



A Responsible Approach to Gambling in Manchester

Gambling Policy Statement 2010 – 2012

The Licensing Unit, PO Box 271, Manchester, M18 8YU

To be included in final published version of the
Policy

**FOREWORD FROM THE
COUNCIL LEADER, RICHARD LEESE**

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EXECUTIVE SUMMARY

The Gambling Act received Royal Assent in April 2005. It covers all commercial gambling in England and Wales and includes the regulation of gambling premises, temporary use of premises for gambling, small-society lotteries and remote gambling.

Responsibility for the Act's implementation is divided up between: the Department for Culture, Media and Sport who prepared the legislation; the Gambling Commission who prepare guidance for Local Authorities (known as Licensing Authorities for the purposes of the Act) and draft codes of practice for operators to follow; and Licensing Authorities who issue some (but not all) authorisations.

At the Act's heart are three licensing objectives which we, as a Licensing Authority, will use as a measure for many decisions on gambling applications. These are:

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

Those who would like to offer gambling will need either:

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

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

The Council's Licensing Unit will issue premises licences, permits and other authorisations including Occasional Use Notices and Temporary Use Notices and small society lottery registrations (See Appendix L for all contact details).

Regardless of the type of licence or permit applied for, Manchester City Council is looking to maintain high standards to ensure responsible gambling and promotion of the licensing objectives in Manchester.

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

1 ABOUT OUR GAMBLING POLICY

1.1 Our responsibility to produce and publish a gambling policy

Licensing Authorities are required by the Gambling Act to publish a gambling policy at least every three years. We may also revise it 'from time to time' if we feel it is necessary to do so. Every time we revise our policy we will consult publicly on the changes before republishing.

This is the first revision of our Gambling Policy and has been designed to reflect the practical lessons and considerations developed since the implementation of the Gambling Act in 2006.

1.2 How we arrived at our policy

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

- The licensing objectives as outlined in the Executive Summary
- Guidance and Codes of Practice issued by the Gambling Commission
- Comments we receive during the public consultation on our policy

1.3 Our public consultation

We consulted publicly on this revision of our gambling policy between 20 July & 11 Oct 2009. Copies of the revised proposed policy will be made available on the Licensing Unit website (details available in Appendix H) as

well as via public libraries throughout Manchester.

We will also consult with:

- Greater Manchester Police
- Those who represent gambling businesses in Manchester
- Those who represent people likely to be affected by gambling in Manchester
- Children, Families and Social Care

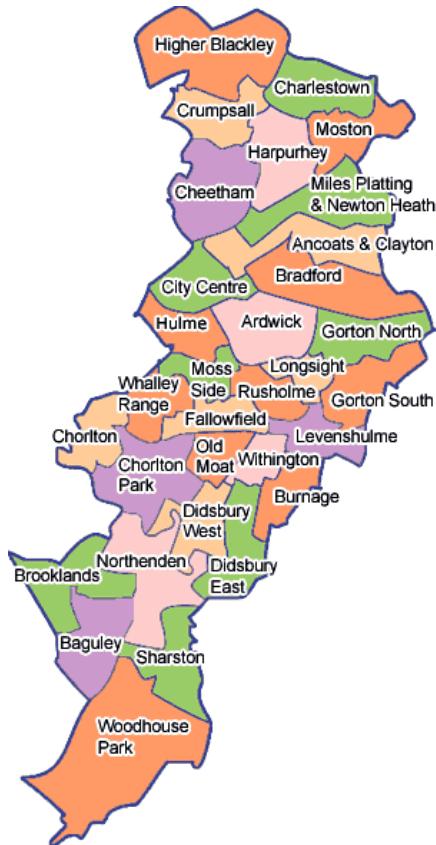
A full list of all consultees along with their comments will be available on the Licensing Unit website or from the Licensing Unit upon request.

1.4 The rights of the applicant

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

2 MANCHESTER'S ROLE

2.1 The area covered by Manchester City Council



Manchester City Council is situated in Greater Manchester and has a population of 450,000. It is the largest of the ten Greater Manchester Authorities. Manchester City Council will licence gambling premises in all areas shown in the map above.

2.2 The role of Manchester City Council as a Licensing Authority

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

1. Be responsible for licensing premises

where gambling activities are to take place by issuing *premises licences*

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

The City Council is also required to:

1. Provide information to the Gambling Commission regarding details of licences issued (see appendix I for

-
- our information exchange protocols)
2. Maintain a register of the permits and licences that are issued under the functions above.

3 HOW WE DECIDE APPLICATIONS FOR GAMBLING IN MANCHESTER

3.1 What authorisations are needed for different premises / different activities?

The table below sets out what kind of authorisation different types of premises will need, along with the entitlements that come with that authorisation.

