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The Chair and Members of Licensing
Committee

10 November 2021

Dear Councillor,

Please attend a meeting of the LICENSING COMMITTEE to be held on WEDNESDAY, 17 NOVEMBER 2021 at 10.00 am in Committee Room 1, Town Hall, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the agenda
2. Apologies for Absence
3. Review of revised Statement of Principles made under the Gambling Act 2005 (Pages 3 - 26)

Yours sincerely,

A handwritten signature in black ink, appearing to read "Randy".

Head of Regulatory Law and Monitoring Officer

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FOR PUBLICATION

DRAFT REVISED STATEMENT OF PRINCIPLES MADE UNDER THE GAMBLING ACT 2005

MEETING: LICENSING COMMITTEE

DATE: 17 NOVEMBER 2021

REPORT BY: LICENSING OFFICER

FOR PUBLICATION

TITLE: Gambling Act 2005 –
Statement of Principles

LOCATION: Licensing Group

1. PURPOSE OF REPORT

- 1.1 To approve the consultation on the review of the Council's Statement of Principles made under the Gambling Act 2005.

2. BACKGROUND

- 2.1 The Council must have regard to the Statement of Principles when making decisions about gambling matters. The legislation requires that the document is reviewed every three years. Chesterfield Borough Council's last 'Statement of Principles' was published in 2019.

This report is for Committee to approve consultation on the revised Statement of Principles.

3. PROPOSED REVISIONS

- 3.1. A copy of the proposed draft revised Statement of Principles is attached at Appendix 1. The change to the previous Statement of Principles is;

- Update Appendix 2 within the Statement of principles to show the maximum stake for Category B2 gaming machines has been reduced from £100 to £2.

- 3.2 The current timetable for the approval of the Statement of Principles is;
- Consultations starts 25th November 2021
 - Consultation period ends 22nd December 2021
 - Any comments to be referred to Licensing Committee in December 2021
 - Final draft to Full Council on
- 3.3 The Consultation period will begin following Committees approval and the placing of the required advertisement. We will consult with representatives of the Gambling trade including premises licence holders of betting, bingo and similar premises and bodies such as the gambling commission and people that are using these establishments. (consultees listed at Appendix 2)

4.0 SUMMARY

- 4.1 The Council is required to review the Statement of Principles every three years. The process of the review includes formal consultation with Responsible Bodies and the public.

5.0 RECOMMENDATION

- 5.1 That Committee approve a consultation on the proposed Statement of Principles. If no comments are received there is no requirement for the final document to be referred back to the Licensing committee before publication.

For further information on this report contact

Emma Marriott
Licensing Officer on 345740



CHESTERFIELD
BOROUGH COUNCIL

STATEMENT OF PRINCIPLES

Made under the Gambling Act 2005

**Licensing Section, Environment Services, Customer Service
Centre, 85 New Square, Chesterfield, Derbyshire, S40 1AH**

or e-mail to licensing@chesterfield.gov.uk

www.chesterfield.gov.uk

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1.0 Preface

- 1.1 Under the Gambling Act 2005 all gambling and betting provision, apart from the National Lottery and spread betting, will be regulated by the Gambling Commission.
- 1.2 Chesterfield Borough Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling is to take place, and to license certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

2.0 The Licensing Objectives

- 2.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- 2.2 **Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.**

Chesterfield Borough Council is aware that the Gambling Commission will be taking a leading role in preventing gambling being a source of crime. Where an area has known high levels of crime, this Authority will consider whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. Chesterfield Borough Council is aware of the distinction between disorder and nuisance, and will consider factors such as whether Police assistance was required and the extent to which the behaviour was threatening, so as to make that distinction. Issue of nuisance cannot be addressed by the Gambling Act provisions.

- 2.3 **Ensuring that gambling is conducted in a fair and open way.**

Chesterfield Borough Council has noted that the Gambling Commission has stated that it would, generally, not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. However, where the Council feels it is aware of unfairness, this information will be relayed to the Gambling Commission.

- 2.4 **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

Chesterfield Borough Council acknowledges the Commission's Guidance that the protection of children and other vulnerable persons objective means preventing children from taking part in gambling as well as the restriction of advertising so that gambling produces are not aimed at, or are, particularly attractive to children.

Consideration will be given as to whether specific measures should be required at particular premises - these could include, supervision of entrances, machines, segregation of areas etc.

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

3.0 Definitions

'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery;

'Gaming' means playing a game of chance for a prize

'Betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true

A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.

Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's licensing team where appropriate

All references to the Gambling Commission's Guidance for local authorities, in this document, refer to the latest Guidance issued by the Commission.

