

**Manchester City Council
Report for Resolution**

Report To: Licensing Policy Committee – 5 November 2009
The Executive – 18 November 2009

Subject: Revised Gambling Act Policy 2010-2012

Report of: Director of Neighbourhood Services

Summary

The revised Statement of Gambling Policy completed its period of public consultation on 18 October 2009.

The purpose of this report is to request that Members approve the Policy for consideration by the Council.

Recommendations

That Members approve the proposed amendments to the Policy and recommend to Council that the amended policy be adopted.

Wards Affected:

All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	The efficient regulation of licensed premises plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
Reaching full potential in education and employment	
Individual and collective self esteem – mutual respect	

Neighbourhoods of Choice	The effective regulation of licensed premises ensures that premises are operated in a manner that promotes the licensing objectives under the Gambling Act
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Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Gambling Act 2005
Revised Statement of Gambling Policy 2010-2012 (Pre-Consultation)
Consultation Response: Association of British Bookmakers Ltd
Consultation Response: Manchester City Council Drug and Alcohol Strategy Team
Consultation Response: Money Advice Trust

1.0 Introduction

1.1 Our Gambling Policy Statement allows us to outline the Council's considerations in the determination of applications. The revised Policy was subject to a 12-week public consultation exercise, which completed on 18 October 2009. This report provides the details of the responses to the consultation as well as highlighting proposed amendments to the policy in view of the comments received.

2.0 Background

2.1 A public consultation exercise, as approved by the Executive, was conducted between 27 July and 18 October 2009.

2.2 Responses were received from:

- Association of British Bookmakers Ltd
- MCC Drug and Alcohol Strategy Team
- Money Advice Trust

A table detailing the key points of each response is attached at Appendix 1. The table includes responses in respect of each point and also any further action in relation to them.

The original responses are attached at Appendix 2.

2.3 In consideration of the responses received in respect of the policy, the following changes are proposed:

	Comment From	Relevant Section of Policy
1	Association of British Bookmakers Ltd	3.11
2	Association of British Bookmakers Ltd	4.2
3	Association of British Bookmakers Ltd	4.5 (Page 27)
4	Association of British Bookmakers Ltd	4.62
5	MCC Drug & Alcohol Strategy Team	4.5 (Page 28)

1. Comment by Association of British Bookmakers Ltd:

“3.11 We are disappointed that the document says little about illegal gambling. The highest risk area is unregulated illegal gambling and gambling taking place which organisers purport to be exempt gaming, but which exceeds limits etc. Authority resources would be better spent on enforcing against illegal operators than routinely visiting licensed operators who have already been subject to Commission suitability checks (see risk assessment).”

Proposed Change:

Paragraph at 3.11 extended as follows (addition in bold italics):

“3.11 Compliance, enforcement and the inspection of premises

Our principal enforcement role under the Gambling Act 2005 is to ensure compliance with the conditions of the premises licence and statutory requirements in respect of other permissions, which the licensing authority regulates. ***However, we will also ensure that any unlicensed premises which are operating illegally are dealt with appropriately to ensure compliance. Where appropriate, we will work with the Gambling Commission in our enforcement activity.***

2. Comment by Association of British Bookmakers Ltd:

“4.2 There should be a reference here to the fact that adult only gambling premises located near a school or park does not in itself pose a risk to children. “

Proposed Change:

Paragraph at 4.2 amended as follows (amendments in bold italics):

“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, there is no reason why one location poses substantively more risk than another.”

Replaced with:

“4.2 The location of gambling premises

The location of gambling premises will be considered, particularly those in close proximity to premises frequented by children or other vulnerable persons e.g. schools or parks. Each case will 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, there is no reason why one location poses substantively more risk than another.”

3. Comment by Association of British Bookmakers Ltd:

“4.5 (Advertising) The advertising regime is operated under an industry voluntary code which is referred to in an ordinary code provision. The Authority has no vires in this area or expertise.”

Proposed Change:

Paragraph deleted as the requirement for compliance is covered under alternative legislation.

The paragraph to be deleted is:

Advertising

Applicants will be required to demonstrate how they will comply with the relevant Gambling Commission code of practice and Advertising Standards Authority regulations in respect of advertisements. Advertising should not excessively target 'vulnerable persons'.

4. Comment by Association of British Bookmakers Ltd:

*"4.6.2 Betting Premises
Fixed Odd Betting Terminals*

The correct term for these "terminals" is a category B2 gaming machine and that is the term that should be used.

There is no obligation imposed by any regulation to place gaming machines in line of sight of the supervised counter; good practice dictates that the machines can be properly supervised using other measures (CCTV, regular checks etc). Indeed betting shops are not obliged to have counters and could operate on the basis of equal numbers of bet receipt terminals and gaming machines. The use of the word "shall" makes this a requirement and this reference should be removed."

Proposed Change:

Title amended as follows:

4.6.2 Betting premises

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

Original paragraph replaced with:

"Where provided, these gaming machines should be situated in locations where they can be effectively supervised at all times."

5. Comment by MCC Drug and Alcohol Strategy Team:

On page 27, references to engagement with the Police could include a reference to the benefits of affecting a dialogue with the Neighbourhood Policing Team.

Proposed Change:

Paragraph at 4.5 extended as follows (addition in bold italics):

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.

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

4. Conclusion

- 4.1 A copy of the revised Policy is attached as Appendix 3. Members are asked to consider the contents of the report and the proposed amendments. Should Members be satisfied, they are asked to approve the revised Policy and recommend to Council that it be adopted.

5.0 Contributing to the Community Strategy

(a) Performance of the economy of the region and sub region

- 5.1 Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient regulation of licensed premises plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.

(d) Neighbourhoods of Choice

- 5.2 The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. The effective regulation of licensed premises ensures that premises are operated in a manner that promotes the licensing objectives under the Gambling Act:
- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime;
 - Ensuring Gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable people from being harmed or exploited by gambling.

6.0 Key Policies and Considerations

(a) Legal Considerations

- 6.1 All applications have to be processed in accordance with the requirements of the legislation. The Gambling Act is prescriptive in terms of who should be consulted on applications, and the timescales which have to be applied.

A Responsible Approach to Gambling in Manchester

Gambling Policy Statement 2010 – 2012

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

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

To be included in final published version of the
Policy

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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 H 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 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 will consult publicly on this revision of our gambling policy between 27th July & 18th 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

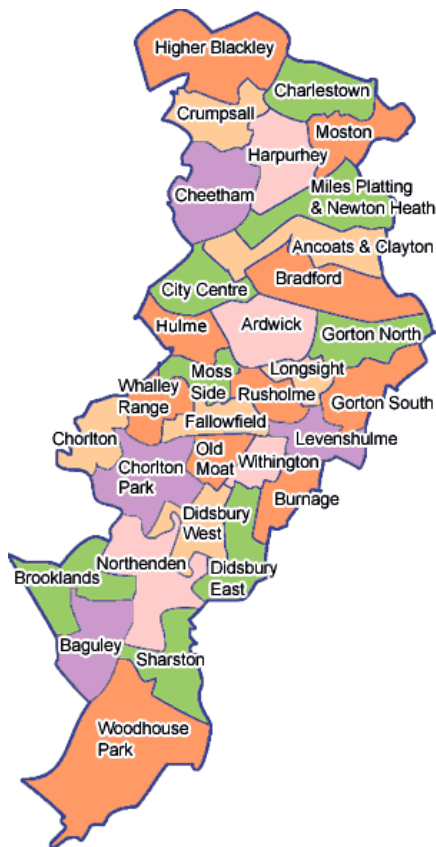
A full list of all consultees along with their comments will be available on the Licensing Unit website or from the Licensing Unit upon request.