Premises type/activity	Type of authorisation you need	Overview of entitlements authorisation brings
Adult Gaming Centre	Premises licence + Operating licence + Personal licence	Up to 4 category B3 to B4 gaming machines + any number of category C and D + prize gaming
Family Entertainment Centre (premises wholly/ mainly making gaming machines available)	<u>OPTION 1</u> : Premises licence + Operating licence + Personal licence	Any number of category C and D gaming machines + equal chance gaming + prize gaming
	<u>OPTION 2</u> : Gaming machine permit	Category D gaming machines
Tracks (dog track, horse track) or other sporting venues	<u>OPTION 1</u> : Premises licence + Operating licence	Maximum of 4 machines categories B2 to D + betting (type of betting dependent on type of operating licence)
	<u>OPTION 2</u> : Occasional Use Notice	Betting for 8 days or less in a calendar year
Casino premises	Premises licence + Operating licence + Personal licence	Casino games (i.e. games of chance), equal chance gaming, betting, bingo (regional/large casinos only) + category B to D gaming machines (regional casino may also have cat. A machines). No. of machines as per casino size.
Bingo premises	Premises licence + Operating licence + Personal licence	Bingo + prize gaming + up to 8 category B3 to B4 gaming machines and any number of category C and D
Travelling fair	Gaming machine permit	Any no. of category D gaming machines (as long as this amounts to no more than ancillary activity) + prize gaming
Betting premises (makes or accepts bets)	Premises licence + Operating licence + Personal licence	Maximum of 4 machines categories B2 to D + betting (type of betting dependent on type of operating licence)
Premises with consumption of alcohol on the premises	<u>OPTION 1</u> : Notify Licensing Unit	Automatic entitlement to 2 category C or D machines
	<u>OPTION 2</u> : Licensed premises gaming machine permit	Any number of category C or D machines may be requested
Prize gaming	Prize gaming permit	Provision of any form of prize gaming (other than bingo)
Members' clubs or miners' welfare institute (and commercial clubs)	<u>OPTION 1</u> : Club <i>gaming</i> permit (not available to commercial clubs)	Maximum of 3 machines in categories B4 to D, equal chance gaming + games of chance
	<u>OPTION 2</u> : Club <i>machine</i> permit	Maximum of 3 machines in categories B4 to D
Small-society lottery	Must register with Licensing Unit	May run a small-society lottery (details upon request)
Any premises without a premises licence	Temporary Use Notice	Permits gambling on the premises for no more than 21 days in any 12 month period

Please note: the table above gives an indication of the entitlements that accompany each type of licence/permit and is subject to change (pending the publication of further regulations). Different combinations of premises licence and different types of operating licence may result in different authorised activities..

3.2 The activities and types of premises covered by the Gambling Act

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

3.3 How to make comment on a gambling premises application

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

A representation is a statement that outlines any comments that the party making the

representation wants to be taken into consideration by the Licensing Authority when determining the application. In all cases representations will need to be relevant. The only representations likely to be relevant are those that meet one or more of the following criteria:

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

AND

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

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

3.4 What is an 'interested party'?

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

- a) Someone who lives sufficiently close to the premises to be likely to be affected by the gambling premises
- b) Has business interests that might be affected by the authorised activities

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- c) Represents persons who satisfy paragraph (a) or (b)

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

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

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

- The size of the premises
- The nature of the premises
- In the case of interested parties the distance of the premises from the

address of the person making the representation

- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises)
- The 'catchment' area of the premises (i.e. how far people travel to visit it).

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

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

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

3.5 The licensing objectives and how the licensing committee uses them in decision-making

Manchester City Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant. All decisions made by our licensing committee in relation to premises licences (and some other

authorisations – see specific sections for details) are based on the Act, relevant guidance, Codes of Practice, our Gambling Policy and the three licensing objectives. These objectives are:

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

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

3.6 How the licensing committee decides whether to grant or refuse an application

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

- (a) In accordance with any relevant code of practice issued by the Gambling Commission
- (b) In accordance with any relevant guidance issued by the Gambling Commission

- (c) Reasonably consistent with the licensing objectives (subject to a and b) and
- (d) In accordance with this policy (subject to a – c).

Please note: The licensing committee has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g. the committee cannot consider the expected demand for facilities or reject applications on moral grounds. The Gambling Commission advises that Licensing Authorities ‘should rely on reasons that demonstrate the licensing objectives are not being met’. Each case will be decided on its merits. Additionally, the Licensing Authority will not have regard to any demand issues for the premises.

In accordance with the Guidance from the Gambling Commission, we will endeavour to circulate to all parties ‘clear and comprehensive’ reasons for any decision. We will also cite the extent to which decisions have been made in accordance with this Manchester City Council’s gambling policy and the Guidance from the Gambling Commission.

Rather than reject applications outright, wherever possible we as the Licensing Authority will look to work with gambling premises and tackle concerns with licence conditions that uphold the licensing objectives. However where areas of concern cannot be addressed through conditions, the application

will normally be refused by the Licensing Committee

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

3.7 How the licensing committee decides what conditions to apply to premises licences

Premises Licences may be subject to any or all of the following:

- Conditions specified in the Gambling Act 2005
- Conditions specified in the regulations issued by the Secretary of State
- Conditions attached by Manchester City Council's Licensing Committee (where necessary).

With respect to conditions, licensing authorities are able to:

- Issue licences without modifying conditions set out in the Act and by the Secretary of State
- Exclude default conditions
- Attach conditions where it is believed to be appropriate

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

We will ensure that any conditions we impose are:

- Proportionate to the circumstances which they are seeking to address
- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects.