3.1 Chesterfield Borough Council's vision for the Borough is to

- Secure the safety and amenity of our communities
- Facilitate a safe and sustainable licensed trade that contributes to that economy and vibrancy of the Borough;
- Reflect the needs of the Borough's community in relation to its cultural needs and diversity by supporting licensable activities, including live music, dancing, theatre and other cultural experiences offered by such activities.

We recognise the clear connection between the objectives of the Gambling Act 2005 and the aspirations for Chesterfield Borough.

3.2 Licensing authorities are required by the Gambling Act 2005 to publish a Statement of Principles which they propose to apply when exercising their functions. The Statement can also be reviewed from "time to time" and then any amended parts re-consulted upon. The Statement will then be re-published. The Statement sets out the manner in which applications will be considered, this can be viewed on the Council's website www.chesterfield.gov.uk. Each application will be considered on its individual merits.

3.3 Some premises already licensed under the Licensing Act 2003 are also affected by the provisions of the Gambling Act 2005 - having Amusement with Prizes machines (AWPs). In addition to premises licensed to sell/supply alcohol, the 2005 Act affects betting shops and tracks (i.e. where any sporting activities take place), family entertainment centres, premises where bingo occurs, casinos, adult gaming centres and travelling fairs. Also affected are operations not licensed generally for gambling

purposes but could be used for certain types of gambling for limited periods - these will be covered by Temporary and Occasional Use Permits.

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

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

3.5 It should be noted that this Statement of Principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

4.0 Declaration

4.1 In producing this Statement of Principles, Chesterfield Borough Council declares that it has regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the Statement of Principles.

5.0 Responsible Authorities

5.1 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 etc.

In accordance with the Gambling Commission's Guidance for local authorities, this Authority designates the Derbyshire Area Child Protection Committee for this purpose.

5.2 The contact details of all the Responsible Bodies under the Gambling Act 2005 are available via the Council's website at www.chesterfield.gov.uk.

6.0 Interested Parties

6.1 Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"a person is an interested party in relation to an application for or in respect of a Premises Licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person -

- (a) lives sufficiently close to the premises to be likely to be affected by the activities;
- (b) has business interests that might be affected by the authorised activities; or
- (c) represents persons who satisfy paragraph (a) or (b)".

6.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each representation will be considered on its individual merits.
- All decisions made on Premises Licences will be in accordance with the Gambling Commission Guidance (Section 153).

6.3 An individual wishing to approach Councillors to ask him/her to represent his/her views should ensure that the Councillor(s) is/are not part of the Licensing Committee or Sub-Committee dealing with the licence application. This can be checked by contacting Democratic Services, Chesterfield Borough Council, Town Hall, Chesterfield, Derbyshire, S40 1LP tel: 01246 345229/345236 or democratic.services@chesterfield.gov.uk.

7.0 Exchange of Information

7.1 Licensing authorities are required to include in their Statement of Principles the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons lists in Schedule 6 to the Act.

7.2 The principle that Chesterfield Borough Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulation 2018 (GDPR) will not be contravened. Chesterfield Borough Council will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

7.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

8.0 Enforcement

8.1 In exercising the functions under Part 15 and Section 346 of the Gambling Act 2005, respectively, Chesterfield Borough Council will inspect premises and take any enforcement action in respect of offences specified in accordance with its Environment Services Enforcement Policy, Regulators Compliance Code and the Gambling Commission's Guidance.

8.2 The main enforcement role of the licensing authority will be to ensure compliance with the premises licence and other permissions which it authorises. Chesterfield Borough Council will endeavour to avoid duplication with other regulatory regimes so far as is possible.

8.3 The Gambling Commission will be the enforcing body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but need to be notified to the Gambling Commission.

9.0 Licensing Authority Functions

9.1 Licensing authorities are required under the Act to;

- Be responsible for the licensing of premises where gambling activities are to take place by issuing premises licences, permits and receive notifications and registrations
- Provide information to the Gambling Commission regarding details of licenses issued.
- Maintain registers of the permits and licences that are issued under these functions. These are available by contacting the Council's Licensing Section and will be available by accessing the Council's website.

9.2 Chesterfield Borough Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to Gambling premises.

10.0 Adult Gaming Centres

10.1 An adult gaming centre must hold a general operating licence (adult gaming centre) from the Gambling Commission. They are able to make Category B, C & D gaming machines available.

11.0 (Licensed) Family Entertainment Centre (FEC)

11.1 A licensed FEC must hold a general operating licence (family entertainment centre) from the Gambling Commission. They are able to make category C & D gaming machines available.

12.0 Casinos

12.1 These fall into 2 categories, a large casino or a small casino. There are separate regulations involving a two-stage application process.