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

2.3 The Responsible Gambling Unit

Most people who gamble in Britain do so responsibly without any negative consequences, however there has been an increasing need for problem gambling support services in recent years. In order to respond to this growth efficiently Manchester proposed an initiative which would champion best practice in responsible gambling which is continuing to be explored. It involves the establishment of a Community Group in Manchester to promote responsible gambling, which would feed into a Responsible Gambling Unit's work. The Responsible Gambling Unit would coordinate the work of a range of public, private and voluntary bodies. The Unit would have three broad responsibilities:

Policy – to learn what works in reducing problem gambling and to build policy around this.

Education – to promote a greater understanding of gambling, the need for budgeting and the availability of assistance.

Treatment – to commission a range of treatment and support services to assist problem gamblers and their families.

2.4 Manchester's bid for a regional casino

Following the implementation of the Gambling Act 2005, the Government appointed a Casino Advisory Panel to make recommendations about which licensing authority would be best placed to award a regional casino licence.

Manchester participated in the competition held by the Casino Advisory Panel and was recommended as the location for the single regional casino licence. In February 2008 the Government implemented the Casino Advisory Panel recommendations for the location of small and large casinos. The arrangements for the regional casino licence remain to be implemented.

We believe that Manchester is the best place for a regional casino. We believe that Manchester will gain regeneration benefits in the form of a significant leisure offering, jobs for disadvantaged people and a boost to the tourism and leisure sectors generally by appealing to people across the North West as well as business and international visitors. We believe that by working with casino operators, voluntary organisations and other public agencies we can monitor and minimise any negative social impacts through the implementation of this policy, education and help for vulnerable people.

If Manchester is given permission to grant a Premises licence for a regional casino, we will run a two-stage competition in accordance with Schedule 9 of the Gambling Act 2005 and any regulations or Code of Practice issued by the Secretary of State or the Gambling Commission under the Act.

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

policy, we will review and consult upon a revised policy.

To evaluate the applications we will use the following principles:

Stage One

We will invite applications for a premises licence or provisional statement and give a specified time within which all interested persons must submit their application in accordance with regulations relating to the regional casino licence.

We will determine whether any such applicant would be granted a licence in accordance with the principles set out at section 4 of this draft policy. This will cover the measures relating to premises which address the objectives of preventing gambling from being a source of crime and disorder, ensuring that gambling is conducted in a fair and open way and protecting children and other vulnerable persons from being harmed or exploited by gambling. All applications will be considered separately and no reference made to other applications received.

Stage Two

If the number of applications which we would provisionally grant under the stage one process exceeds the number of available regional casino licences, applicants will be invited to present a package of proposals and we will decide which of the competing applications is likely to result in the greatest benefit to the Manchester area.

Each applicant will be given an equal opportunity to demonstrate how their application would, if granted result in the greatest benefit to Manchester and will be invited to submit material which addresses the evaluation principles set out below.

1) The extent to which the proposals address the need to drive the social and economic development of the City and make a significant contribution to the creation of sustainable communities by reference to:

a) The extent to which the proposals would attract visitors to Manchester providing not only a casino but also, for example, a full range of hotel, leisure, and entertainment facilities which fill gaps in the current provision in the area.

b) Associated development either as part of a new development or in the context of existing facilities. Associated development is not confined to leisure development and may include any proposals aimed at ensuring that the destination style casino is capable of implementation and/or making a significant contribution to social, economic or environmental improvement.

c) The extent to which the proposals integrate with their proposed locality physically, by design and in terms of social integration and community accessibility.

d) Location, which should be sustainable and appropriate taking into account accessibility by means other than the car and of the extent to which the proposals address the particular issues arising in the proposed location

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| <p>such as crime and disorder or multiple deprivation.</p> <p>e) The amount of any proposed financial contributions to the City to provide community benefits</p> <p>2) The applicant's capacity to implement the proposals in particular by reference to:</p> <p>a) Financial standing and track record and</p> <p>b) Experience</p> <p>3) The likely timescale for implementation</p> <p>4) The impact of the proposals in terms of:</p> <p>a) Physical regeneration</p> <p>b) Employment and other economic activity generated:</p> <p>i) Employment generated with particular reference to the unemployed and socially excluded</p> <p>ii) Economic activity having regard (for example) to the impact on</p> | <p>tourism, leisure and casino sectors</p> <p>c) Social impact:</p> <p>i) Community benefits</p> <p>ii) Minimising negative social impacts</p> <p>d) Impacts that are wider than the Manchester City area itself but which are nonetheless relevant to it</p> <p>e) Commitment to assistance in monitoring and evaluating impacts generally and to funding effective programmes for the prevention of crime, disorder, anti social behaviour, harm and exploitation of children and other vulnerable groups</p> <p>f) Commitment to ensuring that gambling is conducted in a fair and open way</p> <p>5) The terms of any contract agreed by the applicant to deliver the benefits, and in particular the extent to which those terms secure the delivery of the proposed benefits.</p> |
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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 may be 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
- 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 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 the Council's gambling policy and the Guidance from the Gambling Commission.

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

following a hearing (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 is responsible for hearing Gambling Act applications.

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. However, we will also ensure that any unlicensed premises which are operating illegally are dealt with appropriately to ensure

compliance. Where appropriate, we will work with the Gambling Commission in our enforcement activity.

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

- Proportionate to the circumstances which it is seeking to address
- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- In accordance with the principles of better regulation
- 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 take into account any local considerations that may impact with regard to this licensing objective, particularly in respect to the location of the premises, to ensure the suitability of the gambling premises.

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

The location of gambling premises will be considered, particularly those in close proximity to premises frequented by children or other vulnerable persons e.g. schools or parks. Each case will 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, there is no reason why one location poses substantively more risk than another.

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 General considerations for all gambling premises

We expect high standards from premises licence applicants to promote the licensing objectives. We will therefore look to apply licence conditions where appropriate to ensure these standards are met. The types of conditions we may look to apply in respect of all types of premises are listed below with more premises specific conditions listed in section 4.6.

Premises contribution towards research, education and treatment

As set out in paragraph 2.3, the Council is continuing to explore the establishment of a Responsible Gambling Unit within Manchester City Council. We expect all gambling operators to contribute towards the effective working of a Responsible Gambling Unit within Manchester City Council. Contributions may be requested in the form of data (see below) and in assistance with educational campaigns.

We may also ask that gambling operators contribute to the running of a Responsible Gambling Unit in the form of a voluntary levy. Details of how this levy may be calculated are not available at the time of going to print, however it could, for example, be connected to the volume of customers using the premises.

Data gathering and sharing

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

other information with the Licensing Unit upon request.

