

# **Gambling Policy Statement 2019 -22**

## **A Responsible Approach to Gambling in Manchester**

**Fifth Edition**

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## FOREWORD

Our gambling policy sets out the principles we will apply in our approach to licensed gambling in Manchester.

Since our last review of the policy, we have launched the Our Manchester Strategy, which sets out our ambition for Manchester to be in the top flight of world-class cities by 2025. This strategy is at the heart of what we do, including our approach to gambling.

To achieve this, we will have a competitive, dynamic economy that draws on our distinctive strengths. We want to ensure that we have the highest quality of venues with highly skilled staff to support the growth of our economy. In this version of the policy, we have set out our expectations of how operators address local areas of risk relevant to the operation of their gambling business. Over the next three years, we will endeavour to work with the trade to enhance our approach to identifying and understanding the local issues they face and how we can address these challenges together.

Manchester is home to a growing and diverse population that speaks more than 200 languages. Our goal is for Manchester to possess highly skilled, enterprising and industrious people, and for it to be a place where residents from all backgrounds feel safe, can aspire, succeed and live well. We recognise that gambling provides many jobs, as well as being a popular leisure activity enjoyed by many of our residents and visitors. However, there is a range of gambling-related harms that can be experienced across the spectrum of gambling activities. We also know from research that some groups are more likely to experience problems with gambling and there are some forms of gambling that are more associated with a higher severity of gambling-related problems, putting people at risk of gambling what they can't afford. We are therefore committed to working in partnership with the trade and partners to minimise this risk and ensure that appropriate support is available when and where it is required, as well as regulating when appropriate.

We will also continue to work with partners such as the police, the Gambling Commission, GamCare and treatment providers to ensure that gambling is fair and open, kept free from crime, and protects those who are underage or vulnerable from being harmed by it.

By putting this Gambling Policy's principles into practice to promote the licensing objectives in Manchester, we will realise our ambitions for our city.

## 1 INTRODUCTION

The Gambling Act received Royal Assent in April 2005. It covers all commercial gambling in England and Wales and includes the regulation of gambling premises, temporary use of premises for gambling, small-society lotteries and remote gambling. Responsibility for the Act's implementation is divided up between: the Department for Culture, Media and Sport who prepared the legislation; the Gambling Commission who prepare guidance for Local Authorities (known as Licensing Authorities for the purposes of the Act) and draft codes of practice for operators to follow; and Licensing Authorities who issue some (but not all) authorisations. At the Act's heart are three licensing objectives which we, as a Licensing Authority, will use as a measure for many decisions on gambling applications. These 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.**

Those who would like to offer gambling will need either:

- An operating licence and premises licence for each premises they run
- A permit
- An Occasional Use Notice
- A Temporary Use Notice
- Small-society lottery registration

Certain individuals involved in the provision of gambling will also need personal licences, issued by the Gambling Commission. The Gambling Commission will also issue operating licences as well as licences for remote gambling, that is gambling using the internet, telephone, TV, radio etc.

The Council's Licensing Unit will issue premises licences, permits and other authorisations including Occasional Use Notices and Temporary Use Notices and small society lottery registrations (See Appendix G for all contact details). Regardless of the type of licence or permit applied for, Manchester City Council is looking to maintain high standards to ensure responsible gambling and the promotion of the licensing objectives in Manchester.

Operators are encouraged to demonstrate what steps they will implement consistent with the licensing objectives as part of their application. Interested parties and responsible authorities (see Appendix I for definitions) may both make representations in respect of premises licence applications. They may also ask for a review of the licence at any time after the licence comes into force.

### **The area covered by Manchester City Council**

Manchester City Council is situated in Greater Manchester and has a population of 560,000. It is the largest of the ten Greater Manchester Authorities. Manchester City Council will license gambling premises in all areas shown in the map below

*(map to be inserted)*

Our long-term vision for Manchester's future is set out in the Our Manchester Strategy (2016-2025) and provides a framework for action by us and our partners across the city. The overarching vision is for Manchester to be in the top flight of world-class cities in 2025. It will be a city:

- with a competitive, dynamic and sustainable economy that draws on its distinctive strengths in science, advanced manufacturing, culture, creative and digital business to cultivate and encourage new ideas
- with highly skilled, enterprising and industrious people
- that is connected, internationally and within the UK
- that plays its full part in limiting the impacts of climate change
- where residents from all backgrounds feel safe, can aspire, succeed and live well
- that is clean, attractive, culturally rich, outward-looking and welcoming.

There are five key themes in the Our Manchester Strategy, along with measures of success through which it is intended to monitor progress in achieving our aims and objectives. The themes are:

- A thriving and sustainable city
- A highly skilled city
- A progressive and equitable city

- A liveable and low carbon city
- A connected city.

This statement of licensing policy seeks to ensure gambling is regulated within the overall context of the aims of the Our Manchester Strategy.

## **1 ABOUT OUR GAMBLING POLICY**

### **1.1 Our responsibility to produce and publish a gambling policy**

Licensing Authorities are required by the Gambling Act to publish a gambling policy at least every three years. We may also revise it 'from time to time' if it is necessary to do so. This is the fifth Edition of our Gambling Policy and has been updated to reflect the practical lessons and considerations developed since the implementation of the Gambling Act in 2007 as well as the regulatory requirements on operators to consider the local risk relative to the operation of their premises.

### **1.2 How we arrived at our policy**

In order to formulate a policy that complies with legislation and reflects public concerns, we declare that we have paid and will pay particular attention to:

- The licensing objectives
- Guidance and Codes of Practice issued by the Gambling Commission

Comments we receive during the public consultation on our policy

### **1.3 Our public consultation**

The bodies listed at Appendix J are consulted on the publication of this Licensing Policy.

### **1.4 The rights of the applicant**

This policy does not override anybody's right to make an application, make representations about an application, or apply for a review of a licence. Each application will be considered on its merits in accordance with the requirements of the Gambling Act.



## 2 MANCHESTER'S ROLE

### **2.1 The role of Manchester City Council as a Licensing Authority**

Manchester City Council is required to perform the following functions under the Gambling Act:

1. Be responsible for licensing premises where gambling activities are to take place by issuing premises licences
2. Issue *provisional statements* where it is proposed that gambling activities will take place but a premises is not yet ready for use
3. Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing *club gaming permits* and/or *club machine permits*
4. Issue *club machine permits* to commercial clubs
5. Issue permits for unlicensed Family Entertainment Centres where Category D machines may be used
6. Receive notifications from premises licensed for on-sales of alcohol for use of two or fewer Category C or D gaming machines
7. Issue *licensed premises gaming machine permits* for premises licensed for on-sales of alcohol for use of two or more Category C or D machines
8. Register small society lotteries
9. Issue *prize gaming permits*
10. Receive and endorse *Temporary Use Notices* for temporary use of premises for gambling
11. Receive Occasional Use Notices for betting at tracks

The City Council is also required to:

- Provide information to the Gambling Commission regarding details of licences issued (see Appendix E for our information exchange protocols)
- Maintain a register of the permits and licences that are issued under the functions

above.

## **2.2 Manchester's bid for a regional casino**

Following the implementation of the Gambling Act 2005, the Government appointed a Casino Advisory Panel to make recommendations about which licensing authority would be best placed to award a regional casino licence. Manchester participated in the competition held by the Casino Advisory Panel and was recommended as the location for the single regional casino licence. In February 2008, the Government implemented the Casino Advisory Panel recommendations for the location of small and large casinos. The arrangements for the regional casino licence remain to be implemented.

We believe that Manchester is the best place for a regional casino. We believe that Manchester will gain regeneration benefits in the form of a significant leisure offering, jobs for disadvantaged people and a boost to the tourism and leisure sectors generally by appealing to people across the North West as well as business and international visitors. We believe that by working with casino operators, voluntary organisations and other public agencies we can monitor and minimise any negative social impacts through the implementation of this policy, education and help for vulnerable people. If Manchester is given permission to grant a Premises licence for a regional casino, we will run a two-stage competition in accordance with Schedule 9 of the Gambling Act 2005 and any regulations or Code of Practice issued by the Secretary of State or the Gambling Commission under the Act.

Our policy relating to the regional casino will be reconsidered in the light of any draft or final regulations or Code of Practice issued, but may be adopted prior to the issue of these documents. In the event that our policy fails to comply with any regulations or Code of Practice issued after formal adoption of the policy, we will review and consult upon a revised policy.

