



Gambling Act 2005

Statement of Principles

2025-2028

The Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies.

Whilst all applications will be assessed and determined on their own merits this policy will form the basis of the Licensing Authority's decisions.

Changes in legislation, regulations, case-law or guidance which impact upon the content of this *Gambling Act 2005 - Statement of Principles* document, and it may be amended or updated accordingly.

The policy will be reviewed on a three-year basis minimum and takes effect from the 31 January 2025.

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PART A – GENERAL

THE LICENSING OBJECTIVES

In exercising most of its functions under the Gambling Act 2005 (The Act), the Licensing Authority 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.**

The Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

In practice, the objective of protecting children from being harmed or exploited by gambling usually means preventing them from taking part in or being in close proximity to gambling.

The Act promotes safe practice at premises where gambling activities take place, and this means that licensees and operators have a legal responsibility to ‘protect children and other vulnerable person’s from being harmed or exploited by gambling’. More information about the signs of problem gambling can be found on the Gamble Aware and Gamcare websites. The websites mentioned also provide general information about gambling, including how to gamble safely and where to get help if somebody or someone you know has problems with gambling. This Authority would expect licensees and operators to acquaint themselves with the contents of the websites.

Further specific information on this Authority’s recommendations and expectations, in relation to the protection of children and other vulnerable persons, can be found at Appendices 4 and 5.

In accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices, The Licensing Authority should **aim to permit** the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives (subject to bullet points one and two above); and
- In accordance with the Authority’s Statement of Principles (subject to bullet points one to three above).

INTRODUCTION

This Statement of Licensing Policy sets out the principles that Broadland District Council, as the Licensing Authority under the Act proposes to apply in discharging its functions to licence premises for gambling under the Act as well as:

- Designating the body responsible for advising the Authority on the protection of children from harm.
- Determining whether or not a person is an “Interested Party”.
- Exchanging information with the Gambling Commission and others; and
- Inspecting premises and instituting proceedings for offences under the Act.

It should be noted that this policy may, from time to time, be affected by revised guidance issued by the Gambling Commission or as a result of Court judgements made.

Broadland District Council is situated in the county of Norfolk. The district has a population of 131 700. The council area includes the northern suburbs of Norwich, such as Thorpe St. Andrew, Sprowston and Hellesdon, as well more rural areas to the north and east, including market towns such as Aylsham and Acle. The Broadland Northway (A1270) allows for easy access between the main arterial roads of the district and the A47.

Gambling activities within Broadland currently consist of 2 betting shops, 1 unlicensed family entertainment centres and a total of 51 premises with a premises licence authorising the sale of alcohol where gaming machines have been provided by way of notification or permit. There are 10 clubs that hold club machine/gaming permits and there are 139 society lotteries registered.

Currently it is not felt that there are any significant concerns relating to gambling premises within the Broadland district.

The Licensing Authority appreciates the potential risks from gambling activities in relation to young and vulnerable persons, therefore operators and applicants should take the following factors into consideration when submitting applications and compiling premises-based risk assessments.

- Temporary accommodation for homeless persons are located in Blofield, Dussindale and Sprowston.
- Providers of care for those suffering with mental health issues can be found through [Norfolk County Council](#).
- Clearly there are a number of schools within the district, the Licensing Authority would expect licence holders and applicants to take their location into consideration and ensure measures are in place to address advertising of gambling premises that may affect young persons.

Any new gambling proposals which seek to intensify gambling activities will be carefully considered and reviewed to ensure it does not significantly alter, adversely affect or otherwise impact upon the current level of gambling activity across the district.

In adopting the policy, the Licensing Authority recognises its duties to consider the impact of all its functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998. The Licensing Authority acknowledges the benefits to the community of properly regulating gambling in the district.

The Licensing Act 2003 provides the delegated and procedural arrangements for the establishment of Licensing Authorities.

Licensing Committees established under Section 6 of the Licensing Act 2003 are also relevant committees for the purpose of gambling functions. Therefore, the same Committee that deals with applications and other issues in relation to the Licensing Act 2003 will also be responsible for premises licence applications and other issues (i.e., permits) in relation to gambling under the Act.

The proceedings of the Licensing Committee are regulated by Section 9 of the 2003 Act (and Regulations made under that Section). Particular provision can be made for proceedings in relation to just the 2003 Act functions or just the 2005 Act functions.

The functions of the Licensing Authority under the Act may be carried out by the Committee of the Licensing Authority, by a Sub-Committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 2 of this document.

Licensing Authorities are required by the Act to publish a gambling policy (Statement of Principles), which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon. The statement must then be re-published.

Broadland District Council consulted widely upon this Statement of Principles before it was finalised and published.

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

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

A consultation took place with those provided in Appendix 3 over a 6-week duration.

The Statement of Principles was approved at a meeting of the Licensing Committee and subsequently submitted for approval at a meeting of Full Council. The document is available on our website or upon request to the Licensing Team.

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

Planning Permission – The Licensing Authority will only consider relevant representations relating to gambling and the three licensing objectives. The existence of a planning permission or building regulation approval for a premises or activity associated with gambling shall not be considered by the Licensing Authority in determining a premises licence application. Similarly, the existence of a gambling licence shall not prejudice the consideration of any planning or building regulation application related to a gambling activity or premises. In reaching a decision of whether or not to grant a licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention (by way of relevant representations), which undermine the licensing objectives. Non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to ensure compliance with the licensing objectives.

DECLARATION

In producing this Statement of Principles, the licensing authority declares that it has had regard to the licensing objectives of the Act, the Guidance issued by the Gambling Commission, and any responses from those consulted.

RESPONSIBLE AUTHORITIES

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

In accordance with the Gambling Commission's Guidance this authority designates the Local Safeguarding Children Board for this purpose.

INTERESTED PARTIES

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as persons who in the opinion of the licensing authority:

- a. Live 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. Represent persons who satisfy paragraph *a or b*.

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:

- Whether a person is an interested party will be decided on a case-by-case basis.
- This authority will not apply a rigid rule to its decision making as to who is an interested party. It may have regard to a number of factors, for example:
 - The size of the premises.
 - The nature of activities the applicant proposes to provide at the premises.
 - The distance of the premises from the location of the person making the representation.
 - The potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment.
 - The circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.
 - Guidance from the Gambling Commission that business interests should be given the widest possible interpretation (see para 6.21 of the GC Guidance).

