



SOUTH TYNESIDE COUNCIL
Regeneration and Resources

THE GAMBLING ACT 2005

Statement of Principles
2013-2016

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PREFACE

All Gambling in Great Britain, with the exception of the National Lottery and Spread Betting, is regulated by the Gambling Act 2005 (“the Act”), and is unlawful unless permitted by the measures contained in the Act.

Permission can be in the form of a Licence, Permit, Registration or Exemption depending upon the type of gambling, the means by which it is conducted or the people, by whom or to whom, it is offered.

The Gambling Commission is the Unified Regulator for Gambling in Great Britain. It has responsibility for granting Operating and Personal licences, regulating certain lottery managers and promoters and it also has general powers of entry and inspection to regulate gambling.

In addition to the need for operating and personal licences, premises must also be licensed under the Act. Licensing Authorities licence gambling premises in their area, both permanently and temporarily and they also have functions in relation to lower stake gaming machines, clubs and miner’s welfare institutes.

In England and Wales the Local Authorities are the designated Licensing Authorities and they are required by Section 349 of the Act to prepare a Statement of the Principles they will apply in exercising certain of their functions to provide guidance to applicants and objectors on the approach the Council will normally take on licensing matters.

This Statement is therefore prepared, in consideration of the Statutory Guidance issued by the Gambling Commission, to provide transparency for those wishing to apply to the Council, as the Licensing Authority for the Borough of South Tyneside, for permissions under the Act.

PART A - GENERAL

1. Introduction

South Tyneside Council (the Council) is the Licensing Authority under the Gambling Act 2005 for the Borough of South Tyneside. This Statement of Principles applies to all the functions of the Council under the Act and applies to the whole of the geographical area within the boundaries of the Borough of South Tyneside. South Tyneside is part of the Tyne and Wear City Region with a stunning coast on one side and a strong connection to the River Tyne on another. Created in 1974 under Local Government Re-organisation, it is small, covering just 64 square kilometres with unique towns and villages of South Shields, Jarrow, Hebburn, Whitburn, Boldon and Cleadon.

In the preparation of this Statement of Principles the Council has had regard to its vision:

“South Tyneside will be an outstanding place to live, work and bring up families.

This Statement will apply from the 31st January 2013 and will be reviewed by the 30th January 2016, if not earlier.

The Gambling Act requires that in the preparation of its Statement the following parties are consulted by Licensing Authorities.

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

South Tyneside Council is consulting on this Revised Statement. The persons who have been consulted are as stated in Appendix 1.

The full list of any comments received and considered by the Council will be available by request to the address given below.

Should you have any comments as regards this draft Statement please contact as follows:

The Licensing Section,
South Tyneside Council,

Level 3,
Town Hall and Civic Offices,
Westoe Road,
South Shields,
Tyne and Wear. NE33 2RL
Telephone: 0191 4247949
Email: licensing@southtyneside.gov.uk

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

2. Declaration

In producing the final Statement of Principles this Licensing Authority will have had regard to the Licensing Objectives of the Gambling Act 2005, The Guidance issued by the Gambling Commission, (3rd Edition issued May 2009 and 4th Edition (consultation document) issued April 2012), and any responses received from those persons it has consulted on the Statement.

3. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:

- 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.

It should be noted that the Gambling Commission has stated; “the requirement in relation to children is explicitly to protect them from being harmed and exploited by gambling”. (para 5.2)

These objectives are not the same as in the Licensing Act 2003. In particular they do not include considerations in relation to public safety or the prevention of public nuisance.

Factors which may be taken into account when considering the objectives are set out in section 7 of Part B of this document.

4. Licensable Activities

Gambling is unlawful unless permitted by the measures contained in the Act. Providing facilities for gambling or using premises for gambling in either case without the appropriate permission will be an offence. This Statement of Principles is designed to regulate those activities which are controlled by the Act and bestowed by way of regulatory function to the Council as a Licensing Authority. The activities relate to gambling, meaning gaming, betting or participating in a lottery.

“Gaming” means playing a game of chance for a prize but does not include a sport.

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

“A Lottery” is an arrangement whereby people pay to participate and win one or more prizes in a process, which relies wholly, or in the first instance on chance.

Except in certain specified instances participating in the National Lottery is not gambling for the purposes of the Act and therefore not an activity regulated by this Statement.

Permission to conduct gambling may come from a Licence, permit or registration granted in accordance with the Act or from an exemption given by the Act.

5. Types of Licences

There are 3 categories of Licence available under the Gambling Act 2005,

- operating licences,
- personal licences and
- premises licences.

Only premises licences are issued by a Licensing Authority. Operating licences and personal licences are issued by the Gambling Commission.

Operating licences are required by individuals and companies who intend to provide facilities for certain types of gambling. In general these licences cover the principle commercial forms of gambling operation (see Table 1 below).

Such licences may authorise remote or none remote gambling. A single licence cannot authorise both activities. Subject to certain restrictions one operating licence may authorise more than one licensable activity. Applicants should make all enquiries to the Gambling Commission for an Operating Licence for the gambling activities they propose.

One of the mandatory conditions that the Commission must place on operating licences, except in the case of small scale operators, is to ensure that for each operating licence at least one person holds a specified management office and that that person holds a personal licence from the Commission. In addition the Commission may require key staff in other management offices and those employed to carry out specified operational functions, to hold a personal licence. Personal licences are granted to an individual and are not transferable. They cannot be held by a company. Any person requiring a personal licence should make application to the Gambling Commission.

A Premises Licence will be granted by the Licensing Authority in whose area the relevant premises are situated and it is a licence, which states that it authorises premises to be used for specific types of gambling, (see Table 1 below).

Only people who hold, or have applied for an Operating Licence from the Gambling Commission authorising them to carry on the activities in respect of which the application is sought, can make application for a premises licence. The applicant must also have the right to occupy the premises. The only exception to this rule is in relation to tracks where the person who occupies the track may not necessarily be the person offering gambling facilities at that premises. For example to obtain a bingo premises licence an applicant must hold a bingo operating licence.

Premises licences are transferable to someone else holding a valid operating licence.