12.2 Chesterfield Borough Council will consider conditions in relation to stakes, fees, winning or prizes.

12.3 Chesterfield Borough Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005. Should Chesterfield Borough Council decide to pass such a resolution, it will update this Statement of Principles.

13.0 Bingo Premises

13.1 Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood;

- Cash bingo; where the stakes paid make up the cash prizes that are won

- Prize bingo; where various forms of prizes are won, not directly related to the stakes paid.

14.0 Betting Premises

- 14.1 Category B, C or D gaming machines are allowed although category B machines are restricted to sub-category B2, B3 & B4 machines.
- 14.2 Chesterfield Borough Council can restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.
- 14.3 Planning legislation was introduced on 15 April 2015 regarding betting shops. Details of this can be found later on in this policy.

15.0 Tracks

- 15.1 Tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence.
- 15.2 As regards the protection of vulnerable persons, Chesterfield Borough Council will consider measures such as the use of self-barring schemes, provision of information leaflets/helpline numbers for organisations such as GamCare.
- 15.3 Chesterfield Borough Council has the power, under the Gambling Act 2005, to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.
- 15.4 Chesterfield Borough Council would prefer all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences.
- 15.5 Chesterfield Borough Council will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that they are made available to the public.

16.0 Gaming machines at tracks

- 16.1 Consideration will be given to the location of gaming machines at tracks, and applications will need to demonstrate that if using the entitlement to four gaming machines, the machines are located in areas where children are excluded. Children and young persons are not prohibited from playing category D machines on a track.

17.0 Betting machines

- 17.1 Chesterfield Borough Council will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and vulnerable persons. Chesterfield Borough Council may restrict the number and location of machines in respect of track betting premises licences.

18.0 Travelling Fairs

18.1 They may provide unlimited number of category D gaming machines on a site that has been used for fairs for no more than 27 days per calendar year. Category B & C machines are not permitted.

Chesterfield Borough Council will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that statutory limits are not exceeded.

19.0 Unlicensed Family Entertainment Centre Gaming machine permits

19.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply for an unlicensed family entertainment centre gaming machine permit. The premises will be wholly or mainly used for making gaming machines available for use.

The permit allows any number of category D gaming machines to be available made only when a permit is in place.

20.0 Alcohol Licensed premises gaming machine permits

20.1 Any premises which is licensed to sell alcohol for consumption on the premises will automatically have entitlement for 2 gaming machines, of C and/or D category. The premises will need to apply for a Notification of gaming machines.

20.2 If a premises wishes to have more than two machines it will need to apply for a gaming machine permit.

21.0 Prize Gaming Permits

21.1 A prize gaming permit authorises the provision for gaming with prizes on specified premises. You must not hold a premises licence or club gaming permit for the same premises.

22.0 Club Gaming and Club Machine Permits

22.1 Members clubs and Miners Welfare Institutes may apply for a Club Gaming Permit or a Club Gaming machine permit. The club gaming permit will allow the premises to provide a maximum of three machine of category B, C or D gaming machines.

22.2 Members clubs must have at least 25 members and be established and conducted wholly or mainly for purposes other than gaming. A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.

22.3 There is a fast track procedure available for premises who hold a club premises certificate under the Licensing Act 2003. Under this procedure there is no opportunity for objection by the commission or police.

23.0 Temporary Use Notices (TUN)

23.1 Allows 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.

23.2 A TUN may only be granted to a person/company who holds the relevant operating licence. A set of premises may not be subject of a TUN for more than 21 days in a period of 12 months.

24.0 Occasional Use Notices

24.1 Occasional use notices can be used for betting on a track on 8 days or fewer in a calendar year which cannot be exceeded.

25.0 Small Society Lotteries

25.1 Small society lotteries are needed for the promotion of a lottery on the behalf of a non-commercial organisation/charity. A society should be established and conducted;

- For charitable purposes, as defined in s.2 of the Charities Act 2006
- For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- For any other non-commercial purpose other than that of private gain

25.2 If you are holding a raffle and tickets are sold at the premises during the event and the result of the draw is made public while the event takes place you may not require a small society lottery licence as this could be an incidental non-commercial lottery.

25.3 It should be noted that local licensing authorities will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.

If you wish to apply for any of the above licences/permits or require additional information please contact Licensing at Customer Service Centre, 85 New Square, Chesterfield, S40 1AH, telephone 01246 345230 or email licensing@chesterfield.gov.uk.

The Council will only accept applications which are made in full with any relevant payment included

PREMISES LICENCES

1.0 General Principles

1.1 Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

1.2 Chesterfield Borough Council 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 is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and

- in accordance with the Authority’s Statement of Principles.