Interested parties can include persons who are democratically elected such as county, parish and town councillors and MPs. Other than these persons, the licensing authority will normally require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. Other representatives might include bodies such as trade associations and trade unions, and residents' and tenants' associations. A school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

LICENCE CONDITIONS AND CODES OF PRACTICE

Operators should be mindful of the Commission's published Licence Conditions and Codes of Practice (LCCP) which provides sector-specific advice about steps that a business should take to meet its social responsibilities and reflect the licensing objectives. In particular this relates to those business activities which fall under the responsibility of the Licensing Authority i.e., in the areas of non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

EXCHANGE OF INFORMATION

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The licensing authority will also comply with any relevant requirements of the Freedom of Information Act 2000 and have regard

to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases to form an audit trail. (Note: Written confirmation may include information in electronic form.) An audit trail should include: -

- Record of data disclosed.
- Project chronology; and
- Notes of meetings with other partners and recent correspondence including phone calls.

In accordance with Section 350 of the Act, the Licensing Authority may exchange information with the following statutory bodies or individuals:

- A constable or police force.
- An enforcement officer.
- A licensing authority.
- Her Majesty's Revenue and Customs.
- The First Tier Tribunal.
- The Secretary of State.
- Scottish Ministers.
- Any other person or body designated by the Secretary of State in accordance with the Act.

The Licensing Authority may also exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime, but we will only share any personal details for this purpose if required to do so by law.

Should any protocols be established pursuant to section 350 of the Act concerning information exchange with the other bodies as listed in Schedule 6(1) of the act then these will be made available by the licensing authority.

ENFORCEMENT

Decisions on all licensing matters will be taken in accordance with an approved scheme of delegation, as attached at Appendix 2. This is aimed at underlining the principles of timely, efficient, and effective decision-making.

The main enforcement and compliance role for the Licensing Authority in terms of the Act will be to ensure compliance with the premises licence, other permissions which it authorises and any relevant Codes of Practice. The Gambling Commission will be the enforcement body for the operator, personal licences and illegal gambling. 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 order to ensure compliance with the law, the Licensing Authority will prepare a risk-

based inspection program and will carry out 'routine' programmed inspections, based on risk assessment in the categories high, medium and low and will also carry out 'non-routine' inspections as required. Where one off events are taking place under a Temporary Use Notice (TUN) or Occasional Use Notice (OUN), the Licensing Authority may also carry out inspections to ensure the licensing objectives are being promoted.

High-risk premises are those premises that have a history of complaints or non-compliance and require greater attention with low-risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

In considering enforcement action, the Licensing Authority will consider the Council's Enforcement Policy, any guidance issued by the Gambling Commission, and the rights of any person affected (including those provided for by the Human Rights Act 1998, in particular:

- Article 1, Protocol 1 - peaceful enjoyment of possessions.
- Article 6 - right to a fair hearing.
- Article 8 - respect for private and family life.
- Article 10 - right to freedom of expression.)

The Licensing Authority will also consider the matters set down in Part 2 of the Legislative and Regulatory Reform Act 2006, together with any code of practice issued under that Part.

The Licensing Authority may carry out risk-based operations with other agencies including the Gambling Commission and the police to ensure the objectives are being promoted. This includes test purchasing operations to ensure children and the vulnerable are being protected where required. When undertaking test purchasing activities, the Licensing Authority will liaise with the Gambling Commission and share the results of any test purchasing operations with them. The Licensing Authority will also typically liaise with the Operator to determine what test purchasing operations may already be in force – the Licensing Authority may, however, undertake test purchasing without such liaison should this be deemed necessary or where this would undermine the purpose of the exercise. The Licensing Authority will have due regard to the Gambling Commission guidance when conducting any test purchasing operations.

Should the results show a failure then the licensing authority will, in the first instance, work with the operator to review and improve their policies and procedures.

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance (in particular Part 36), the Regulators' Compliance Code – and shall endeavour to regulate in the public interest and be:

- Proportionate: regulators should only intervene when necessary and 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.
- Targeted: regulation should be focused on the problem, and minimise side effects.

In accordance with the Gambling Commission's Guidance, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

Any enforcement/compliance protocols or written agreements developed by the Licensing Authority shall be made available upon request.

LICENSING AUTHORITY FUNCTIONS

The Act gives Licensing Authorities a number of regulatory functions in relation to gambling. The main functions of which are to:

- Licence **premises** for gambling activities.
- Consider **notices** given for the temporary use of premises for gambling.
- Grant gaming and gaming machines **permits** in **clubs and miners' welfare institutes**.
- Regulate gaming and gaming machines in **alcohol-licensed premises**.
- Grant **permits** to Family Entertainment Centres (FEC's) for the use of certain lower stake gaming machines.
- Grant **permits** for **prize gaming**.
- Consider **occasional use notices** for betting at tracks.
- Endorse **temporary use notices**.
- Register **small societies' lotteries**.
- Consider applications for **provisional statements**.
- **Provide information** to the Gambling Commission regarding details of licences, permits, notices and registrations issued.
- **Maintain registers** of the permits, notices and licences issued.
- Prepare and publish, every three years a **Statement of Principles** it proposes to apply when exercising its functions under the Act.

The Gambling Commission is responsible for issuing operating and personal licences to persons and organisations who: -

- Operate a casino.
- Provide facilities for playing bingo or for pool betting.
- Provide betting or act as intermediaries for betting.
- Make gaming machines available for use in Adult Gaming Centres and licensed Family Entertainment Centres.
- Manufacture, supply, install, adapt, maintain or repair gaming machines.
- Manufacture, supply, install or adapt gambling machine software.
- Or promote a lottery.

The Licensing Authority cannot become involved in the moral issues of gambling and must aim to permit the use of premises for gambling in so far as they think it is:

- In accordance with any relevant codes of practice.
- In accordance with any relevant Guidance issued by the Gambling Commission.
- Reasonably consistent with the licensing objectives, and
- In accordance with the Licensing Authority's Statement of Licensing Policy.

Before the Licensing Authority can consider an application for a Premises Licence, an Operating and Personal Licence must have been obtained from the Gambling Commission (With the exception of Tracks).

RISK ASSESSMENTS AND LOCAL AREA PROFILES

Operators will be required to prepare a risk assessment for their business which takes into account the nature and characteristics of the locality in which they are situated.

The Gambling Commission issue codes of practice under section 24 of The Act regarding the manner in which facilities for gambling are provided to ensure that:

- Gambling is conducted in a fair and open way.
- Children and other vulnerable people are protected from being harmed or exploited by gambling.
- Assistance is made available to people who are, or may be, affected by problems related to gambling.

Codes of practice are either:

- Social responsibility code provisions - which must be adhered to by all licence holders *and have the force of a licence conditions, or*
- Ordinary code provisions – these are not mandatory, but operators are expected to follow them unless they have alternative arrangements in place that they can demonstrate are equally effective.

