# Cheshire East Council

# Statement of Gambling Principles

# Gambling Act 2005

# 2023 to 2026

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Appendices 1 - 5 are included to provide further information to those interested in these matters. As the information contained within these appendices are subject to change by Central Government, they are not to be considered a part of the Statement of Principles required by section 349 of the Act. They will be subject to reasonable amendment to ensure that they remain accurate and correctly reflect the appropriate entitlements. Any amendment of this nature will not be considered a review of the Statement. As such the requirements for consultation will not apply.

## 1 Introduction

1.1 This Statement of Gambling Principles is published by Cheshire East Council, as the Licensing Authority, in accordance with Section 349 of the Gambling Act 2005. The Act requires the Licensing Authority to prepare and publish a Statement of Principles which sets out the policies that the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

1.2 The Licensing Authority has produced this Statement of Principles in accordance with the provisions of the Act and having regard to the provision of the Guidance issued by the Gambling Commission under Section 25 of the Act.

1.3 In exercising most of its functions under the Act, the Licensing Authority must have regard to the Licensing Objectives as set out in section 1 of the Act. The Licensing Objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.4 As required by the Gambling Act 2005, the draft Statement of Principles was subject to formal consultation with:

- Cheshire Constabulary
- Representatives of those carrying on gambling businesses within the Borough of Cheshire East.
- Representatives of those persons likely to be affected by the exercise of the Licensing Authority's functions under the Act

## 2 General Principles

2.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.

2.2 The Licensing Authority recognises that it may only consider matters within the scope of the Guidance issued by the Gambling Commission, the Act and the Codes of Practice. It is also recognised that there may be issues raised, such as the likelihood of the applicant obtaining planning permission, which are not relevant for the purposes of the Act.

2.3 Nothing in this Statement will undermine the rights of any person to make an application under the Act and have the application considered on its individual merits; or undermine the right of any person to make representations on any application or seek a review of a licence or permit where provision has been made for them to do so within the Act.

2.4 The Licensing Authority recognises that unmet demand is not a relevant consideration when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.

2.5 The Licensing Authority also recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and premises used by vulnerable persons, may be a relevant consideration with respect to the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The type of gambling which is to be offered will also be relevant.

2.6 Each application will be considered on its merits and the Licensing Authority will take into account any proposals by the applicant or licence holder which show how the licensing objectives may be satisfied.

2.7 In carrying out its licensing functions under the Act the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:

- In accordance with any relevant Codes of Practice issued by the Gambling Commission
- In accordance with any relevant Guidance issued by the Gambling Commission in accordance with this Statement of Principles, and
- Reasonably consistent with the licensing objectives

## 3 Gambling Prevalence and Problem Gambling

3.1 In 2010 NatCen's British Gambling Prevalence Survey showed that 73% of the population, had participated in some form of gambling in the past year with 56% of the population participating in some form of gambling other than the National Lottery. The 2010 survey remains the most current survey conducted by NatCen.

3.2 The most popular gambling activities are:

| Type | % of adult population |
|---|---|
| National Lottery | 59% |
| National Lottery scratch cards | 24% |
| Betting on horse races | 16% |
| Playing slot machines | 13% |
| Online gambling | 5% |
| Placed bets by internet | 4% |
| Fixed Odds Betting Terminals | 4% |
| Gambled in a casino | 4% |

3.3 Men were more likely to gamble than women (75% compared with 71%). People in higher income households were more likely to gamble; 72% in the highest income households; 61% in the lowest income households. Those with higher levels of education were less likely to gamble; 61% of those with a degree gambled compared with 73% who were educated to GCSE/O level equivalent.

3.4 Gambling participation was lowest among the youngest and oldest age groups and highest among those aged 44-64.

3.5 Gambling prevalence rates were highest among those who were either married or had been married (75%), respondents who were White/White British (76%), those whose highest educational attainment was GCSEs or equivalent (76%) or had other

qualifications (78%), those from lower supervisory/technical households (79%), those in paid work (78%), those with the highest personal income (79% for the 4th income quintile and 76% for the highest income quintile) and those living in the East Midlands (80%).

3.6 Two measures of problem gambling showed rates of problem gambling in the general population of 0.9% and 0.5%. A significant association was found between problem gambling and being a young male with parents who gambled. It was also associated with smoking and poor health.

3.7 The GamCare Annual Review 2020/2021 showed that the number of calls made to the National Gambling Helpline were up by 9% based on the previous year's figures with the number of individuals seeking support or treatment increased by 8%. Working males under 35 years were most likely to seek support and treatment. Anxiety and stress, family/relationship difficulties, financial problems, and debt are the primary reasons for gambling given by those seeking support or treatment services.

3.8 A pilot project in Cheshire was commenced in collaboration with Beacon Counselling Trust in 2017. This project trained Cheshire Constabulary custody staff to screen for problem gambling, understand the complexities of the issue and, where possible, to signpost to local support services.

3.9 The pilot was launched in three custody suites across Cheshire with 609 screenings having taken place with 85 (14%) resulting in a brief intervention to minimise gambling-related harm. Of those 17 (20%) have been referred into more structured counselling treatment with local providers.

3.10 In April 2021, following the successful pilot, the project has been rolled out to a further five police forces. This includes our neighbours in Manchester and Merseyside.

3.11 When gambling becomes a problem it can have devastating repercussions on a person's everyday life and functioning. For many clients who access GamCare's services (eg counselling) this may mean the breakdown or near breakdown of their relationships, damage to their physical and psychological health and substantial financial loss and debt. It should be acknowledged that the harm caused by problem gambling extends beyond the problem gambler themselves to include their family and friends. And can disproportionally affect the most vulnerable in society.

## 4 Cheshire East Area Profile

4.1 Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Alsager, Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel and Poynton.

4.2 A full profile of the Borough is set out at Appendix 1.

4.3 As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest

numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that none is exploited or harmed by gambling.

## 5 The Gambling Act 2005

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

- Gaming means playing a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

5.2 The Act provides for three categories of licence:

- Operating licences
- Personal licences
- Premises licences

5.3 In accordance with the Act, the Gambling Commission has responsibility for issuing operating and personal licenses and the Licensing Authority is responsible for issuing premises licenses.