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

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

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

3.8 Working in partnership but not duplicating other regulatory controls

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

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

3.9 Hearings and rights of appeal

Where interested parties or responsible authorities raise concerns about the suitability of premises to provide gambling, a hearing may be held. Hearings will be heard before the licensing committee constituted of elected councillors. In Manchester the Licensing Committee as defined by the Gambling Act is known as the Licensing and Appeals Committee

Appeals against Licensing Authority decisions must be made within 21 days and will be heard by the Magistrates Courts. (Rights of appeal are detailed in Appendix C).

3.10 Reviews of gambling premises licences

After a licence is granted, where the day to day operation of a gambling premises is not felt to be 'reasonably consistent with the licensing objectives', a review of the premises licence can be requested at any time. A review may be initiated by the Licensing Authority or as a result of an application for review from an interested party or responsible authority.

Where it is the Licensing Authority that initiate the review, they may do this for a whole class of premises e.g. all Adult Gaming Centres or in relation to particular premises. This action will most likely be taken in response to a complaint, which would make the Licensing Authority want to reconsider the conditions that apply to that category of premises licence. However the Licensing Authority can review a licence for any reason it thinks appropriate.

Where an application for review is received from an interested party or responsible authority, as a licensing authority we must decide whether to go ahead with the review. The application for review will be considered based on the following:

- Does the request raise issues other than those found under the Gambling Commission's Guidance, Codes of Practice, the Licensing Objectives or our gambling policy?
- Is it irrelevant, frivolous or vexatious?
- Is it so minor that the authority *will certainly not* wish to revoke or

-
- suspend the licence or remove, amend or attach conditions?
 - Is it substantially the same as a previous application for review relating to the same premises?
 - Is the application for review substantially the same as a representation made at the time the application for a premises licence was considered?

If the answer to ANY of the above questions is 'yes', the request for review may be rejected.

The purpose of the review is to determine if the licensing committee should take any action in relation to the licence. If action is needed, the options are to either:

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

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

- In accordance with any relevant code of practice issued by the Gambling Commission

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

The committee will also consider any relevant representations and information given at the hearing.

Codes or practice and the guidance referred to above may be obtained from the Gambling Commission. (See Appendix H for the Gambling Commission's contact details).

3.11 Compliance, enforcement and the inspection of premises

Our principal enforcement role under the Gambling Act is to ensure compliance with the conditions of the premises licence and statutory requirements in respect of other permissions, which the licensing authority regulates.

The City Council will adopt a risk-based inspection programme, which will mean giving greater attention to high-risk premises and a lighter touch for low-risk premises. In all cases we will ensure our inspection programme is operated in accordance with any codes of practice issued by the Gambling Commission and in accordance with the Enforcement Concordat. We will also ensure it is:

- Proportionate to the circumstances which it is seeking to address

-
- Relevant to the need to make the proposed building suitable as a gambling facility
 - Directly related to the premises and the type of licence applied for
 - Fairly and reasonably related to the scale and type of premises
 - Reasonable in all other respects.

Under the Act, the Gambling Commission also has powers of entry and inspection to regulate gambling. The Gambling Commission will be the enforcement body for operating licences and personal licences. Penalties for breaches of operating licence and personal licence conditions may include fines and/or revocation of the licence and/or prosecution. The Gambling Commission will also handle concerns about manufacture, supply or repair of gaming machines. A summary of offences under the Gambling Act can be found in the Gambling Commission's Guidance to Local Authorities.

4 PREMISES LICENCES – STANDARDS EXPECTED FROM APPLICANTS

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

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

It is important for us to have clear guidelines as to how we will make decisions about premises licence applications. In this way we can be consistent and ensure the committee have clear reasons for decisions taken.

Each application for a premises licence will be considered on its merits; applicants are expected to show how they will address the licensing objectives, in order to be granted a licence. Where applicants fail to demonstrate this, licence conditions can be imposed or the application rejected.

4.1 Licensing objectives: How they apply in practice

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

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

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

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

Applicants are required to demonstrate the measures they intend to take to ensure the proposed operation of their premises meets this licensing objective.

The Gambling Commission highlights that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance.” For example was police assistance required? How threatening was the behaviour to those who could see or hear it?

Ensuring that gambling is conducted in a fair and open way

Generally this objective will be addressed by:

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

Where we suspect that gambling is not being conducted in a fair and open way, we will bring this to the attention of the Gambling Commission, for their further consideration, and work in partnership with their officers

In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

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

The Gambling Act defines 'children' as those persons under 16 years of age and 'young persons' as those persons aged 16 or 17 years of age.

The term 'vulnerable persons' is not defined, however the Gambling Commission does offer some guidance:

- People who gamble more than they want to
- People who gamble beyond their means
- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

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

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

What constitutes harm or exploitation will have to be considered on a case-by-case basis.

4.2 The location of gambling premises

Locations for gambling premises, which may pose problems, include those in close proximity to premises frequented by children or other vulnerable persons e.g. schools or parks. Each case will of course be considered on its merits and if adequate measures are put in place in accordance with this policy to restrict access to children, protect vulnerable persons and prevent crime and disorder,

Whilst it could be considered that the presence of gambling premises with a constant stream of trade in what may have formerly been an underused area may serve to reduce crime and disorder, this will only be the case where necessary safeguards are put in place either by the operator or by the licensing authority in the form of licence conditions. However, the Licensing Authority will not have regard to demand in assessing the suitability of location for gambling premises.