Regarding code provisions covering risk assessments and local authority area profiles, more detail can be found by going to the Gambling Commission website. The following are extracts relating to this aspect:

Assessing local risk

In the case of all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

2. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the

licensing authority's Statement of Principles.

3. Licensees must review (and update as necessary) their local risk assessments:

- a) To take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy.
- b) When there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- c) When applying for a variation of a premises licence; and
- d) In any case, undertake a local risk assessment when applying for a new premises licence.

Sharing local risk assessments

In the case of all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences:

- Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

The Licensing Authority will expect the local risk assessment to consider as a minimum:

- The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children gather.
- The demographics of the area in relation to vulnerable groups.
- Whether the premises is in an area subject to high levels of crime and/or disorder.

The local risk assessment should show how vulnerable people, including those with gambling dependencies are protected.

The Licensing Authority would expect the local area risk assessment to be kept on the individual premises and be available for inspection.

LOCAL AREA PROFILE

Such risk assessments can make reference to the council's local area profile which may be compiled with respect to reported gambling-related problems in an area. The local area profile is an assessment of the local environment and identifies key characteristics. At the time of preparing this edition of the Statement of Principles there has been no evidence to suggest that any part of our district is experiencing problems from gambling activities. The local area can change, and it is important to retain the ability to review and update the local area profile so that any current and emerging risks can be included. For this reason, the local area profile is not included within the body of this policy and is published as a separate document. It is available by request from the Licensing Team.

PUBLIC REGISTER

The Licensing Authority is required to keep a public register and share information in it with the Gambling Commission and others (e.g., H.M. Revenue and Customs). Regulations will prescribe what information should be kept in the register. Copies of the register may be obtained on payment of a fee.

APPEALS

Appeals relating to premises licensing and other decisions by licensing authorities are covered within the relevant legislation and regulations and are referred to in Part 12 of the Gambling Commission guidance.

PART B - PREMISES LICENCES

GENERAL PRINCIPLES

Premises licences are subject to the requirements set out in the Act and regulations. The Act provides that conditions may be attached to licences in a number of ways:

1. Automatically, having been set out on the face of the Act.
2. Through regulations made by the Secretary of State.
3. By the Commission, to operating and personal licences.
4. By the licensing authority, to premises licences and some permits.
5. By the licensing authority, by excluding certain default conditions on a premises licence.

Decision making

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 (subject to the above); and
- In accordance with the authority's statement of licensing policy.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) and also that unmet demand is not a criterion for a licensing authority.

This licensing authority also notes Gambling Commission guidance on Appropriate Licensing Environment.

It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A *general* betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be

used for ‘the provision of facilities for betting...’ (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free-standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

This authority notes the Commission’s view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

Definition of “premises”

Premises is defined in The Act as “any place”. A particular premises cannot be granted more than one premises licence under the Act at any one time. It is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being separate premises.

The location and layout of the premises will clearly be an important consideration and the suitability of the division will be a matter for discussion between the operator and the Authority’s Licensing Officer. However, the Gambling Commission does not 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. The Licensing Authority will consider the definition of premises and where there are such concerns the Licensing Authority may address these through licence conditions. The Licensing Authority will, if necessary, respond to any further guidance by the Gambling Commission on this subject by way of a minor variation of this policy.

Consideration will be given to whether the premises is genuinely a separate premises and would merit its own licence and not an artificially created part of what is readily identifiable as a single premises.

The Gambling Commission Guidance states that Licensing Authorities should take particular care when considering applications *for more than one premises licences for a single building*, and applications for a premises licence where part of the premises is used for non-gambling purposes. In particular the Licensing Authority will consider whether:

- Entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised, and that people cannot ‘drift’ into a gambling area.

- Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Customers are able to participate in the principal gambling activity authorised by the premises licence.

The Gambling Commission Guidance also stipulates that Licensing Authorities should pay attention to applications where access to the licensed premises is through other premises, whether licensed or unlicensed. The Licensing Authority will consider whether:

- Entrances and exits from parts of a building covered by one or more licences are to be separate and identifiable so that the separation of different premises is not compromised, and that people cannot 'drift' into a gambling area.
- Premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.
- Customers are able to participate in the principal gambling activity authorised by the premises licence.
- Children can gain access to the premises.
- The two establishments are compatible; and
- The proposed licence holder would be able to comply with the requirements of the Act, for example, mandatory operating licence conditions; and
- Gambling Commission Guidance in relation to division, separation or splitting of premises and primary gambling activity (Part 7 of guidance).

An overriding consideration for the Licensing Authority is whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

Where an application is made in respect of a premises to be constructed or altered the Licensing Authority will consider each application on its own merits having due regard to the advice given by the Gambling Commission Guidance (particularly sections 7.58 to 7.65). The Licensing Authority will consider:

- If a future effective date on the licence is appropriate.
- The licence should be issued subject to a condition that trading shall not commence until the premises have been completed in all respects and in accordance with the scale plans provided with the application.

The Licensing Authority may require inspection of the completed works or written confirmation from the applicant, their agent or surveyor to satisfy the Authority that the completed works comply with the original, or changed, plan attached to the premises licence.

Location:

The Licensing Authority will not consider matters relating to the expected demand for facilities in making a determination. All applications will be considered on their merits in

line with this Policy, the relevant legislation and any relevant guidance. As per the Gambling Commission's Guidance to Licensing Authorities, this Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

With regard to these objectives, upon receipt of any relevant representations the Authority will look at issues which may arise from the particular location of the premises, including:

- The proximity of the premises to schools or places where vulnerable adults are housed.
- The proximity of the premises to residential areas where there may be a high concentration of families with children.
- The size of the premises and the nature of the activities taking place
- Any intelligence indicating that organised crime may be occurring in the area. When considering the location of premises, the Licensing Authority may take into consideration any restrictions on access to the premises.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Duplication with other regulatory regimes:

The Licensing Authority seeks to avoid any duplication with other statutory/regulatory systems wherever possible, including planning, building control, health and safety and fire safety.

Should it come to the attention of the Licensing Authority that planning conditions or other regulatory restrictions/controls may impact on a premises operator's ability to comply with mandatory or default conditions then it may alert the applicant accordingly, however the onus is upon the Applicant to ensure that they are aware of this and they should not rely upon the Licensing Authority notifying them that this would be the case. The grant of a gambling premises licence does not prejudice or prevent any action that the Licensing Authority or any other regulator may take to secure compliance with any legislative requirements. It is for the applicant to ensure that any other statutory requirements are complied with.