5.4 The main functions of the Licensing Authority, and the functions subject to this Statement, are:

- Licence premises for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming
- Consider occasional use notices for betting at tracks
- Register small societies lotteries

5.5 It should be noted that:

- Spread betting is regulated by The Financial Services Authority
- Remote (on-line) gambling is dealt with by the Gambling Commission
- The National Lottery is regulated by The National Lottery Commission (which merged with the Gambling Commission in October 2013)

5.6 This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Family Entertainment Centres
- Club Gaming and Club Machine Permits
- Prize Gaming and Prize Gaming Permits
- Temporary and Occasional Use Notices
- Registration of small society lotteries

5.7 The Categories of Gaming Machine Regulations 2007 (as amended) define four classes of gaming machine, categories A, B, C and D, with category B divided into a further 5 sub-categories. A full list of the categories of Gaming Machine, together with the current maximum stakes and prizes, is set out in Appendix 2.

5.8 A breakdown of automatic entitlements in gambling premises is set out appendix 3 and a break down of automatic entitlements in alcohol licensed premises is set out at appendix 4.

## 6 Responsible Authorities

6.1 A Responsible Authority may make representations about an application for a premises licence or may request a review of a premises licence. Sections 157 and 349 of the Gambling Act 2005 set out those bodies classified as Responsible Authorities in terms of the Act.

6.2 The Licensing Authority will apply the following principles when designating, in writing, a body which is competent to advise the authority about the protection of children from harm:

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

6.3 Therefore the Licensing Authority will continue to designate the Cheshire East Local Safeguarding Children Board for the purpose of advising it on the protection of children from harm.

6.4 Section 211(4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These would include:

- The Environment Agency
- The British Waterways Board
- The Secretary of State acting through the Maritime and Coastguard Agency

6.5 The contact details of all the Responsible Bodies under the Gambling Act 2005 will be available on the Licensing Authorities website.

## 7 Interested Parties

7.1 In addition to Responsible Authorities, 'Interested Parties' can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Gambling Act 2005 as follows:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- Has business interests that might be affected by the authorised activities, or
- Represents persons in either of the two groups above

7.2 In determining whether someone lives sufficiently close to a particular premises so as to be affected the Licensing Authority will take into account, among other things:

- The size of the premises
- The nature of the premises
- The distance of the premises from the person making the representation
- The nature of the complainant
- The potential impact of the premises

7.3 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:

- The size of the premises
- The catchment area of the premises, and
- Whether the person making the representation has business interests in the catchment area that might be affected

7.4 Business interests will be given a wide interpretation and could include for example partnerships, faith groups and medical practices.

7.5 Representations made on the grounds that an applicant would be in competition with an existing business or that there is allegedly no demand for additional gambling premises will not be considered to be relevant.

7.6 Trade associations, trade unions, residents' and tenants' associations will not, however, generally be viewed as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

7.7 Representatives of Interested Parties may include MPs, Ward Councillors and Parish Councillors. Residents' and tenants' associations, trade unions and trade associations may also represent interested parties if they have members living sufficiently close to the premises. Except in the case of Councillors or MPs representing the ward or wards likely to be affected, when written evidence will be required that a person or body represents an interested party.

7.8 If individuals approach Ward Councillors or Parish Councillors, care should be taken that the Councillor is not a member of the Licensing Committee or Licensing Act Sub-Committee, which will deal with the application, nor has an interest which would prevent them from addressing the Committee or Sub-Committee. If there is any doubt, advice should be sought from the Legal Team or Licensing Team.

7.9 Details of those persons making representations will be made available to applicants and, in the event of a hearing being held, will form part of a public document (including publication on the Council's website).

## 8 Premises Licences

8.1 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.

8.2 There are particular requirements for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provisions for each type of premises.

8.3 A licence to use premises for gambling will normally be issued only in relation to premises that are ready to be used for gambling. Where premises have not yet been constructed, an applicant may apply for a provisional statement – See Section 20.

8.4 An application for a premises licence may only be made by persons who have a right to occupy the premises.

8.5 Except in the case of a betting track premises licence, an application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.

8.6 When considering applications for premises licences the licensing authority cannot take into consideration the expected 'demand' for facilities. It should also be noted that moral objections to gambling are not a valid reason to reject applications.

8.7 Applications for the grant, transfer or variation of a Premises Licence should be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives.

8.8 Premises licences granted must be reasonably consistent with the licensing objectives as follows:

**Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

8.9 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.

8.10 The Gambling Commission will deal with Operating Licences and Personal Licences so the Licensing Authority will not be concerned about the suitability of an applicant. If concerns arise about a person's suitability, the Licensing Authority will bring those concerns to the attention of the Commission.

8.11 The Licensing Authority will take into consideration the proposed location of gambling premises in terms of this Licensing Objective. Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there.

8.12 Where appropriate, conditions may be attached to a premises licence requiring the provision of door supervisors. For example, if the premises cannot be adequately supervised from the counter, door supervision may be necessary.

8.13 There is a distinction between disorder and nuisance. The Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in determining that distinction. It should be noted that issues of nuisance cannot be addressed under the Act.

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

8.14 The Gambling Commission does not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the Operating and Personal Licensing regime.

8.15 Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances, require conditions to ensure that the environment in which betting takes place is suitable.

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

8.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.

8.17 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

8.18 The Licensing Authority will not normally grant a premises licence for premises which are located close to schools.

8.19 When considering whether to grant a premises licence or permit the Licensing Authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

8.20 The Act does not define the term ‘vulnerable persons’ but the Licensing Authority considers that this will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a learning disability, the state of their mental health or the effects of alcohol or drugs.

8.21 Licence Holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, National Debtline, local Citizens Advice Bureau and relevant independent advice agencies.

8.22 The Licensing Authority is aware of the general concern surrounding betting machines that permit high volumes of betting activity by individuals, for example Fixed Odds Betting Terminals (FOBTs). Applicants should consider where such betting machines are located and monitor use to ensure excessive gambling does not take place. The Licensing Authority is also aware that Central Government is considering this issue.

## 9 Adult Gaming Centres

9.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the Licensing Objectives, for example, to ensure that under 18 year olds do not have access to the premises.

9.2 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureau and other relevant independent advice agencies.

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

## 10 Betting Premises (other)

10.1 The Licensing Authority must be satisfied that the primary use of the premises is to operate as a betting premises in accordance with the principles outlined in paragraph 16 of this Statement. The applicant will be expected to demonstrate that

they can offer sufficient facilities for betting and, unless it does so, should not be making gaming machines available on the premises.