4.3 Definition of premises

The Licensing Authority will have regard to the Guidance issued by the Gambling Commission in relation to the meaning of 'premises'. Whether different parts of a building can be regarded as separate premises will be considered on its individual merits. However, the Authority will need to be satisfied that premises are genuinely separate premises and are not artificially created to benefit from the machine entitlements provided by separate licence provisions. Issues we will take into consideration include:

- Whether the premises are subject to separate registration for business rates
- Ownership of the premises
- Accessibility to the premises
- Ability of the premises to operate independently of one another

4.4 Primary Gambling Activity

In accordance with the Guidance to Local Authorities and Licence Conditions and Codes

of Practice, the primary gambling activity at the premises should be that described i.e. in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises.

4.5 Practical considerations for all gambling premises

In accordance with the Gambling Commission's view, it is considered that the conditions necessary for the general good conduct of gambling premises are those set as default and mandatory conditions by the Secretary of State. However, we expect that operators also apply the following provisions in the operation of their business in Manchester.

Data gathering and sharing

Keeping track of the incidence and handling of problem gambling in Manchester is a key part of promoting the licensing objectives. We expect all Manchester-based gambling premises to maintain a log and share this and other information with the Licensing Unit upon request.

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

1. No. of interventions in a calendar month along with a short description of the cause and effect
2. No. of cases in a calendar month where persons who have decided to

-
- voluntarily exclude themselves from the premises have tried to gain entry
3. No. of mandatory exclusions needing enforcement in a calendar month along with a short description of the cause and effect
 4. Attempts to enter by those under age in a calendar month along with short description of incident and action
 5. Attempts to enter by those under age in the company of adults in a calendar month along with short description of incident and action
 6. Attempts to enter by those under age with complicit adults in a calendar month along with short description of incident and action

Staff restrictions on access to gambling

Gambling premises staff are brought into close proximity with gaming and/or gaming machines on a regular basis and therefore may have a heightened vulnerability to problem gambling. There is also a risk of off duty staff colluding with their colleagues. For these reasons we feel staff must be excluded from gaming or gambling on the premises at which they work at all times. Larger operators may also want to consider offering an Employee Assistance Programme. Smaller operators may simply wish to refer staff with gambling problems to a local counselling service.

Staff to customer ratio

To ensure the safety of both customers and staff, sufficient staffing numbers should be in

place at all times the premises is open. All premises will be expected to demonstrate that they will have in place a suitable staff to customer ratio as appropriate to the premises. A suitable ratio should take into account the protection of staff and customers with respect to the crime and disorder objective as well as the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

When deciding their ratio we would advise premises to seek the advice of a Crime Reduction Officer prior to application.

On-premises provision of gambling advice

A risk-aware and gambling literate customer base with recourse to advice and assistance is likely to have a lesser chance of being harmed or exploited by gambling. Where people gamble we want them to do so for entertainment rather than in the expectation of a big win or to chase losses.

In light of this, we will expect that all gambling premises:

Provide leaflets and posters aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and online counselling facility. For every 100m² of gambling/gaming and/or gaming machines at least one prominent leaflet display must be provided along with a neighbouring poster to reinforce the message. Leaflets and posters

should also be available in more discreet locations e.g. toilets.

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

In order to protect both staff and those who are under the influence of alcohol or drugs (thereby potentially distorting their ability to make rational decisions), those persons who appear to be in such a state must be immediately excluded from the premises.

Signage should be prominently displayed to indicate this. Please note with reference to those persons with a mental impairment or mental health difficulties, premises would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling.

Appropriate Signage and Control Provisions

To ensure that access to the premises is restricted to appropriate persons, we would expect that premises display relevant signage at the entrance to the premises clearly advising of any restrictions in access.

Additionally, premises should regularly risk assess the need for the provision of door supervisors or security personnel at the premises.

Safe Cash-handling

In the interest of preventing crime and disorder, we require all gambling premises in Manchester to have a minimum provision for safe cash-handling and thereby prevent

against theft/robbery etc. We will expect minimum standards in terms of:

- The frequency of banking cash (to avoid large sums being involved)
- Use of security personnel for transport
- No. of staff handling cash at any one time
- A fully up to date CCTV system with records kept for an appropriate length of time (including signage to indicate the presence of such a system)
- Local and emergency contact details for the emergency services clearly displayed in office areas
- Consultation with a Crime Reduction Officer and regular security reviews

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

Safe payment of winnings

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

Adequate lighting inside and out

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

Engagement with the police

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

4.6 Standards expected at specific types of premises

While we have outlined minimum standards we expect from all gambling premises in the previous section, any areas we need to stress, due to differences between premises types, are outlined below.

The Council will pay particular attention to any Codes of Practice, issued by the Gambling Commission in respect of specific types of premises.

4.6.1 Tracks (dog track, horse track) and other sporting venues

Layout and Access

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

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

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

The premises licence holder will need to ensure:

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

The proper conduct of betting

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

Proper management of betting areas

The track/venue operator will have a role to play in ensuring that the betting areas are properly managed. This will include ensuring non-betting areas are adequately supervised to ensure illegal gambling operations are not established.

The number, type, location and availability of gaming machines

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

Plans of the premises

Track premises applications should include detailed plans of:

- The racetrack itself
- The area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”)

In the case of dog tracks and horse racecourses, plans should also include:

- Fixed and mobile pool betting facilities operated by the Tote or track operator
- Any other proposed gambling facilities.