Licensing objectives:

Premises Licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission Guidance and provides some commentary below:

(1) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Gambling Commission will take the leading role in preventing gambling from being a source of crime. Where a particular area is associated with criminal activity the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions

may be appropriate, for example the provision of door supervisors. There is a distinction between disorder and nuisance and the licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed when determining applications under the Act.

(2) Ensuring that gambling is conducted in a fair and open way:

The Gambling Commission stated in its Guidance that it would, with the exception of tracks (see Part B section 9 of this document), generally not expect Licensing Authorities to be dealing with issues around gambling being conducted in a fair and open way as this is usually addressed via operator and personal licensing requirements. If the Licensing Authority suspects that gambling is not being conducted in a fair and open way, then this will be brought to the attention of the Gambling Commission for its further consideration.

(3) Protecting children and other vulnerable persons from being harmed or exploited by gambling:

The Gambling Commission has stated, with limited exceptions, the intention of the Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments. The objective refers to protecting children from being 'harmed or exploited' by gambling. This means preventing them from taking part in gambling activities except limited authorised activities, and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children (excepting category D machines). Such measures may include:

- Staff training (to include training on how to deal with suspected truants and vulnerable persons).
- Careful consideration of the positioning of ATMs.
- Additional requirements to provide supervision at entrances.
- Steps taken to segregate gambling from non-gambling areas frequented by children.
- The supervision of gaming machines in non-adult gambling specific premises in order to prevent children or vulnerable young persons from being harmed or exploited by gambling.
- Minimum staffing levels in adult only gambling premises.
- Induction training for new staff and refresher training for existing staff
- Maintenance of a refusals register.
- Proof of age schemes (e.g., Challenge 25).
- Third party test purchasing.
- Consideration of the entry point to adult only gambling premises.
- Provision of CCTV (with images retained for a minimum period of 28 days).

- Consideration should be made to the location of rest facilities to ensure that young people do not need to enter adult only areas to use the facilities.

These measures will be particularly relevant on mixed-use premises, and on tracks where children have freedom of movement in betting areas on race days. Other such measures may include:

- Appropriate signage.
- Location of gaming machines.
- Numbers of staff on duty.
- Not siting child orientated machines or facilities close to the entrance to adult gaming/betting facilities.
- Ensuring there is no accidental access to premises used for adult gambling.
- With regard to vulnerable persons, measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as Gamcare, should be deemed particularly appropriate.

The above lists are not exhaustive but indicative of examples. Further specific information on this Authority's recommendations and expectations, in relation to the protection of children and other vulnerable persons, can be found at Appendices 4 and 5 of this policy document.

As regards 'vulnerable persons', it is noted that the Gambling Commission has not defined a 'vulnerable person' but states that it will assume that this group 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 due to a mental impairment, alcohol or drugs. Any such considerations will be balanced against the Licensing Authority's aim to permit the use of premises for gambling; each application will be treated on its own merit.

With this licensing objective in mind, the Licensing Authority will take particular care when considering applications for more than one premises licence for a building and those relating to a discrete part of a building used for other non-gambling purposes, such as shopping malls. Where relevant, applicants will be expected to take measures to ensure children are not in close proximity to gambling. Such measures may include siting machines at the back of a premises so as to ensure children do not have sight of such machines, not advertising gambling so as to encourage children, not siting child orientated machines or facilities close to the entrance to adult gaming/betting facilities and ensuring there is no accidental access to observe or enter premises used for gambling.

In the absence of a definition of "direct access" between an adult gaming centre and a licensed family entertainment centre or unlicensed family

entertainment centre in the Act or regulations, the Licensing Authority has identified a Statement of Principles within this policy to be followed in decision-making. Should it be established that these principles are inconsistent with the legislation (through statute or the Courts), the Licensing Authority reserves the right to amend this Statement of Principles as a minor policy change without further consultation.

The Licensing Authority will consider this licensing objective on a case-by-case basis.

Conditions:

Since the Licensing Authority must aim to permit the use of premises for gambling, it will not attach conditions which limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:

- In accordance with the Gambling Commission Guidance, the Commission's codes of practice or this Licensing Authority's Statement of Policy; or
- In a way that is reasonably consistent with the Licensing Objectives.

This Licensing Authority notes that conditions on premises licences should only relate to gambling, and it is not necessary, proportionate or appropriate to impose conditions on a premises licence where the Gambling Commission's Licence Conditions and Codes of Practice, or other legislation, places the same or similar duties, responsibilities or restrictions on an employer or the operator of gambling premises.

This Licensing Authority shares the view of the Gambling Commission that the mandatory and default conditions set by the Secretary of State will normally be adequate for the general good conduct of gambling premises. However, where there are specific, evidenced risks or problems associated with a particular locality, specific premises, or class of premises in its area then the Licensing Authority may be able to attach individual conditions to address this.

Any conditions attached by the Licensing Authority to a premises licence shall be:

- Carefully considered in view of the matters mentioned above.
- Proportionate; directly related to the premises and the type of licence applied for.
- Relevant to the need to make the proposed building suitable as a gambling facility.
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

Sections 169 to 171 of the Act set out certain matters that may not be the subject of Licensing Authority conditions, as set out below:

- Any condition on the premises licence which makes it impossible to comply with an operator 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.

The Licensing Authority will have due regard to these when considering the need for conditions.

The Licensing Authority will also consider specific measures which may be required for buildings which are the subject of more than one premises licence. In considering these matters the Licensing Authority shall have due regard to:

- Any mandatory or default conditions of licence,
- Any relevant Codes of Practice (particularly social responsibility provisions linked to operator licences) issued by the Gambling Commission; and
- Gambling Commission Guidance.

Such measures may include the supervision of entrances, segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in specific non-adult gambling premises in order to promote the licensing objectives.

The Licensing Authority must be satisfied that where category C or above machines are available in premises to which children are admitted:

- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where these machines are located.
- Access to the area where the machines are located is supervised.
- The area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations may apply to premises including buildings where more than one premises licence is applicable.

Tracks (defined below) may be subject to one, or more than one, premises licence provided each licence relates to a specified area of the track. In accordance with the Gambling Commission Guidance, the Licensing Authority will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

In accordance with Gambling Commission Guidance, the Licensing Authority may consider whether door supervisors are appropriate in particular circumstances in order to:

- Prevent premises from becoming a source of crime or disorder; or
- Protect children and vulnerable persons from being harmed or exploited by gambling.