TABLE 1	
Operating Licences (Issued by the Gambling Commission)	Premises Licences (Issued by a Licensing Authority)
A Casino Operating Licence.	Casino Premises.
A Bingo Operating Licence.	Bingo Premises.
A General Betting Operating Licence.	Betting Premises, (including Tracks).
A Pool Betting Operating Licence.	Adult Gaming Centres.
A Betting Intermediary Operating Licence.	Family Entertainment Centres.
A Gaming Machine General Operating Licence (for an Adult Gaming Centre Operator or for a Family Entertainment Centre).	
A Gaming Machine Technical Operating Licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine).	
A Gaming Software Operating Licence (to manufacture, supply, install or adapt gaming software).	
A Lottery Operating Licence.	

6. Licensing Authority Functions

Licensing Authorities are required under the Act to:

- Prepare and publish a Statement of Principles and review the same every 3 years.
- Designate in writing a body as competent to advise the Authority about the protection of children from harm to be a Responsible Authority under S.157 of the Act.
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences – (for types of licences issued see Table 1 above).
- Issue Provisional Statements.
- Regulate Members Clubs and Miner’s Welfare Institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits.
- Issue Club Machine Permits to commercial clubs.
- Grant permits for the use of certain lower stake gaming machines at unlicensed family entertainment centres.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003 where there are more than two machines.
- Register small society lotteries below prescribed thresholds.
- Issue Prize Gaming Permits.
- Receive and endorse Temporary Use Notices.
- Receive Occasional Use Notices for betting at tracks.

- Provide information to the Gambling Commission regarding details of licences issued (see Exchange of Information below).
- Maintain registers of the permits and licences that are issued under these functions.

7. Responsible Authorities

Responsible Authorities are public bodies that must be notified of any application. All Responsible Authorities have the right to make representations about an application or apply for a review of a licence.

The bodies who are to be treated as Responsible Authorities are:-

- The Licensing Authority in whose area the premises are wholly/partly situated.
- The Gambling Commission.
- Chief Officer of Police for the area in which the premises is wholly/partly situated.
- The Fire and Rescue Authority for the same area.
- The Local Planning Authority.
- The Environmental Health Authority.
- A body designated in writing by the Licensing Authority as competent to advise about the protection of children from harm.
- HM Revenue and Customs.
- Any other person prescribed in regulations by the Secretary of State.

In relation to a vessel it also includes:-

- The Environment Agency.
- The British Waterways Board.
- The Secretary of State (Maritime and Coastguard Agency).

In exercising its powers under section 157(h) of the Gambling Act this Authority has designated the Local Safeguarding Children Board as the body competent to advise it about the protection of children from harm. The principles applied by the Authority in exercising this power of designation are:-

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The contact details of all the Responsible Authorities under the Gambling Act 2005, relevant to the Borough of South Tyneside, are available via the Council's website at www.southtyneside.info.

It should be noted that as the Licensing Authority are named as a Responsible Authority they can themselves make representations about licence applications, or apply for a review of an existing licence.

8. Interested Parties

Interested parties can make representations about premises licence applications, or apply for a review of an existing licence.

The principles this Authority will apply in determining whether a person is an interested party are as stated in this section.

In accordance with S.156 of the Act the Licensing Authority take the view that an interested party can only be someone who:-

- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons in either of the above two groups.

Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will take all or any of the following factors into account in determining if a person lives “sufficiently close to the premises” depending on the circumstances:

- The size of the premises – larger premises may impact on a wider radius.
- The nature of activities taking place at the premises.
- The distance of the premises from the location of the person making the representation.
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- The circumstances of the complainant. For example the activities at a gambling premises may have different impacts on a residential property, a school for children with truanting problems or a residential hostel for vulnerable adults.

The Licensing Authority will consider any appropriate representation from persons with a “business interest” but does not accept that a person satisfies this criteria simply because they operate a business of a similar type to the applicant. It will be necessary to show that the business “is likely to be affected by the application”. In this respect the Licensing Authority will examine such factors as:-

- the size of the premises;
- the catchment area of the premises (namely how far people travel to visit it); and
- whether the person making the representation has business interests in that catchment area that might be affected.

In the case of doubt the benefit will be given to the party claiming to have the right to make representations until the contrary can be shown.

The Licensing Authority believe that a person representing interested parties and those with business interests will include Trade Associations and Trade Unions, Residents and Tenant Associations, Charities, Faith Groups and Medical Practitioners, Councillors and MPs. Other applicants will be examined on a case by case basis. Written evidence that anyone is representing an interested party may be required by the Licensing Authority.

9. Representations

Any representation which is not from a responsible authority or interested party will not be relevant and the Licensing Authority will be obliged to treat it as inadmissible. All admissible representations must however be relevant. To be relevant a representation must:

- relate to one or more of the Licensing Objectives under the Act,
- raise an issue under this licensing policy statement,
- raise an issue under the Gambling Commissions Guidance, or,
- raise an issue under any Code of Practice issued by the Gambling Commission.

In cases where the Licensing Authority is itself making a representation as a Responsible Authority it will ensure that the tasks involved in making the representation and receiving and processing the same are allocated to different officers to ensure a proper separation of functions. The officer acting for the Responsible Authority will not be involved in the licensing decision process and will not discuss the merits of the case with those who are, or with the officer acting for the Licensing Authority. Any communication regarding the representations made will be conducted professionally and be in line with communications between the Licensing Authority and any other Responsible Authority.

10. Exchange of Information

The Licensing Authority will endeavour to comply with any proper and lawful requests for information, and will pass on any information it considers necessary, to enable it to comply with its functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act. The Licensing Authority will have regard to any guidance issued by the Gambling Commission and/or the Secretary of State on this matter

In exchanging relevant information in accordance with its functions under the Gambling Act 2005, the Licensing Authority will conform to the requirements of Data Protection and Freedom of Information legislation in line with the Council's existing policies.

Details of those persons making representations in connection with matters under the Gambling Act will ordinarily be made available to applicants to allow for negotiations/mediation to take place, if appropriate, and, in the event of a hearing being held, will form part of the public documents. Anyone making representations or applying for a review of a licence will be informed that their details will be disclosed, save in exceptional circumstances.

11. Enforcement

Part 15 of the Act grants authorised officers of the Authority various powers of inspection both prior to the grant of a premises licence or other permission and after issue.