## **3 HOW WE DECIDE APPLICATIONS FOR GAMBLING IN MANCHESTER**

### **3.1 The activities and types of premises covered by the Gambling Act**

The Act covers ALL premises that allow commercial gambling including bookmakers, bingo halls, horse tracks, dog tracks, casinos, amusement arcades and pubs and bars with gaming machines. The Act also allows holders of appropriate operating licences to make temporary use of other premises (e.g. hotels, conference centres) for gambling. The Act also covers remote gambling (that is gambling via the internet, interactive TV or a mobile phone).

### **3.2 How to make comment on a gambling premises application**

If 'interested parties' (see below for definition) or 'responsible authorities' (see Appendix H for a full list of responsible authorities) wish to comment on an application for a premises licence relating to the licensing objectives, they can make a 'representation'. The Licensing Authority can only consider representations if made by either an 'interested party' or 'responsible authority'.

A representation is a statement that outlines any comments that the party making the representation wants to be taken into consideration by the Licensing Authority when determining the application. In all cases representations will need to be 'relevant'. The only representations likely to be relevant are those that meet one or more of the following criteria:

- Relate to the licensing objectives
- Relate to relevant matters in our gambling policy
- Relate to relevant matters in the Gambling Commission's Guidance to Local Authorities
- Relate to relevant matters in the Gambling Commission's Codes of Practice
- Relate to the premises that are the subject of the application

AND

- Are neither frivolous nor vexatious nor will certainly not influence the authority's determination of the application.

(Appendix F explains how we will handle personal information).

### **3.3 What is an 'interested party'?**

For the purposes of the Gambling Act, an 'interested party' is:

- a) Someone who lives sufficiently close to the premises to be likely to be affected by the gambling premises
- b) Has business interests that might be affected by the authorised activities
- c) Represents persons who satisfy paragraph (a) or (b)

To determine who lives 'sufficiently close to the premises to be likely to be affected by the gambling premises', we will consider the following on a case-by-case basis:

- The size of the gambling premises
- The nature of the gambling premises
- In the case of interested parties the distance of the premises from the address of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises)
- The type of complainant. E.g. 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
- The 'catchment' area of the premises (i.e. how far people travel to visit it).

To determine who has 'business interests that might be affected by the authorised activities', we will consider the following on a case-by-case basis:

- The size of the premises
- The nature of the premises
- In the case of interested parties the distance of the premises from the address of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises)
- The 'catchment' area of the premises (i.e. how far people travel to visit it).

In so far as who represents persons who satisfy paragraphs (a) or (b), this would include for example: Residents' associations and tenants' associations

- Trade associations and trade unions
- Local councillors and MPs
- Any other person with written permission from somebody who satisfies paragraph (a) or (b)

Please note: Whether or not a person is an 'interested party' under paragraphs (a), (b) or (c) above, is ultimately the decision of the Licensing Authority which issues the licence or to which the application is made.

### **3.4 The licensing objectives and how the Licensing Authority uses them in decision-making**

Manchester City Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant. All decisions made by the licensing authority in relation to premises licences (and some other authorisations – see specific sections for details) are based on the Act, relevant guidance, Codes of Practice, our Gambling Policy and the three licensing objectives. These 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**

In the case of premises licences (and some other authorisations – see specific sections for details), the licensing committee will permit gambling only so far as it is reasonably consistent with these three objectives.

### **3.5 How the Licensing Authority decides whether to grant or refuse an application**

Where we receive an application for a gambling premises licence, we will aim to permit the use of premises for gambling where it is considered:

- (a) In accordance with any relevant code of practice issued by the Gambling Commission
- (b) In accordance with any relevant guidance issued by the Gambling Commission
- (c) Reasonably consistent with the licensing objectives (subject to a and b) and
- (d) In accordance with this policy (subject to a – c).

Please note: The Licensing Authority has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g. the committee cannot reject applications on moral grounds. The Gambling Commission advises that

Licensing Authorities 'should rely on reasons that demonstrate the licensing objectives are not being met'. Each case will be decided on its merits. Additionally, the Licensing Authority will not have regard to any demand issues for the premises. In accordance with the Guidance from the Gambling Commission, we will circulate 'clear and comprehensive' reasons for any decision to all parties. We will also cite the extent to which decisions have been made in accordance with the Council's gambling policy and the Guidance from the Gambling Commission. Rather than reject applications outright, wherever possible we as the Licensing Authority will look to work with gambling premises and tackle concerns with licence conditions that uphold the licensing objectives. However where areas of concern cannot be addressed through conditions, the application will normally be refused by the Licensing Authority.

In the case of permits and other authorisations, the basis for whether we will accept or refuse an application is outlined in sections 5, 6 and 7.

### **3.6 How the licensing committee decides what conditions to apply to premises licences**

Conditions may be general in nature (i.e. they attach to all licences of a particular premises type e.g. all casinos) or they may be specific to a particular licence.

All premises licences are subject to mandatory (which must apply) and default (which will automatically apply but can be removed at the discretion of the licensing authority)<sup>1</sup>. These conditions vary according to the premises category.

Conditions may also be attached to licences by Manchester City Council's Licensing Committee following a hearing for the grant of a new licence, and a variation or review of an existing licence.

We will ensure that any conditions we impose are:

- Proportionate to the circumstances which they are seeking to address
- Relevant to the need to make the proposed building suitable as a gambling facility

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<sup>1</sup> SI 2007/1409: The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007

- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects.

There are also conditions, which the licensing authority cannot attach to premises licences:

- Conditions on a premises licence which make it impossible to comply with an operating licence condition
- Conditions relating to gaming machine categories, numbers, or method of operation
- Conditions that require membership of a club or body (The Gambling Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
- Conditions relating to stakes, fees, winnings or prizes
- Conditions relating to demand for the premises.

Decisions about conditions will be taken on a case-by-case basis considering Gambling Commission guidance, Gambling Commission Codes of Practice, the Licensing Objectives and our policy.

### **3.7 Working in partnership but not duplicating other regulatory controls**

Different departments are often guided by different pieces of legislation. Whilst we endeavour to work in partnership, it is also important that we do not duplicate each other's work.

A good example of this is with respect to licensing and planning. Planning is responsible for the physical building and for the broad use of the building e.g. whether it is retail or residential. Licensing on the other hand is concerned with the specific activities that are offered at the premises e.g. alcohol or gambling and how they are offered. We often make use of Planning's expertise in the area of residential amenity, but do not need to duplicate the task of finding out what planning permission is in place for a particular building.

In any event, s.210 (1) of the Gambling Act 2005 states that 'in making a decision in respect of an application...a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building'.

### **3.8 Hearings and rights of appeal**

Where interested parties or responsible authorities raise concerns about the suitability of premises to provide gambling, a hearing may be held. Hearings will be heard before a panel licensing committee constituted of elected councillors from the Council's Licensing Committee. Appeals against Licensing Authority decisions must be made within 21 days and will be heard by the Magistrates Courts. Rights of appeal are detailed in Appendix C.

### **3.9 Reviews of gambling premises licences**

After a licence is granted, where the day to day operation of a gambling premises is not felt to be 'reasonably consistent with the licensing objectives', a review of the premises licence can be requested at any time. A review may be initiated by the Licensing Authority or as a result of an application for review from an interested party or responsible authority. Where it is the Licensing Authority that initiate the review, they may do this for a whole class of premises e.g. all Adult Gaming Centres or in relation to particular premises. The Licensing Authority can review a licence for any reason it thinks appropriate. Where an application for review is received from an interested party or responsible authority, as a licensing authority we must decide whether to go ahead with the review. The application for review will be considered based on the following:

- Does the request raise issues other than those found under the Gambling Commission's Guidance, Codes of Practice, the Licensing Objectives or our gambling policy?
- Is it irrelevant, frivolous or vexatious?
- Is it so minor that the authority *will certainly not* wish to revoke or suspend the licence or remove, amend or attach conditions?
- Is it substantially the same as a previous application for review relating to the same premises?

Is the application for review substantially the same as a representation made at the time the application for a premises licence was considered? If the answer to ANY of the above questions is 'yes', the request for review may be rejected. The purpose of the review is to determine if the licensing committee should take any action in relation to the licence. If action is needed, the options are to either:

- Revoke the premises licence



- Suspend the premises licence for a period not exceeding three months
- Exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such an exclusion
- Add, remove or amend a licence condition previously imposed by the Licensing Authority

To decide what action, if any, needs to be taken following an application for review, the licensing committee will make its determination:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with relevant guidance issued by the Gambling Commission
- In so far as it is reasonably consistent with the licensing objectives
- In accordance with the authority's statement of licensing policy

The committee will also consider any relevant representations and information given at the hearing. Codes or practice and the guidance referred to above may be obtained from the Gambling Commission. (See Appendix H for the Gambling Commission's contact details).

