

# DRAFT GAMBLING POLICY

## Statement of Principles – Gambling Act 2005

### 1. Introduction

- 1.1 Wyre Forest District is situated in North West Worcestershire and lies to the south west of the West Midlands conurbation. It covers an area of 75 square miles. In 2001, the population totalled 96,945 (2001 census) with 55,182 living in the principal town of Kidderminster. The three towns of Kidderminster, Bewdley and Stourport-on-Severn form a central triangle within the district and are surrounded by a number of outlying villages and hamlets
- 1.2 Kidderminster is the main business and commercial centre in the district offering industrial, shopping, offices and leisure facilities. Kidderminster is famous as a centre for carpet manufacture. The numbers employed in the carpet industry have fallen in recent years and the town is continuing to diversify with successful companies involved with luxury boat building, ceramics, engineering and other hi technology industries. The town centre has recently undergone an extensive £60 million river and canal side redevelopment providing retail and leisure facilities. Kidderminster is also the terminus of the Severn Valley Railway
- 1.3 Bewdley is a small riverside town built along the banks of the River Severn. It contains many fine Georgian buildings, has an award-winning museum and is a popular tourist destination.
- 1.4 The district has good transport links with direct trains running to Birmingham, Worcester and London from Kidderminster. The motorway network is also accessible with the M1, M6 and M42 all within 30 minutes drive time. The district has a flourishing tourism industry with visitor attractions such as the West Midlands Safari Park, the Severn Valley Railway, the Wyre Forest itself and the riverside towns of Stourport-on-Severn and Bewdley.

### 2. The Licensing Objectives

- 2.1 This statement accords with that vision in seeking to promote the licensing objectives set out in the Act, which are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way, and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 We have produced this statement as required by S349 of the Gambling Act 2005 (referred to in this statement as “the Act”) and having regard to the Gambling Commission’s formal guidance, issued under S25 of the Act and to the views of those that we have consulted.

- 2.3 It is intended that this document should provide information and guidance to applicants, responsible authorities and interested parties on the general approach that we will take to licensing.
- 2.4 A series of advice sheets with more specific guidance is available from our web site or will be sent on request; advice tailored to individuals is available by phone or to personal callers.
- 2.5 Where there are no representations (representations are objections that we have accepted as relevant), applications will be granted with no hearing, subject only to any mandatory and default conditions detailed in the Act.
- 2.6 If there are representations that can't be resolved informally, the applicant and objectors will be invited to a public hearing.
- 2.7 After considering submissions from applicants and objectors, the Council's licensing sub-committee will make a decision in the light of this Statement of Principles and the Secretary of State's Guidance on the Act.

### **3. Decision Making Process**

- 3.1 Nothing in this policy takes away from the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so.

### **4. Gambling Act 2005**

- 4.1 We want Wyre Forest to be a District with healthy, safe and flourishing communities that are supported by a strong and diverse economy. The local environment will be clean, inspiring and valued, where people are proud to live and work and are attracted to visit and invest.
- 4.2 In carrying out its licensing functions under the Act, particularly with regard to premises licences, we will generally aim to permit the use of premises for gambling as long as it is considered to be :-
- in accordance with any relevant Codes of Practice issued by the Gambling Commission
  - in accordance with any relevant Guidance issued by the Gambling Commission
  - in accordance with this Statement of Principles, and
  - reasonably consistent with the licensing objectives.
- 4.3 There are 3 licensing objectives, which are central to the regulatory regime created by the Act.
- 4.4 These are:-
1. preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime
  2. ensuring that gambling is conducted in a fair and open way

3. protecting children and other vulnerable persons from being harmed or exploited by gambling
- 4.5 The Act provides for 3 categories of licence:
  - operating licences
  - personal licences
  - premises licences
- 4.6 The Council is responsible for issuing premises licences, whilst the Gambling Commission is responsible for issuing operating and personal licences.

## **5. The Gambling Commission**

- 5.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.
- 5.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.
- 5.3 It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.
- 5.4 In addition, the Commission's role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.
- 5.5 Information about the Gambling Commission can be found on the Internet at: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) or by phone: 020 7306 6218.

