are also encouraged to apply for 'Gamcare certification 52' and undertake the 'Gamcare' training courses.

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B11.5 This licensing authority will refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **B12 Casinos**

B12.1 This licensing authority has not submitted a proposal for a premises licence for a small/large/regional casino to the Independent Casinos Advisory Panel.

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

## **B13 Bingo Premises**

B13.1 This licensing authority will take into account the Gambling Commission's Guidance which states:

- Licensing Authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This is 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.

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

## **B14 Betting Premises**

B14.1 **Betting Machines** – Section 181 of the Act 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. When considering whether to impose a condition to restrict the number of betting machines in particular premises, this licensing authority, amongst other things, 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 vulnerable persons

B14.2 **Credit** – Section 177 of the Act does not prevent the licensees of casino and bingo premises 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, nor 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.

## **B15 Tracks**

B15.1 This licensing authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. 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 operating licence as there may be several premises licence holders at the track which will need to hold their own operating licences.

B15.2 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 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

B15.3 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.

B15.4 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.

B15.5 **Betting Machines** - Licensing authorities have a power under the Act, 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. In relation to betting premises away from tracks, this licensing authority will 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. This licensing authority will consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence. It should be noted however that at the present time no dog or horse racing track exists within this Council's area.

- B15.6 This licensing authority takes the view that 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.
- B15.7 **Condition on rules being displayed** - This authority will consider whether to 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.

## **B16 Travelling Fairs**

- B16.1 It will fall to this 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.
- B16.2 This licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- B16.3 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.

## **B17 Provisional Statements**

- B17.1 An applicant may apply for a provisional statement in relation to premises:-
- that he expects to be constructed;
  - that he expects to be altered; or
  - that he expects to acquire a right to occupy.
- B17.2 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:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.

B17.3 It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. This authority will in general require the building to be complete in order to ensure that the authority can inspect it fully.

## **B18 Reviews**

B18.1 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. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, 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.

The licensing authority will look to see if the request for a review is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## **B19 Promotion of Equality**

B19.1 When drafting this policy, the Equality Act 2010 (the Act) has been considered and applied.

The Act protects people from discrimination, harassment and victimisation on the basis of their 'protected characteristics'. These are: sex (gender); gender reassignment; race; disability; sexual orientation; age; religion or belief (or lack of religion or belief); pregnancy and maternity and; marriage or civil partnership.

Further information about the council's role in upholding its duties under the Equality Act can be found on our website:

<https://www.wigan.gov.uk/Council/Strategies-Plans-and-Policies/Equality-and-Diversity/Index.aspx>

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## Part C

### Permits / Temporary & Occasional Use Notices

#### **C1 Unlicensed Family Entertainment Centre Gaming Machine Permits**

C1.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for a gaming machine permit. Where such a permit is granted no limit can be placed on the number of Category D machines that can be made available. 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.

C1.2 An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application. Considerations which this authority will take into account will be:

- the applicant's suitability..., such as any convictions that they may have that would make them unsuitable to operate a family entertainment centre;
- the suitability of the premises in relation to their location; and
- issues about disorder.

C1.3 It should be noted that a licensing authority cannot attach conditions to this type of permit.

#### **C1.5 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 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. The licensing authority will also expect, as per Gambling Commission guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs: that the applicant has no relevant convictions (as set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

C1.6 With regard to renewals of these permits, this licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

#### **C2. Alcohol Licensed Premises Gaming Machine Permits**

C2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify this licensing authority. This 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 – for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines;
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

C2.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and this licensing authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission, 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 this 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 monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

C2.3 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.

C2.4 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.

C2.5 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.

### **C3. Prize Gaming Permits**

C3.1 The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

C3.2 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. However, 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.

C3.3 In making its decision on an application for this permit this licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

C3.4 There are conditions in the Act with which the permit holder must comply, but 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.

#### **C4. Club Gaming and Club Machines Permits**

C4.1 Members' Clubs and Miners' Welfare Institutes may apply for a club gaming permit or a club machine permit. A Commercial Club may only apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B3A or B4 to D), equal chance gaming and games of chance as set-out in forthcoming regulations. A club machine permit will enable the premises to provide gaming machines (3 machines of categories B3A or B4 to D) **but only 1 B3A machine per premises**. The Act provides for the Secretary of State to make regulations defining four classes of gaming machines and premises where these machines can be used.

C4.2 Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

C4.3 Before granting the permit this 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.

C4.4 This Licensing Authority is aware that it may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police (Gambling Commission's Guidance for Local Authorities).