Should the Licensing Authority consider that door supervisors are necessary and appropriate in the particular circumstances to promote the licensing objectives for a particular premises, it will normally expect that any person employed as a door supervisor at that premises will either:

- Meet the minimum requirements necessary for that individual to be licensed by the Security Industry Authority (SIA) in normal circumstances (accepting that there is a specific exemption from the licensing of door supervisors by the SIA for in-house staff of casino and bingo premises).
- The holder of the operator licence will have recruitment criteria for their door supervisors, which may specify:
 - (a) a minimum training standard (whether within the organisation, or a nationally accredited training course); an
 - (b) an assessment of whether that individual is fit and proper, for example by means of a subject access search, Disclosure and Barring Service disclosure or other means.

REVIEWS

Requests for a review of a premises licence can be made by the licensing authority itself, interested parties or responsible authorities; however, it is for the licensing authority to decide, assessing each application on its merits, whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below.

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

When considering any review request, or whether to instigate its own review, the licensing authority will have due regard to the guidance issued by the Gambling Commission and consider:

- Each application on its merits.
- Whether matters raised in the application are frivolous or vexatious.
- Whether the application would cause it to amend or suspend or revoke the licence, or
- Whether the request is substantially the same as any previous representations or requests made for a review or previous application for the same premises.

There is no appeal against the Authority's determination of the relevance of an application for review.

Officers of the authority may attempt informal mediation or dispute resolution techniques, where practicable, prior to a review being conducted.

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

More details including time periods can be found in the Act (Premises Licences) (Review) Regulations 2007.

A review application must only be determined by a subcommittee, and not by an officer. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are: -

- (a) Add, remove or amend a licence condition imposed by the licensing authority.
- (b) Exclude a default condition imposed by the Secretary of State (e.g., opening hours) or remove or amend such an exclusion.
- (c) Suspend the premises licence for a period not exceeding three months; and
- (d) Revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority shall have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority shall, as soon as possible, notify its decision to:

- The licence holder.
- The applicant for review (if any).
- The Commission.
- Any person who made representations.
- The chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs.

PROVISIONAL STATEMENTS

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- Expects to be constructed.
- Expects to be altered; or
- Expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

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

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by objectors at the provisional statement stage.
- Which in the authority's opinion reflect a change in the operator's circumstances.
- Where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

Section 210 of the Act, which applies to both premises licences and provisional statements, makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

CASINOS

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 authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

BINGO PREMISES

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category B or C or machines are made available for use on premises to which children are admitted Licensing Authorities should ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
- Only adults are admitted to the area where the machines are located.
- Access to the area where the machines are located is supervised.
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The Licensing Authority shall have due regard to relevant licence conditions and codes of practice in relation to the operation of Bingo premises, and also the Gambling Commission's guidance about the particular issues that Licensing Authorities should take into account in relation to the suitability and layout of bingo premises. This includes guidance on primary gambling activity, split premises and operating licence conditions.

Where bingo is provided in alcohol-licensed premises and it reaches a certain threshold, it will no longer be authorised as equal chance gaming and a bingo operating licence will need to be obtained from the Gambling Commission. Definitions of low and high turnover bingo are available by referring to the Gambling Commission's website.

The aim of this provision is to prevent bingo becoming a predominant commercial activity on such non-gambling premises.

The Licensing Authority will take into account any additional guidance issued by the Gambling Commission in relation to the suitability and layout of bingo premises.

BETTING PREMISES

The Licensing Authority is responsible for issuing and monitoring premises licences for all betting premises. Children and young persons are not permitted entry to a premises with a betting premises licence. They may, however, be permitted entry to tracks and special rules will apply. The Licensing Authority recommends that an applicant for gaming machines in betting premises carefully considers the location of betting machines to ensure that they are not in sight of the entrance of the premises.

The Licensing Authority has an express power to restrict the number of Self- Service Betting Terminals (SSBTs), their nature and the circumstances in which they are made available by attaching conditions to the licence. The Licensing Authority will generally only consider limiting the number of machines where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence, the Licensing Authority may consider, amongst other factors, the ability of staff to monitor the use of such machines from the counter. When considering

whether or not to impose conditions the Licensing Authority will take into account the following:

- The size of the premises.
- The number of counter positions available for person-to-person transactions; and
- The ability of staff to monitor the use of the machines by children and young or vulnerable persons. In deciding whether to impose conditions to limit the number of betting machines, each case will be considered on its own merits and account will be taken of the relevant Codes of Practice and Guidance issued under the Act.

This list is not exhaustive and is merely indicative of example measures. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives.

Applicants and premises licence holders are reminded of the Gambling Commission's operator licence conditions requiring that counter betting facilities are provided as the primary activity in any premises that hold or apply for a betting premises licence.

The Licensing Authority will expect applicants to meet the Licensing Objectives and comply with all mandatory conditions and Codes of Practice issued by the Gambling Commission. In determining whether an application meets the aforementioned criteria the Licensing Authority may give consideration as to whether appropriate measures are or will be in place to address the matters listed below:

- Minimum staffing levels.
- Induction training for new staff and refresher training for existing staff.

This list is not exhaustive and is merely indicative of example measures. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives.

The Act also permits betting intermediaries to operate from premises. The Act defines a betting intermediary as a person who provides a service designed to facilitate the making or acceptance of bets between others. Although betting intermediaries usually offer their services via remote communication, such as the internet, a betting intermediary can apply for a betting premises licence to offer intermediary services upon the premises, such as a premises-based trading room.

Betting machines

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

TRACK PREMISES LICENCES

Note there are currently no tracks operating in the district. However, this Statement of Principles contains provision for the event of such a premises.

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e., the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances / machine areas.
- Physical separation of areas.
- Location of entry.
- Notices / signage.
- Specific opening hours.
- Self-exclusion schemes.
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

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

Betting machines - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

ADULT GAMING CENTRES

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18-year-olds

do not have access to the premises. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances / machine areas.
- Physical separation of areas.
- Access and Location of entry.
- Notices / signage.
- Self-barring schemes.
- ATM location.
- Prohibition of alcohol consumption.
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.

This list is not mandatory nor exhaustive and is merely indicative of example measures.

The Licensing Authority may determine the opening hours for Adult Gaming Centres, on a case-by-case basis, in the absence of any default conditions addressing this matter.

(LICENSED) FAMILY ENTERTAINMENT CENTRES

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will require applicants to demonstrate that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only Category C gaming machine areas.

The Licensing Authority will require applicants to demonstrate that there will be sufficient measures to promote the licensing objectives. Appropriate measures may also be included within mandatory/default conditions and codes of practice and cover matters such as:

- CCTV.
- Supervision of entrances / machine areas.
- Physical separation of areas.
- Access and Location of entry.
- Notices / signage.
- Challenging children or young persons attempting to play category C machines.
- Self-barring schemes.
- ATM location.
- Prohibition of alcohol consumption.
- Provision of information leaflets/helpline numbers for organisations such as GamCare or Gamble Aware.
- Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

The Licensing Authority will, in accordance with the Gambling Commission Guidance, make itself aware of any conditions that may apply to Operator licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will ensure that it has due regard to any mandatory or default conditions on these Premises Licences and Codes of Practice and guidance issued by the Gambling Commission when discharging its functions in relation to licensed Family Entertainment Centres.