### **3.10 Compliance, enforcement and the inspection of premises**

Our principal enforcement role under the Gambling Act is to ensure compliance with the conditions of the premises licence and statutory requirements in respect of other permissions, which the licensing authority regulates. However, we will also ensure that any unlicensed premises which are operating illegally are dealt with appropriately to ensure compliance. Where appropriate, we will work with the Gambling Commission in our enforcement activity. The Council will adopt a risk-based inspection and enforcement programme, which will mean giving greater attention to high-risk premises and a lighter touch for low-risk premises. In all cases we will ensure our inspection and enforcement programme is operated in accordance with any codes of practice issued by the Gambling Commission, in accordance with the Government's Enforcement Concordat and the Compliance Code. We will also ensure it is:

- Proportionate to the circumstances which it is seeking to address
- 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
- In accordance with the principals of better regulation
- Reasonable in all other respects

Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action.

Under the Act, the Gambling Commission also has powers of entry and inspection to regulate gambling. The Gambling Commission will be the enforcement body for operating licences and personal licences. Penalties for breaches of operating licence and personal licence conditions may include fines and/or revocation of the licence and/or prosecution. The Gambling Commission will also handle concerns about manufacture, supply or repair of gaming machines.

**A summary of offences under the Gambling Act can be found in the Gambling Commission's Guidance to Local Authorities.3.11 Defining premises**

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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 different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. However, areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, will not normally be regarded as different premises.

In considering whether different parts of a building to be used for gambling can be regarded as a "premises", we will have regard to:

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.
- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case. An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

## 4 PREMISES LICENCES – EXPECTATIONS OF APPLICANTS

The Licensing Authority is required to take into account the following when taking decisions in respect of premises licences:

- a) Relevant Gambling Commission Codes of Practice
- b) Relevant Gambling Commission Guidance
- c) Reasonable consistency with the Licensing Objectives (subject to a and b)
- d) Our gambling policy (subject to a – c)

It is important for us to have clear guidelines as to how we will make decisions about premises licence applications. In this way we can be consistent and ensure the committee have clear reasons for decisions taken. Each application for a premises licence will be considered on its merits; applicants are expected to show how they will address the licensing objectives, in order to be granted a licence. Where applicants fail to demonstrate this, licence conditions can be imposed or the application rejected.

### **4.1 The location of gambling premises**

The location of gambling premises will be considered when determining whether the location of proposed gambling premises is acceptable (with or without conditions) in light of the licensing objectives.

Relevant considerations to the location of the premises will be set out in the local area profile but applicants are not restricted to those matters and it is proper that they address all matters they consider appropriate for the licensing objectives. They may also wish to liaise with the responsible authorities, local residents, councillors and businesses in considering whether any additional matters may be relevant.

The Licensing Authority will not have regard to demand in assessing the suitability of location for gambling premises.

### **4.2 Local Area Profile and Local Risk Assessments**

We will publish and maintain our Local Area Profile separate to this Policy statement. This is currently available online at: <http://mapcase.geofutures.com/gamblingriskindex/manchester/> although this is currently under review.

We will expect operators to take account of the risk factors identified in the local area profile but also to undertake their own assessment into the local area as circumstances can change over time. Operators should identify the relevant risks and put in place appropriate safeguards relative to them. Equally, risk assessments for existing premises should take into account previous experience of operating and react accordingly. In any case, the local risk assessment should demonstrate how vulnerable people shall be protected. We will expect risk assessments to also consider local levels of:

- Deprivation
- Crime and disorder
- Demographics in relation to vulnerable groups
- The location of services for children such as schools, leisure centres, entertainment venues, and other areas where children will gather and any regular/seasonal variations e.g weekends, school holidays.

Operators are encouraged to have regard to the local area risks identified in conjunction with the general considerations set out at 4.6 and specific considerations for individual premises types below to put in place appropriate safeguards for the promotion of the licensing objectives. For example, in areas of elevated risk or areas experiencing issues of crime or antisocial behaviour, a high ratio of staffing or increased security measures may be appropriate.

#### **4.3 Licensing objectives: How they apply in practice**

We expect high standards from all gambling premises. These standards are in line with the three licensing objectives of the Gambling Act.

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 play a leading role in preventing gambling from being a source of crime, through maintaining rigorous procedures that aim to prevent criminals from providing facilities for gambling, or being associated with doing so, as a result of the operating licence procedure.

However, as a Licensing Authority, we will take into account any local considerations that may impact with regard to this licensing objective, particularly in respect to the location of the premises, to ensure the suitability of the gambling premises.

When considering whether a disturbance was serious enough to constitute disorder, we will have regard to the individual merits of the situation including, but not limited to, whether police assistance was required and how threatening the behaviour was to those who could see or hear it. We acknowledge that The Gambling Commission highlights in its guidance to local authorities that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance”.

Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences; if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence

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

Generally this objective will be addressed by:

- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

Where we suspect that gambling is not being conducted in a fair and open way, we will bring this to the attention of the Gambling Commission, for their further consideration, and work in partnership with their officers. In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

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

- The Gambling Act defines ‘children’ as those persons under 16 years of age and ‘young persons’ as those persons aged 16 or 17 years of age. The term ‘vulnerable persons’ is not defined, however the Gambling Commission does offer some guidance: People who gamble more than they want to
- People who gamble beyond their means

- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs

In Manchester we would also consider the following people to be vulnerable:

- Those with an inclination to gamble more than they want to or beyond their means
- Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
- Those who are employed by gambling operators and have regular contact with gambling
- Those aged 16-24
- Habitual players of gaming machines.

What constitutes harm or exploitation will have to be considered on a case-by-case basis and regard will be had to current evidence in relation to vulnerability to gambling-related harm. In 2015, Manchester City Council in partnership with Westminster Council commissioned research into this issue and the, in conjunction with our local area profile, the following report was published: *Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review by Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015*

The risk factors identified in this research informed the development of the local area profile and so operators are encouraged to have regard to this publication when considering local risk with regard to the development of the local area risk assessment for licensed premises.

#### **4.4 General considerations for all gambling premises**

We expect high standards from premises licence applicants in pursuance of the licensing objectives locally. We will, therefore, look to apply licence conditions to ensure these standards are met where doing so is reasonably consistent with the licensing objectives (also see 3.6). The types of conditions we may look to apply in respect of all types of premises are listed below with more premises specific conditions listed in section 4.5.

#### Data gathering and sharing

Keeping track of the incidence and handling of problem gambling in Manchester is a key part of promoting the licensing objectives. We expect all Manchester-based gambling

premises to maintain a log and share this and other information with the Licensing Unit upon request.

Data that we consider should be recorded and shared includes (but is not exclusive to):

1. No. of interventions in a calendar month along with a short description of the cause and effect
2. No. of cases in a calendar month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
3. No. of mandatory exclusions needing enforcement in a calendar month along with a short description of the cause and effect
4. Attempts to enter by those under age in a calendar month along with short description of incident and action
5. Attempts to enter by those under age in the company of adults in a calendar month along with short description of incident and action
6. Attempts to enter by those under age with complicit adults in a calendar month along with short description of incident and action
7. Incidents of 'at risk behaviour' (to be defined when a data request is made) in a calendar month along with short description of incident and action
8. Incidents of 'behaviour requiring immediate intervention' (to be defined when a data request is made) in a calendar month along with short description of incident and action.

### Knowledge

We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

1. The importance of social responsibility (Premises may wish to seek an audit from GamCare in order to obtain a certificate of Social Responsibility)
2. Causes and consequences of problem gambling
3. Identifying and communicating with vulnerable persons: primary intervention and escalation
4. Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment including local treatment providers
5. Refusal of entry (alcohol and drugs)



6. Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
7. Importance and enforcement of time/spend limits
8. The conditions of the licence
9. Maintaining an incident log
10. Offences under the Gambling Act
11. Categories of gaming machines and the stakes and odds associated with each machine
12. Types of gaming and the stakes and odds associated with each
13. Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
14. Safe cash-handling/payment of winnings
15. Identify forged ID and bar those using forged ID from the premises
16. Knowledge of a problem gambling helpline number (for their own use as well as that of customers)
17. The importance of not encouraging customers to:
  - Increase the amount of money they have decided to gamble
  - Enter into continuous gambling for a prolonged period
  - Continue gambling when they have expressed a wish to stop
  - Re-gamble winnings
  - Chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling. In so far as training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

#### A self-exclusion scheme

In accordance with the Gambling Commission's Codes of Practice, all gambling operators must have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.