C4.5 There is a 'fast-track' procedure available 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 a licensing authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

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

## **C5. Temporary Use Notices**

C5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

C5.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

C5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments

C5.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

C5.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

## **C6. Occasional Use Notices**

C6.1 Occasional Use Notices allow betting to take place on a track without a premises licence provided that it takes place on eight days or less in a calendar year.

C6.2 This 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. This 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. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

## **C7 Registration of Small Society Lotteries**

C7.1 The licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of an operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

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

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting athletic or cultural activities.

## Part D

### Industry Social Responsibility

#### D1. Licence Conditions & Codes of Practice (LCCP)

D1.1 The Gambling Commission updated the Licence Conditions and Codes of Practice (LCCP) in April 2018.. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

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D1.2 The code requires operators;

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- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- To have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- To produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

#### D.2 Risk Assessments

D.2.1 Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casino's, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

D.2.2 Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

D.2.3 The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Arrangement for localised exchange of information regarding self exclusions and gaming trends

- Urban setting such as proximity to schools, commercial environment, factors affecting footfall

D.2.4 The council expects the following matters to be considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
- Recorded incidents of attempted underage gambling

Matters relating to vulnerable adults, including:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Arrangement for localised exchange of information regarding self exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

### D.3 Local Area Profile

**D.3.1** Work is currently underway to develop a detailed local area profile to determine which individuals are more likely to be vulnerable to gambling harm. Once these groups have been identified this information can be used to create local risk areas which may have a greater concentration of people who are vulnerable to gambling harm. These areas can then be given special attention to ensure gambling premises are compliant with the required regulations under the Gambling Act 2005 and resources to assist individuals with gambling issues, such as Gamcare and Gamblers Anonymous, can target these areas.

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## Part E

### E1. Administration, Exercise and Delegation of Functions

- E1.1 The Act provides that decisions and functions may be taken or carried out by the Licensing Committee, or delegated to Sub-Committees or in appropriate cases by one or more officers of the Council.
- E1.2 Many of the licensing procedures will be purely administrative in nature. These will be dealt with by specialist licensing officers. However, where representations or reviews have been requested these will be dealt with by the Licensing Committee or one of its Sub-Committees. Full details of the delegation of functions are set out below:-

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for premises licences		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 or responsible authority	Where no representations received from the Commission or responsible authority
Review of a premises licence		X	
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn

Matter to be dealt with	Full Committee	Sub-Committee	Officers
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		Where the application is for 5 or more machines	X (except where there is a possibility of refusal or grant of a reduced number of gaming or betting machines)
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a representation is frivolous, vexatious or repetitive		X	
Fee Setting - when appropriate		Full Council	

## Appendix 1

### Responsible Authorities: Contact Details

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A copy of **all** applications **must** be sent to the Licensing Section (as the relevant Licensing Authority).

Please note, that where the Act states that a copy or a notice of your application must also be sent to the Responsible Authorities listed below, **the Licensing Team will arrange for this to be done electronically on your behalf.**

The contact details for all Responsible Authorities including the Trading Standards & Licensing Section are outlined below should you require them.

<b>Licensing Section</b>  Places Directorate Wigan Council PO Box 100 Wigan WN1 3DS  <a href="mailto:licensing@wigan.gov.uk">licensing@wigan.gov.uk</a> 01942 404627	<b>The Gambling Commission</b>  Victoria Square House Victoria Square Birmingham B2 4BP
<b>Greater Manchester Police</b>  Wigan Partnership Team Wigan Police Station Robin Park Road Wigan WN5 OUF  <a href="mailto:wigan.partnershipteam@gmp.pnn.police.uk">wigan.partnershipteam@gmp.pnn.police.uk</a> 0161 856 7262 or 0161 856 7104	<b>Greater Manchester Fire &amp; Rescue Service</b>  Bolton and Wigan Prevention & Protection Admin Bolton Borough Headquarters Moor Lane Bolton BL3 5DB
<b>Planning &amp; Transport</b>  Places Directorate Wigan Council PO Box 100 Wigan WN1 3DS  <a href="mailto:planningsearches@wigan.gov.uk">planningsearches@wigan.gov.uk</a> (01942) 489150	<b>Environmental Health Section</b>  Places Directorate Wigan Council PO Box 100 Wigan WN1 3DS  <a href="mailto:comm@wigan.gov.uk">comm@wigan.gov.uk</a> (01942) 489330

<b>Wigan Safeguarding Children Board</b> People's Directorate Wigan Council PO Box 100 Wigan WN1 3DS <a href="mailto:WSCB@wigan.gov.uk">WSCB@wigan.gov.uk</a>	<b>HM Customs and Excise</b> National Registration Unit 21 India Street Glasgow G2 4PZ
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