10.2 The Licensing Authority will take the following into account when considering the number, nature and circumstances of betting machines an operator wants to offer:

- the size of the premises
- the number of counter positions available for person-to-person transactions
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

## 11 Betting Tracks including other sporting venues

11.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.

11.2 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.

11.3 It should be noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

11.4 Appropriate licence conditions may cover issues such as:

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

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

11.6 Where the applicant holds a Pool Betting Operating Licence and is going to use the entitlement to four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

11.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.

11.8 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account:

- the size of the premises
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

11.9 The Licensing Authority will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

## 12 Bingo Premises

12.1 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines.

12.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure 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 the machines are located
- access to the area where the machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
- 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

12.3 The Licensing Authority will take account of any guidance issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises and appropriate conditions will be attached to the premises licence.

## 13 Casinos

13.1 This Licensing Authority has not passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this Statement of Principles will be updated. Any such decision must be made by the full Council.

13.2 This Licensing Authority is not currently able to issue premises licences for casinos. Should the Government propose that more casinos can be licensed in the future, the Licensing Authority will review its position and this Statement of Principles will be updated.

## 14 (Licensed) Family Entertainment Centres

14.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the Licensing Objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

14.2 Appropriate licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureau.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

## 15 Licence Conditions

15.1 There are three types of conditions that can be attached to premises licences:

- Mandatory – Conditions prescribed in regulations made by the Secretary of State which must be attached
- Default – Conditions prescribed in regulations made by the Secretary of State which will be attached unless specifically excluded by the Licensing Authority
- Conditions attached by the Licensing Authority

15.2 Any conditions imposed by the Licensing Authority will be appropriate, proportionate and will be:

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

15.3 Applicants are encouraged to offer their own suggested conditions to demonstrate how the Licensing Objectives can be met.

15.4 There are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition which makes it impossible to comply with an operating licence condition

- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs)
- conditions in relation to stakes, fees, winnings or prizes

15.5 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered.

15.6 Door supervisors employed in house at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best practice for door supervisors working at casinos or bingo premises to have SIA training or similar. The Licensing Authority will also expect door supervisors employed at casinos or bingo premises to have a clear Disclosure and Barring check over the previous three years prior to their employment at the casino or bingo premises.

## 16 Primary Gambling Activity

16.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:

- Casino premises
- Bingo premises
- Betting premises, including tracks and premises used by betting intermediaries
- Adult gaming centre premises (for category C and D machines)
- Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the Licensing Authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

16.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity. This guidance sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

16.3 The Licensing Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operator licence. The Licensing Authority will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated

betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

## 17 Buildings divided into more than one premises

17.1 The Guidance states that a building can, in principle, be divided into more than one premises, and 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. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The Licensing Authority will follow this guidance.

17.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.

17.3 In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:

- whether there are separate registrations for business rates in place for the premises
- whether the premises are owned or operated by the same person
- whether the premises are operated independently of each other

## 18 Separation of premises within a single building

18.1 When considering proposals to divide a building into genuinely separate premises the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.

18.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The Licensing Authority would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.

18.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.

## 19 Access to premises

19.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the Licensing Authority will

have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.

19.2 The requirement and restrictions relating to access are set out in paragraph 7.26 of the Commission's Guidance. In certain circumstances customers are restricted from accessing different types of gambling premises directly from other licensed premises.

19.3 The Guidance at paragraph 7.25 states 'There is no definition of "direct access" in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.'

19.4 It is the Licensing Authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

19.5 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.

19.6 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:

- Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part
- 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 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

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

## 20 Provisional Statements

20.1 An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.

20.2 Applications for provisional statements will be dealt with in a similar manner to applications for a premises licence.

20.3 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional statement was considered unless there has been a change of circumstances.

20.4 A premises licence will be granted in the same terms as the provisional statement unless

- representations are received which address matters that could not have been addressed when the provisional statement was considered
- there has been a change of circumstances
- the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

## 21 Reviews of Licences

21.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- any relevant code of practice issued by the Gambling Commission
- any relevant guidance issued by the Gambling Commission
- the Licensing Objectives
- the Licensing Authority's Statement of Principles

21.2 The Licensing Authority may reject an application for review if it thinks that the grounds on which the review is sought:

- are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the Licensing Objectives or the Licensing Authority's Statement of Principles
- are frivolous
- are vexatious
- 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence
- are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application)
- are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence

21.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

21.4 The Licensing Authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.

21.5 The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.

21.6 A responsible authority or interested party may apply to the Licensing Authority to review a premises licence. Such reviews can be made in relation to, amongst other things:

- if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address
- where incidents that have adversely affected one or more Licensing Objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded
- if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder

21.7 As a review of a premises licence can lead to its revocation the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

## 22 Permits

22.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

22.2 The Licensing Authority is responsible for issuing the following permits:

- alcohol licensed premises gaming machine permits
- club gaming permits and club machine permit
- prize gaming permits
- unlicensed family entertainment centre gaming machine permits

22.3 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

## 23 (Alcohol) Licensed Premises Gaming Machine Permits

23.1 Premises licensed to sell alcohol are automatically entitled to have 2 gaming machines of categories C or D provided that:

- the requisite notice has been served on the Licensing Authority
- the appropriate fee has been paid
- any code of practice relating to the location and operation of gaming machines is complied with

23.2 The Licensing Authority can remove the automatic authorisation 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 (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming
- an offence under the Gambling Act has been committed on the premises

23.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.

23.4 The Licensing Authority must take account of the Licensing Objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit. The Licensing Authority may also consider such matters as it thinks are relevant. Such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.

23.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that children and young people do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff that will monitor that the machines are not being used by those under 18. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline, local Citizens Advice Bureau, and any other relevant and independent advice agencies.

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

23.7 The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for. No other conditions can be attached to the permit.

23.8 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

## 24 Club Gaming and Club Machines Permits

24.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

24.2 A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations)
- It must be permanent in nature
- It must not be established to make a commercial profit
- It must be controlled by its members equally

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

24.3 The Licensing Authority may only refuse an application on the grounds that:

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

24.4 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

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

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

## 25 Prize Gaming Permits

25.1 Gaming is prize gaming if the prize is not affected by the number of people playing or the amount paid for or raised by the gaming. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

25.2 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the Licensing Objectives and must have regard to any guidance issued by the Gambling Commission.