Rules to be displayed

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

4.6.2 Betting premises

Fixed Odds Betting Terminals (FOBT's)

Where provided, these gaming machines shall be in direct sight of the supervised counter.

Leaflets and posters aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and online counselling facility, shall be provided in close proximity to the location of any FOBT's.

Number, type and availability of betting machines

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

At such time consideration will be given to :

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

5 PERMITS - STANDARDS EXPECTED FROM APPLICANTS

Where premises do not hold a Premises Licence under the Gambling Act 2005, but wish to provide gaming machines, they may apply to the licensing authority for a permit to do so. Premises with this option include Family Entertainment Centres, alcohol-serving premises, members' clubs, miners' welfare institutes and those premises wishing to offer prize gaming.

Every application will be considered on its merits. Whilst the Licensing Authority cannot attach conditions to permits applications can be refused if they do not demonstrate how they will meet Licensing Objective concerns. Outlined below is our standard for what is 'reasonably consistent with the pursuit of the licensing objectives'

5.1 General considerations for all permit applications

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

- Intervention to protect children and other vulnerable persons from being harmed or exploited by gambling
 - A suitable location for the gambling premises
 - A suitable premises layout and access control (including PASS scheme) to ensure supervision or exclusion of under 18s and vulnerable persons as appropriate
 - Adequate staff to customer ratio to ensure adequate supervision of gambling
 - Staff should not be permitted to gamble on premises at which they work
 - On premises provision of gambling advice
 - Exclusion of those from gambling who appear to be under the influence of alcohol or drugs with signage to indicate this
 - Safe cash handling
 - Safe payment of winnings
 - Adequate lighting inside and out
- These measures are outlined in more detail in Section 4.
- Premises contribution towards research, education and treatment in the form of data, promotional activity
 - Data gathering and sharing
 - Training of customer facing staff and managers in responsible gambling

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

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

5.2.1 Family Entertainment Centre (unlicensed) gaming machine permits

The Licensing Authority will take into account the following when taking decisions in respect of Family Entertainment Centre gaming machine permits:

- Relevant Gambling Commission Guidance
- Our gambling policy
- May (but need not) take into account the licensing objectives.

Under 18s may use category D gaming machines and participate in equal chance prize gaming, which may be offered in some premises.

In deciding whether to grant or reject applications for permits from Family Entertainment Centres, the Licensing Authority needs to be sure:

- The applicant is suitable, having particular regard to any convictions, to

operate a Family Entertainment Centre

- The premises are suitable given their location and possible concerns around disorder
- The police have no legitimate concerns in respect of either the applicant or the premises.

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

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

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

- An authorised local authority officer has been refused access to the premises without reasonable excuse
- or**

- That renewal would not be reasonably consistent with pursuit of the licensing objectives. (See 5.1 for what we believe is reasonably consistent with the pursuit of the licensing objectives).

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

The Licensing Authority will take into account the following when taking decisions in respect of gaming machine permits:

- Relevant Gambling Commission Guidance
- The licensing objectives
- Other matters that we consider relevant.

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

The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- Gaming has taken place on the premises that breaches a condition of

section 282 of the Gambling Act. (Section 282 states that written notice must be provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)

- The premises are mainly used for gaming
- An offence under the Gambling Act has been committed on the premises

If premises licensed to sell alcohol for consumption on site wish to have more than 2 gaming machines, then they need to apply for a permit.

The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Every application will be decided on its merits.

Please note: Other matters the Licensing Authority 'consider relevant' may include: the premises location; access and layout; the location of gaming machines on the premises and ability to supervise; whether under 18s are permitted on the premises; previous convictions of the applicant; and any other further risks indicated by the application.

Please note: Dependent on the conditions of their Licensing Act licence, premises with consumption of alcohol on the premises may admit under 18s. However premises must

ensure under 18s do not play category C gaming machines or limited equal chance gaming which are restricted to over 18s.

Please note: the holder of a gaming machine permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

5.2.3 Prize Gaming Permits

The Licensing Authority will take into account the following when taking decisions in respect of prize gaming permits:

- Relevant Gambling Commission Guidance
- This our gambling policy
- May (but need not) take into account the licensing objectives.

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

- Compliance with the limits on participation fees, as set out in regulations
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be

made public in the premises on the day that it is played

- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize)
- Participation in the gaming must not entitle the player to take part in any other gambling.

5.2.4 Club gaming and club machine permits

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

The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in separate regulations.

Members' clubs, miners' welfare institutes and commercial clubs may apply for a **club machine permit**.

A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

In order to grant either of these permits to a members' club we will want to ensure that the premises meet the requirements of a members' club. They must:

- Have at least 25 members
- Be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is

permitted by separate regulations.

E.g. Bridge and Whist clubs

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

(b) In addition to the prescribed gaming, the applicant provides facilities for other gaming

(c) A club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

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

Licensing Authorities may refuse an application if:

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

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

- (a) The club is established primarily for gaming, other than gaming prescribed under Schedule 12

Access

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

6 TEMPORARY USE NOTICES, OCCASIONAL USE NOTICES AND OTHER AUTHORISATIONS

6.1 Temporary Use Notices

The Licensing Authority are required to take into account the following when taking decisions in respect of Temporary Use Notices:

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

Temporary Use Notices enable use of premises for gambling where there is no premises licence in force (e.g. hotels, conference centres, sporting venues). With a Temporary Use Notice, any such premises may be used for gambling for up to 21 days in a 12-month period.