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

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

Knowledge

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

1. The importance of social responsibility (Premises may wish to seek an audit from GamCare in order to obtain a certificate of Social Responsibility)
2. Causes and consequences of problem gambling
3. Identifying and communicating with vulnerable persons: primary intervention and escalation
4. Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment
5. Refusal of entry (alcohol and drugs)
6. Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
7. Importance and enforcement of time/spend limits
8. The conditions of the licence
9. Maintaining an incident log
10. Offences under the Gambling Act
11. Categories of gaming machines and the stakes and odds associated with each machine
12. Types of gaming and the stakes and odds associated with each

13. Staff exclusion from gambling at the premises where they are employed and reasons for restriction
14. The 'no tipping' rule
15. Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
16. Safe cash-handling/payment of winnings
17. Identify forged ID and bar those using forged ID from the premises
18. Knowledge of a problem gambling helpline number (for their own use as well as that of customers)
19. The importance of not encouraging customers to:
 - Increase the amount of money they have decided to gamble
 - Enter into continuous gambling for a prolonged period
 - Continue gambling when they have expressed a wish to stop
 - Regamble winnings
 - Chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling.

In so far as training, we do not intend to duplicate any existing training requirement,

such as may be required by the Gambling Commission's Code of Practice.

A self-exclusion scheme

We expect all premises to operate a voluntary exclusion scheme. This means that wherever customers request to be excluded from the premises, they are excluded for an agreed timeframe. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant code of practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period unless a counselling session has first been held and re-admittance agreed.

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

We expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme. However intervention may also include a counselling session and following that session potentially mandatory exclusion.

Beyond the minimum standards outlined here, we do not wish to be overly prescriptive in how intervention shall proceed. This is a developing area and we feel there are benefits with different operators trying out different approaches; the best of which can then be taken forward on a wider scale.

Layout and Access

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

Whilst under 18s CANNOT enter the vast majority of licensed gambling premises, there are exceptions. Under 18s CAN enter:

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

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

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

In the case of premises that are able to allow under 18s to access some gambling areas, due attention should be given to layout and access to ensure under 18s do not participate in gambling or gain access to areas where

access is restricted, and that the areas are suitably monitored.

Where category C or above gaming machines are available in premises to which under 18s are admitted, we expect: that:

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

Where under 18s are loitering in the immediate vicinity of the premises, steps should be taken by the premises licence holder to move them on, and consideration should be made to reporting this to the police or a truancy officer as appropriate.

Furthermore premises should ensure that vulnerable persons are either excluded from gambling (in the case of those who are under the influence of alcohol or drugs, under voluntary exclusion or have been excluded for

whatever other reason) or are under supervision with the possibility of intervention.

Whilst supervisors of entrances and exits may need to be registered with the Security Industry Authority, we expect all customer-facing and managerial staff in Manchester to show a due level of competence and understanding of responsible gambling. This may, for example, involve undergoing training and sitting an examination.

Sometimes several licences may be in place for just one premises or one licence may cover only part of the premises. In light of this operators must carefully consider the premises layout to ensure children and young persons (as appropriate) neither gain access to areas used for gambling nor are brought into close proximity to gambling.

Staff 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.

Inducements to gamble

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

On-premises provision of gambling advice

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

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

- 1 Provide leaflets and posters aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and

online counselling facility. For every 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.

- 2 Prominently display details of odds with each gaming machine

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.

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.

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

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

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

“Where provided, these gaming machines should be situated in locations where they can be effectively supervised at all times.

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

Number, type and availability of betting machines

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

At such time consideration will be given to :

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

4.6.3 Regional Casino

Contributing to community projects

In addition to paying their due share to the Responsibility in Gambling Trust (RIGT), a regional casino operator would be expected to financially contribute towards:

- Projects that benefit the local community
- The cost of running a Responsible Gambling Unit
- The cost of developing local treatment and support services for problem gamblers and their families
- The cost of running educational campaigns
- National voluntary agencies addressing the social impact of gambling

Training

Training should cover all relevant matters outlined in section 4.5 of this policy. A regional casino operator would be expected to provide tiered training for all new staff appropriate to their level of responsibility with regular refresher training.

Relevant senior staff should be trained to a higher level to ensure they can effectively apply procedures and respond appropriately to any customer who requests information or asks for help.

An outside expert in social responsibility training (approved by the Licensing Unit/Responsible Gambling Unit) should advise on content and approach and, where appropriate, deliver training to staff.

Access and layout

We would expect a regional casino to have robust mechanisms in place to ensure the exclusion of persons who have requested to be excluded under a voluntary exclusion scheme, as well as under 18s, from all gambling areas. This should include a 'Think 21' scheme and acceptable ID limited to photo driving licence, passport or PASS accredited proof of age card. Signage at all points of entry to gambling areas should indicate these requirements.

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

We would expect a regional casino operator to employ the services of a responsible gambling specialist (approved by the Licensing Unit/Responsible Gambling Unit) to protect vulnerable persons from being harmed or

exploited by gambling and lead on developing intervention practices.

Non-exploitation

We expect that a regional casino operator would not provide free or subsidised transport to facilitate access to the casino, unless specifically approved by the Council.

A regional casino operator should not encourage extensive continuous play on gaming machines.

On premises provision of gambling advice

We would expect a regional casino operator to provide gambling advice in a language other than English when an agreed predetermined percentage of regular customers is identified as speaking that language.

In all gambling areas a regional casino operator should also prominently display its social responsibility policy and the casino rules for each gambling activity on offer.

Additional expectations of a regional casino operator

Data gathering and sharing

To log all incidents of staff-customer interaction where either concern has been expressed by a customer or intervention has been carried out with respect to responsible gambling. This log should be available upon request.

To develop and maintain a 'Social Responsibility Compliance Team' led by a company director and including independent

external members. To utilise the compliance team as the principal link with the Licensing Unit/Responsible Gambling Unit of the local licensing authority

To address any evidence backed indication that its operation is causing a rise in problem gambling within the area, and to seek advice from the Licensing Unit/Responsible Gambling Unit as to the steps it needs to take to reduce that harm.

To allocate space for a minimum of two non-threatening, sound proofed quiet rooms always available for those concerned about their own or someone else's gambling.

To install within the quiet rooms the facility to telephone the national helpline, access an online counselling facility, and contact a local face-to-face counselling service.

Create within the gaming area a specific practice room that enables any customer to learn how to gamble on the various activities and to try them out without feeling intimidated or embarrassed. Additionally the practice room should provide information that emphasises the importance of staying in control of their gambling, the steps they can take to achieve this, and where to access help should they become concerned about their gambling.

To agree with the Licensing Unit/Responsible Gambling Unit to implement further measures as are considered necessary to ensure that 'at risk' gamblers are assisted to stay in control of their behaviour.

4.6.4 All Casinos

Layout and Access

Casinos (other than regional casinos) may not admit anyone under 18. Regional casinos may admit under 18s but only to non-gambling areas.

The Gambling Commission is responsible for issuing codes of practice which apply to casinos under S25 of the Gambling Act 2005, which impose conditions on casino operators' licences in relation to social responsibility and make "ordinary code" provisions in relation to other areas.