This means that wherever customers request to be excluded from the premises, they are excluded for an agreed timeframe. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant code of practice and trade association advice. The premises will be expected to take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period, and the licensing authority's preference is that ahead of any decision to agree re-admittance following any exclusion, the person has first attended a counselling session with a qualified professional and, preferably, the Gamcare-commissioned local treatment provider..

When administering the self-exclusion agreement, operators must signpost the individual to counselling and support services. As stated in the 'Knowledge' section above, we expect all staff at gambling premises to be knowledgeable of the local counselling and support services.

#### Intervention to protect vulnerable persons from being harmed or exploited by gambling

We expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme. However intervention may also include a counselling session with a qualified professional and, preferably, the Gamcare-commissioned local treatment provider. and following that session potentially mandatory exclusion. Beyond the minimum standards outlined here, we do not wish to be overly prescriptive in how intervention shall proceed. This is a developing area and we feel there are benefits with different operators trying out different approaches; the best of which can then be taken forward on a wider scale.

#### Layout and Access

Premises should ensure that appropriate systems and procedures are in place to ensure the exclusion of those persons who have requested to be excluded as well as under 18s (where appropriate). This should include a 'Think 21' scheme with acceptable ID limited to either a photo driving licence, passport or PASS accredited proof-of-age scheme.

Prominent signage at all entrances should indicate this requirement. Whilst under 18s CANNOT enter the vast majority of licensed gambling premises, there are exceptions.

Under 18s CAN enter:

- The non-gambling area of a regional casino

- The gambling areas of a bingo club other than areas containing category C gaming machines
- The gambling areas of a track (on race days) other than off-course betting and areas containing category C gaming machines
- Licensed Family Entertainment Centres

In the case of a regional casino, under 18s should NOT:

- Be invited to participate in gambling
- Have accidental access to gambling
- Closely observe gambling

In the case of premises that are able to allow under 18s to access some gambling areas, due attention should be given to layout and access to ensure under 18s do not participate in gambling or gain access to areas where access is restricted, and that the areas are suitably monitored. Where category C or above gaming machines are available in premises to which under 18s are admitted, we expect: that:

- All such machines are located in an area of the premises 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 the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
- 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 configuration of the premises should be such that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating. The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured accordingly.

Where under 18s are loitering in the immediate vicinity of the premises, staff should be vigilant, and consideration should be made to taking appropriate steps in line with the third licensing objective. Where appropriate, this could include reporting their activities to the police or a truancy officer as appropriate. Furthermore premises should ensure that vulnerable persons are either excluded from gambling (in the case of those who are under the influence of alcohol or drugs, under voluntary exclusion or have been excluded for whatever other reason) or are under supervision with the possibility of intervention. We will expect operators to demonstrate how their procedures for preventing access to gambling by self-excluded individuals take account of the structure and layout of the gambling premises.

Whilst supervisors of entrances and exits may need to be registered with the Security Industry Authority, we expect all customer-facing and managerial staff in Manchester to show a due level of competence and understanding of responsible gambling. This may, for example, involve undergoing training and sitting an examination. Sometimes several licences may be in place for just one premises or one licence may cover only part of the premises. In light of this operators must carefully consider the premises layout to ensure children and young persons (as appropriate) neither gain access to areas used for gambling nor are brought into close proximity to gambling.

#### Staff to customer ratio

All premises will be expected to demonstrate that they will have in place a suitable staff to customer ratio as appropriate to the premises.

To ensure the safety of both customers and staff, sufficient staffing numbers should be in place at all times the premises is open. A suitable ratio should take into account the protection of staff and customers with respect to the crime and disorder objective as well as the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

#### Inducements to gamble

To further ensure the safety of both customers and staff and protect vulnerable persons from being harmed or exploited by gambling, premises should not use inducements to gamble such as alcohol.

#### On-premises provision of gambling advice

A risk-aware and gambling literate customer base with recourse to advice and assistance is likely to have a lesser chance of being harmed or exploited by gambling. Where people

gamble we want them to do so for entertainment rather than in the expectation of a big win or to chase losses. In light of this, we will expect that all gambling premises:

- 1 Provide leaflets and posters aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and online counselling facility. For every 100m<sup>2</sup> of gambling/gaming and/or gaming machines at least one prominent leaflet display must be provided along with a neighbouring poster to reinforce the message. Leaflets and posters should also be available in more discreet locations e.g. toilets.
- 2 The provision of signage and documents relating to game rules, gambling care providers and other relevant information shall be provided in both English and, if there is another prominent first language for the locality, that language.

#### Exclusion of those who appear to be under the influence of alcohol or drugs etc.

In order to protect both staff and those who are under the influence of alcohol or drugs (thereby potentially distorting their ability to make rational decisions), those persons who appear to be in such a state must be immediately excluded from the premises. Signage should be prominently displayed to indicate this. Please note with reference to those persons with a mental impairment or mental health difficulties, premises would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling.

#### Effective Security Measures to Prevent Unauthorised Access

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33). However, conditions preventing unauthorised access shall not be limited to the provision of supervisory personnel. Other options may include, but are not limited to, time-lock or mag-lock entrances.

#### Safe Cash-handling

- In the interest of preventing crime and disorder, we require all gambling premises in Manchester to have a minimum provision for safe cash-handling and thereby prevent against theft/robbery etc. We will expect minimum standards in terms of:  
The frequency of banking cash (to avoid large sums being involved)
- Use of security personnel for transport
- No. of staff handling cash at any one time
- A fully up to date CCTV system with records kept for an appropriate length of time (including signage to indicate the presence of such a system)
- Local and emergency contact details for the emergency services clearly displayed in office areas
- Consultation with a Crime Reduction Officer and regular security reviews

For security reasons, while we will not expect premises to tell us the precise details of the protocols they have in place, the licensing authority will need to be satisfied that effective procedures exist. It should be prominently publicised on-site that robust security measures are in place.

#### Safe payment of winnings

In the interest of preventing aggravated robbery etc. gambling premises should consider offering their customers a choice of methods by which their winnings may be paid. This could include either cheque or BACS payment. These options should be well publicised.

#### Adequate lighting inside and out

We expect all premises to have adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.

#### Engagement with the police and local crime prevention partnership schemes

In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police's architectural liaison unit at the design stage to ensure crime prevention and detection.

We encourage that premises liaise with their Neighbourhood Policing Team to develop relationships at a local level and promote effective communication and co-operation.

Additionally, operators are expected to actively support and participate in any local business partnership schemes, where any such schemes are in operation, and where such schemes are reasonably consistent with the licensing objectives.

## **4.5 Standards expected at specific types of premises**

While we have outlined minimum standards we expect from all gambling premises in the previous section, any areas we need to stress, due to differences between premises types, are outlined below. The Council will pay particular attention to any Codes of Practice, issued by the Gambling Commission in respect of specific types of premises.

### **4.5.1 Tracks (dog track, horse track) and other sporting venues**

#### Layout and Access

Under 18s will be permitted to enter track areas where facilities for on-course betting are provided on those days when dog/horse-racing takes place.

Under 18s will not be permitted entry to off-course betting areas.

- Under 18s will NOT be permitted to enter any areas where gaming machines (other than category D machines) are provided. Category D gaming machines must be clearly physically separated from higher categories of gaming machine.

The premises licence holder will need to ensure:

- Entrances to gambling areas with rights of access are clearly marked and supervised
- Segregation of gambling areas where over 18s are permitted entry from areas where under 18s are permitted entry.
- Supervision of gaming machines at all times.

#### The proper conduct of betting

As track/sporting venue operators do not need to have an operating licence (although they may have one), the track/venue premises licence will need to contain steps to ensure the proper conduct of betting. Proper management of betting areas

The track/venue operator will have a role to play in ensuring that the betting areas are properly managed. This will include ensuring non-betting areas are adequately supervised to ensure illegal gambling operations are not established. The number, type, location and availability of gaming machines

Machines are expected to be situated in close proximity to one another not scattered around the track and to be physically supervised at all times the premises is open to the public.

#### Plans of the premises

Track premises applications should include detailed plans of:

- The racetrack itself
- The area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) In the case of dog tracks and horse racecourses, plans should also include: Fixed and mobile pool betting facilities operated by the Tote or track operator
- Any other proposed gambling facilities.