25.3 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

25.4 The Licensing Authority cannot attach any other conditions to this type of permit.

25.5 During the application process, the applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- an understanding of the limits to stakes and prizes set out in regulations
- That the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm

25.6 The Licensing Authority will only grant a permit after consultation with the Chief Officer of Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

25.7 Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

## 26 Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

26.1 Where Category D gaming machines are to be provided at premises which do not have a premises licence but will be wholly or mainly used for making Category D gaming machines available for use, an application may be made for a permit.

26.2 A uFEC can form a part of larger premises provided it is separate and identifiable.

26.3 In exercising its functions in respect of uFEC permits, the Licensing Authority need not, but may have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

26.4 The Licensing Authority cannot attach conditions to this type of permit but will consider the following matters in determining the suitability of an applicant for a permit.

26.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. These may include appropriate measures and training for staff in dealing with:

- Suspected truant school children on the premises
- Unsupervised young children on the premises
- Children causing problems on or around the premises

26.6 Applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs and that staff are trained to have a full understanding of the maximum stakes and prizes.

26.7 Applicants will be required to demonstrate that they have no relevant convictions as set out in Schedule 7 of the Act.

26.8 The Licensing Authority will not normally grant a uFEC permit for premises that are located close to schools.

## 27 Temporary Use Notices

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

27.2 The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.

27.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

27.4 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.

27.5 A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.

27.6 In determining whether a place falls within the definition of a ‘set of premises’ the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

## 28 Occasional Use Notices

28.1 The Licensing Authority has little discretion but to accept occasional use notice at ‘tracks’. However the Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will, however, consider the definition of a ‘track’. The applicant will also need to demonstrate that they are responsible for the administration of the ‘track’ or is an occupier, and therefore permitted to make use of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Cheshire East. If notices are given for a single track which would permit betting to occur for more than 8 days per year the Licensing Authority has an obligation to issue a counter notice preventing such a breach occurring.

28.2 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.

28.3 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture. Those giving occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

## 29 Travelling Fairs

29.1 The Act defines a travelling fair as ‘wholly or principally’ providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.

29.2 It will fall to the Licensing Authority to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

29.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The Licensing Authority notes the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or

different travelling fairs occupying the land. The Licensing Authority will monitor any travelling fairs that take place in Cheshire East that offer gambling as an ancillary use to the fair through liaison with the Event Safety Advisory Group. The Licensing Authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

## 30 Small Society Lotteries

30.1 The Licensing Authority is responsible for the registration of small society lotteries.

30.2 A society is a non-commercial organisation established and conducted:

- for charitable proposes
- for the purpose of enabling participation in, or of supporting sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain and the proceeds of any lottery must be devoted to those purposes

30.3 The total value of tickets to be put on sale per single lottery must be £20,000 or less or the aggregate value of tickets to be put on sale for all lotteries in a calendar year must not exceed £250,000. If either of these values is exceeded, the society will need to be licensed by the Gambling Commission to operate large lotteries.

30.4 Applications for registration must be made in accordance with the Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007.

30.5 An application may be refused on the following grounds:

- An operating licence held by the applicant for registration has been revoked or an application for an operating licence by the applicant for registration has been refused within the past 5 years
- The applicant is not a non-commercial society
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
- Information provided in or with the application for registration is found to be false or misleading

30.6 Registrations run for an unlimited period, unless the registration is cancelled or revoked.

30.7 The limits placed on small society lotteries are as follows:

- At least 20% of the lottery proceeds must be applied to the purposes of the society
- No single prize may be worth more than £25,000
- Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society and the maximum single prize is £25,000

- Every ticket in the lottery must cost the same and the society must take payment for the ticket before entry into the draw is allowed

30.8 No later than three months after each lottery draw, returns must be sent to the Licensing Authority containing the following information:

- The arrangements for the lottery
- The total proceeds of the lottery
- The amounts deducted for prizes
- The amounts deducted for expenses
- The amount applied to the purposes of the society
- Whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds and, if so, the amount of such expenses and the sources from which they were paid

## 31 Exchange of Information

31.1 The Licensing Authority will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

3.1.2 The Council will at all times ensure compliance with the General Data Protection Regulations and the Data Protection Act 2018. However, information will be shared with anyone provided there is a lawful basis to do so. This may include the sharing of personal and/or special category data.

## 32 Enforcement

32.1 The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: only intervening when necessary and remedies will be appropriate to the risk posed, and costs identified and minimised
- Accountable: able to justify its decisions, and be subject to public scrutiny
- Consistent: implementing rules and standards fairly in a joined-up way
- Transparent: open, and keep conditions placed on premises licences simple and user friendly
- Targeted: focusing on the problems, and aiming to minimise the side effects

32.2 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority, but the Licensing Authority will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

32.3 The Licensing Authority will comply with the Enforcement Policy approved by the Council. This Policy includes provisions for licensing offences and is available on the Council's website.

## 33 Scheme of Delegation

33.1 The Licensing Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

33.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Licensing Authority Officers. The table shown at Appendix 5 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

## 34 Definitions of Gambling Activities

**Adult Gaming Centres**
Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

**Amusement arcades**
These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed family entertainment centres.

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

**Bingo**
Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).
Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

**Casino**
'An arrangement' whereby people can participate in one or more casino games.

**Casino Games**
Games of chance not being equal chance gaming ie games in which players stake against a 'bank'.

**Equal chance gaming**
This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a "bank". It is immaterial how the 'bank' is described and whether or not it is controlled by a player.

**Exempt activities**
Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.
Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.
Non commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- The profits will be for a purpose other than that for private gain;
- The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

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

**Games of chance**
Includes games that involve elements of both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.

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

**Gaming machines – Categories**
The table at appendix 2 sets out the different categories with the maximum stakes and prizes that apply.

**Gaming Machines by Premises Type**
The table at appendix 3 sets out the different automatic entitlements at each type of premises.

**Fixed Odds Betting Terminals**
Fixed odds betting terminals (FOBTs) are electronic machines, sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

The Act classifies FOBTs as B2 gaming machines. Up to four machines can be sited on betting premises. The maximum stake on a single bet is £100, the maximum prize is £500.