The Licensing Authority may determine the opening hours for licensed FEC's, on a case-by-case basis, in the absence of any default conditions addressing this matter.

APPLICATIONS AND PLANS

The Act (Premises Licences and Provisional Statements Regulations 2007) require applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises is fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of tracks.

This Authority will require that the plan provides sufficient information to enable them to assess an application.

CHALLENGE 25 POLICY

The Licensing Authority strongly supports campaigns to reduce the illegal access of underage persons to adult only gambling and encourages the use of a Challenge 25 policy within premises providing adult only gambling facilities. Under the scheme, premises providing adult only gambling facilities should seek proof of age from anybody who appears to be under the age of 25. The policy should create a culture of expectation that in premises providing adult only gaming facilities, proof of age should either be offered or produced on demand and that this should be the norm as far as access to over 18 gambling is concerned.

It is anticipated that new requirements will come into force on 30 August 2024, meaning that all land-based licensees must carry out age verification testing and that premises should operate a Challenge 25 policy. Signage should be prominently displayed throughout the premises advising of the relevant policy in place. The Licensing Authority will expect all licence holders to comply with any changes in regulatory requirements which may apply to them.

TEST PURCHASING

This Authority may undertake covert test purchasing exercises in order to check

compliance with the requirement that under 18's do not access 'adult only' gambling facilities. This exercise may particularly be conducted in response to concerns about underage gambling vulnerabilities, and/or be targeted in particular 'risk' subsectors of the gambling industry. Under the terms of the Gambling Commission's Licence Conditions and Codes of Practice operators must monitor the effectiveness of their policies and procedures for preventing underage access to gambling premises and products.

This Authority may also include alcohol licensed premises with Category C gaming machines within their test purchasing scheme – this being in order to monitor the effectiveness of policies and procedures for preventing underage access to gambling products.

There are a number of steps which this Authority would recommend to operators in order to prevent underage access and monitor the effectiveness of their policies. These steps include the adoption of a Challenge 25 Policy and the use of third-party test purchasing in order to test the effectiveness of the Challenge 25 Policy.

PART C – PERMITS, TRAVELLING FAIRS AND SOCIETY LOTTERIES

UNLICENSED FAMILY ENTERTAINMENT CENTRE (UNLICENSED FEC'S) GAMING MACHINE PERMITS

Where premises do not hold a premises licence but wishes to provide Category D gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

The Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application, Licensing Authorities might wish to consider asking applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs.
- That staff are trained to have a full understanding of the maximum stakes and prizes.
- The applicant's previous history and experience of running similar premises.
- Applicants must produce a Basic Disclosure and Barring Service (DBS) check dated within one calendar month of the date of the application being submitted to the Licensing Authority. The Disclosure will reveal the existence and content of any criminal record (not spent under the terms of the Rehabilitation of Offenders Act) held in the name of the applicant.

Where an applicant provides evidence that he has an operating licence and has as a result undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required. When considering any convictions revealed in an application the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and 'spent' convictions

may not be referred to when considering the permit application.

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

Statement of Principles

As these premises are open to children and young persons, the Licensing Authority will require additional information when an applicant applies for this Permit, as follows:

- A scaled plan of the premises indicating the location of Category D machines, Automated Teller Machines and any appropriate notices that are to be displayed.
- The approximate number of Category D machines that will be provided.
- Evidence that applicants have a full understanding of the maximum stakes and prizes that are permissible.
- Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible.
- A Basic Disclosure and Barring Service (DBS) check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current Operator's Licence issued by the Gambling Commission).
- Evidence of staff training by way of a premises logbook which should be signed and dated by staff to prove that training has been undertaken and understood.
- Training for staff as regards dealing with suspected truant school children on the premises.
- Policies and procedures in place to protect children from harm. Harm in this case is not limited to harm from gambling but includes wider child protection considerations (including safeguarding issues). The efficiency of such policies and procedures will each be considered on their own merits. However, they may include appropriate measures such as training, covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems in or around the premises.
- The amount of space around gaming machines to prevent jostling of players or intimidation.
- Proof of the applicant's identity and age.
- Proof of the applicant's right to occupy the premises for which the permit is sought.
- An insurance certificate (or certified copy) confirming the availability of public liability insurance covering the proposed activity.
- Details of opening hours; and
- Approximate numbers of staff employed.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Where an applicant fails to comply with the above requirements, the Licensing Authority may refuse the application. Where there is reason for such a refusal, the Licensing

Authority will notify the applicant of its intention to refuse and the reasons for the refusal. The applicant will then have an opportunity to make representations orally, in writing, or both and will have a right of appeal against any decision made.

With regard to renewal applications, the Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised Local Authority Officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with the pursuit of the Licensing Objectives.

Where the Permit has been granted the Licensing Authority will issue the permit as soon as is reasonably practicable and in any event in line with the regulations issued by the Secretary of State. The permit will then remain in effect for 10 years unless surrendered or lapsed. Applicants and permit holders are reminded that there is no provision within the Act and associated regulations which enable the transfer of a permit from one person to another. The Licensing Authority recommends that applicants for unlicensed FEC Permits consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.

CLUB GAMING AND CLUB MACHINE PERMITS

Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machine permit (commercial clubs cannot apply for a club gaming permit). The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set out in the Regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (three machines of categories B, C or D).

Gambling Commission guidance states: Members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate Regulations. The Secretary of State has made such Regulations and these cover bridge and whist clubs. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

The Commission guidance also notes that Licensing Authorities may only refuse an application on the grounds that:

- For a club gaming permit: the applicant is not a members' club or miners' welfare institute.
- For a club machine permit: the applicant is not a members' club, miners' welfare institute or commercial club.
- The premises are used by children and/or young persons.
- An offence or a breach of a permit has been committed by an applicant.
- A permit held by the applicant has been cancelled in the previous ten years.

- An objection has been lodged by the Gambling Commission or the police.

The Licensing Authority recognises that there is a ‘fast track’ procedure for premises holding a Club Premises Certificate under the Licensing Act 2003 and that there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which the Licensing Authority can refuse a permit are reduced.

The grounds on which an application under the process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under Schedule 12.

That in addition to the prescribed gaming, the:

- Applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a Code of Practice about the location and operation of gaming machines.