#### Rules to be displayed

Track operators and other sporting venues offering gambling are required to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

#### **4.5.2 Betting premises (other than Tracks)**

##### B2 Gaming Machines (Commonly referred to as Fixed Odds Betting Terminals (FOBT's))

Where provided, these gaming machines should be situated in locations where they can be effectively supervised at all times. Leaflets and posters aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and online counselling facility, shall be provided in close proximity to the location of any FOBT's.

##### Number, type and availability of betting machines

The Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available (as per S181). This may be done by attaching a licence condition to a betting premises licence or to a casino premises licence. At such time consideration will be given to:

- The size of the premises



- The physical layout of the premises
- The number of counter positions available for person-to-person transactions and
- The ability of staff to monitor the use of the machines by vulnerable persons.

#### Participation in the Safebet Alliance

The Authority encourages operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises. Where an operator does not participate in the scheme, it is expected that they can satisfactorily demonstrate the security measures they incorporate are adequate.

### **4.6 Converted Casinos**

#### Layout and Access

Casinos (other than regional casinos) may not admit anyone under 18. Regional casinos may admit under 18s but only to non-gambling areas. The Gambling Commission is responsible for issuing codes of practice which apply to casinos under S25 of the Gambling Act 2005, which impose conditions on casino operators' licences in relation to social responsibility and make "ordinary code" provisions in relation to other areas. Adherence to the ordinary code provisions will be a condition of the premises licence (in so far as those provisions do not overlap with other provisions of this policy). The relevant ordinary code provisions relating to access by children are:

- There should be a sufficient number of supervisors at casino entrances to enable a considered judgment to be made about the age of everyone attempting to enter the casino and to take appropriate action (for example checking identification) whilst at the same time not allowing others to enter unsupervised. Heavily used entrances may require more than one designated supervisor.
- Supervisors may be assisted by other door keepers provided the supervisor retains the responsibility for compliance with this section of the code and deals personally with any case where there is any doubt or dispute as to someone's eligibility to enter
- Premises licence holders should put into effect procedures that require their staff to check the age of any customer who appears to be under 21

- Premises licence holders should consider permanent exclusion from the premises of any adult accompanied by a child or young person on more than one occasion to premises restricted to adults or if there is reason to believe the offence was committed knowingly or recklessly
- Premises licence holder must have procedures in effect for dealing with cases where a child or young person repeatedly attempts to gamble on premises restricted to adults including oral warnings, reporting the offence to the Licensing Authority, Gambling Commission and the police and making available information on problem gambling
- Physical supervision of gaming machines will also be needed to protect vulnerable persons.

#### Number, type and availability of gaming machines

Licensing Authorities are required under the Act to restrict the number of betting machines, their nature and the circumstances in which they are made available. This can be done by attaching a licence condition to a premises licence (where betting is permitted in the casino). In such cases we will consider:

- The size of the premises
- The number of counter positions available for person-to-person transactions
- Whether these are Fixed Odds Betting Terminals (FOBTs) or other gaming machines
- The ability of staff to monitor the use of the machines by under 18s or by vulnerable persons. (N.B. it is an offence for those under 18 to participate in casino gambling).

## 5 PERMITS – EXPECTATIONS OF APPLICANTS

Where premises do not hold a Premises Licence under the Gambling Act 2005, but wish to provide gaming machines, they may apply to the licensing authority for a permit to do so. Premises with this option include (unlicensed) Family Entertainment Centres, alcohol-serving premises, members' clubs, miners' welfare institutes and those premises wishing to offer prize gaming. Every application will be considered on its merits. Whilst the Licensing Authority cannot attach conditions to permits, applications can be refused if they do not demonstrate how they will meet licensing objective concerns. Outlined below is our standard for what is 'reasonably consistent with the pursuit of the licensing objectives'

### **5.1 General considerations for all permit applications**

Individuals that apply for permits are permitted to have a lower category of gaming machine. However, lower category machines can be equally problematic for children and other vulnerable persons. We therefore expect the same basic standards as with other gambling premises. These are:

- Premises contribution towards research, education and treatment in the form of data, promotional activity
- Data gathering and sharing
- Training of customer facing staff and managers in responsible gambling
- Intervention to protect children and other vulnerable persons from being harmed or exploited by gambling
- A suitable location for the gambling premises
- A suitable premises layout and access control (including PASS scheme) to ensure supervision or exclusion of under 18s and vulnerable persons as appropriate
- Adequate staff to customer ratio to ensure adequate supervision of gambling
- On premises provision of gambling advice
- Exclusion of those from gambling who appear to be under the influence of alcohol or drugs with signage to indicate this
- Safe cash handling

- Safe payment of winnings
- Adequate lighting inside and out

These measures are outlined in more detail in Section 4.

## **5.2 Specific types of permits and what is expected in respect of each**

While many of our concerns with respect to gambling premises have been tackled in the previous section, any areas we particularly need to stress, due to differences in permit types, are outlined below.

### **5.2.1 Family Entertainment Centre (unlicensed) gaming machine permits**

Under 18s may use category D gaming machines and participate in equal chance prize gaming, which may be offered in some premises. In deciding whether to grant or reject applications for permits from Family Entertainment Centres, the Licensing Authority needs to be sure:

- The applicant is suitable, having particular regard to any convictions, to operate a Family Entertainment Centre
- The premises are suitable given their location and possible concerns around disorder
- The police have no legitimate concerns in respect of either the applicant or the premises.

Applicants for this type of permit will be expected to demonstrate the following:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
- That staff are trained to have a full understanding of the maximum stakes and prizes
- That the applicant is a suitable person by providing such other information or documents as required on the application form
- That premises have not presented themselves in such a way as to be overly attractive to under 18s.

The Licensing Authority may refuse to renew a permit upon application if:

- An authorised local authority officer has been refused access to the premises without reasonable excuse or
- That renewal would not be reasonably consistent with pursuit of the licensing objectives. (See 5.1 for what we believe is reasonably consistent with the pursuit of the licensing objectives).

### **5.2.2 Premises with consumption of alcohol on the premises: gaming machine permits**

Premises licensed to sell alcohol for consumption on site (under the Licensing Act 2003) have an automatic entitlement to 2 gaming machines of categories C and/or D. The premises merely need to notify the licensing authority of their intention to utilise this entitlement. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act. (Section 282 states that written notice must be 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
- An offence under the Gambling Act has been committed on the premises

If premises licensed to sell alcohol for consumption on site wish to have more than 2 gaming machines, then they need to apply for a permit. The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Every application will be decided on its merits.

Other matters the Licensing Authority 'consider relevant' may include: the premises location; access and layout; the location of gaming machines on the premises and ability to supervise; whether under 18s are permitted on the premises; previous convictions of the applicant; and any other further risks indicated by the application. Dependent on the conditions of their Licensing Act licence, premises with consumption of alcohol on the premises may admit under 18s. However premises must ensure under 18s do not play

category C gaming machines or limited equal chance gaming which are restricted to over 18s. It should be noted that the holder of a gaming machine permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **5.2.3 Prize Gaming Permits**

It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply. These are:

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

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

Members' clubs and miners' welfare institutes may apply for a **club gaming permit**.

The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in separate regulations. Members' clubs, miners' welfare institutes and commercial clubs may apply for a **club machine permit**.

- A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). In order to grant either of these permits to a members' club we will want to ensure that the premises meet the requirements of a members' club. They must: Have at least 25 members
- Be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. E.g. Bridge and Whist clubs
- Be permanent in nature

- Not have been established to make commercial profit
- Be controlled by its members equally.

Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations. We may refuse an application if:

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

For premises which hold a club premises certificate under the Licensing Act 2003, applications can only be refused if:

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

### Access

Access to under 18s will be dependent on the rules of the club. If access is permitted clubs must ensure under 18s participate in prize gaming, equal chance gaming or category D gaming machines only.

## 6 TEMPORARY USE NOTICES, OCCASIONAL USE NOTICES & OTHER AUTHORISATIONS

### **6.1 Temporary Use Notices**

Temporary Use Notices enable use of premises for gambling where there is no premises licence in force (e.g. hotels, conference centres, sporting venues). With a Temporary Use Notice, any such premises may be used for gambling for up to 21 days in a 12-month period by any person or company with a relevant operating licence from the Gambling Commission e.g. to provide betting facilities at a snooker tournament, a betting operating licence would be needed.