Prior to any application an authorised officer may inspect for the purpose of assessing, having regard to the licensing objectives, the likely effects of activity carried on in reliance on a premises licence or other permissions.

Once issued it is essential to ensure a licence or other permission is being maintained and operated so as to ensure the continued promotion of the Licensing Objectives, compliance with the Act and any conditions attached to the licence or permission.

In exercising its functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified, the Licensing Authority is guided by the Statutory Guidance from the Gambling Commission and proposes to act in accordance with the principles stated in this section.

The Authority will follow best practise in relation to its regulatory powers of inspection and enforcement and will therefore be:-

- Proportionate - the Authority will only intervene when necessary; remedies will be appropriate to the risk posed, and costs will be identified and minimised.
- Accountable - the Authority will be able to justify its decisions and be subject to public scrutiny.
- Consistent - rules and standards will be joined up and implemented fairly.
- Transparent - the Authority will be open and keep requirements and conditions simple and user friendly.
- Targeted - the Council will use its regulatory powers to focus on the problem and minimise side effects.

The Licensing Authority employed these criteria in the development of a “Regulatory Services Enforcement Policy” which it will follow in the exercise of its functions under the Gambling Act.

The Authority will therefore adopt a risk based inspection programme, which will involve targeting high risk premises which require greater attention, whilst applying a lighter touch in respect of low risk premises, so that resources are more effectively concentrated on problem premises.

The Enforcement Policy can be viewed on the Council’s website.

The Licensing Authority will be guided by complaints from Responsible Authorities and Interested Parties in establishing the level of risk of any premises in the Borough.

The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The above criteria are subject to any further guidance which the Authority may be recommended to follow by any person or body authorised to issue guidance in respect of the Authority’s powers under the Gambling Act.

PART B – PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

1. General Principles

Premises Licences (casino, bingo, betting premises (including tracks), adult gaming centres and family entertainment centres) are subject to the requirements set out in Part 8 of the Gambling Act 2005 and Regulations as well as specific mandatory and

default conditions, which are detailed in Regulations issued by the Secretary of State (Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 as amended) (Statutory Instrument No.2007/1409). Codes of Practice and Statutory Guidance issued by the Gambling Commission are also relevant and will be considered in relation to all premises licence applications received by the Licensing Authority.

2. Decision Making

Upon receipt of a valid application this Licensing Authority is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling insofar as it thinks it:

- In accordance with any relevant Code of Practice issued by the Gambling Commission.
- In accordance with any relevant guidance issued by the Gambling Commission.
- Reasonably consistent with the Licensing Objectives; and
- In accordance with the Authority's own Statement of Principles.

If any representations do not therefore focus on the above matters they will be unlikely to influence the Authority's determination of an application. It is appreciated that as per the Gambling Commissions Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications" and also, as stated in the Act, that demand for a premises is no longer a relevant consideration. All applications will be considered on their merits.

The Act prescribes that all decisions relating to premises licences are delegated to the Licensing Committee of the Authority which was established under the Licensing Act 2003, except that:-

- a resolution not to issue casino licences can only be taken by an Authority's Full Council;
- the adoption of a 3 year Statement of Principles can only be done by an Authority's Full Council; and
- the setting of fees must be done by Full Council unless it is delegated by them to the Licensing Committee. (This Council has made such a delegation.)

Appendix 2 shows a summary of the Licensing Authority's delegations permitted under the Gambling Act.

The following matters have not been delegated to Officer level and will be determined by a sub-committee of the Licensing Authority:

- The determination of an application for a premises licence, where representations have been made and not withdrawn.
- The determination of an application for variation of a premises licence, where representations have been made and not withdrawn.
- The determination of an application for transfer, following representations by the Commission.
- The determination of an application for a provisional statement, where representations have been made and not withdrawn.
- The review of a premises licence.

- Decisions to serve a Counterpart Notice in respect of a Temporary Use Notice.
- The determination of an application for a Club Gaming Permit or Club Machine Permit in respect of which representations have been made and not withdrawn, and
- Cancellation of a Club Gaming or Club Machine Permit.

It should be noted however that if representations about an application are frivolous, vexatious or entirely concern matters which are not relevant to an application then the Authority may determine the application without a hearing in accordance with Section 162(3) of the Act.

Examples of representations which are not relevant include those relating solely to the expected demand and competition occasioned by a new premises or those commenting on the reduction of value in a property likely to be occasioned by the proximity of new gambling premises.

3. Licences per Premises

This Authority take the view, in accordance with the Statutory Guidance issued by the Gambling Commission, that with the exception of tracks the Act generally prevents more than one licence applying to any premises. Any attempt to reconfigure premises so as to create two or more different and independent premises will be scrutinised very closely by the Licensing Authority who will examine all statutory guidance and other relevant factors in making a decision depending on the circumstances of the case including the following, namely:

- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises.

The Authority will consider the above points and any other relevant factor in making a determination of any application, depending on the circumstances of the case. Every decision will also be made taking into consideration any mandatory or default conditions, which will or currently do apply to the application premises.

4 Premises "Ready for Use"

Once a premises licence comes into effect it authorises premises to be used for gambling. The Authority therefore accept, in accordance with the Statutory Guidance, that a licence to use premises for gambling should only be issued if they are satisfied that the premises, which is the subject of an application, is going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If construction of the premises is not yet complete, or if they need alteration, or the applicant does not yet have a right to occupy them, then an application for a provisional statement may need to be made instead, particularly if there is significant potential for circumstances to change before the premises opens for business. (see paragraph 18 below).

Any application for a premises licence in respect of a premises which has outstanding construction or alteration to be undertaken will be determined on its merits applying the following two stage process:-

1. after applying the principles in Section 153 of the Act (see 2 above), ought the premises be permitted to be used for gambling?
2. can appropriate conditions be put into place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place?

Applicants should note that the Authority is entitled to decide that it is appropriate to grant a licence subject to conditions but it is not obliged to grant such a licence.

5 Location

This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of licensing objectives are relevant to its decision-making as well as the other factors stated under Section 153 of the Act. As per the Gambling Commission's Guidance to Licensing Authorities, this Authority will pay particular attention to the Licensing Objective regarding the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

6. Planning

In determining applications the Licensing Authority acknowledges its duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters such as those not related to gambling and the Licensing Objectives. The Licensing Authority acknowledge that the likelihood of an applicant obtaining planning permission or building regulation approval for their proposal are irrelevant to any consideration of a gambling application. Equally the Authority note that the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building control.