Licensing Act 2003: Review of a club premises certificate or a premises licence for a commercial club – Where the Licensing Authority is considering the review of a club premises certificate or a premises licence, and that club holds a club gaming or club machine permit, the Licensing Authority may, where appropriate, at the same time decide to review the status of the permit.

(ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS & NOTIFICATIONS

The Act makes provision for premises licensed to sell alcohol for general consumption on the premises to be entitled to make available up to 2 gaming machines, of categories C and/or D. The Licensing Act 2003 premises licence holder needs only to notify the Licensing Authority of this intention and pay the prescribed fee. The Licensing Authority may remove the automatic authorisation in respect of any particular premises only if it is satisfied that:

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

Before making any such order the Licensing Authority shall give the licensee at least 21 days prior notice and consider any representations made by the applicant (at a hearing

if requested by the Licence holder).

If a premises wishes to have more than two machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters as they think relevant”. The Licensing Authority considers that “such matters” will be decided on a case-by-case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include:

- The adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18.
- Notices and signage.
- As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an adult gaming centre premises licence.

It should be noted that the Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machine than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Gaming in alcohol-licensed premises - The Licensing Authority recognises that low level gaming may take place in alcohol-licensed premises. Exempt gaming being equal chance gaming that should be ancillary to the purposes of the premises. This gaming, however, is subject to statutory stakes and prize limits determined by the Secretary of State. A nominated gaming supervisor should therefore supervise gaming in alcohol-licensed premises, (i.e., the Designated Premises Supervisor (DPS)) and all gaming should comply with the Codes of Practice issued by the Gambling Commission. As there is likely to be limited regulatory scrutiny of gaming provided in these premises, the Licensing Authority expects the applicant to be aware of and adopt these Codes of Practice and to ensure that all gaming in such premises is suitably managed.

PRIZE GAMING AND PRIZE GAMING PERMITS

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

The Licensing Authority will require detailed information when an applicant applies for this permit, as follows:

- A scaled plan of the premises indicating the location of the machines, other prize gaming facilities, etc., and any appropriate notices that are to be displayed.
- Evidence that staff are trained to have a full understanding of the maximum stakes and prizes that are permissible.
- That they understand the limits to stakes and prizes that are set out in regulations and that the gaming offered is within the law.
- Clear policies that outline steps to be taken to protect children from harm.
- A Basic Disclosure and Barring Service (DBS) check dated within one calendar month of the date of the application being submitted to the Licensing Authority (unless the applicant holds a current operator's licence issued by the Gambling Commission).
- Evidence of staff training by way of a premises logbook which should be signed and dated by staff to prove that training has been undertaken and understood.
- The amount of space around gaming machines to prevent jostling of players or intimidation.
- Details of opening hours.
- Approximate numbers of staff employed.

Where an applicant provides evidence that he has an operating licence and has, as a result, undergone rigorous checks by the Gambling Commission, then a DBS check will not normally be required.

When considering any convictions revealed in an application the Licensing Authority will consider the nature and relevance of the offence, how long ago the offence took place and any other factors, which may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and 'spent' convictions may not be referred to when considering the permit application.

In making its decision on an application for this permit, the Licensing Authority does not need to have regard to the Licensing Objectives and will take into account, after consultation, any objections that the police may wish to make whether relevant to the Licensing Objectives. The grounds for decision making as regards renewals are the same as for initial applications.

Where the Licensing Authority intends to refuse the application for a permit, it will notify the applicant of its intention to refuse it stating the reasons and offering the applicant an opportunity to make representations orally, or in writing, or both.

Where an application is granted the Licensing Authority will issue it as soon as is reasonably practicable.

It should be noted that there are conditions in the Act by which the permit holder must

comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

TEMPORARY USE NOTICES

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.

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.

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 Act (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.

There are a number of statutory limits as regards Temporary Use Notices, including that a Temporary Use Notice may only be granted to a person or company holding a relevant operator licence, and limitations on the number of times a 'set of premises' can be used under these provisions.

A 'set of premises', as referred to in section 218 of the Act, is the subject of a Temporary Use Notice if any part of the premises is the subject of a notice. This reference to 'premises' is not the same as that in Part 8 of the Act. It prevents one large premises from serving a TUN for different parts of the premises and exceeding the statutory limit of 21 days in any 12-month period.

The definition of "a set of premises" will be a question of fact in the each particular circumstance. In considering whether a place falls within the definition of "a set of premises" the Licensing Authority will consider, amongst other things, the ownership/occupation and control of the premises.

The Authority will consider whether they wish to give a notice of objection in respect of a Temporary Use Notice. In considering whether to do so, they must have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications they must give notice of objection to the person who gave the Temporary Use Notice.

OCCASIONAL USE NOTICES

Occasional Use Notices apply only to tracks which are defined by the Act as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place. Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. This licensing authority will though, consider the definition of a 'track', which do not need to be a permanent fixture, and whether the applicant is permitted to avail him/herself of the notice.

TRAVELLING FAIRS

It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are 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.

The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.

The 27-day statutory maximum for the land being used as a fair is per calendar year, and that this 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. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land which crosses district/borough boundaries is monitored so that the statutory limits are not exceeded.

SOCIETY LOTTERIES

The Council as the local authority is responsible for registering small society lotteries. A lottery is defined under the Act and in the guidance as:

a simple lottery if:

- Persons are required to pay to participate.
- One or more prizes are allocated to one or more members of a class.
- The prizes are allocated by a process which relies wholly on chance.

a complex lottery if:

- Persons are required to pay to participate.
- One or more prizes are allocated to one or more members of a class.

- The prizes are allocated by a series of processes.
- The first of those processes relies wholly on chance.

A society, or any separate branch of such a society, may be registered by the Licensing Authority to promote a small lottery where it is established and conducted:

- For charitable purposes.
- For the purpose of enabling participation in , or of supporting, sport, athletics or a cultural activity.
- For any other non-commercial purpose other than private gain.
- And the proceeds of the lottery must be devoted to the purposes above.

The society must not be established for the sole purpose of facilitating lotteries.

The Licensing Authority may only register a society which wishes to promote a small lottery where the society's *principal office* is located within its area. If the Licensing Authority believes that the society's principal office does not fall within its boundaries it will inform the society and relevant authority at the earliest opportunity.

A small lottery is defined in the Act and the current limits are published on the Gambling Commission website. Definitions of exempt lotteries are also published at this address.

The Licensing Authority will expect the society applying to register with it supply a copy of its terms conditions or constitution to enable it to establish that the society is non-commercial, together with a declaration to the effect that it is non-commercial.

Details of societies registered by the Licensing Authority will be published in a register maintained by the council. The registration is for an indefinite period unless the registration is cancelled by:

- The society; or
- The Licensing Authority on failure of the society to pay the annual charge.