Adherence to the ordinary code provisions will be a condition of the premises licence (in so far as those provisions do not overlap with other provisions of this policy).

The relevant ordinary code provisions relating to access by children are:

- There should be a sufficient number of supervisors at casino entrances to enable a considered judgment to be made about the age of everyone attempting to enter the casino and to take appropriate action (for example checking identification) whilst at the same time not allowing others to enter unsupervised. Heavily used entrances may require more than one designated supervisor.
- Supervisors may be assisted by other door keepers provided the supervisor retains the responsibility for compliance with this section of the code and deals personally with any case where there is any doubt or

dispute as to someone's eligibility to enter

- Premises licence holders should put into effect procedures that require their staff to check the age of any customer who appears to be under 21
- Premises licence holders should consider permanent exclusion from the premises of any adult accompanied by a child or young person on more than one occasion to premises restricted to adults or if there is reason to believe the offence was committed knowingly or recklessly
- Premises licence holder must have procedures in effect for dealing with cases where a child or young person repeatedly attempts to gamble on premises restricted to adults including oral warnings, reporting the offence to the Licensing Authority, Gambling Commission and the police and making available information on problem gambling

In addition

- Physical supervision of gaming machines will also be needed to protect vulnerable persons.

Credit

The premises licence holder may not:

- Give credit in connection with the gambling taking place on the premises
- Participate in, arrange, permit or knowingly facilitate the giving of credit

in connection with the gambling taking place on the premises.

This means that casinos may not directly give credit or accept credit cards for the purchase of gambling activities (including chips)

A premises licence holder may make arrangements for cash points to be installed on the premises. These machines may accept credit cards, debit cards or both.

There are two conditions:

- Firstly the premises licence holder has no commercial connection with the service provider (other than agreement to site the machines)
- Secondly the premises licence holder must not profit from the arrangement, nor make any payment in connection with the machines.

Number, type and availability of gaming machines

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

- The size of the premises
- The number of counter positions available for person-to-person transactions
- Whether these are Fixed Odds Betting Terminals (FOBTs) or other gaming machines

- The ability of staff to monitor the use of the machines by under 18s or by vulnerable persons. (N.B. it is an offence for those under 18 to participate in casino gambling).

**5 PERMITS - 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:

- Premises contribution towards research, education and treatment in the form of data, promotional activity
- Data gathering and sharing
- Training of customer facing staff and managers in responsible gambling

- Intervention to protect children and other vulnerable persons from being harmed or exploited by gambling
- A suitable location for the gambling premises
- A suitable premises layout and access control (including PASS scheme) to ensure supervision or exclusion of under 18s and vulnerable persons as appropriate
- Adequate staff to customer ratio to ensure adequate supervision of gambling
- 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.

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.

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
- (b) In addition to the prescribed gaming, the applicant provides facilities for other gaming
- (c) A club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

Access

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

**6 TEMPORARY USE NOTICES,
OCCASIONAL USE NOTICES 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.

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

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

- (a) Which could not have been raised by way of representations at the provisional licence stage; or
- (b) Which in the authority's opinion reflect a change in the operator's circumstances
- (c) where the premises have not been constructed in accordance with the plan and information submitted with the provisional statement application.

Manchester has noted S210 of the Gambling Act 2005 which provides that "licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law "

6.4 Provisional Statements

7 REGISTERING SMALL-SOCIETY

LOTTERIES ETC

The Gambling Commission will regulate:

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX A: 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 explaining 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 nor vexatious.

Responsible authority

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

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

Gambling Policy 2010-2012 Consultation Responses

Comments on Policy	Response	Actions
Licensing Policy Committee		
Consideration to be given to prevention of underage persons entering premises	<p>The policy includes provisions that the Think 21 scheme should be operated “Premises should ensure that appropriate systems and procedures are in place to ensure the exclusion of those persons who have requested to be excluded as well as under 18s (where appropriate). This should include a ‘Think 21’ scheme with acceptable ID limited to either a photo driving licence, passport or PASS accredited proof-of-age scheme. Prominent signage at all entrances should indicate this requirement.”</p> <p>The Policy includes requirements for proper supervision of premises to prevent unlawful entry.</p>	Included in policy
Association of British Bookmakers Ltd		
Forward (sic) – This should be available for consultation. In our experience the forward can set the overall tone for the document and subsequent decision making. A forward should not be included unless the content has been subject to scrutiny.	The foreword is a personal statement expressed on behalf of the Leader in relation to the Authority’s approach to gambling in the city. It is not a matter for consultation.	Comments noted
Risk Assessment- The policy should give more detail of the Authority’s risk based approach including the practical approach as opposed to a theoretical exposition.	The Policy sets out the principles for our approach. This may be subject to change as a result of practical experience and so cause the policy to become out of date through time.	Comments noted
Fees- A detailed basis for charging the current level of fees should also be set out in the document. Manchester City Council’s fee levels for betting premises licenses are currently excessive. Fees should be charged on a justifiable cost recovery basis and this document evidences that Manchester City Council is engaging in unnecessary localised activity around gambling policy, education and treatment which is duplicating national initiatives. There also appears to be significant regulatory overlap with the functions of the Gambling Commission and a blurring of the lines between the functions of EHO’s and Licensing functions.	The fee levels are in line with the limits set by the Regulations.	Comments noted
The regular use of the words “should” and “shall” within the document have the effect of	The Policy makes it clear that licence conditions will only be applied where	Comments noted

<p>imposing quasi licensing conditions on operators in addition to the premises licence mandatory and default conditions. The content and language of the document should be revised to ensure that best practice advice is not confused with licensing obligations.</p>	<p>appropriate, and with a view to promoting the licensing objectives. It also makes it clear that each case will be decided on its merits.</p>	
<p>2.3 Whilst Manchester City Council may feel the necessity to operate a “Responsible Gambling Unit”, the outline of the functions of this unit duplicate the national structures that exist to deal with this issue i.e. voluntary contributions made by operators to the GREAT Foundation, the research agenda and the functions of the newly established Strategy Board.</p>	<p>While there are national organisations doing similar work, most notably GamCare, these organisations themselves recognise the growing need for local centres of operation. They have expressed their support for a local policy research, local educational initiatives and local treatment to plug existing gaps in service provision. The Responsible Gambling Unit is an initiative that would be specific to Manchester. Whilst there are existing national structures, the role of the Unit would be in focusing on localised issues. Therefore, it is not accepted that its role would be superfluous.</p>	<p>Comments noted</p>
<p>Problem gambling in the UK is low by international standards (0.6% of the population) and gambling operators should not be expected to fund this unit through premises licence fees (also the references in 4.5 to a proposed voluntary local levy are we believe unsustainable). There is an obligation on the Council to operate under better regulation principles and provide best value for commercial businesses. There is a danger that this unit could usurp the functions carried out by national organisations. It would certainly be ultra vires to make contribution to this unit a pre-requisite of licensing. The Authority should not seek further voluntary contributions from operators who already make contributions to the GREAT foundation.</p>	<p>As above. However, the comments are noted in relation to the funding of the Unit. We have received support from national organisations who recognise their lack of a local network and therefore their inability to meet increased demand for local services. We will work with national organisations to plug this gap.</p>	<p>Comments noted</p>
<p>3.8 We welcome the observation that the Council should not duplicate other regulatory controls, but later in the document the Council breaches its own principles by overlapping the health and safety regulatory regime with the issue of gambling licensing.</p>	<p>Local authorities have been giving regulatory responsibilities with respect to gambling premises. This clearly indicates that the Government intends premises to be regulated in the local interest. We recognise that local circumstances/problems in the locality mean we may consider attaching individual conditions to address these. It is not accepted that there is any duplication of other regulatory controls.</p>	<p>Comments noted</p>
<p>3.11 We are disappointed that the document says little about illegal gambling. The highest risk area is unregulated illegal gambling and gambling taking place which organisers purport to be exempt gaming, but which exceeds limits etc. Authority resources would be better spent</p>	<p>Our enforcement approach is contained at 3.11. Reference added in relation to unlicensed gambling in view of comments.</p>	<p>Addition to 3.11 to include reference to tackling un-licensed gambling.</p>