They can be used by any person or company with a relevant operating licence e.g. to provide betting facilities at a snooker tournament, a betting operating licence would be needed. (Please note it is the Gambling Commission that issues operating licences).

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

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

6.2 Occasional Use Notices

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

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

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

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

6.3 Travelling Fairs

Definition of travelling fair

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

Access

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

Category D machines and equal chance gaming

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

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

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

6.4 Provisional Statements

Section 4 of this policy in respect of premises licences shall apply equally to applications for provisional statements.

In terms of representations about premises licence applications, following the grant of a provisional statement, further representations from relevant authorities or interested parties cannot be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) Which could not have been raised by objectors at the provisional licence stage; or
- (b) Which in the authority's opinion reflect a change in the operator's circumstances.

The Licensing Authority has noted the Gambling Commission's Guidance that a "licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law "

7 REGISTERING SMALL-SOCIETY LOTTERIES ETC

The Gambling Commission will regulate:

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

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

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

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

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

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

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

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

In either case applications for registration will only be refused or registration revoked after the society has had an opportunity to make representations.

Certain types of lottery are exempt from needing to register with either the Local Authority or the Gambling Commission. These include an incidental non-commercial lottery, a private lottery or a customer lottery.

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

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

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

APPENDIX A: The Gambling Act 2005 and other related legislation

Gambling Act 2005

The Gambling Act 2005 gives effect to the reform of gambling laws. It provides a new regulatory system to govern the provision of all gambling in Britain. It does not include the National Lottery and spread betting, but does cover remote gambling.

The Gambling Act comes out of a white paper 'A Safe Bet for Success' published in March 2002. A draft gambling strategy was published in November 2003. The Gambling Act itself received Royal Assent on 7 April 2005.

The Act provides for three new types of casinos: 1 regional, 8 large and 8 small. However the Secretary of State with the approval of Parliament has the power to increase the number of regional casinos to 8. However subsequent announcements from the Government, has resulted in no progression regarding a regional casino at the time of drafting this policy.

The Act also provides for three new types of licence, as well as several permits and permissions, which allow premises the temporary provision of gambling. The Act also introduces three licensing objectives, which will ensure that where gambling is permitted, it will be done so in a socially responsible way.

The Department for Culture, Media and Sport, the Gambling Commission and local Licensing Authorities will share between them responsibility for all matters previously regulated by the Magistrates Courts.

Human Rights Act 1998

The Gambling Commission advises in its guidance to Local Authorities that in considering applications, and taking enforcement action, under the Gambling Act Licensing Authorities should bear in mind that they are subject to the Human Rights Act and in particular:

Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest

Article 6 – right to a fair hearing

Article 8 – respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life and

Article 10 – right to freedom of expression.

Private Security Industry Act 2001

The Gambling Commission offers some advice in its guidance to Local Authorities. Section 178 relates to door supervision. It is not a mandatory requirement to impose a condition relating to door supervision. But if such a condition is attached which requires someone to be responsible for “guarding the premises against unauthorized access or occupation, against outbreaks of disorder or against damage”, section 178 provides that if such a person would normally need to hold a licence from the Security Industries Authority, the requirement for an SIA licence becomes a condition of the premises licence. However bingo premises and casino premises are exempt from the need to have licensed door supervisors by virtue of an exclusion in the Private Security Industry Act 2001 (as amended by the Gambling Act 2005).

Licensing Act 2003

As both the Licensing Act 2003 and Gambling Act 2005 are recent pieces of legislation that deal with licensed premises, care needs to be taken to distinguish the two. The former however deals with the provision of alcohol, entertainment or late night refreshment and the latter deals with the provision of commercial gambling.

APPENDIX B: Delegation of functions under the Gambling Act

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee setting (when appropriate)			✓
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		✓	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		✓	
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration of Temporary Use Notice			✓
Decision to give a counter notice to a Temporary Use Notice		✓	

✓ indicates the lowest level to which decisions can be delegated

APPENDIX C: Rights of Appeal

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

Circumstances	Who can appeal
Application for a premises licence is rejected	- Applicant
Application for a premises licence is granted	- Applicant - A person who made a representation
Decision taken following a review of a premises licence (whether or not any action is taken in respect of the review)	- The licence holder - A person who made representations in relation to the review - Where relevant the person who applied for the review - The Gambling Commission
Application for a transfer of a premises licence	- The licence holder - The applicant for the transfer
Decision to issue counter notice/not to issue counter notice in respect of a Temporary Use Notice	- Applicant - The Gambling Commission - Local Chief of Police - HM Revenues and Customs
Decision to remove entitlement to exempt gaming or to gaming machines in respect of specified alcohol licensed premises	- The licence holder
Application for a Family Entertainment Centre gaming machine permit or its renewal is rejected, notice is given that the premises are not being used as an FEC or it is stated that the holder is incapable of carrying out an FEC business by reason of mental or physical incapacity	- Applicant or holder of the permit
Application for a club gaming permit or club machine permit or its renewal is rejected or the permit is cancelled	- Applicant or objector
Application for a club gaming permit or club machine permit or its renewal is granted or request to cancel is refused	- Person who objected to the grant/person who made representations in relation to the proposed cancellation
Application for a licensed premises gaming machine permit is rejected, if [s]he is permitted fewer of different category of machines than applied for or if the Licensing Authority gives a notice which cancels or varies the entitlements of a permit	- Applicant or objector
Application for a prize gaming permit or its renewal is rejected	- Applicant
Application to register Small Society Lottery is refused or the registration is revoked	- The Society