1.3 The Gambling Commission has advised that “moral objections to gambling are not a valid reason to reject applications for premises licences”, and that unmet demand is not a criterion for a licensing authority.

1.4 Premises is defined in the Act as “any place”. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Gambling Commission states in its Guidance for Local Authorities, it “will always be a question of fact in the circumstances”. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

2.0 Access to Premises

2.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations sets out the access provisions for each type of premises. The principle is that there can be no access from one licensed gambling premises to another, except between premises that allow access to under 18’s. A further exception is that licensed betting premises may be accessed from other licensed betting premises.

2.2 An issue may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. The nature of the public area will depend on the location and nature of the premises.

2.3 The Regulations define street as ‘including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not’.

2.4 Relevant access provisions for each premises type is as follows;

Type of Premises	Access provisions
Casino’s	<ul style="list-style-type: none"> • the principle entrance to the premises must be from a ‘street’ • no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons • no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence
AGCs	<ul style="list-style-type: none"> • no customer must be able to access the premises directly from any other licensed gambling premises
Betting Shops	<ul style="list-style-type: none"> • access must be from a ‘street’ or from other premises with a betting premises licence • no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises
Tracks	<ul style="list-style-type: none"> • no customer must be able to access the

	premises directly from a casino or AGC
Bingo Premises	<ul style="list-style-type: none"> no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track
FECs	<ul style="list-style-type: none"> no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track

3.0 Access to gambling by children and young persons

- 3.1 Licensees must have and put into effect policies and procedures designed to prevent underage gambling and monitor the effectiveness of these. This must include procedures for;
- checking the age of apparently underage customers
 - removing anyone who appears to be under age who tries to access the gambling facilities and cannot produce an acceptable form of identification
 - taking action when there are attempts by under-18s to enter the premises
- 3.2 Chesterfield Borough Council will specifically have regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 3.3 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. A licence will only be issued in relation to premises that are ready to be used for gambling. This requirement for a building to be complete before a licence will be issued ensures that it can be fully inspected if necessary, by the appropriate authorities with inspection rights.
- 3.4 Chesterfield Borough Council is aware that demand issues cannot be considered with regard to the location of premises, but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for Local Authorities, 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. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this Statement of Principles will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its own merits, with the onus upon the applicant to show how the concerns can be overcome.

4.0 Duplication with Other Regulatory Regimes

- 4.1 This Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including Planning. This Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This Authority will listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

5.0 Code of practice

- 5.1 The Licensing Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards the licensing objective, protecting children

and other vulnerable persons from being harmed or exploited by gambling, in relation to specific premises such as casinos.

5.2 It is understood that a Code of Practice for casinos must:

- specify steps that the premises licence holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino, do not enter the gambling area;
- amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person ("the Supervisor") who is responsible for compliance with the code of practice; and
- require that, unless the Supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.

6.0 **Conditions**

6.1 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

6.2 When considering applications under the Gambling Act 2005 the Council will consider placing conditions on the licence to include door supervision, supervision of adult gaming machines and appropriate signage of adult areas. Where it is determined that door supervisors are required, the Licensing Authority will consult with the Police.

6.3 When considering multiple premises licences the Council will consider supervision of entrances; segregations of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

6.4 We will consider conditions including;

- Proof of Age Schemes;
- Supervision of Entrances/Machine Areas;
- Physical Separation of Areas;
- Self-barring schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with suspected truant school children on the premises;
- CCTV;
- Door Supervisors;
- Location of Entry;
- Notices/Signage
- Specific opening hours; and

- The location of Gaming Machines.

6.5 Chesterfield Borough Council will ensure that where category C or above machines are on offer in premises to which children are admitted -

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only 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.

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

6.7 It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licensing condition;
- conditions relating to gaming machine categories, numbers or methods of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

6.8 The Gambling Commission advises in its Guidance for Local Authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Security Industry Act and that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority. Where it is determined that door supervisors are required, the Licensing Authority will consult with the Police.

7.0 Local Risk Assessments and Social Responsibility

7.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015, formalise the need for operators to consider local risks.

7.2 From 6th April 2016 all premises licensees are required to 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 reduce those risks. They must take into account any relevant matters identified in the licensing authority's statement of policy.

- 7.3 A local risk assessment must be undertaken when applying for;
- A new premises licence
 - When applying for a variation of a premises licence
 - To take account of any local significant changes in the area
 - When there are significant changes within the premises which may affect the current risk assessment
- 7.4 The Gambling Commissions new Social Responsibility provision requires licensees to share their risk assessment with Licensing Authorities when applying for a new premises licence or a variation to an existing licensed premises. If there are any concerns the Licensing Authority may request that the licensee share a copy of their own risk assessment which will set out the measures the licensee has in place to address specific concerns.