<p>on enforcing against illegal operators than routinely visiting licensed operators who have already been subject to Commission suitability checks (see risk assessment).</p>		
<p>4.1 We do not consider that the Council is competent to determine a definition of a “vulnerable” person over and above the criteria determined by the Gambling Commission. The extension of the classification to dependents of problem gamblers, gambling staff, habitual (as opposed to at risk) players of gaming machines and adults (18-24) is in our view based on little or no reliable evidence. For example there has been no causative link established between gaming machine use and problem gambling. These are simply un-evidenced conclusions which have not been referenced to specific research. These conclusions are perception (as opposed to evidence) based and should be removed.</p>	<p>There is an evidential basis for suggesting 18-24 year olds are vulnerable to being disproportionately harmed or exploited by gambling and therefore for this age group to be the subject of focussed regulatory control. We do not suggest they be excluded from the premises which would be inconsistent with statutory conditions, but instead that that they are acknowledged as vulnerable and treated as such in gambling premises covered by a premises licence.</p>	<p>Comments noted</p>
<p>4.2 There should be a reference here to the fact that adult only gambling premises located near a school or park does not in itself pose a risk to children.</p>	<p>Re-worded to improve clarification.</p>	<p>Paragraph re-worded</p>
<p>4.5 (Data) Data from the industry is collected by way of Gambling Commission regulatory returns which already impose an onerous regulatory burden on the gambling industry. Local authorities are required to collect certain information and make returns to the Gambling Commission. It is the Commission duty to advise the Secretary of State about gambling and these proposals are another example of unnecessary regulatory overlap. In effect the provisions on data duplicate operating licence conditions and are unnecessary and disproportionate.</p>	<p>We do not agree that contributing to a greater understanding of gambling behaviour and the incidence of intervention/exclusion to combat this behaviour is unnecessary or a regulatory overlap. It is in all parties interest to share knowledge and allow for focussed preventative controls to stem an increase in problem gambling. However, it is intended that any data collection burden is minimised and in all cases is practicable and proportionate</p>	<p>Comments noted</p>
<p>4.5 (Knowledge, Self exclusion, intervention) Again these are all duplications of operating licence conditions and local authorities are not responsible for this area.</p>	<p>Local authorities have been given regulatory responsibilities with respect to gambling premises. This clearly indicates that the Government intends premises to be regulated in the local interest. We recognise that local circumstances/problems in the locality mean we may consider attaching individual conditions to address these as outlined in Section 4.</p>	<p>Comments noted</p>
<p>4.5 (Advertising) The advertising regime is operated under an industry voluntary code which is referred to in an ordinary code provision. The Authority has no vires in this area or expertise.</p>	<p>Noted. Removed from policy. This requirement duplicates compliance with existing requirements and is superfluous.</p>	<p>Paragraph removed from Policy</p>
<p>4.5 (Staff to customer ratios) The Authority would, in our view, be acting ultra vires if it sought to dictate staffing levels within betting</p>	<p>A suitable staff to customer ratio ensures proper supervision of the premises with respect to protecting</p>	<p>Comments noted</p>

<p>shops. All major betting operators have lone working policies and it is not up to licensing or Crime reduction Officers to opine on operational commercial issues provided that the operator is meeting its health and safety obligations and meeting the premises licence mandatory and default conditions. This is an example of the policy document straying into other regulatory areas and the use of the gambling Licensing Objectives in a way which was not intended. The application of the Licensing Objectives here is contrived.</p>	<p>children and/or vulnerable persons from being harmed or exploited by gambling. It is not a question of conduct, but of preventing an escalation in crime and disorder, not to mention less clearly visible gambling problems.</p>	
<p>4.5 (Cash handling and other security measures) The Authority will be aware that the ABB is developing voluntary safety and security standards for the industry in conjunction with LACORS, the police and other key stakeholders. The Authority should not be seeking to impose quasi licensing conditions in the area of safety and security. This area falls clearly within the health and safety arena and premises are subject to EHO inspection. In using a gambling policy document to opine on health and safety and security matters, the Authority has plainly breached its own principles about duplicating regulatory controls.</p>	<p>This is not seen as a duplication of other legal obligations but as a supplement aimed at clarifying specifics for good practice.</p>	<p>Comments noted</p>
<p>4.5 (Engagement with Police) There is a formal process laid down within the Act for the police to make representations regarding the licence. The Authority is not entitled to make it a precondition that operators should engage with the police before refurbishing or fitting out new premises. All the major betting operators have professional security staff at all levels and are fully aware of issues such as crime prevention through environmental design. It is open to the Authority to provide best practice advice but not within the body of a licensing policy statement.</p>	<p>The role of the Policy is one of direction. It does not set out mandatory requirements. Each application will be considered on its individual merits in accordance with statutory requirements having regard to the Policy. Applicants are encouraged to engage with all responsible authorities during, and after, making an application.</p>	<p>Comments noted</p>
<p>4.6.2 Betting Premises <u>Fixed Odd Betting Terminals</u> The correct term for these “terminals” is a category B2 gaming machine and that is the term that should be used. There is no obligation imposed by any regulation to place gaming machines in line of sight of the supervised counter; good practice dictates that the machines can be properly supervised using other measures (CCTV, regular checks etc). Indeed betting shops are not obliged to have counters and could operate on the basis of equal numbers of bet receipt terminals and gaming machines. The use of the word “shall” makes this a requirement and this reference should be removed.</p>	<p>Re-worded to reflect commonly accepted name of ‘Fixed Odds Betting Terminals’.</p>	<p>Title re-worded to reflect commonly accepted name of ‘Fixed Odds Betting Terminals’ Requirement for location of B2 machines removed</p>