The notice must be given no later than three months and one day before the day on which the gambling event will begin. The Gambling Commission, the Police, Customs & Excise and the Licensing Authority may all object within 14 days of receipt of the notice. This will trigger a hearing to be held within six weeks of receipt of the notice.

As the licensing authority, we will expect all premises in Manchester wanting to be granted a Temporary Use Notice to ensure the same basic standards as premises operating for more than 21 days in a 12-month period. (See Section 4 for details).

### **6.2 Occasional Use Notices**

Instead of applying for a premises licence, tracks or other sporting venues that only intend to allow betting on eight days or less in a calendar year (starting 1 January) may apply for an Occasional Use Notice.

Tracks include horse/dog racecourses and any premises on which a race or other sporting event takes place.

The Licensing Authority and the police will both need to receive copies of the notice. There is however no provision for objections.

While Manchester City Council does not have any discretion to refuse an Occasional Use Notice, we would anticipate that all applicants would ensure the same basic standards as other tracks/sporting venues. (See Section 4 for details).



### **6.3 Travelling Fairs**

#### Definition of travelling fair

It is important that the fair falls within the statutory definition of a 'travelling fair'. (See Appendix I for definition).

#### Access

Under 18s are allowed unrestricted access, but are only able to participate in equal chance gaming or category D gaming machines.

#### Category D machines and equal chance gaming

Where category D machines and/or equal chance prize gaming without a permit, are to be made available for use, facilities for gambling must amount to no more than an ancillary amusement.

#### Number of days per year a piece of land can be used for fairs

Land can be used for fairs for up to 27 days per calendar year (regardless of whether it is the same or different travelling fairs occupying the land). The Licensing Authority will work with neighbouring authorities to ensure any land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

### **6.4 Provisional Statements**

Section 4.5 of this policy in respect of premises licences shall apply equally to applications for provisional statements.

In terms of representations about premises licence applications, following the grant of a provisional statement, further representations from relevant authorities or interested parties cannot 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, we 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 way of representations at the provisional licence stage; or
- (b) Which in the authority's opinion reflect a change in the operator's circumstances

(c) where the premises have not been constructed in accordance with the plan and information submitted with the provisional statement application.

Manchester has noted S210 of the Gambling Act 2005 which provides that “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”.

## 7 REGISTERING SMALL-SOCIETY LOTTERIES ETC

The Gambling Commission will regulate:

- Large society lotteries
- Lotteries run for the benefit of local authorities.

Local Licensing Authorities will regulate small society lotteries. A small society lottery is a lottery promoted on behalf of a non-commercial society, run by a small society. It is non-commercial if it is for charitable purposes, for sports, athletics or a cultural activity or a purpose other than private gain.

The lottery must be registered with the Licensing Authority throughout the period during which the lottery is promoted. The Licensing Unit will record details of the society and keep the details on a publicly accessible register.

We will only refuse to register a small-society lottery if in the previous five years either:

- An operating licence held by the applicant has been revoked
- or**
- An application for an operating licence made by the applicant has been refused.

An application for registration may also be refused if we think any of the following apply:

- Applicant is not a non-commercial society
- Person who will or may be connected with promoting the lottery has been convicted of a relevant offence
- Information provided in or with the application for registration is false or misleading.

Once the lottery is registered, the registration can be revoked at any time if the Licensing Authority feels the application would be refused, if made at that time.

In either case applications for registration will only be refused or registration revoked after the society has had an opportunity to make representations. Certain types of lottery are exempt from needing to register with either the Local Authority or the Gambling Commission. These include an incidental non-commercial lottery, a private lottery or a customer lottery.

An incidental non-commercial lottery is not run for private gain AND is incidental to a non-commercial event.

A private lottery is one in which closed sales are made to a particular group only e.g. within a society, workplace or residential premises.

A customer lottery is one in which tickets are sold on a business premises to their customers only

APPENDIX A: Delegation of functions under the Gambling Act

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of Licensing Committee</b>	<b>Officers</b>
Three year licensing policy	•		
Policy not to permit casinos	•		
Fee setting (when appropriate)			•
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

## APPENDIX B: Rights of Appeal

In respect of the licensing committee's decision-making, the persons listed below may appeal in the circumstances outlined. Appeals must be made to the Magistrates Court within 21 days of notice of decision being received by the appellant (with the exception of appeals in relation to Temporary Use Notices which must be made within 14 days). In each case the respondent is Manchester City Council. In certain circumstances the applicant will also be a respondent.

<b>Circumstances</b>	<b>Who can appeal</b>
Application for a premises licence is rejected	- Applicant
Application for a premises licence is granted	- Applicant - A person who made a representation
Decision taken following a review of a premises licence (whether or not any action is taken in respect of the review)	- The licence holder - A person who made representations in relation to the review - Where relevant the person who applied for the review - The Gambling Commission
Application for a transfer of a premises licence	- The licence holder - The applicant for the transfer
Decision to issue counter notice/not to issue counter notice in respect of a Temporary Use Notice	- Applicant - The Gambling Commission - Local Chief of Police - HM Revenues and Customs

<b>Circumstances</b>	<b>Who can appeal</b>
Decision to remove entitlement to exempt gaming or to gaming machines in respect of specified alcohol licensed premises	- The licence holder
Application for a Family Entertainment Centre gaming machine permit or its renewal is rejected, notice is given that the premises are not being used as an FEC or it is stated that the holder is incapable of carrying out an FEC business by reason of mental or physical incapacity	- Applicant or holder of the permit
Application for a club gaming permit or club machine permit or its renewal is rejected or the permit is cancelled	- Applicant or objector
Application for a club gaming permit or club machine permit or its renewal is granted or request to cancel is refused	- Person who objected to the grant/person who made representations in relation to the proposed cancellation
Application for a licensed premises gaming machine permit is rejected, if [s]he is permitted fewer of different category of machines than applied for or if the Licensing Authority gives a notice which cancels or varies the entitlements of a permit	- Applicant or objector
Application for a prize gaming permit or its renewal is rejected	- Applicant
Application to register Small Society Lottery is refused or the registration is revoked	- The Society

### APPENDIX C: Our fees under the Gambling Act

Fees will be set by the Licensing Authority of Manchester City Council. Fees will be restricted to the amount needed to recover the costs of administering the licence process up to a maximum set by Central Government. These fees are subject to annual review and are available on the Council website.

### APPENDIX D: Register of licences issued under the Gambling Act

We will maintain a register of all premises licences that we issue. This will be made available on our website: [www.manchester.gov.uk/licensing](http://www.manchester.gov.uk/licensing). If you do not have Internet access, you will be able to get access at your local library. The register can also be viewed by contacting the Licensing Unit (contact details available in Appendix H).

### APPENDIX E: How we share information with the Gambling Commission and other bodies

Manchester City Council may share application information received in the course of processing applications with the Gambling Commission, a constable or police force, an enforcement officer, another Licensing Authority, Her Majesty's Commissioners of Customs & Excise, The Gambling Appeal Tribunal, The National Lottery Commission, The Secretary of State or Scottish Ministers.

Manchester City Council will act in accordance with the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Manchester City Council will inform the Gambling Commission without delay if: The Licensing Authority receives information that causes it to question the suitability of the person holding/applying to hold an operating licence

There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an operating licence If it comes to our attention that: alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes and makes it possible that the £2,000 in seven days is being exceeded.

### APPENDIX F: How we will uphold data protection and freedom of information

Manchester City Council will abide by the Freedom of Information Act and the General Data Protection Regulation (GDPR) in its safeguarding/release of information or data.

In the context of the Gambling Act, we will retain only that information which relates to the processing of applications for licences, permits, permissions and representations.

Applications and representations in respect of applications are both in the public domain and are therefore available on request and may be published as part of our web register.

Personal addresses/contact numbers attached with representations may also be released.

Information may also be shared with other Gambling Act regulators or other parties prescribed by the Secretary of State. Data about the individual making the request is also available by contacting the Licensing Unit (see Appendix H for contact details).

### The Freedom of Information Act

The Freedom of Information Act allows anybody to request access to information. Such requests must normally be made in writing whether by email or by letter. A fee may be requested and sometimes we may require more specific information as to the information required. Once specific details and fee have been received, we will handle requests within 20 days and if possible release the information. We will release all information requested in the format required unless it is in the public interest not to do so. Any complaints as to how we handle requests should be made to the Information Commissioner (see Appendix H for contact details).