**Licensed Family Entertainment Centres**
These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

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

**Operating Licence**
The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling:

- A casino operating licence
- A bingo operating licence
- A general betting operating licence
- A pool betting operating licence
- A betting intermediary operating licence
- A gaming machine general operating licence (for an adult gaming centre)
- A gaming machine general operating licence (for a family entertainment centre)
- A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- A gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- A lottery operating licence

**Premises Licence**
A premises licence issued by a Licensing Authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

**Track**
A horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

**Unlicensed Family Entertainment Centres**
These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

## 35 Glossary of Terms

| | |
|---|---|
| Act: | The Gambling Act 2005 |
| Adult: | Means an individual who is not a child or young person |
| Applications: | Applications for licences and permits as defined separately in this Policy and the Guidance. |
| Borough: | The area of Cheshire administered by Cheshire East Borough Council |
| Child and Young Person: | The Act includes the definition of a child at S.45 as:<br><br>Meaning of “child” and “young person”<br>(1) In this Act “child” means an individual who is less than 16 years old<br>(2) In the Act “young person” means an individual who is not a child but who is less than 18 years old. |
| Code of Practice: | Means any relevant code of practice under section 24 of the Gambling Act 2005 |
| Council: | Cheshire East Council |
| Default Condition: | Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council |
| GamCare: | GamCare is a leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. GamCare is a national charity and was founded in 1997. |
| Guidance: | The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act. |
| Interested Party: | Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:<br>(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,<br>(b) has business interests that might be affected by the authorised |

| | |
|---|---|
| | activities<br>(c) represents persons in either of these groups.<br>Interested parties can also be a councillor or an MP |
| Licensing Authority: | Cheshire East Council |
| Licensing Objectives: | The Act contains three licensing objectives which underpin the functions that the licensing authorities will perform<br><br>1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime<br>2. Ensuring that gambling is conducted in a fair and open way<br>3. Protecting children and other vulnerable persons from being harmed or exploited by gambling |
| Mandatory Condition: | Means a specified condition provided by regulations to be attached to a licence |
| NatCen: | National Centre for Social Research. Conducted the British Gambling Prevalence Surveys of 1999, 2007 and 2010 on behalf of the Gambling Commission |
| Notifications: | Means notification of temporary or occasional use notices |
| Premises: | Any place, including a vehicle, vessel or moveable structure |
| Regulations: | Regulations made under the Gambling Act 2005 |
| Representations: | In dealing with applications the Council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities. |
| Responsible Authority: | 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. All representations made by responsible authorities are likely to be relevant representations if they relate to the licensing objectives.<br><br>Section 157 of the Act identifies the bodies that are to be treated as responsible authorities.<br>They are:<br>(a) a licensing authority in England and Wales in whose area the premises is wholly or partly situated<br>(b) the Gambling Commission<br>(c) the chief officer of police or chief constable for the area in which the premises is wholly or partially situated<br>(d) the fire and rescue authority for the same area<br>(e) (i) in England and Wales, the local planning authority, or<br>(ii) in Scotland, the planning authority |

(f) the relevant authority as defined in section 6 of the Fire (Scotland) Act 2005
(g) an authority which has functions in relation to pollution to the environment or harm to human health
(h) anybody, designated in writing by the licensing authority as competent to advise about the protection of children from harm
(i) HM Revenue & Customs
(j) any other person prescribed in regulations by the Secretary of State.

Appendix 1

# Cheshire East – Area Profile (spring 2015)

## Introduction

Cheshire East is the third biggest unitary authority in the North West and the thirteenth largest in the country. It therefore has a wide breadth of social grades, age profiles and ranges of affluence. There is a clear link between these measures and the likelihood of a person gambling. It also needs to be acknowledged that there are clear differences between the type of person who gambles responsibly and the type who is identified as a problem gambler. This profile with therefore concentrate on the on the measures that can contribute to gambling and problem gambling.

## People

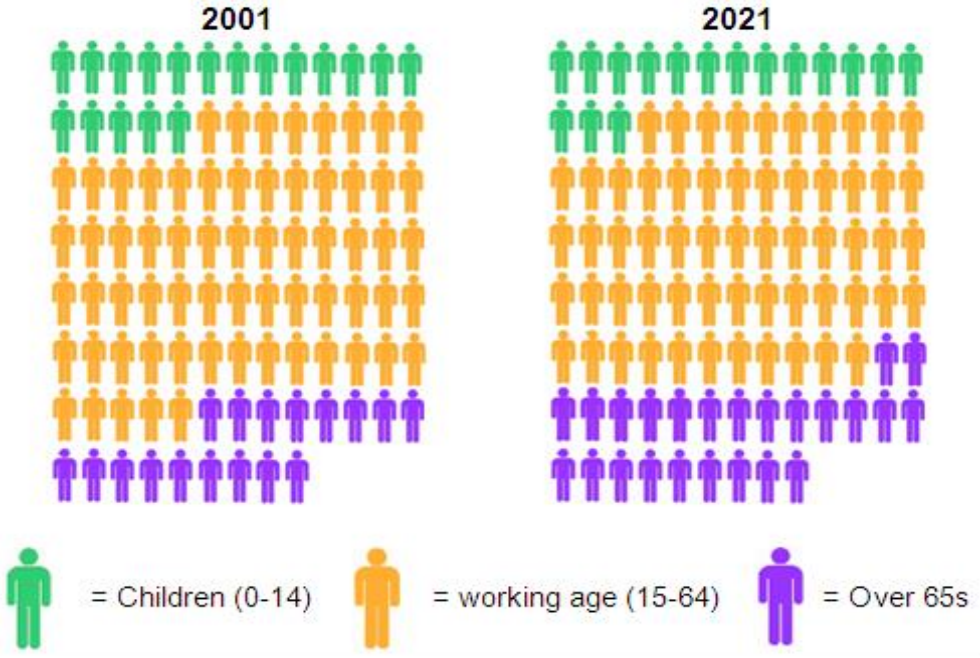
Cheshire East an estimated population of 372,700[1], the population density is 3.2 residents per hectare[2], making Cheshire East less densely populated than the North West (5.0 per hectare) and England (4.1 per hectare).

Between the 2001 and 2011 Census, the median age of residents has increased from 40.6 years to 43.6 years[3]. Between the same years, the number of over 65s has increased by 11,700 residents or 26%, which is a greater increase than the North West (15%) and England & Wales (20%).

[1] 2013 Mid-year population estimates, Office for National Statistics, NOMIS, Crown Copyright
[2] 2011 Mid-year population estimates and UK Standard Area Measurements (SAM) 2011, Office for National Statistics, Crown Copyright
[3] 2001 and 2011 Census, Office for National Statistics, Crown Copyright

From 2011 to 2021 the population was expected to increase by 15,700 people (4.2%) to 385,800, a greater increase than the North West (3.7%) but less than England (7.5%)[4]. The number of children (aged 0-14) is estimated to increase by 4%, with a slight decrease (-2%) in those of working age (15-64). The number of residents over the age of 65 is expected to increase substantially by 19%, however this increase is similar to England (20% increase). Caution should be exercised when using any predictions about the future population, as they assume trends in recent years will continue into future years.