APPENDIX D: Our fees under the Gambling Act

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

APPENDIX E: Register of licences issued under the Gambling Act

We will maintain a register of all premises licences that we issue. This will be made available on our website: www.manchester.gov.uk/licensing

If you do not have Internet access, you will be able to get access at your local library. The register can also be viewed by contacting the Licensing Unit and making an appointment (contact details available in Appendix H).

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

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

Manchester City Council will act in accordance with the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened.

The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Manchester City Council will inform the Gambling Commission without delay if:

- The Licensing Authority receives information that causes it to question the suitability of the person holding/applying to hold an operating licence

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

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

Manchester City Council will abide by the Freedom of Information Act and the Data Protection Act in its safeguarding/release of information or data. Our approach in respect of the Gambling Act is outlined below.

The Data Protection Act

The Data Protection Act places obligations on us in terms of how we process certain personal information. These stipulate that data must be:

- Processed fairly and lawfully
- Obtained and used for lawful and specified purposes
- Adequate and relevant for those purposes
- Accurate and where necessary kept up to date
- Kept only for as long as necessary
- Accessible to the data subject (who also has some other rights)
- Kept securely
- Not transferred to certain countries.

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

Applications and representations in respect of applications are both in the public domain and are therefore available on request and may be published as part of our web register. Personal addresses/contact numbers attached with representations may also be released.

Information may also be shared with other Gambling Act regulators or other parties prescribed by the Secretary of State.

Data about the individual making the request is also available by contacting the Licensing Unit (see Appendix H for contact details).

The Freedom of Information Act

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

Any complaints as to how we handle requests should be made to the Information Commissioner (see Appendix I for contact details).

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

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

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

Web: www.manchester.gov.uk/licensing/gambling

Email: licensing@manchester.gov.uk

Tel: 0161 234 4512

Fax: 0161 234 4412

Addr: The Licensing Unit
Room 1012 (Level 1)
Town Hall Extension
Manchester M60 2LA

- (b) **The Gambling Commission**

Web: www.gamblingcommission.gov.uk

Email: info@gamblingcommission.gov.uk

Tel: 0121 230 6666

Fax: 0121 233 1096

Addr: Victoria Square House
Victoria Square
Birmingham B2 4BP

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

Addr: Greater Manchester Police
The Chief Constable
c/o The Central Licensing Unit
Room 102, Bootle Street Police Station
Bootle Street
Manchester M2 5GU

- (d) **The fire and rescue authority** for the same area

Addr: North Manchester Fire and Rescue Service (if the premises have a postcode within the ranges M1-M4, M8-M9, M11-M13, M18, M25)
The Fire Safety Manager
Greater Manchester Fire & Rescue Service
Manchester Central Fire Station
Thompson Street
Manchester M4 5FP

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

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

- (e) **The local planning authority**

Addr: Manchester Local Planning Authority
(Premises Licences)
PO Box 463
Town Hall
Manchester M60 3NY

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

Addr: Environmental Health (Gambling Licences)
Neighbourhood Services
1 Hammerstone Road
Manchester M18 8EQ

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

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

Addr: Licensing Administrator
Manchester Safeguarding Children Board
3rd Floor, Victoria Mill
10 Lower Vickers Street
Miles Platting
Manchester M40 7EL

- (h) **HM Revenue & Customs**

Addr: HM Revenue and Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow G4 2PZ

- (i) Any other person prescribed in regulations by the Secretary of State.

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

APPENDIX I: Other useful contacts

National Lottery Commission

Responsible for the national lottery

Web: www.natlotcomm.gov.uk
Email: h.sear@natlotcomm.gov.uk
Tel: 020 7016 3400

The Financial Services Authority (FSA)

Responsible for regulating spread betting

Web: www.fsa.gov.uk
Email: consumerhelp@fsa.gov.uk
Tel: 020 7066 1000
Fax: 020 7066 1099
Addr: 25 The North Colonnade,
Canary Wharf,
London E14 5HS

The Department of Culture, Media and Sport (DCMS)

Responsible for producing the Gambling Act 2005

Web: www.culture.gov.uk
Email: enquiries@culture.gov.uk
Tel: 020 7211 6200
Addr: Department for Culture Media & Sport
2-4 Cockspur Street
London, SW1Y 5DH

Copies of the Gambling Act 2005 are available for reference as outlined below:

Online: <http://www.opsi.gov.uk/ACTS/acts2005/20050019.htm>
Print version: published by The Stationery Office Limited as the Gambling Act 2005,
ISBN 0 10 541905 2

The Information Commissioner

For complaints in our dealing with Freedom of Information requests:

Web: www.ico.gov.uk
Email: mail@ico.gov.uk
Tel: 01625 545 745
Addr: Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

GamCare

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

Web: www.gamcare.org.uk
Email: info@gamcare.org.uk
Tel: 020 7378 5200
Addr: GamCare
2 & 3 Baden Place
Crosby Row
London SE1 1YW

The Responsibility in Gambling Trust (RIGT)

The aim of the Trust is to make it less likely that people will become problem gamblers and more likely that those who do will be able to seek and secure effective help.