Manchester City Council's Drug & Alcohol Strategy Team		
<p><u>The Responsible Gambling Unit:</u> It will be useful and important for any such unit to ensure that the development of gambling policy and strategy links to other relevant local strategies, such as those in place to safeguard children and vulnerable adults and to reduce crime and re offending.</p> <p>A Responsible Gambling unit could play an important role in coordinating work across agencies and sections of Manchester City Council to identify and address the issues that effect problem gamblers and their families. This may include involving a wide range of agencies in developing joint and agreed approaches to identifying addressing gambling related need.</p> <p>The Unit could also take a lead role in ensuring that gambling related strategy, policies and procedures are reviewed and amended to take account of best practice and other local strategic and operational priorities as these develop over time.</p>	<p>The exact role and functions of the Responsible Gambling Unit will be clarified upon establishment. The comments are helpful in suggesting potential contributions the Unit could make.</p>	<p>Comments noted</p>
<p><u>Premises Licences: What standards do we expect from applicants?</u> The definitions of vulnerable people and the local additions to those definitions are helpful. The policy statement appears to be reasonably comprehensive and emphasises the responsibility of applicants and operators to promote responsible approaches to gambling. However there may be opportunity to strengthen reference to the responsibilities of operators to reduce and prevent crime and disorder.</p> <p>For example, on page 9, the principles upon which applications will be evaluated are recorded. Whilst these are quite varied this stage of the process may provide an early opportunity to ensure that applicants build in all appropriate and relevant measures to promote safety and security of the business.</p>	<p>These matters would be addressed at this stage in accordance with the measures proposed to address the four licensing objectives in accordance with the principles set out in Section 4 of the Policy,</p>	<p>Comments noted</p>
<p>Perhaps an additional principle along the lines of "the extent to which the proposal takes into account, and promotes the safety and security of those visiting, socialising or working at the premises, including any car parking capacity. For example, ensuring the installation and maintenance of an efficient CCTV system and complying with any safety advice proposed by the Greater Manchester Police." This requirement for applicants to be 'responsible' could also be echoed in the expectations outlined later in the document, and the possible consequences of not being.</p>	<p>The principles identified in the Policy can only relate to the promotion of the licensing objectives. The general safety of persons on the premises is covered under separate Health and Safety legislation. The policy covers identified gambling-specific risks in order to mitigate them.</p>	<p>Comments noted</p>
<p>On Page 19, the final paragraph, the document</p>	<p>This definition of disorder in the Policy</p>	<p>Comments noted</p>

<p>seeks to define 'disorder'. There is a need to establish a common understanding of terms across all relevant agencies and care should be taken that the bar is not set too high. The definition contained in the Crime and Disorder Act 1998 of 'behaviour that causes or is likely to cause harassment, alarm or distress' is already recognised and accepted in relation to anti social behaviour and so may provide a good way forwards in terms of this policy document.</p>	<p>is consistent with the Guidance to Licensing Authorities, which we are required to act in accordance with.</p>	
<p>On Page 22, the document advises that data will be shared. It may be appropriate to record some of the agencies who are able to exchange and share - from a policy perspective. This would give a powerful message of intent (and would be supported by the data sharing protocols outlined in the Crime and Disorder Act, 1998).</p>	<p>This section already indicated that the information would be shared with the Licensing Unit. Appendix G sets out our approach to data handling.</p>	<p>Comments noted</p>
<p>On page 27, references to engagement with the Police could include a reference to the benefits of affecting a dialogue with the Neighbourhood Policing Team.</p>	<p>Added to policy</p>	<p>Included in policy as potential for best practice</p>
<p>Whilst reference to crime and disorder issues are interwoven throughout the document a section which specifically highlights the expectations around reducing and preventing crime and disorder may prove to be helpful.</p>	<p>General considerations for all gambling premises are set out in Section 4 as well as further specific proposals related to individual operation types.</p>	<p>Comments noted</p>
<p>In addition the policy (page 23, point 15) states that operators should have the 'ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.' It may be more effective to ensure that operators have direct routes of referral to support and advice agencies, as well as the ability to signpost people to services.</p> <p>Providing debt advice to people with addictions can be complex and require intensive work. Direct referral routes may improve the information available to support and advice agencies and improve the prospects of people receiving the help they need.</p>	<p>The policy includes the following in relation to intervening for vulnerable persons:</p> <p><u>"Intervention to protect vulnerable persons from being harmed or exploited by gambling</u></p> <p>We expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme. However intervention may also include a counselling session and following that session potentially mandatory exclusion.</p> <p>Beyond the minimum standards outlined here, we do not wish to be overly prescriptive in how intervention shall proceed. This is a developing area and we feel there are benefits with different operators trying out different approaches; the best of which can then be taken forward on a wider scale."</p>	<p>To require definite courses of action would conflict with this and so has not been included.</p>

<p>It would also be helpful if the final draft of the policy makes reference to and promotes the expectation that operators will, where relevant, comply with guidance, policy and legislation as this develops in respect of responsible alcohol retailing.</p>	<p>This is a matter for the Licensing Act 2003 and cannot be duplicated under the Gambling Act 2005.</p>	<p>Comments noted</p>
<p>Money Advice Trust</p>		
<p>The need to use a definition of “vulnerable persons” that incorporates more detail than the Gambling Commission’s generic ‘working category’ i.e. “vulnerable persons” <i>would be defined as individuals who, from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem or the effects of alcohol or drugs</i>”.</p>	<p>Our policy (4.1) already expands on the Gambling Commission’s ‘working category’ which is considered addresses this issue.</p>	<p>Comments noted.</p>
<p>We suggest that in the interests of encouraging the use of appropriate support resources by vulnerable people, all draft policies should, as a minimum, add a clause requiring suppliers of gambling services to provide relevant information materials. A suggested form of words for such a clause is provided below: Information, advice and counselling on debt and other gambling issues <i>“Licence holders would be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt, eg GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, and local Citizens Advice Bureaux and independent advice agencies.”</i></p>	<p>Already included in Policy (4.5) as part of General Considerations for all Gambling Premises</p>	<p>Comments noted.</p>



Response by the Association of British Bookmakers to the consultation on Manchester City Council's draft Gambling Policy

The Association of British Bookmakers is the principal trade association for high street bookmakers and it counts amongst its members many of the operators who run betting shops in the Manchester area.

Whilst wanting to work closely with Manchester City Council to address issues relating to betting shops, we feel that our candid response to the content of this document will assist policy makers and councillors to clearly understand the betting industry's position on a number of issues; including the effect that the new two tier regulatory regime has had on the betting industry and the overall changing nature of regulation.

The Gambling Act 2005 and the Regulatory Framework

The Gambling Act has imposed a new two tier regulatory framework on betting operators. This involves operators obtaining an operating licence from the Gambling Commission and then a premises licence from the local authority.

By the time an operator makes application for a betting premises licence, its suitability under the three Licensing Objectives has been assessed by the Gambling Commission and other checks have been carried out which include financial and criminal record checks.

Therefore when an operator applies to open or relocate a premise within Manchester, the Authority can be sure that the operator has all the policies and procedures in place to comply with its operating licence conditions (including having policies on crime, disorder, treating customers fairly and protecting children and the vulnerable).

The Authority must then look at things from a local perspective and certainly not seek to usurp the role of the Gambling Commission which has its own compliance structures. In effect the Authority should be concerned with the ability of the operator to abide by the premises mandatory and default conditions and also have regard to the Principles set out in S153 of the Act.

Furthermore the Authority should, in accordance with the “Guidance to Licensing Authorities”, seek to avoid regulatory overlap e.g. imposing generic safety and security standards on operators; which are in effect health and safety matters.