**Figure 1: Proportion of residents by broad age groups – change over 20 years[5]**




## Economy

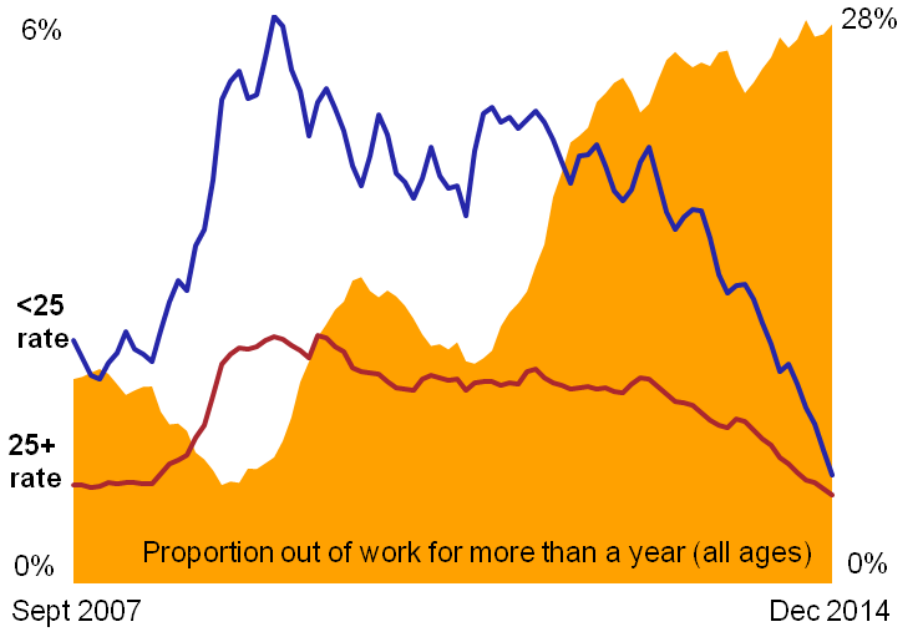
Cheshire East contains 5.1% of the North West region's working-age residents[6], but accounts for an even greater share (5.7%) of the region's employees[7]. In terms of economic output, its contribution is much greater still, at 6.9%[8].

The proportion of working age residents who are claiming job seekers allowance benefit is low (1.0%) when compared to the North West (2.0%) and England (1.9%) averages[9]. Within Cheshire East there are large disparities – from 0.1% in Adlington & Prestbury to 2.7% in West Coppenhall and Grosvenor. If all out-of-work benefits are included rather than just those actively seeking work, 7.8% of residents of working age receive an out-of-work benefit[10], ranging from 1.4% in

[4] 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright
[5] 2001 and 2011 Census, Office for National Statistics, Crown Copyright & 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright
[6] 2013 Mid-year population estimates, Office for National Statistics, Crown Copyright
[7] 2013 Business Register and Employment Survey, Office for National Statistics, Crown Copyright
[8] Regional GVA NUTS3 (1997-2013), Table 3.1, Regional Gross Value Added (Income Approach), Office for National Statistics
[9] December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright
[10] Out-of-work benefits, 4 quarter average July 2013 – June 2014, Department for Work and Pensions. Calculations consistent with NI 152/153

Macclesfield Town Tytherington to more than one in four residents of working age (26.5%) in East Coppenhall, Crewe.

**Figure 2: Job Seekers Allowance claimants (unemployment) for young people (under 25) and others (over 25), with the proportion of people of all ages claiming for more than one year[11]**