7 Duplication with Other Regulatory Regimes

The Licensing Authority has a firm commitment to avoid duplication with other regulatory regimes. This means that the Authority will not usually consider it to be necessary to attach conditions to a licence which concern issues which are regulated by other legislation for example planning, building control, health and safety at work and fire safety legislation. However an Authority may listen to and carefully consider any concerns about conditions which are not able to be met by applicants due to restrictions imposed by other regulatory regimes, should such a situation arise.

8. Licensing Objectives

Premises licences must be reasonably consistent with the Licensing Objectives. In examining each of the objectives the Licensing Authority will have regard to the following:-

Preventing Gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime – where a premises is located in an area noted for particular problems of crime and disorder, the Authority will give consideration to what, if any, controls it can impose by way of condition on the licence to prevent those premises becoming a source of crime themselves, for example a requirement to employ door supervisors.

The Authority recognise that in the case of gambling premises licences, “disorder” is intended to mean activity that is more serious and disruptive than mere nuisance.

Factors, which will be examined to establish disorder, would include whether Police assistance has been required in relation to disturbances and how threatening the behaviour was to those who could see or hear it.

Ensuring that gambling is conducted in a fair and open way – the Licensing Authority acknowledge that generally the Commission does not expect it to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the Management of the gambling business (and therefore subject to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore subject to the personal licence) both of which are dealt with by the Gambling Commission. However, in relation to the licensing of tracks, where track operators do not have an Operating Licence, conditions may need to be imposed to ensure that the environment in which betting takes place is suitable. Where an application includes permission for betting machines the ability of track staff to supervise them and of the track operator to comply with the law and prevent children betting will also be examined and if necessary dealt with through the attachment of conditions.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – with limited exceptions the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering gambling premises which are adult only environments. The practical application of this objective is to prevent children from taking part or being in close proximity to gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. The Licensing Authority will consider whether specific measures will be needed to protect children on particular categories of premises. This may include requirements such as supervision of entrances; segregation of gambling from areas frequented by children and the supervision of gaming machines in non adult gambling specific premises. These considerations are particularly relevant on tracks (where children will be permitted in the betting area on race days) and in a regional casino where children will be permitted in non-gambling areas.

“Vulnerable persons” are assumed to be, people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

The Licensing Authority will consider in relation to a particular premises whether any special considerations apply in relation to the protection of vulnerable persons and balance these against its duty to aim to permit the use of premises for gambling.

The locality of premises may also be relevant to this objective if the location of a particular gambling premises is to be in close proximity to a school or a centre for gambling addicts the Licensing Authority will have to consider very carefully whether the objective is likely to be undermined if the Licence is granted.

This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant in relation to any premises licence application which excludes children or which contains an adult only area to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises or to the adult only area as applicable.

This Licensing Authority may consider measures to meet this Licensing Objective such as:-

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self exclusion schemes;
- Provision of information leaflets/help-line numbers for organisations such as Gamcare;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory or exhaustive and merely indicative of example measures.

Summary - Despite the above general intentions, in relation to each of the licensing objectives (and the general assistance given in the Statutory Guidance) each case will be decided on its own merits so that the Authority will always take into account any evidence by an applicant of how they might overcome Licensing Objective concerns.

9. Conditions

Conditions may be attached to premises licences in one of three ways:-

- automatically, being set out in the Act;
- through regulations made by the Secretary of State;
- by the Licensing Authority.

Conditions may sometimes be general in nature, attaching to all licences, or all licences of a particular class, or they may be specific to a particular premises.

The Licensing Authority has no discretion to exclude conditions in the first category above.

The second category of conditions may be either “mandatory” or “default”. There is no discretion for mandatory conditions set out in regulations to be excluded from a licence and default conditions apply to a licence **unless** the Licensing Authority decides to exclude them using its powers under the Act.

If a particular aspect of a licence is covered by mandatory conditions it is extremely unlikely that Licensing Authorities will consider it necessary to impose a more restrictive regime by including further conditions itself. This will only occur where the Licensing Authority has regulatory concerns of an exceptional nature.

The Licensing Authority has greater flexibility with default conditions. It can exclude a default condition and replace it with one that is more or less restrictive, although default conditions are expected to be the norm and an authority will have to have clear regulatory reasons for altering default conditions. Recognising that one of the Licensing Authority's aims is to permit the use of premises for gambling the Licensing Authority will only attach conditions that limit the use of premises for gambling where that is necessary as a result of the requirement upon the Authority to act:-

- in accordance with any relevant Code of Practice, the Gambling Commission Code of Practice, any other Statutory Guidance, in a way that is reasonably consistent with the Licensing Objectives and in accordance with this Statement of Principles.

Conditions imposed by the Licensing Authority must be proportionate to the circumstances they are seeking to address, therefore the Licensing Authority will ensure that conditions:-

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

All applications will be dealt with on their own merits, subject to any general policy set out in the Statutory Guidance or the Statement of Principles.

The Licensing Authority cannot make conditions which:-

- make it impossible to comply with an Operating Licence Condition;
- relate to gaming machine categories, numbers or methods of operation;
- restrict equal chance gaming;
- provide that membership of a club or body is necessary to gamble at a premises; and
- relate to stakes, fees, winnings or prizes.

Gaming machine categories and entitlements – gaming machines are categorised by the amount of stake needed to play them and the value and nature of the prizes which can be won from them. The categorisations of each type of machine are established by Regulations and a summary of these and their entitlements are set out in Appendix 3.

Machine provision by Premises - The entitlement of each premises in terms of the number and category of machines which may be provided within them is also established by Regulations and is as set out in the summary in Appendix 4.

10 Door Supervisors

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

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

11. Casino Licences

At the present time South Tyneside Council has not passed a resolution not to issue Casino Licences. The Council has no intention at the present time of proposing any report to consider the passing of this type of resolution.

Should at any time the Council be awarded permission to grant a casino licence it will issue criteria indicating what factors it will take into account in deciding how to determine which applicant to select for the award of a licence. Such criteria will be developed in accordance with any Regulations, Codes of Practice or Guidance issued by the Secretary of State.