## **6. Authorised Activities**

- 6.1 'Gambling' is defined in the Act as gaming, betting, or taking part in a lottery.
  - gaming means playing a game of chance for a prize,
  - betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not, and
  - a lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.
- 6.2 The main functions of the Council are to:
  - licence premises for gambling activities,
  - grant permits for gambling and gaming machines in clubs,
  - regulate gaming and gaming machines in alcohol licensed premises,
  - grant permits to family entertainment centres for the use of certain lower stake gaming machines,

- grant permits for prize gaming,
- consider notices given for the temporary use of premises for gaming,
- consider occasional use notices for betting at tracks, and
- register small societies lotteries.

6.3 Spread betting is regulated by the Financial Services Authority; remote gambling is dealt with by the Gambling Commission; the “National Lottery” is regulated by the National Lottery Commission.

## **7. General Statement of Principles**

7.1 We will not seek to use the Act to resolve matters that are better dealt with by other legislation.

7.2 Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.

7.3 We recognise the wide variety of premises, which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs and amusement arcades.

7.4 In carrying out our licensing functions we will have regard to guidance issued by the Gambling Commission.

7.5 To ensure the licensing objectives are met, we will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

7.6 Applicants for premise licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

7.7 However, the overriding principle is that each application will be considered on its own individual merits.

## **8. Preventing Gambling From Being a Source of Crime and Disorder**

8.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling.

8.2 Applicants need an operating licence from the Commission before we will issue a licence to use premises for gambling.

8.3 Because we will not issue premises licence to someone who does not hold an operator’s licence, we are not generally concerned with the suitability of an applicant.

8.4 Where concerns about a person’s suitability arise we will bring those concerns to the attention of the Commission.

- 8.5 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, we will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for SIA registered door supervisors.
- 8.6 Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder.
- 8.7 A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it; we will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 8.8 "Disorder" is generally a matter for the Police; we will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers.
- 8.9 When making decisions relating to disorder, we will give due weight to comments made by the police.

## **9. Ensuring Gambling is Conducted in a Fair and Open Way**

- 9.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.
- 9.2 Because betting track operators do not need an operating licence from the Commission we may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

## **10. Protecting Children and Other Vulnerable People From Gambling**

- 10.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises, which are 'adult-only' environments.
- 10.2 Codes of Practice – including advice about access by children and young persons - may be published by the Gambling Commission for specific kinds of premises.
- 10.3 Applicants are expected to heed this advice where applicable.
- 10.4 We expect steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.
- 10.5 When determining a premises licence or permit we will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the

supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.

- 10.6 In seeking to protect vulnerable people we will include 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, perhaps due to a mental impairment, alcohol or drugs.
- 10.7 We will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.

## **11. Premises Licences**

- 11.1 A premises licence can authorise the provision of facilities at the following :
- casino premises
  - bingo premises
  - betting premises, including betting tracks
  - adult gaming centres
  - family entertainment centres
- 11.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place.
- 11.3 A single building could be subject to more than one premise licence provided they are for different parts of the building and those parts can be genuinely regarded as being separate 'premises'.
- 11.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and people are not allowed to 'drift' accidentally into a gambling area.
- 11.5 We will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 11.6 Other than an application for a betting premises licence for a track, we are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 11.7 When considering applications for premises licences we will not take into account either the expected 'demand' for facilities or the likelihood of planning permission or building regulation approval being granted.
- 11.8 We will maintain a public register of applications received and licences granted on the Council's website, at [www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk).
- 11.9 Applications may also be viewed at our offices in Kidderminster during ordinary office hours which are generally Monday – Friday 9.00 am until 4.30 pm.

## **12. Responsible Authorities**

12.1 Responsible authorities are identified in the legislation, and have to be notified about licence applications so that they can identify where they need to take action under their own legislation.

12.2 Section 157 of the Act defines responsible authorities as:

- The Gambling Commission
- The Chief of Police
- Fire & Rescue Service
- The local planning authority
- Environmental Services Department
- Worcestershire Safeguarding Children Board
- HM Revenue and Customs

12.3 The licensing authority in whose area the premises is situated,

12.4 Any other bodies identified in Regulation by the Secretary of State,

12.5 For vessels, the Environment Agency, British Waterways, Secretary of State.

12.6 Contact addresses and telephone numbers for each of the responsible authorities identified in this area are available on our web site, and will be sent on request.