Certainly the Authority should not seek to impose quasi generic licence conditions on betting operators through the back door via its Gambling Licence Policy statements and additional licensing conditions should only be imposed on the basis of premises specific evidence. Various licensing law precedents have upheld the principle that in order to impose additional conditions, the Authority must have evidence about a specific premises- based risk (in this case a local risk linked to the Licensing Objectives).

The regular use of the words “should” and “shall” within the document have the effect of imposing additional quasi licensing conditions on operators in addition to the premises licence mandatory and default conditions. The content and language of the document should be revisited to ensure that best practice advice is not confused with licensing obligations.

In our view this policy document is not business friendly. It is over complex and in many areas duplicates operating licence conditions imposed by the Gambling Commission. The document acknowledges that the Authority’s principal role is to ensure compliance with the premises licence mandatory and default conditions , but then the document proceeds to move away from this area with the author or authors feeling the need to cover the entire gambling spectrum (whether the responsibility of the Authority or not). It is certainly one of the longest and most impenetrable policy documents we have had to review.

Whilst we fully support the underlying objectives of the document, some of the requirements set out in the documents are unreasonable and disproportionate. In some cases, the policy is simply ultra vires.

We would suggest that the policy concentrates on gambling issues, but that if it is felt necessary to cover safety and security issues, the policy is simply cross references to the Health and Safety Executive’s toolkit for licensed premises and retail businesses (and industry guidance). The Authority has again confused two regulatory regimes by applying an unnecessarily wide definition to the crime objective. The relevant licensing objective refers to crime where there is a risk that gambling is an intrinsic element not to issues of health and safety.

This document imposes additional regulatory burdens on the betting industry which are not imposed on other retail sectors. If bookmakers are not meeting their health and safety obligations then the proper recourse is for the issue of health and safety improvement or prohibition notices. The gambling industry should not suffer double regulatory jeopardy.

Set out below are comments on the specific content of the document (cross referenced to existing paragraph numbers where necessary):

Forward – This should be available for consultation. In our experience the forward can set the overall tone for the document and subsequent decision making. A forward should not be included unless the content has been subject to scrutiny.

Risk Assessment- The policy should give more detail of the Authority's risk based approach including the practical approach as opposed to a theoretical exposition.

Fees- A detailed basis for charging the current level of fees should also be set out in the document. Manchester City Council's fee levels for betting premises licenses are currently excessive. Fees should be charged on a justifiable cost recovery basis and this document evidences that Manchester City Council is engaging in unnecessary localised activity around gambling policy, education and treatment which is duplicating national initiatives. There also appears to be significant regulatory overlap with the functions of the Gambling Commission and a blurring of the lines between the functions of EHO's and Licensing functions.

We believe that resources could be targeted better, thus reducing costs for operators without reducing necessary and appropriate levels of regulatory control.

2.3 Whilst Manchester City Council may feel the necessity to operate a "Responsible Gambling Unit", the outline of the functions of this unit duplicate the national structures that exist to deal with this issue i.e. voluntary contributions made by operators to the GREAT Foundation, the research agenda and the functions of the newly established Strategy Board.

Problem gambling in the UK is low by international standards (0.6% of the population) and gambling operators should not be expected to fund this unit through premises licence fees (also the references in 4.5 to a proposed voluntary local lev.y are we believe unsustainable).

There is an obligation on the Council to operate under better regulation principles and provide best value for commercial businesses. There is a danger that this unit could usurp the functions carried out by national organisations. It would certainly be ultra vires to make contribution to this unit a pre-requisite of licensing. The Authority should not seek further voluntary contributions from operators who already make contributions to the GREAT foundation.

3.8 We welcome the observation that the Council should not duplicate other regulatory controls, but later in the document the Council breaches its own principles by overlapping the health and safety regulatory regime with the issue of gambling licensing.

3.11 We are disappointed that the document says little about illegal gambling. The highest risk area is unregulated illegal gambling and gambling taking place which organisers purport to be exempt gaming, but which exceeds limits etc. Authority resources would be better spent on enforcing against illegal operators than routinely visiting licensed operators who have already been subject to Commission suitability checks (see risk assessment).

4.1 We do not consider that the Council is competent to determine a definition of a “vulnerable” person over and above the criteria determined by the Gambling Commission. The extension of the classification to dependents of problem gamblers, gambling staff, habitual (as opposed to at risk) players of gaming machines and adults (18-24) is in our view based on little or no reliable evidence. For example there has been no causative link established between gaming machine use and problem gambling. These are simply un-evidenced conclusions which have not been referenced to specific research. These conclusions are perception (as opposed to evidence) based and should be removed.

4.2 There should be a reference here to the fact that adult only gambling premises located near a school or park does not in itself pose a risk to children.

4.5 (Data) Data from the industry is collected by way of Gambling Commission regulatory returns which already impose an onerous regulatory burden on the gambling industry. Local authorities are required to collect certain information and make returns to the Gambling Commission.

It is the Commission duty to advise the Secretary of State about gambling and these proposals are another example of unnecessary regulatory overlap. In effect the provisions on data duplicate operating licence conditions and are unnecessary and disproportionate.

4.5 (Knowledge, Self exclusion, intervention) Again these are all duplications of operating licence conditions and local authorities are not responsible for this area.

4.5 (Advertising) The advertising regime is operated under an industry voluntary code which is referred to in an ordinary code provision. The Authority has no vires in this area or expertise.

4.5 (Staff to customer ratios) The Authority would, in our view, be acting ultra vires if it sought to dictate staffing levels within betting shops. All major betting operators have lone working policies and it is not up to licensing or Crime reduction Officers to opine on operational commercial issues provided that the operator is meeting its health and safety obligations and meeting the premises licence mandatory and default conditions. This is an example of the policy document straying into other

regulatory areas and the use of the gambling Licensing Objectives in a way which was not intended. The application of the Licensing Objectives here is contrived.

4.5 (Cash handling and other security measures) The Authority will be aware that the ABB is developing voluntary safety and security standards for the industry in conjunction with LACORS, the police and other key stakeholders.

The Authority should not be seeking to impose quasi licensing conditions in the area of safety and security. This area falls clearly within the health and safety arena and premises are subject to EHO inspection. In using a gambling policy document to opine on health and safety and security matters, the Authority has plainly breached its own principles about duplicating regulatory controls.

4.5 (Engagement with Police) There is a formal process laid down within the Act for the police to make representations regarding the licence. The Authority is not entitled to make it a precondition that operators should engage with the police before refurbishing or fitting out new premises.

All the major betting operators have professional security staff at all levels and are fully aware of issues such as crime prevention through environmental design. It is open to the Authority to provide best practice advice but not within the body of a licensing policy statement. We encourage our members to draw on expert advice where necessary; including that from LCROs.

4.6.2 Betting Premises

Fixed Odd Betting Terminals

The correct term for these “terminals” is a category B2 gaming machine and that is the term that should be used.