12. Bingo

Where the operator of an existing Bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new licence or multiple of licences for that/or those excluded areas, this Licensing Authority acknowledges the requirement placed upon it in the Statutory Guidance issued by the Gambling Commission to be satisfied that Bingo can be played in any bingo premises for which they issue a premises licence.

In addition, where an application to vary a Bingo licence, for the purpose of extending the opening hours of the premises is submitted the Authority will, in accordance with the statutory guidance, expect the applicant to be able to demonstrate that the extension is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely bingo.

13. Betting Premises

Section 235 of the Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises make available machines that accept bets on live events. These "betting machines" are not regulated but there is an express power in Section 181 of the Act for Licensing Authorities to restrict the number of such machines, their nature and the circumstances in which they are made available in betting premises, through conditions. This Licensing Authority will, amongst other things, take into account, the size of the premises, the number of counter positions available for person to person transactions and the ability of employees to monitor the use of the machines by children and young persons (as it is an offence for those under 18 to bet) or by

vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer in a particular premises.

In addition, where an application to vary a Betting licence, for the purpose of extending the opening hours of the premises is submitted the Authority will, in accordance with the statutory guidance, expect the applicant to be able to demonstrate that the extension is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely betting.

14. Adult Gaming Centres

No one under the age of 18 is permitted to enter an Adult gaming Centre (AGC) and this Authority will have particular regard to the location of and entry to AGC's to minimise the opportunities for children to gain access. This will be of particular importance where an AGC is located in an area where children may be in attendance unsupervised such as in a shopping centre or an airport.

Measures the Authority may consider to meet the licensing Objectives in the above situation include:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances/machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours

This list is indicative only and is not exhaustive.

15. Licensed Family Entertainment Centres

In accordance with the statutory guidance the Licensing Authority will have regard to the Gambling Commissions website to see any conditions that apply to the operating licences covering the way in which the area containing category C machines should be delineated.

16 Tracks

Section 353 of the Act defines a track as -a horse race-course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place. This Authority recognises that a venue could be within the terms of this definition, although not commonly understood to be a track premises, and will consider any application for a premises licence or occasional use notice to permit facilities for betting in respect of a venue purporting to be a track on a case by case basis. It is for the Authority to determine what constitutes a sporting event or race.

The Licensing Authority is aware that Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's guidance, this Licensing Authority will, in considering an application for a licence at a track, consider the impact upon the third licensing objective and the need to ensure that entrances to each type of

premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Measures the Authority may consider to meet the licensing Objectives in the above situation include:

- proof of age schemes
- CCTV
- door supervisors
- supervision of entrances/machine areas
- physical separation of areas
- location of entry
- notices/signage
- specific opening hours

This list is indicative only and is not exhaustive.

This Authority recognises the commentary at paragraph 20.44 in the proposed Draft Guidance to Licensing Authorities 4th Edition July 2012 which refers to the intention of parliament to remedy the situation to allow children and young people to work on tracks in roles which do not involve any form of gambling, such as jockeys, stable lads or dog handlers. The Authority will implement this statement of principles subject to any changes in the law which redress this issue, or any other matters, as and when they become effective.

The Gambling Act (s.51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity (see Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (see Guidance to Licensing Authorities, para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

17. Travelling Fairs

The Authority recognises its responsibility to determine if category D machines and/or equal chance gaming without a permit may be made available for use at a travelling fair within the Borough of South Tyneside, It being a statutory requirement that the facilities for gambling must amount to no more than an ancillary amusement at the fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

18. Provisional Statements

Developers may wish to apply to this Authority for a provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence.

Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that they

- expect to be constructed;
- -expect to be altered; or
- -expect to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.

The Authority will consider all applications on their merits applying the two stage process described in paragraph 4 above and will not take into account, in determining an application for a provisional statement, the likelihood of an operating licence being granted by the Gambling Commission for the premises, or whether planning or building approval would be successful.

If a provisional statement is granted the Authority recognise the constraints which will apply to the representations which can be made when an application is subsequently made for a premises licence., No further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage; or
- they reflect a change in the applicant's circumstances.

In addition, the Authority may only refuse the premises licence (or grant it on terms different to those attached to the provisional statement) by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the provisional statement application. (This must be a substantial change to the plan and this Licensing Authority notes that it can

discuss any concerns it has with the applicant before making a decision).

19F. Reviews

The Act provides that a premises licence may be reviewed at any time by class of premises or as a particular premises:-

- in response to a written application from a responsible authority or interested party;
- on the initiation of the Licensing Authority; or
- on the initiation of the Commission.

Class Reviews take place to assess the use of those premises, or to ensure compliance with licence conditions. Individual reviews occur if suspected of not being compliant with licence conditions or for any other appropriate reason.

A review cannot take place unless the Licensing Authority is satisfied that the request for the review is relevant to:-

- any Code of Practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- is reasonably consistent with the Licensing Objectives;
- is in accordance with the Authority's Statement of Principles.

A request for a review is subject to consideration by the Authority as to whether the request is frivolous, vexatious, substantially the same as previous representations or requests for review or whether it will certainly **not** cause the Authority to wish to alter/revoke/suspend the licence.

A review must be considered by the Licensing Committee or Sub-Committee after giving appropriate notice.

The purposes of the review will be to determine whether the Licensing Authority should take any action in relation to the Licence. If action is justified the options open to the Licensing Authority are:-

- to add, remove or amend a Licence Condition imposed by the Licensing Authority;
- to exclude a default condition imposed by the Secretary of State or remove or amend such an exclusion;
- to suspend the premises licence for a period not exceeding 3 months; or
- to revoke the premises licence.

The Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

20. Appeals

There is a Right of Appeal from decisions of a Licensing Authority within 21 days of notification of the decision to the Local Magistrates' Court.

- If the application has been refused only the applicant can appeal.
- If the application is granted applicants and third parties can appeal.
- Upon a review, the Licensee, the person who made representations requesting the review, persons making representations about the review and the Commission all have a Right of Appeal.
- Upon a transfer of the licence either the licence holder or the applicant for transfer can appeal.

Unless the applicant is the appellant they will also be the respondent to any appeal along with the Licensing Authority.