12.7 Concerns expressed by a responsible authority in relation to their own functions will not be taken into account unless they are relevant to the application itself and to the licensing objectives. We will not generally take into account representations which are deemed to be irrelevant, i.e. :

- there are too many gambling premises in the locality,
- the premises are likely to be a fire risk,
- the location of the premises is likely to lead to traffic congestion,
- the premises will cause crowds to congregate in one area causing noise and nuisance.
- Each representation will, however, be considered on its own individual merits.

## **13. Interested Parties**

13.1 An interested party is someone who :

- lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- or
- has business interests that might be affected by the authorised activities,
- or

- represents persons in either of the two groups above.
- 13.2 In determining whether someone lives sufficiently close to a particular premises so as to be affected, we will take into account, among other things :
- the size of the premises
  - the nature of the premises
  - the distance of the premises from the person making the representation
  - the nature of the complaint
- 13.3 In determining whether a person has a business interest which could be affected the Council will consider, among other things:
- the size of the premises
  - the catchment area of the premises, and
  - whether the person making the representation has business interests in the catchment area that might be affected
- 13.4 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, we would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.
- 13.5 We may consider a representation to be either frivolous or vexatious, and reject it.
- 13.6 This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision we will normally consider :
- who is making the representation and whether there is a history of making representations that are not relevant,
  - whether it raises a 'relevant' issue or not, or
  - whether it raises issues specifically to do with the premises which are the subject of the application.

#### **14. Licence Conditions**

- 14.1 In particular cases we may find it necessary to impose conditions beyond appropriate mandatory and default conditions.
- 14.2 Any such conditions will be relevant to the need to make the building suitable for use 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.
- 14.3 We will not have recourse to a pool of standard conditions.
- 14.4 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

## **15. Casinos**

- 15.1 There is no Council Resolution not to allow casinos.
- 15.2 The Gambling Commission will be responsible for issuing at least one code of practice about access to casino premises by children and young persons, which would mean that no-one under 18 would be able to enter casino premises - and that entrances to the casino or gambling areas would need to be properly supervised.

## **16. Betting**

- 16.1 Anyone wishing to operate a betting office will need a betting premises licence from us. Children and young persons will not be allowed to enter betting premises.
- 16.2 Betting premises will be able to provide a limited number of gaming machines and some betting machines.
- 16.3 We have the power to restrict the number and type of betting machines, and the circumstances in which they are made available.
- 16.4 We will not generally exercise this power, unless there are good reasons to do so taking into account, among other things, the size of the premises and the level of management and supervision especially where vulnerable people are concerned.
- 16.5 Each application will be considered on its own individual merits.
- 16.6 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 16.7 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premise licences that we issue for tracks are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting.
- 16.8 Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 16.9 In addition to a betting premises licence for a track, there may be a number of subsidiary authorisations allowing other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 16.10 When considering whether to exercise our power to restrict the number of betting machines at a track, we will look at the circumstances of each individual application and, among other things, will include the amount of space for the number of machines requested, the ability of track staff who may be scattered around the site to supervise the machines and prevent children, young persons and vulnerable people betting on the machines.

## **17. Bingo**

- 17.1 Bingo is a class of equal chance gaming and may be allowed in alcohol licensed premises and in clubs.
- 17.2 The holder of a bingo operating licence issued by the Commission will be able to provide any type of bingo game including cash and prize bingo.
- 17.3 We will administer “bingo premises licences” for commercial bingo halls and “prize gaming permits” for small-scale prize bingo.
- 17.4 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game. When considering such applications we will take into account various matters including the location of the games or machines; access to those areas; general supervision of the premises and the display of appropriate notices.
- 17.5 A limited number of gaming machines may also be made available at bingo licensed premises.

## **18. Gaming**

- 18.1 Gaming machines include all types of gambling activity, which can take place on a machine, including betting on ‘virtual’ events.
- 18.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.
- 18.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:
- casinos
  - bingo premises
  - betting premises, ( including tracks )
  - adult gaming centres
  - family entertainment centres
  - clubs
  - pubs and other alcohol licensed premises
  - travelling fairs
- 18.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player’s skill. However, any element of ‘chance’ imparted by the action of the machine would bring it within the definition of a gaming machine.
- 18.5 We will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

## **19. Lotteries**

- 19.1 All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission - unless they are 'exempt' lotteries as defined by the Act. One of those exemptions is for "small societies lotteries," which we will allow, after registration. We will maintain a register of small societies lotteries and publish on the Council's website.
- 19.2 A society will be allowed to register with us if it is 'non-commercial', in other words, if it is established and conducted :
- for charitable purposes ;
  - for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
  - for any other non-commercial purpose other than for private gain.