There is no obligation imposed by any regulation to place gaming machines in line of sight of the supervised counter; good practice dictates that the machines can be properly supervised using other measures (CCTV, regular checks etc). Indeed betting shops are not obliged to have counters and could operate on the basis of equal numbers of bet receipt terminals and gaming machines. The use of the word “shall” makes this a requirement and this reference should be removed



MONEY ADVICE TRUST/NATIONAL DEBTLINE STANDARD RESPONSE TO LOCAL AUTHORITY CONSULTATIONS ON THEIR DRAFT GAMBLING POLICIES

Introduction

The Money Advice Trust (MAT) and National Debtline (NDL) have been added to the consultee lists of a substantial number of local authorities that are soliciting comments on their draft gambling policies. MAT-NDL is grateful for the opportunity to comment on these policies, and wherever possible will endeavour to continue to respond to policies individually.

However, we have relatively limited capacity to respond to policy documents and are obliged to make the most economical use of our time. As such, we have drafted a standard response, incorporating the two key issues that we feel should be addressed in all local authority gambling policies, namely:

- The need to use a definition of “vulnerable persons” that incorporates more detail than the Gambling Commission’s generic ‘working category’
- The importance of providing information that will signpost gamblers to sources of support on problem gambling issues and their effects, and to debt advice in particular

Please refer to page 3 for more information.

About MAT

MAT is a charity formed in 1991 to increase the quality and availability of money advice in the UK. We work with government, the private sector and the UK’s leading money advice agencies to increase the availability of money advice, improve its quality, and improve the efficiency and effectiveness of its delivery.

MAT is recognised by the government, the not-for-profit sector and the private sector as a leading organisation promoting free, independent money advice. MAT is not a membership body, and although we consult with other stakeholders on policy issues, our public responses to these do not formally represent the views of other agencies, although we strive to ensure that what we say has the broad support of the sector.

There are five key aspects to MAT's work:

- Ensuring high quality money advice through training and support for advisers
- Collecting and disseminating information on debt, credit and the money advice sector (from 2007)
- Improving efficiency and effectiveness within the debt advice sector via research and policy work
- Providing advice via National Debtline and Business Debtline
- Raising funds for the sector

About NDL

National Debtline (NDL), part of the Money Advice Trust, is a helpline offering free, expert, professional advice over the phone and by e-mail, enabling clients to deal with their debts in an informed and active way. NDL has a wealth of experience in giving expert advice on a wide range of complex debt issues. A similar service, Business Debtline, is available for small businesses.

Focus

Our primary concern is to increase awareness of and facilitate access to independent debt advice to individuals either at risk of or experiencing financial distress as a result of gambling, with particular reference to the most vulnerable.

Definition of “vulnerable persons”

Despite the fact that there is not a universally agreed or binding definition of the term “*vulnerability*”, we are concerned that the proxy ‘working category’ devised by the Gambling Commission and incorporated into most if not all draft gambling policies uses criteria that may in practice be difficult for a provider of gambling services to assess, namely “*people who gamble more than they want to*” and “*people who gamble beyond their means*”.

Also, we regard the term “*mental impairment*” to be unnecessarily restrictive, given that it has a very specific definition as supplied by the Mental Health Act, namely “*a state of arrested or incomplete development of mind (not amounting to severe mental impairment) which includes significant impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct on the part of the person concerned*”.

We propose the following paragraph as a practical definition of the term ‘vulnerable persons’, which could be incorporated into the statement of general principles of local authority gambling policies:

For the purposes of this policy, “vulnerable persons” would be defined as individuals who, from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem or the effects of alcohol or drugs”.

Promoting access to debt advice and other forms of support

We suggest that in the interests of encouraging the use of appropriate support resources by vulnerable people, all draft policies should, as a minimum, add a clause requiring suppliers of gambling services to provide relevant information materials. A suggested form of words for such a clause is provided below:

Information, advice and counselling on debt and other gambling issues

“Licence holders would be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt, eg GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, and local Citizens Advice Bureaux and independent advice agencies.”



Fraser Swift
Principal Licensing Officer
Premises
Licensing Unit
Neighbourhood Services
PO Box 271
Manchester
M18 8YU

By Email

Dear Fraser,

Regarding: Gambling Policy Consultation

I write to provide comments on the draft Statement of Gambling Policy.

My comments, submitted on behalf of Manchester City Council's Drug Alcohol Strategy Team are as follows:

The Responsible Gambling Unit:

It will be useful and important for any such unit to ensure that the development of gambling policy and strategy links to other relevant local strategies, such as those in place to safeguard children and vulnerable adults and to reduce crime and re offending.

A Responsible Gambling unit could play an important role in coordinating work across agencies and sections of Manchester City Council to identify and address the issues that effect problem gamblers and their families. This may include involving a wide range of agencies in developing joint and agreed approaches to identifying addressing gambling related need.

The Unit could also take a lead role in ensuring that gambling related strategy, policies and procedures are reviewed and amended to take account of best practice and other local strategic and operational priorities as these develop over time.

Premises Licences: What standards do we expect from applicants?

The definitions of vulnerable people and the local additions to those definitions are helpful. The policy statement appears to be reasonably comprehensive and emphasises the responsibility of applicants and operators to promote responsible approaches to gambling. However there may be opportunity to strengthen reference to the responsibilities of operators to reduce and prevent crime and disorder.

**Manchester Drug and Alcohol
Strategy Team**

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29 October 2009

For example, on page 9, the principles upon which applications will be evaluated are recorded. Whilst these are quite varied this stage of the process may provide an early opportunity to ensure that applicants build in all appropriate and relevant measures to promote safety and security of the business.

Perhaps an additional principle along the lines of "the extent to which the proposal takes into account, and promotes the safety and security of those visiting, socialising or working at the premises, including any car parking capacity. For example, ensuring the installation and maintenance of an efficient CCTV system and complying with any safety advice proposed by the Greater Manchester Police." This requirement for applicants to be 'responsible' could also be echoed in the expectations outlined later in the document, and the possible consequences of not being.

On Page 19, the final paragraph, the document seeks to define 'disorder'. There is a need to establish a common understanding of terms across all relevant agencies and care should be taken that the bar is not set too high. The definition contained in the Crime and Disorder Act 1998 of 'behaviour that causes or is likely to cause harassment, alarm or distress' is already recognised and accepted in relation to anti social behaviour and so may provide a good way forwards in terms of this policy document.

On Page 22, the document advises that data will be shared. It may be appropriate to record some of the agencies who are able to exchange and share - from a policy perspective. This would give a powerful message of intent (and would be supported by the data sharing protocols outlined in the Crime and Disorder Act, 1998).

On page 27, references to engagement with the Police could include a reference to the benefits of affecting a dialogue with the Neighbourhood Policing Team.

Whilst reference to crime and disorder issues are interwoven throughout the document a section which specifically highlights the expectations around reducing and preventing crime and disorder may prove to be helpful.

In addition the policy (page 23, point 15) states that operators should have the 'ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.' It may be more effective to ensure that operators have direct routes of referral to support and advice agencies, as well as the ability to signpost people to services.

Providing debt advice to people with addictions can be complex and require intensive work. Direct referral routes may improve the information available to support and advice agencies and improve the prospects of people receiving the help they need.

Thank you for the opportunity to comment on the policy and I hope that these comments are helpful.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'C. Elliott'.

Head of Drug and Alcohol Strategy