Web: www.rigt.org.uk
Email: enquiries@rigt.org.uk
Tel: 020 7022 1865
Addr: Responsibility in Gambling Trust
First Floor
Downstream Building
1 London Bridge
London SE1 9BG

APPENDIX J: Proof of Age Standards Scheme (PASS)

PASS is the UK's national guarantee scheme for proof-of-age cards. The following cards are all part of the PASS scheme:

- Citizen Card
- VALIDATE UK
- Portman Group Card

Over one million young people hold proof-of-age cards bearing the PASS hologram, and numbers are increasing all the time.

The Home Office publish a leaflet explains what PASS is, the benefits of PASS to retailers, enforcers and young people. To contact the Home Office:

Tel: 0207 035 4848

Email: public.enquiries@homeoffice.gsi.gov.uk

Web: www.homeoffice.gov.uk/documents/pass-leaflet

Cards may be obtained from any of the following organisations:

Citizen Card

Tel: 0870 900 9930

Web: www.citizencard.net

VALIDATE UK

Tel: 01434 634996

Email: info@validateuk.co.uk

Web: www.validateuk.co.uk

The Portman Group

Tel: 0207 907 3700

Email: info@portmangroup.org.uk

Web: www.portmangroup.org.uk

APPENDIX K: Glossary

Adult Gaming Centre

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

An Adult Gaming Centre may have:

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

Categories of gaming machines are outlined in Appendix E.

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

Betting

See 'Gambling'.

Betting premises

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

Bingo

There are essentially two types of bingo:

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

Casino

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

Casino game

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

Children and young persons

For the purposes of the Gambling Act 2005, 'children' are defined as persons under the age of 16.

'Young persons' are those aged 16 or 17 years of age.

Commercial gambling

See 'Gambling'.

Department of Culture, Media and Sport (DCMS)

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

Disorder

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

Equal chance gaming

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

Family Entertainment Centre (licensed)

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

Family Entertainment Centre (unlicensed)

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

First Appointed Day

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

Frivolous

See 'irrelevant'.

Gambling

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

Gaming is defined as playing a game of chance for a prize. A *game of chance* is a game, which involves both an element of chance and an element of skill, or where chance can be eliminated by

superlative skill, or where the game is presented as involving an element of chance. The game cannot however include a sport.

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

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

Gambling Act 2005

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

Gambling Commission (see Appendix K for contact details)

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

Gaming

See 'Gambling'.

Gaming machines

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

Hearing

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

Interested party

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

a) Lives sufficiently close to the premises to be likely to be affected by the authorities activities

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

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

b) Has business interests that might be affected by the authorised activities

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

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

c) Represents persons who satisfy paragraph (a) or (b)

We believe it is in the best interests of ensuring the responsible management of gambling premises if local and expert knowledge is taken into account wherever relevant. To this end we consider the following parties may 'represent persons who satisfy paragraph (a) or (b)'

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

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

Irrelevant, frivolous, vexatious

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

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

AND

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

Licensing Authority

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

Licensing committee

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

Licensing objectives

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

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

Lottery

See 'Gambling'.

Non-commercial gaming

See 'Private or non-commercial gaming'.

Occasional Use Notice

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

Operating licence

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

Casino operating licence – enables holder to operate a casino

Bingo Operating Licence – enables holder to provide bingo facilities

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

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

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

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

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

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

Lottery Operating Licence – enables holder to promote a lottery

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

Personal Licence

Licence required by at least one person occupying a management office for gambling premises.

Exceptions are for members' clubs and small-scale operators (to be confirmed). This person will be

named on the operating licence. An operating licence cannot be issued without a personal licence holder.

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

Pool betting

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

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

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

Premises

'Premises' is defined in the Gambling Act as 'any place'.

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

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

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

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

Premises licence

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

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

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

Prize gaming

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

Prize gaming permit

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

Private or non-commercial gaming

Gaming is private where:

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

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

Gaming is non-commercial where it takes place at a non-commercial event. Such an event is where no part of the proceeds is used for private gain. There are specific additional requirements for non-commercial prize-gaming and non-commercial equal chance gaming.

Betting is non-commercial where no party enters into the betting in the course of a business or holds himself/herself out as being in business in relation to the acceptance of bets.

Regulation

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

Remote gambling

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

Representation

A statement of opinion possibly including suggestions as to how any concerns may be addressed. Only those matters that are relevant to the promotion of the licensing objectives may be considered and in the case of interested parties where they are neither frivolous or vexatious.

Responsible authority

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

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

Second Appointed Day

The date on which licences granted under the Gambling Act 2005 will take practical effect. This date is 1 September 2007.

Spread betting

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

Temporary Use Notice

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

Travelling fair

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

Tracks

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

Vexatious

See 'irrelevant'.

Vessel

See 'Premises'.

Vulnerable adults

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

- People who gamble more than they want to;
- People who gambling beyond their means; and
- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

See Section 4.1 of this policy for further detail.

Young persons

See 'Children and young persons'.