The Licensing Authority may refuse to register a small society lottery where:

- An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused.
- The society cannot be deemed non-commercial.
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence.
- Information provided in or with the application for registration is found to be false or misleading.

Where the Licensing Authority proposes to refuse to register a small society lottery it will give the society an opportunity to make representations in writing or at a hearing. The Licensing Authority will notify the society in writing of the outcome of the hearing and the reasons for the decision.

The Licensing Authority may revoke a society lottery registration where it considers that it would have had to or would be entitled to refuse an application if it were to be made at that time.



TABLE OF DELEGATIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE OR SUB COMMITTEE	OFFICERS/ HEAD OF SERVICE
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee Setting - when appropriate			Head of Service or equivalent
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	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		✓	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give a counter notice to a temporary use notice		✓	

LIST OF CONSULTEES

List of persons this authority consulted:

- Norfolk Constabulary
- Norfolk Fire Service
- Social Services and Trading Standards, Norfolk County Council
- Norfolk Local Safeguarding Children Board
- HM Revenue and Customs
- Public Health
- Maritime Coastguard Agency and The Broads Authority
- The Environment Agency
- Norfolk Chamber of Commerce and Industry
- Association of British Bookmakers
- BACTA
- British Beer and Pub Association
- British Holiday and Home Parks Association
- British institute of Innkeeping
- Citizens Advice Bureau
- Gamblers Anonymous
- Alcoholics Anonymous
- Shine Mental Health Services
- Mencap
- MIND
- Racecourse Association Ltd
- Responsible Gambling Trust t/a Gambleaware
- Gamcare
- Gambling Commission
- National Casino Industry Forum
- The Bingo Association
- Gaming machine suppliers
- Councillors, Town & Parish Councils within Broadland
- Broadland District Council Corporate Leadership Team
- Relevant licence holders in the Broadland district

SAFEGUARDING CHILDREN

Definition of a Child

Section 174 of the Gambling Act 2005 states:

Under the Act, any person aged less than sixteen years is defined as a child. Any person aged sixteen years or more, but who is not yet eighteen, is defined as a young person.

What are the risks to Children?

The risks will vary, depending on the type of gambling activities taking place at the premises. For example, at adult gaming centres, off-course (high street) betting premises or casinos, safeguarding systems should be in place to prevent young people gaining access to the premises.

If children are permitted access to adult gambling activities, they may be at risk of being:

- Exposed to information or advertisements encouraging them to gamble.
- Allowed, or invited, to gamble or bet in a commercial setting.
- Allowed to purchase and consume alcohol (casino premises).
- Financially exploited.

They may also witness, or be involved in, other dangerous or threatening behaviour.

Managing the risks

To prevent children and young people accessing adult gambling activities, stringent safeguarding measures should be in place, examples of such measures could include:

- The Challenge 25 scheme operated by all door and bar staff and only recognised proof of age accepted (for example photo driving licence or passport; cards bearing the 'PASS' hologram).
- All points of entry being monitored by security staff/CCTV.
- Signage being prominently displayed at all points of entry regarding the prohibition of under 18's.
- Signage being displayed on machines highlighting age restrictions.
- Signage being prominently displayed in bar areas regarding the law and the sale of alcohol
- Operating a membership scheme.
- All staff being trained to be vigilant and respond if a child gains illegal access to premises.
- A designated and trained Child Safety Lead to be on duty at all times

If a premises offers a range of gambling activities (for example, a licensed family entertainment centre or bingo premises) premises must operate systems to ensure that under 18's are prevented from accessing areas where adult activities (such as betting or

high stakes gambling) take place; or where adult gaming machines are located.

The measures set out above should be used to help the public clearly identify which areas children are prohibited.

If a premises offers a variety of activities, it may be necessary to operate the following systems:

- Designated family-friendly areas using physical barriers/cordons to segregate these from restricted areas.
- Points of access/egress located for easy supervision by staff and regularly monitored
- Signage displayed to indicate access rules.
- Signage to remind parents/adults of their responsibilities.
- Use of screens.
- Use of the Challenge 25 scheme.
- Assigning at least one member of staff as a 'Children's Safeguarding Lead'.
- Premises should ensure that the environment to which they allow children access is safe and suitable. Action should be taken if adults demonstrate irresponsible behaviour, such as showing signs of intoxication, using strong or offensive language, threatening behaviour, or violence towards others or towards machinery.

Adults accompanying children should be encouraged to supervise them, to minimise the risk of children being exposed to inappropriate or dangerous behaviour or gaining access to prohibited areas of the premises.

The employment of children and young people

The Act does not prohibit the employment of children and young people at some premises. However, it does restrict the type of tasks and areas to which children and young people may have access and it is important that premises comply with these restrictions. Children should not be exposed to gambling as they carry out their employment functions.

SAFEGUARDING VULNERABLE ADULTS

Definition of a Vulnerable Adult

The Gambling Commission state:

Anybody can be vulnerable to harm and there are many reasons a person may be in a vulnerable situation. Changes to an individual consumer's circumstances may mean that a person becomes more or less vulnerable to experiencing gambling harms. A vulnerable situation can be permanent, temporary or intermittent, and may be related to health, capability, resilience, or the impact of a life event.

Who is a vulnerable adult?

Adults may be vulnerable if, for example, they are taking certain types of prescribed medication which may impair their judgement or prevent them making informed, balanced decisions about gambling; or if they are intoxicated from misusing drugs or alcohol.

If an adult has mental health issues, a mental impairment or problems with addiction, they may also be vulnerable as they may have difficulty controlling their activities or behaviour, or understanding the players' guides to games.

What are the risks to vulnerable adults?

If vulnerable adults are not supported within the gambling environment they may be at risk of:

- Gambling beyond their financial means.
- Problems with addiction.
- Financial exploitation.
- Causing, or being a victim of dangerous, abusive or threatening behaviour.
- Physical, emotional or accidental harm These difficulties may have a serious impact upon the person's relationships, home life or employment.

Managing the risks and being socially responsible

Premises should consider the following steps:

- Designate a member of staff to lead on problem gambling issues.
- Train staff on how to recognise and respond to indicators of concern.
- Staff should be trained to recognise the signs of persons becoming aggressive and how to deal with such situations whilst maintaining their own safety.
- Information should be made readily/discreetly available to customers on how to gamble responsibly and seek help in respect of problem gambling.
- Offer a self-exclusion, or self-limit scheme, enabling individuals to restrict the

- amount of time or money they spend.
- When offering membership schemes, requesting the details of a contactable person should this be required in the event of an emergency.