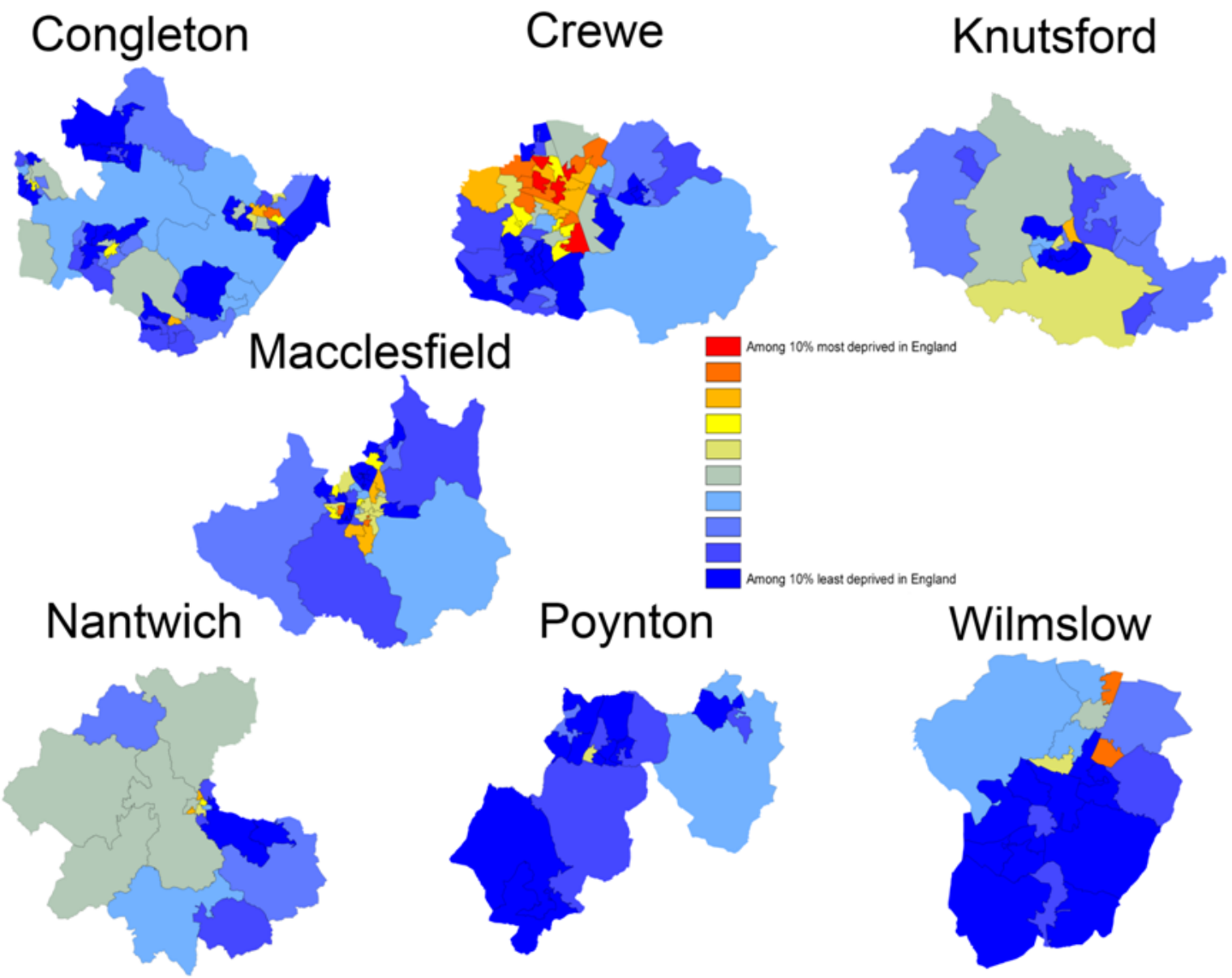



Average (median) household income levels are high (£33,000) compared to Great Britain (£28,500)[12]. However, there is a considerable range of average household income levels at ward level, from £18,800 in Crewe St Barnabas ward to £56,900 in Prestbury. Across Cheshire East there are 16 of 231 statistical areas (LSOAs)[13] which are within the top 20% of most deprived areas in England (figure 3), affecting 28,800 or 7.7% of Cheshire East's population[14]. 11 of these areas are in Crewe, with 2 in Wilmslow/Handforth, 2 in Macclesfield and 1 in Congleton. Overall, relative deprivation levels were worse in 2010 than 2007, as only 14 areas were within the top 20% of most deprived areas.

Acorn data is socio-economic data that analyses the residents and places them in classifications, depending on various factors such demographics, affluence and spending habits. There are seventeen Acorn groups, with the 'Executive Wealth' group being the largest in Cheshire East (27%) a considerably higher proportion than the UK average (12%). There are also approximately five times more residents in the 'lavish lifestyles' groups within Cheshire East compared to the UK, although this group constitutes a small proportion of all Cheshire East's residents (6%).

[11] December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright
[12] 2013/14 Paycheck, CACI Ltd. Figures are median values
[13] Lower Super Output Areas
[14] Indices of Deprivation 2007 and 2010, Department for Communities and Local Government with mid-year population estimates, 2013, Office for National Statistics

**Figure 3 Deprivation by LAP, Index of Multiple Deprivation 2010**




Source: IMD 2010, DCLG.
© Crown copyright and database rights 2012. Ordnance Survey 100049045.

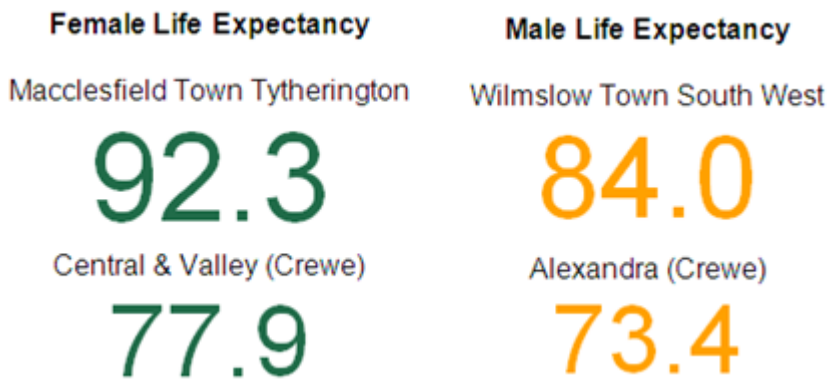
## Health

In the 2011 Census, 17.5% of residents reported they had a long term problem or disability which limited their day to day activities, an increase from 16.7% in 2001[15]. In a recent survey of the Council's Citizens Panel, 74% of respondents described their general health as 'good or very good' and 5% described it as 'bad or very bad'[16].

Life expectancy (LE) in Cheshire East is higher than regional (North West) and the national (England & Wales) averages. LE at birth for females is 83.6 years, compared to 81.8 years in the North-West and 83.1 years nationally[17]. LE at birth for males is 80.4 years, compared to 78.0 in the North West and 79.4 nationally.

There is a noticeable difference within the female population of around 14 years between the lowest rates in Central & Valley (Crewe) and the highest in Macclesfield Town Tytherington[18]. For males, there is an 11 year gap between the lowest rates in Alexandra and Crewe and the highest in Wilmslow Town South West.

**Figure 4: Male and Female Life Expectancy at birth[19]**




Smoking rates are generally relatively low. An estimated 16.6% of the adult population are current smokers, which is lower than the North West (23.6%) and England (22.2%). Rates vary from 7.9% in Adlington & Prestbury to 34.3% in St Barnabas[20].

Healthy eating rates are relatively high, with an estimated 31.4% regularly consuming their '5 a day', higher than both the North-West average (26.2%) and England (28.7%).

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[15] 2001 and 2011 Census, Office for National Statistics, Crown Copyright
[16] Autumn 2011 Survey, InfluenCE, Cheshire East Research and Consultation Team
[17] Life expectancy at birth and at age 65 by local areas in England and Wales, 2011-13, Office for National Statistics. National refers to the figure for England
[18] Life Expectancy at Birth for MSOAs, 2006-10, Department for Health
[19] Life Expectancy at Birth for MSOAs, 2006-10, Department for Health
[20] 2006-08 Estimates of Adults' Health and Lifestyles, Office for National Statistics (ONS)

## Education

The qualification levels of working age residents in the Borough (aged 16-64) is high. An estimated 31% have a degree level qualification or equivalent and above, much higher than the North West (21%) and England & Wales (25%)[21]. Conversely, the proportion of residents with no qualifications (9%) is lower than the region (12%) and nationally (11%).