## **20. Exchange of Information**

- 20.1 Subject to the provisions of the Data Protection Act 1998, we will share any information we receive through the application process with the Gambling Commission. In doing so we will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State
- 20.2 People can access personal information that we hold about them by contacting our Head of Legal and Democratic Services.
- 20.3 We are committed to being open about what we do and how we come to our decisions, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA).
- 20.4 An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment.
- 20.5 Copies of our FOI publication scheme and policy statement are available on request to our Head of Legal and Democratic Services and published on the Council's website.
- 20.6 Unless restricted by the Act, details about applications, licences and representations will be made available in our public register and on the Council's website. Representations that we accept will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

## **21. Enforcement Protocols**

- 21.1 The Gambling Commission will take the lead role on the investigation and, where appropriate, the prosecution of illegal gambling.

- 21.2 We will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises, which are shown to be well managed and maintained.
- 21.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.
- 21.4 In cases where more formal action is considered to be appropriate, we will follow divisional licensing enforcement policy, having regard to best practice as promulgated by the better regulation executive and the Hampton review on regulatory inspections and enforcement.

## **22. The Licensing Process**

- 22.1 We will take care to ensure that in dealing with applications under the Gaming Act 2005 we will follow the procedures that that Act requires, and only take into account issues that are relevant to that Act.
- 22.2 Specifically we will not have regard to "demand" when considering applications for gambling premises; nor will we consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission).
- 22.3 We will not reject an application on moral grounds. If we do decide to reject an application, we will give reasons demonstrating that the licensing objectives are not being, or are unlikely to be met.
- 22.4 Where there are no objections, licences and permissions will be granted subject only to any appropriate mandatory conditions (S167 of the Act) and any conditions having at least the effect of appropriate default conditions made under S168.
- 22.5 Contested applications will be considered on their individual merits and in the light of the principle that we should aim to permit the use of premises for gambling, in S153 of the Act.
- 22.6 Our licensing functions under this Act will be carried out by the Licensing and Environmental Committee, supported by a number of sub-committees, and by officers acting within the Council's Scheme of Delegation.
- 22.7 Where an application is for a new premise licence, we will check that gambling facilities meet all necessary legal requirements.
- 22.8 Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.
- 22.9 Where there are relevant representations in respect of an application the matter will be determined by the Licensing and Environmental Committee or one of its sub-committees.
- 22.10 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits.

Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

**23. List of Consultees**

TBA

**24. List of Responsible Authorities**

24.1 Responsible authorities that we recognise in respect of premises licences are :

**The Gambling Commission**

4<sup>TH</sup> Floor, Victoria Square House  
Victoria Square  
Birmingham B2 4BP

**The Chief Officer of Police**

C/o Licensing Officer  
West Mercia Constabulary  
Police Station  
Habberley Road  
Kidderminster  
Worcs. DY11 6AN Phone 01562 826113  
Email: [licensing.northworcs@westmercia.pnn.police.uk](mailto:licensing.northworcs@westmercia.pnn.police.uk)  
Internet: <http://www.westmercia.police.uk>

**Hereford & Worcester Fire and Rescue Service,**

Fire Safety Department,  
The Fire Station,  
Castle Road  
Kidderminster  
Worcs. DY11 6PH Phone 01562 512612  
Internet: <http://www.hwfire.org.uk>

**Planning Health and Environment**

Wyre Forest District Council  
Duke House  
Clensmore Street  
Kidderminster  
Worcs. DY11 2JX Phone 01562 732928

**Cultural, Leisure and Commercial Services**

Wyre Forest District Council  
Green Street  
Kidderminster  
Worcs. DY10 1HA Phone 01562 732928

**Worcestershire Safeguarding Children Board**

Child Protection Service Manager,  
Safeguarding Quality and Assurance

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Licensing and Environmental Committee 16/10/06

**AGENDA ITEM NO. 6**

**APPENDIX 1**

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Wildwood Way  
Worcester, WR5 2NP

Phone 01905 728841 confirmed 16/5/06

**Customs and Excise**  
HM Revenue & Customs  
National Registration Unit  
Portcullis House  
21 India Street  
Glasgow G2 4PZ