PART C – PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

These Permits may be granted to premises catering for families and unaccompanied children and young persons which contain only category D machines. They are regulated by Schedule 10 of the Act. An applicant must show that the premises will be used wholly or mainly for making gaming machines available for use. In exercising their functions under Schedule 10 this Authority will have regard to all of the matters contained in this Section of their Statement of Principles.

Conditions cannot be attached to this type of permit but the Licensing Authority can and will consider the following issues in relation to any application.

- The suitability of the applicant to hold the permit.
- The policy and procedures the applicant has in place to protect children from harm –

Harm in this context is not limited to harm from gambling, it includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. As examples of good practise they may include:-

- Appropriate measures/training for staff as regards suspected truant school children on the premises;
- Measures/training covering how staff will deal with unsupervised very young children being on the premises;
- Children causing perceived problems on/around the premises.
- The ability of the applicant to demonstrate a full understanding of the maximum stake and prizes of the gambling that is permissible in unlicensed family entertainment centres.
- Whether staff are trained to have a full understanding of the maximum stakes and prizes.
- Whether the applicant has any relevant convictions (as are set out in Schedule 7 of the Act).

2. Gaming Machine Permits in Alcohol Licensed Premises

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D on their premises. Operators of these premises need to notify the Licensing Authority. The automatic authorisation can be removed by the Licensing Authority upon making an appropriate order to that effect 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 (namely that written notice has not been provided to the Licensing Authority, that a fee has not been provided and that any relevant Code of Practice issued by the Gambling Commission about location and operation of the machines has not been complied with).
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than two machines then it needs to apply for a permit and the Licensing Authority must consider the application based upon:-

- The Licensing Objectives;
- Any Guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005; and
- Such matters as they think relevant.

This Licensing Authority believes that “such matters” will be decided on a case-by-case basis but generally it will be appropriate to have regard to the need to protect children and vulnerable persons from harm or from being exploited by gambling. Applicants will be expected to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to any adult only gaming machines (for example, control measures may include machines being in sight of the bar or in sight of staff who will monitor their use, the provision of notices and signage and the provision of information leaflets/help-line numbers for organisations such as Gamcare in relation to the protection of vulnerable persons).

Where alcohol licensed premises operators apply for a premises licence for their non-alcohol licensed areas such applications will be dealt with as an Adult Entertainment Centre for which a full premises licence would be necessary.

The Licensing Authority can decide to grant a permit with a smaller number of machines and/or a different category of machines than that applied for. It should be noted that the holder of any permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

3. Prize Gaming Permits

Prize gaming occurs when the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

A prize gaming permit is necessary to authorise the provision of facilities for gaming with prizes on specified premises. It is regulated by schedule 14 of the Gambling Act 2005

Premises not requiring prize gaming permits are:-

- Casinos which are able to offer any form of prize gaming other than bingo.
- Holders of bingo premises licences which specifically permit prize gaming in respect of unequal games of chance as well as equal games of chance.
- Adult Gaming Centres and Licensed Family Entertainment Centres can provide any type of prize gaming.
- Unlicensed Family Entertainment Centres but who may only offer equal chance prize gaming under the auspices of their gaming machine permit.
- Travelling Fairs (who are limited to equal chance prize gaming provided the facilities for gambling are an ancillary amusement at the fair).

Children and young persons may participate in equal chance prize gaming only.

The categories of premises licences referred to above and all permit holders must comply with the following 4 conditions, set out in the Act, to lawfully offer prize gaming:-

- The limits on participation fees as set out in Regulations must be complied with.
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on the 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.

When exercising their functions in considering applications for prize gaming permits this Licensing Authority will wish to take into account the following matters:-

- The type of gaming that the applicant is intending to offer.
- Whether the applicants can demonstrate that they understand the limits to stakes and prizes that are set out in the Regulations.
- That the gaming offered is within the law.
- That the applicant has clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the Licensing Authority will have regard to the Licensing Objectives and any Gambling Commission Guidance.

The Licensing Authority may only grant a permit if they have consulted with the Chief Officer of Police about the application and will take account of any objections the Police may wish to make which are relevant to the Licensing Objectives i.e.:-

- The suitability of the applicant in terms of any convictions they may have that would make them unsuitable to operate prize gaming.
- The suitability of the premises in relation to their location.

- Issues about disorder.

4. Club Gaming Permits and Club Machine Permits

Club Gaming permits (regulated within schedule 12 of the Gambling Act 2005) may be issued to Members Clubs (including Miners' Welfare Institutes) and Commercial Clubs to authorise those establishments to provide gaming machines (three machines of category B3A to D but only one B3A machine as part of that entitlement for Members clubs and three machines of category B4 to D in Commercial clubs), equal chance gaming and games of chance as set out in Regulations.

A Club Gaming Machine Permit enables the premises to contain gaming machines only of the categories described above.

The terms "Members Club", "Commercial Club" and "Miners Welfare Institute" are defined by Sections 266, 267 and 268 of the Gambling Act respectively.

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

- The applicant does not fulfil the requirements for a Members of Commercial Club or Miners Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied.
- The applicant's premises are used wholly or mainly by children and/or young persons.
- An offence under the Act or a breach of permit has been committed by the applicant while providing gaming facilities.
- A permit held by the applicant has been cancelled in the previous 10 years; or
- An objection has been lodged by the Commission or the Police.

However, there is a "fast track" procedure available for premises which hold a club premises certificate under Section 72 of the Licensing Act 2003, which gives no opportunity for objections to be made by the Commission or the Police (because the premises has already been through the Club Premises application procedure under the Licensing Act 2003) when the grounds on which an application may be refused are reduced to:-

- That the Club is established primarily for gaming, other than gaming prescribed under Schedule 12.
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a Club Gaming Permit or Club Machine Permit issued to the applicant in the last 10 years has been cancelled.

The gaming entitlements of clubs and pubs and other alcohol licensed premises are set out in Appendix 5

5. Temporary Use Notices

These allow the use of premises for gaming where there is no premises licence but where a gambling operator wishes to use a premises temporarily for providing facilities for gambling for example at a hotel conference centre or sporting venue.