APPENDIX G: Responsible authorities (i.e. those parties who must be served a copy of premises licence applications)

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

**The Licensing Authority** in England and Wales in whose area the premises is wholly/partly situated

Web: [www.manchester.gov.uk/licensing](http://www.manchester.gov.uk/licensing)

Email: [premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)

Tel: 0161 234 4512

Fax: 0161 957 8396

Addr: Premises Licensing  
Manchester City Council  
Level 1, Town Hall Extension  
Albert Square  
PO Box 532  
Manchester M60 2LA

**The Gambling Commission**

Web: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Tel: 0121 230 6666

Fax: 0121 230 6720

Addr: Victoria Square House  
Victoria Square  
Birmingham B2 4BP

**The chief officer of police/chief constable for the area in which the premises is wholly or partially situated**

Email: [centrallicensing@gmp.police.uk](mailto:centrallicensing@gmp.police.uk)

Tel: 0161 856 3363

Fax: 0161 856 3364

Addr: Greater Manchester Police Licensing  
Partnership Team  
Level 1, Town Hall Extension, Lloyd Street  
Manchester M2 5DB

**The fire and rescue authority for the same area**

Addr: North Manchester Fire and Rescue Service (if the premises have a postcode within the ranges M1-M4, M8-M9, M11-M13, M18, M25)

The Fire Safety Manager  
Greater Manchester Fire & Rescue Service  
Manchester Central Fire Station  
Thompson Street  
Manchester M4 5FP

Email: [northmanlic@manchesterfire.gov.uk](mailto:northmanlic@manchesterfire.gov.uk)

South Manchester Fire and Rescue Service (if the premises have a postcode within the ranges M14-M16, M19-M23, M40, M90)

The Fire Safety Manager  
Greater Manchester Fire & Rescue Service  
Withington Central Fire Station  
Wilmslow Road  
Withington  
Manchester M20 4AW

Email: [southmanlic@manchesterfire.gov.uk](mailto:southmanlic@manchesterfire.gov.uk)

**The local planning authority**

Addr: Manchester Local Planning Authority  
(Premises Licences)  
PO Box 436

Town Hall Extension  
Manchester M60 3NY

**Environmental Health** (an authority which has functions in relation to pollution to the environment or harm to human health)

Addr: Licensing and Out of Hours Team (Gambling Licences)  
Level 1, Town Hall Extension, Lloyd Street  
Manchester M2 5DB

**The Local Safeguarding Children Board** (a body, designated in writing by the licensing authority as competent to advise about the protection of children from harm)

Manchester City Council has considered which body could best fulfil the function of advising us about the objective of *protecting children from being harmed or exploited by gambling* and has chosen the Local Safeguarding Children Board.

Addr: Licensing Administrator  
Manchester Town Hall Extension  
Albert Square  
PO Box 532  
Manchester M60 2LA

**HM Revenue & Customs**

Addr: HM Revenue and Customs  
Local Compliance (WSNI), FAO Anne Marie Kerr  
Portcullis House  
21 India Street  
Glasgow G4 2PZ

**Any other person prescribed in regulations by the Secretary of State**

At the time of publication, no other person has been prescribed in accordance with the above.

## APPENDIX H: Other useful contacts

### The Information Commissioner

For complaints in our dealing with Freedom of Information requests:

Web: [www.ico.org.uk](http://www.ico.org.uk)

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Tel: 0303 123 1113

Addr: Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

### GamCare

Provides information, advice and practical help in addressing the social impact of Gambling

Web: [www.gamcare.org.uk](http://www.gamcare.org.uk)

Email: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)

Tel: 0808 8020 133

Addr: GamCare  
1st Floor  
CAN Mezzanine Old Street  
London  
N1 6AH

Beacon Counselling Trust (the Gamcare-accredited treatment provider for problematic gambling issues in Greater Manchester):

Web: <http://beaconcounsellingtrust.co.uk>

Email: [admin@beaconcounsellingtrust.co.uk](mailto:admin@beaconcounsellingtrust.co.uk)

Addr: Head Office:  
263 Townsend Lane  
Liverpool  
L13 9DG

Tel: 0151 226 0696 / 07506 762 949

### GambleAware

GambleAware is an independent charity tasked to fund research, education and treatment services to help to reduce gambling-related harms in Great Britain. Guided by the [National Responsible Gambling Strategy](#), the charity's strategic aim is to broaden public understanding of gambling-related harms and to advance the cause of harm prevention and to help those that do develop problems get the support that they need quickly and effectively. The Funding priorities are guided by the national strategy advised by the [Responsible Gambling Strategy Board \(RGSB\)](#) and endorsed by the [Gambling Commission](#)

Web: <https://about.gambleaware.org>

[www.begambleaware.org](http://www.begambleaware.org) (for help, advice or support in relation to gambling)

Email: [info@gambleaware.org](mailto:info@gambleaware.org)

Tel: 020 7287 1994

Addr: GambleAware  
7 Henrietta Street  
London WC2E 8PS

### Responsible Gambling Strategy Board (RGSB)

The RGSB is an independent expert body which:

- advises the Gambling Commission (and through them, the government) on the research, education and treatment elements in a national responsible gambling strategy
- determines and recommends to GambleAware (after consultation with stakeholders and experts) what research, education and treatment is required to reduce harm from problem gambling as part of an overall national responsible gambling strategy, and the levels of funding necessary to deliver the recommended priorities.

Web: [www.rgsb.org.uk](http://www.rgsb.org.uk)

Email: [info@rgsb.org.uk](mailto:info@rgsb.org.uk)

Tel: 0121 230 6666

Addr: RGSB (care of the Gambling Commission)

Victoria Square House

Victoria Square

Birmingham

United Kingdom

B2 4BP

## APPENDIX I: Glossary

### Adult Gaming Centre

An Adult Gaming Centre is a place of gambling. Access is restricted to persons over 18. An Adult Gaming Centre may have:

- Up to four category B3 or B4 gaming machines
- Any number of category C or D machines

Categories of gaming machines are outlined in Appendix E.

An Adult Gaming Centre requires an 'Adult Gaming Centre premises licence' under the Act.

### Betting

See 'Gambling'.

### Betting premises

As well as betting shops, the definition of 'betting premises' also includes those parts of tracks that allow on-course betting.

### Bingo

There are essentially two types of bingo:

- Cash bingo, where the stakes paid make up the cash prizes that can be won
- Prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.

### Casino

A casino is an arrangement whereby people are given an opportunity to participate in one or more casino games.

### Casino game

A game of chance, which is not equal chance gaming.

### Children and young persons

For the purposes of the Gambling Act 2005, 'children' are defined as persons under the age of 16. 'Young persons' are those aged 16 or 17 years of age.

## Commercial gambling

See 'Gambling'.

## Department of Culture, Media and Sport (DCMS)

Responsible for producing the Gambling Act 2005 and regulating Gambling in conjunction with the Gambling Commission and Local Authorities.

## Disorder

'Activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder' (Gambling Commission Guidance 5.12).

## Equal chance gaming

Gaming which does not involve playing or staking against a bank.

## Family Entertainment Centre (licensed)

A licensed Family Entertainment Centre requires a premises licence by virtue of its providing category C and D gaming machines.

## Family Entertainment Centre (unlicensed)

An unlicensed Family Entertainment Centre does NOT require a premises licence by virtue of its providing only category D gaming machines. It does however require a Family Entertainment Centre gaming machine permit.

## First Appointed Day

The date on which Licensing Authorities could first receive applications for premises, permits and permissions to carry out commercial gambling under the Gambling Act 2005 in their area. This date was January 31<sup>st</sup> 2007.

## Frivolous

See 'irrelevant'.

## Gambling



Gambling is defined in the Act as *gaming, betting* or participating in a *lottery*.

*Gaming* is defined as playing a game of chance for a prize. A *game of chance* is a game, which involves both an element of chance and an element of skill, or where chance can be eliminated by superlative skill, or where the game is presented as involving an element of chance. The game cannot however include a sport.

*Betting* is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).

A *lottery* is defined as either a simple lottery or a complex lottery. A *simple lottery* is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class, and the prizes are allocated by a process which relies wholly on chance. A *complex lottery* is where persons are required to pay to participate and one or more members of a class, and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. *Prize* means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).

### Gambling Act 2005

Primary legislation that reforms prior gambling legislation and sets out the three licensing objectives in accordance with which decisions about premises licensed for gambling and some other gambling permits will be taken.