8.0 Location

- 8.1 The licensing authority cannot consider demand issues with regard to location of premises but can consider the terms of the licensing objectives. The licensing 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.
- 8.2 Each application will be decided on its own merit, with the onus upon the applicant to show how potential concerns can be overcome.

9.0 Planning legislation for Betting Offices

- 9.1 On the 15th April 2015, the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 and the Town and Country Planning (General Permitted Development) (England) Order 2015 came into force. All new betting offices now require specific planning permission and have been taken out of general 'A2' financial and professional service use class. Under previous legislation a betting office fell in the same category as an estate agent/bank/restaurant etc. and did not require a change of use application.

10.0 Provisional Statement

- 10.1 An application for a provisional statement shall include such plans and other information in relation to the construction, alteration or acquisition as may be prescribed.
- 10.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- (a) which could not have been raised by objectors at the provisional licence stage; or

- (b) which, in the Authority's opinion, reflects a change in the operator's circumstances.

10.3 Chesterfield Borough Council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building legislation.

11.0 Reviews

11.1 A review of a premises licence may be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out.

11.2 Chesterfield Borough Council will consider if 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;
- in accordance with the Authority's Statement of Principles; and
- whether the request for a review is frivolous or vexatious.

11.3 The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

12.0 Exempt Gaming and Charity Fundraising

12.1 The Gambling Act 2005 allow the following activities and although they do not require permission under Exempt Gaming, there are information sheets available on the Gambling Commission website which outline relevant restrictions.

- Poker in Pubs and Clubs
- Race Nights
- Casino Nights
- Bingo

13.0 General Statement

Chesterfield Borough Council recognises the variety of premises which will require a licence or permit.

In carrying out its licensing functions Chesterfield Borough Council will have regard to any guidance issued by the Gambling Commission.

When considering applications and taking enforcement action the Licensing Authority will have regard to the provisions of the Human Rights Act and in particular;

- Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest
- Article 6 – right to a fair hearing
- Article 8 – respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life
- Article 10 – right to freedom of expression

CONTACT INFORMATION

If you have any queries regarding any licensing matter contact:

Licensing Section
Environment Services
Chesterfield Borough Council
Customer Service Centre
85 New Square
Chesterfield
S40 1AH

Tel: 01246 345230
E-mail: licensing@chesterfield.gov.uk
Website: www.chesterfield.gov.uk

Appendix 1

ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

The Powers and duties of the Council in respect of licensing may be carried out by the Licensing Committee, by a Sub-Committee or by the Head of Environment (or an officer duly delegated by the Head of Environment). In the interests of efficiency and cost effectiveness the Council will delegate routine matters to officer level.

Matter to be dealt with	Full Council	Licensing Committee or Licensing Sub-Committee	Officer
Final approval of 3 year Statement of Principles.	X		
Policy not to permit Casinos.	X		
Fee setting when appropriate.			X
Applications 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 have been received from the Commission.
Application for a provisional statement.		Where representations have been received and not withdrawn.	Where no representations received / representations have been withdrawn.
Review of a premises licence.		X	

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officer
Application for club gaming/club machine permits.		Where objections have been made and not withdrawn.	Where no objections have been made/ objections have been withdrawn.
Cancellation of club gaming/club machine permits		X	
Application for other permits.			X
Cancellation of licensed premises gaming machine permits.			X
Consideration of temporary use notice.			X
Decision to give a counter notice to a temporary use notice		X	
Decision on whether a representation is irrelevant, or falls within the categories defined within section 198 of the Act (frivolous, vexatious etc)			X

Appendix 2

Categories of Gaming Machines

A gaming machine is defined as a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes). Under the Gambling Act 2005 gaming machines fall into categories depending on limits on the stake laid down and prizes available.

Categories A, B and C machines are adult only gaming machines.

Category D machines have no age restrictions.

Gaming Machine Category	Maximum Stake (£)	Maximum Prize (£)
A	Unlimited	Unlimited
B1	£5	£10,000
B2	£2	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – non money prize machine (not crane grab)	30p	£8 (value of non-money prize)
D – non money prize (crane grab)	£1	£50 (value of non-money prize)
D – money prize	10p	£5
D- combined money & non-money prize (coin pusher or penny falls)	20p	£20 (of which no more than £10 may be a money prize)
D – combined money & non-money prize (other than coin pusher or penny falls)	10p	£8 (of which no more than £5 may be a money prize)