They can only be granted to a person or company holding a relevant operating licence. Regulations prescribe the gambling activities that may be specified in a

Temporary Use Notice. The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 Statutory Instrument No. 3157 state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practise means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. There is a maximum of 21 days per annum for which Temporary Use Notices may be granted to a set of premises in any period of 12 months. The Act specifies that a set of premises include "any part" of the premises which is the subject of the Notice. It is the responsibility of this Licensing Authority to decide what is a set of premises. In doing so the Authority will look at, amongst other things, the ownership/occupation and control of the premises.

6. Occasional Use Notices

Where there is betting on a track for 8 days or less in a calendar year betting may be permitted by an Occasional Use Notice without the need for a full premises licence. The intention behind Occasional Notices is to admit licensed betting operators to use tracks for short periods for conducting betting where the event upon which the betting is to take place is of a temporary or infrequent nature.

The Council has very little discretion in regard to these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

The Licensing Authority will consider the definition of a "track" and whether the applicant is permitted to avail him/herself of the notice on a case by case basis.

PART D – SMALL SOCIETY LOTTERIES

A lottery is illegal under the Gambling Act 2005 unless it is registered with the Gambling Commission or it is an "exempt lottery". The National Lottery is governed separately by the National Lottery Act 1993.

This Licensing Authority does not have any functions with respect to licensed lotteries, which are regulated by the Gambling Commission through the provision of an Operating Licence, but within the category of exempt lotteries are "Small Society Lotteries". Societies running such lotteries are required to be registered with the Local Authority in whose area their principal offices are situate. South Tyneside Council is therefore the local authority with whom any small society lottery in the Borough needs to be registered and these functions are administered by the Licensing Authority.

In determining lottery registration applications and all other matters involving lotteries the Authority will have regard to the Gambling Act 2005 and its licensing objectives, Guidance issued by the Gambling Commission, any Code of Practice issued by the Gambling Commission and this Statement of Licensing Policy.

Schedule 11 of the Gambling Act sets out the legal restraints concerning small society lotteries

To qualify for registration a Society must be "non-commercial". To be considered non-commercial the Society must be established and conducted for :-

- charitable purposes; or
- the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- any other non-commercial purpose other than that of private gain.

A small society lottery is further defined by the value of its dealings. If the total value of tickets that a Society puts on sale in any one lottery exceeds £20,000, or tickets in separate lotteries in one calendar year are to exceed £250,000 in aggregate, the lottery is a large lottery and the Society will require an Operating Licence from the Gambling Commission.

The promoting Society of a small lottery must be registered with the Authority throughout the period of the lottery being promoted. Details of the Society will be kept in the Register kept by this Authority and in accordance with the recommendation of the Gambling Commission the Authority will make the Register available for inspection by the public on request. Once a Society is registered the Society will be notified by the Licensing Authority accordingly and the Licensing Authority will inform the Gambling Commission of the Registration.

An application by a Society to register a small lottery must be refused if in the period of 5 years ending with the date of the application :-

- an Operating Licence held by the applicant for registration has been revoked under section 119(1); or
- An application for an Operating Licence made by the applicant for registration has been refused.

The Licensing Authority may refuse an application for registration if it considers that:-

- The applicant is not a non-commercial society,
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence; or
- Information provided with or in the application for registration is false or misleading.

The Authority may revoke the registration if they consider that they would be obliged or able to refuse an application for Registration if it were being made anew

An applicant for registration of a small lottery which is refused, or where revocation takes place has a right of appeal to the Magistrates' Court within 21 days of the decision.

Within three months of any small Society lottery draw the promoting Society must send to the Authority a return signed by two members of the Society that gives the prescribed information set out in the Act. If after receipt of the return it is apparent that the ticket sales are above the permitted limits for a small Society lottery, the Authority will notify the Gambling Commission. A copy of that notification will be provided to the Society.

Other Lotteries - In addition to small lotteries, there are three other types of exempt lottery being an incidental non-commercial lottery, a private lottery and a customer lottery. If a person is in any doubt as to the nature of the lottery they intend to operate they should contact a member of the Licensing Team with Authority as provided in Part D below

Offences - If for any reason the Licensing Authority suspects that there has been an offence committed under the Act in relation to lotteries the Licensing Authority may commence an investigation and along with the Gambling Commission and the Police, have the authority to prosecute any suspected offender.

PART E – ADDITIONAL INFORMATION

1. Inconsistency/Ambiguity in this Statement of Principles

If there is any inconsistency or ambiguity in this Statement of Principles in relation to the Act or the Gambling Guidance then the reader is referred to the relevant section of the Act for legal clarification. If the point is not specified in the Act then the reader is referred to the Gambling Guidance issued under Section 25 of the Act for clarification.

2. Contact Details

For further help or advice on the Gambling Act 2005 please contact:

- Telephone 0191 424 7949;
- Email licensing@southtyneside.gov.uk;
- Website www.southtyneside.info;
- The Licensing Section, South Tyneside Council, Level 3, Town Hall and Civic Offices, Westoe Road, South Shields, Tyne and Wear. NE33 2RL;
- The Department for Culture Media and Sport Website www.culture.gov.uk;
- The Gambling Commission Website www.gamblingcommission.gov.uk.

APPENDIX 1

List of Consultees

Name	Address	
Elected Members		
Gambling Commission	Victoria Square House, Victoria Square, Birmingham. B2 4BP	Responsible Authority
HM Revenue & Customs	Dobson House, Regent Centre, Gosforth.	Responsible Authority
Northumbria Police	Chief Superintendent, South Tyneside Area Command, Millbank Police Station, Station Road, South Shields, Tyne and Wear. NE33 1RR	Responsible Authority
Tyne & Wear Fire & Rescue Service Planning		Responsible Authority
Environmental Health		Responsible Authority
Trading Standards Safeguarding Childrens Board	South Tyneside Safeguarding Children's Board, Childrens Standards Unit, Chichester House, Stanhope Parade, South Shields, Tyne and Wear. NE33 4BA	
Community Safety & Heath Team Commissioning & Care Services	Neighbourhood Services	Responsibility for vulnerable adults
Youth Offending Team		
Pub Watch	Barry Neaber, Chairman, South Shields Pubwatch	
GAMCARE	2 nd Floor, 7-11 St Johns Hill, London. Sw11 1TR	Support for those with gambling problems
Gamblers Anonymous		
Casino Operators Association of the UK	Company Secretary, Alex Brummer, 86 Jermyn Street, London. SW1Y 6JD	Represents UK Casinos particularly those operated by independent private companies
Racecourse Association Limited	Caroline Davies, Racecourse Services Executive, Winkfield Road, Ascot, Berkshire. SL5 7HX	Trade organisation for 59 racecourses
BACTA	Leslie Mac-Leod-Miller, Alders House, 133 Aldersgate Street, London. EC1A	Represents UK pay to play leisure machine industry
British Casino Organisation	38 Grosvenor Gardens, London. SW1W 0EB	Leading trade association for the Casino industry. Represents over 90% of licensed Casinos.
British Holiday & Home Parks Association	6 Pullman Court, Great Western Road, Gloucester. GL1 3ND	National body for the parks industry