### Gambling Commission (see Appendix G for contact details)

The Gambling Commission has replaced the Gaming Board for Great Britain as the regulator of all commercial gambling in Great Britain (other than the National Lottery administered by the National Lottery Commission and Spread Betting administered by the Financial Services Authority). The Gambling Commission will take a lead on formulating codes of practice to aid gambling premises meet the licensing objectives.

### Gaming

See 'Gambling'.

## Gaming machines

Any machine allowing any sort of gambling activity including betting on virtual events. Exceptions include mobile phones, home computers etc. A fuller list is contained within the Gambling Act.

## Hearing

In the context of the Gambling Act a hearing is an opportunity (where representations have been received) for the licensing committee to hear evidence for and against the granting of an application for gambling. In light of this evidence and the principles outlined in this policy they will make a decision about whether to grant the application and impose any conditions.

## Interested party

For the purposes of the Gambling Act, an 'interested party' is a person who either:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorities activities
- b) Has business interests that might be affected by the authorised activities
- c) Represents persons who satisfy paragraph (a) or (b)

Please note: Whether or not a person is an 'interested party' is ultimately the decision of the Licensing Authority which issues the licence or to which the application is made.

## Irrelevant, frivolous, vexatious

A representation may be rejected if considered to be irrelevant. It is only relevant if it meets one or more of the following criteria. It must:

- Relate to the licensing objectives
- Raise issues noted in this our gambling policy
- Raise issues under the Gambling Commission's Code of Practice
- Relate to the premises that are the subject of the application

AND

- Neither be frivolous, vexatious nor will certainly not influence the authority's determination of the application.

## Licensing Authority

The Local Authority for the area, which is responsible for licensing matters and issuing licences.

## Licensing committee

A committee of the Licensing Authority constituted of elected members, which will hear applications where relevant representations are made and not withdrawn. In Manchester, this will be the Licensing and Appeals Committee.

## Licensing objectives

Objectives in accordance with which licensing decisions are made. The three 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.

## Lottery

See 'Gambling'.

## Non-commercial gaming

See 'Private or non-commercial gaming'.

## Occasional Use Notice

An Occasional Use Notice is for use by tracks where there is betting on eight days or less in a calendar year. In these circumstances, betting may be permitted by an Occasional Use Notice without the need to apply for a full premises licence.

## Operating licence

Operating licences enable the licence holder of different premises types to operate that type of gambling premises. See Gambling Commission for details. There are ten types of operating licences:

*Casino operating licence* – enables holder to operate a casino

*Bingo Operating Licence* – enables holder to provide bingo facilities

*General Betting Operating Licence* – enables holder to provide betting facilities other than pool betting

*Pool Betting Operating Licence* – enables holder to provide pool-betting facilities

*Betting Intermediary Operating Licence* – enables holder to act as a betting intermediary

*Gaming Machine General Operating Licence* – enables holder to make gaming machines available for use in either an *Adult Gaming Centre* or *Family Entertainment Centre*

*Gaming Machine Technical Operating Licence* – enables holder to manufacture, supply, install, adapt, maintain or repair gaming machines within Categories A-D

*Gambling Software Operating Licence* – enables holder to manufacture, supply, install or adapt gambling software

*Lottery Operating Licence* – enables holder to promote a lottery

*Remote Operating Licence* – enables holder to carry on activities in respect of remote gambling or by means of remote communication.

### Personal Licence

Licence required by at least one person occupying a management office for gambling premises. Exceptions are for members' clubs and small-scale operators (to be confirmed). This person will be named on the operating licence. An operating licence cannot be issued without a personal licence holder.

Applications for personal licences must be made through the Gambling Commission. A personal licence lasts indefinitely unless it lapses or is surrendered, forfeited or revoked.

### Pool betting

For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings:

- Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting
- Shall be divided among the winners or
- Shall or may be something other than money.

For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.

### Premises

'Premises' is defined in the Gambling Act as 'any place'. In light of this, only one premises licence may be issued for any particular premises at any one time (except in the case of track where there can be more than one premises licence provided each licence relates to a specific area of the track). It is for the Licensing Authority to decide on a case-by-case basis whether different parts of a building can be properly regarded as being separate premises. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can properly be regarded as different premises.

Vessels are also considered to be premises for the purposes of the Act. The definition of a vessel is:

- Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water;
- A hovercraft; or
- Anything, or part of any place, situated on or in water.

The vessel must not be permanently moored or berthed. Other types of vessel are not permitted to allow commercial gambling.

### Premises licence

A licence that allows a premises (including a vessel as defined below) to carry out gambling activities. Premises licences will not be time-limited. There are five types of premises licence:

- Casino Premises Licence
- Bingo Premises Licence
- Adult Gaming Centre Premises Licence
- Family Entertainment Centre Premises Licence
- Betting Premises Licence

Please note: Holding an operating licence is a precondition of being granted a premises licence. The only exception is with respect to betting premises licences, which allow tracks to be used for accepting bets without the requirement of holding an operating licence.

## Prize gaming

Gaming is prize gaming for the purposes of the Act if neither the nature nor the size of the prize played for, is determined by reference to the numbers of persons playing or the amount paid for or raised by the gaming.

## Prize gaming permit

A prize gaming permit authorises a person to provide facilities for gaming with prizes on specified premises.

## Private or non-commercial gaming

Gaming is private where:

- It takes place in a private dwelling and on a domestic occasion
- There is no charge for participation
- It is equal chance gaming (this requirement is not applicable for domestic or residential gaming)
- It does not occur in a place to which the public have access

Betting is private where it is domestic betting or workers' betting. *Domestic betting* is that where the betting is made on premises in which each party lives. *Workers' betting* is betting made between persons who have a contract of employment with the same employer.

Gaming is non-commercial where it takes place at a non-commercial event. Such an event is where no part of the proceeds is used for private gain. There are specific additional requirements for non-commercial prize-gaming and non-commercial equal chance gaming. Betting is non-commercial where no party enters into the betting in the course of a business or holds himself/herself out as being in business in relation to the acceptance of bets.

## Regulation

In the context of the Gambling Act, regulation is a means to ensure gambling is carried out in accordance with the principles outlined in this policy which itself is directed by the Gambling Act 2005 and guidance from the Department of Culture, Media and Sport and the Gambling Commission.

### Remote gambling

Gambling in which people participate using the Internet, a telephone, television, radio or other kind of technology for facilitating communication.

### Representation

A statement of opinion possibly including suggestions as to how any concerns may be addressed. Only those matters that are relevant to the promotion of the licensing objectives may be considered and in the case of interested parties where they are neither frivolous nor vexatious.

### Responsible authority

A public body that must be notified of applications and that is entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences. They may also request a review of the premises licence. In all cases, the representation/review must relate to the licensing objectives.

Responsible authorities are experts in various areas relating to the licensing objectives and as such are able to ensure commercial gambling premises maintain high standards. Under the Gambling Act 'responsible authorities' (as listed in Appendix G) are responsible for pursuing the licensing objectives in relation to commercial gambling premises.

### Second Appointed Day

The date on which licences granted under the Gambling Act 2005 took practical effect (1 September 2007).

### Spread betting

Spread betting is regulated by the Financial Services Authority (see Appendix H for contact details).

### Temporary Use Notice

A Temporary Use Notice allows the use of premises for gambling for up to 21 days in a 12-month period where there is no premises licence. The gambling operator (with an operating licence) may use any premises temporarily for providing facilities for gambling (e.g. a hotel, conference centre, sporting venue).

### Travelling fair

For the purposes of the Gambling Act, 'fair' means a fair consisting wholly or principally in the provision of amusements. It is a travelling fair if it is provided wholly or principally by persons who travel from place to place for the purpose of providing fairs and is at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.

### Tracks

Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

### Vexatious

See 'irrelevant'.

### Vessel

See 'Premises'.

### Vulnerable persons

While the Gambling Commission does not attempt to define 'vulnerable persons', it does offer a working category, which includes:

- People who gamble more than they want to;
- People who gambling 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. See Section 4.1 of this policy for further detail.

### Young persons

See 'Children and young persons'.

### Appendix J – Who we consulted with on publishing this Policy

The following parties were consulted in the development of this Policy:

- All operators of gambling establishments in Manchester
- All responsible authorities designated under s157 of the Gambling Act 2005
- Solicitors known to have represented gambling operators for premises in Manchester



- Strategic Neighbourhood Lead officers of Manchester City council
- All Manchester MPs and members of the Manchester City Council
- Gamcare
- Beacon Counselling Trust
- Gordon Moody Association
- South Manchester Credit Union
- Gamblers Anonymous
- Citizens Advice Manchester
- Cityco