## Prevalence of Licensed Gambling Premises

There are a total of 30 licensed gambling premises in Cheshire East, broken down into the following categories:

| **Town** | **Type** | **Number** |
|---|---|---|
| Betchton (M6 Services) | Adult Gaming Centre | 2 |
| Crewe | Adult Gaming Centre | 2 |
| Macclesfield | Adult Gaming Centre | 1 |
| **Total** | | **5** |

| **Town** | **Type** | **Number** |
|---|---|---|
| Congleton | Betting Shop | 2 |
| Crewe | Betting Shop | 9 |
| Handforth | Betting Shop | 1 |
| Knutsford | Betting Shop | 1 |
| Macclesfield | Betting Shop | 4 |
| Middlewich | Betting Shop | 1 |
| Nantwich | Betting Shop | 1 |
| Sandbach | Betting Shop | 1 |
| Wilmslow | Betting Shop | 3 |
| **Total** | | **23** |

| **Town** | **Type** | **Number** |
|---|---|---|
| Crewe | Bingo | 2 |
| **Total** | | **2** |

There are no casinos and no licensed family entertainment centres.

The largest number of licensed premises are in the towns of Crewe and Macclesfield

[21] Annual Population Survey January 2011 – December 2011, Office for National Statistics, Crown Copyright

## Conclusion

According to NatCen's British Gambling Prevalence Survey of 2010 the rates of problem gambling in the general population are 0.9% and 0.5% (depending on the measures used). This would equate to a problem gambling population in Cheshire East of 33,543 and 18,635.

According to information available from the Gambling Commission there are 13,489 licensed gambling premises in the UK.

The number of licensed betting premises has decreased significantly. This decreased predated any economic impacts of the coronavirus pandemic in 2020 and 2021. And may link to the Governments decision to change the law relating to fixed odds betting terminals. The increase in use of online gambling facilities may also be a factor.

Whilst gambling is prevalent across the country this prevalence appears to be concentrated in the main city areas and primarily in the London Boroughs.

As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that no one is exploited or harmed by gambling.

**Appendix 2**

**Summary of gaming machine categories and entitlements**

| Category of machine | Maximum stake (from April 2019) | Maximum prize (from Jan 2014) |
|---|---|---|
| A | Unlimited - No category A gaming machines are currently permitted | |
| B1 | £5 | £10,000* |
| B2 | £2 | £500 |
| B3A | £2 | £500 |
| B3 | £2 | £500 |
| B4 | £2 | £400 |
| C | £1 | £100 |
| D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine) | 30p | £8 |
| D - non-money prize (crane grab machine) | £1 | £50 |
| D - money prize (other than a coin pusher or penny falls machine) | 10p | £5 |
| D - combined money and non-money prize (other than a coin pusher or penny falls machine) | 10p | £8 (of which no more than £5 may be a money prize) |
| D - combined money and non-money prize (coin pusher or penny falls machine) | 20p | £20 (of which no more than £10 may be a money prize) |

* With option of max £20,000 linked progressive jackpot on premises basis only

**Appendix 3**

## Summary of machine provisions by premises

| | Machine Category | | | | | | |
|---|---|---|---|---|---|---|---|
| Premises Type | A | B1 | B2 | B3 | B4 | C | D |
| Large casino (machine/table ratio of 5-1 up to maximum) | | Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio) | | | | | |
| Small casino (machine/table ratio of 2-1 up to maximum) | | Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio) | | | | | |
| Pre-2005 Act casino (no machine/table ratio) | | Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead | | | | | |
| Betting premises and tracks occupied by pool betting | | | Maximum of 4 machines categories B2 to D (except B3A machines) | | | | |
| Bingo premises | | | | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** | | No limit on category C or D machines | |
| Adult gaming centre | | | | Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4** | | No limit on category C or D machines | |
| Family entertainment centre (with premises licence) | | | | | | No limit on category C or D machines | |
| Family entertainment centre (with permit) | | | | | | | No limit on category D machines |
| Clubs or miners' welfare institute (with permits) | | | | | Maximum of 3 machines in categories B3A or B4 to D* | | |
| Qualifying alcohol licensed premises | | | | | | 1 or 2 machines of category C or D automatic upon notification | |
| Qualifying alcohol licensed premises (with gaming machine permit) | | | | | | Number of category C-D machines as specified on permit | |
| Travelling fair | | | | | | | No limit on category D machines |

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only, but not B3A machines.

**Appendix 4**

## Summary of gaming entitlements for clubs and alcohol-licensed premises

| | Members' club or MW institute with club gaming permit | Bridge or whist club | Members' club or commercial club with club machine permit | Members' club, commercial club or MW institute without a club gaming permit or club machine permit | Pubs and other alcohol licensed premises |
|---|---|---|---|---|---|
| Equal chance gaming | Yes | Bridge and/or Whist only | Yes | Yes | Yes |
| Limits on stakes | No limit | No limit | Poker £1000 per week £250 per day £10 per person per game Other gaming No limit | Poker £1000 per week £250 per day. £10 per person per game Other gaming No limit | Poker £100 per premises per day. Other gaming £5 per person per game Cribbage & dominoes No limit |
| Limits on prizes | No limit | No limit | Poker £250 per game Other gaming No limit | Poker £250 per game Other gaming No limit | Poker £100 per game Other gaming No limit |
| Maximum participate on fees – per person per day | Bridge and/or whist∗ £20 Other gaming £3 | £18 (without club gaming permit) £20 (with club gaming permit) | Bridge and/or whist∗ £18 Other gaming £3 (commercial club) £1 (members' club) | Bridge and/or whist∗ £18 Other gaming £1 | None permitted |
| Bankers or unequal chance gaming | Pontoon Chemin de Fer | None permitted | None permitted | None permitted | None permitted |
| Limits on bingo | Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence. | No bingo permitted | Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence. | Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence. | Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence. |

∗ On a day when no other facilities for gaming are provided

**Appendix 5**

**TABLE OF DELEGATION OF LICENSING FUNCTIONS**

| MATTER TO BE DEALT WITH | FULL COUNCIL | SUB-COMMITTEE | OFFICERS |
|---|---|---|---|
| Three year licensing policy | X | | |
| Policy not to permit casinos | X | | |
| Fee Setting - when appropriate | | X (Full Committee) | |
| Application for premises licences | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received from the Commission | Where no representations received from the Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Review of a premises licence | | X | |
| Application for club gaming /club machine permits | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Cancellation of club gaming/ club machine permits | | X | |
| Applications for other permits | | | X |
| Cancellation of licensed premises gaming machine permits | | | X |
| Consideration of temporary use notice and occasional use notices | | | X |
| Decision to give a counter notice to a temporary use notice | | X | |