Business in Sport & Leisure	CEO: Brigid Simmonds, 17a Chartfield Road, Putney, London. SW15 6DX	Promote interests of private sector companies involved in sport, leisure and hospitality industry
William Hill Org 9-15 North Drive Glasgow G1 4BL		Betting & Gaming Company
Ladbrokes Betting and Gaming Limited	Imperial House, Imperial Drive, Rayners Lane, Harrow. HA2 7JW	Betting & Gaming Company
Association of British Bookmakers Ltd	Angela Ruggeri, Regency House, 1 – 4 Warwick Road, London. W1B 5LT	Leading Trade Association representing bookmakers
British Beer & Pub Association	Market Towers, 1 Nine Elms Lane, London. SW8 5NQ	
Chisholm Bookmakers Deneside Buildings Remscheid Way Jubilee Industrial Estate Northumberland NE63 8UB		
Noble Organisation (Inc Luxury Leisure)	1a Dukesway Court, Team Valley, Gateshead, Tyne and Wear. NE11 0PS	Casino, Amusement Centre, Pub & Nightclub Operator.
Masons (Amusements) Ltd	Norman Beresford Mason, 107 High Street West, Sunderland. SR1 1TY	Amusement Centre, Pub & Nightclub Operator.
Overs & Rich Ltd	16 Fieldhouse Close, Hepscott, Morpeth, Northumberland. NE61 6IU	Amusement Centre Operators
Sheeran	A Sheeran, 23 The Foreshore, South Shields, Tyne and Wear. NE33 2JZ	Amusement Centre Operators
K Reader	The Dunes, Sea Road, South Shields, Tyne and Wear. NE33 2LD	Amusement Centre Operators
F Newsome & Son (Leisure) Ltd	14 Bents Park Road, South Shields, Tyne and Wear. NE33 2NL	Amusement Centre Operators
C & R Ltd JET Ltd	21/23 High Street East, Wallsend. NE28 8PF	Amusement Centre Operators
Sylvia Cowie	Caravan 29, Amusement Park, South Shields, Tyne and Wear. NE33 2JZ	Amusement Centre Operators
Coral Racing Ltd	Glebe House, Vicarage Drive, Barking Essex. IG11 7NS	
Bet Fred	56-58 Benson Road, Birchwood, Washington, Tyne and Wear.	
Tetley Sunderland Stadium	Sunderland Road, East Boldon, Tyne and Wear.	

Olga Claudia Irvin	2 Pier Parade, South Shields, Tyne and Wear. NE33 2JS	Amusement Centre Operators
Pagebet	Houghton House, Belmont Business Park, Durham. DH1 1TW	
Keith Hodson	14 Glendale Close, East Herrington, Sunderland, Tyne and Wear. SR3 3RY	
The Stanhope (Newcastle Upon Tyne)	96 Ellison Street, Jarrow, Tyne and Wear. NE32	
Mecca Bingo	Statesman House, Stafferton Way, Maidenhead, Berkshire. SL6 1AY	
David Taviner	46 Market Place, South Shields, Tyne and Wear. NE33 1DX	

APPENDIX 2

Matter to be Dealt With	Full Council	Sub-Committee of Licensing Committee	Officers
Three Year Licensing Policy	X		
Policy not to Permit Casinos	X		
Fee setting (when appropriate)			X
Application for Premises Licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a Variation to a Licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a Transfer of a Licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a Provisional Statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a Premises Licence		X	
Application for Club Gaming/ Club Machine Permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of Club Gaming/ Club Machine Permits		X	
Applications for Other Permits			X
Cancellation of Licensed Premises Gaming Machine Permits			X
Consideration of Temporary Use Notice			X
Decision to give a Counter Notice to a Temporary Use Notice		X	

Note: The Licensing Committee can consider any application; it is not precluded from doing so by reason of the fact that the relevant column above is devoid of an entry.

APPENDIX 3

Summary of Gaming Machine Categories and Entitlements

Category of Machine	Maximum Stake (until June 2009)*	Maximum Prize (until June 2009)*	Maximum Stake (from June 2009)*	Maximum Prize (from June 2009)*
A	Unlimited	Unlimited	Unlimited	Unlimited
B1	£2	£4,000	£2	£4,000
B2	£100 (in multiples of £10)	£500	£100 (in multiples of £10)	£500
B3A	£1	£500	£1	£500
B3	£1	£500	£1	£500
B4	£1	£250	£1	£250
C	50p	£35	£1	£70
D – non-money prize (other than a crane grab machine)	30p	£8	30p	£8
D – non-money prize (crane grab machine)	30p	£8	£1	£50
D (money prize)	10p	£5	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)	10p	£8 (of which no more than £5 may be money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)	10p	£15 (of which no more than £5 may be money prize)

* Subject to EC Notification Process

APPENDIX 4

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large Casino (table/machine ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D, (except B3A machines) within the total limit of 150 (subject to table/machine ratio)					
Small Casino (table/machine ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D, (except B3A machines) within the total limit of 80 (subject to table/machine ratio)					
Pre-2005 Act Casinos (no table/machine ratio)		Maximum of 20 machines categories B to D (except B3A machines or on any number of C or D machines instead)					
Betting Premises and Tracks Occupied by Pool Betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 8 machines in category B3 or B4		No limit C or D machines	
Adult Gaming Centre				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Family Entertainment Centre (with Premises Licence)		Update				No limit on category C or D machines	
Family Entertainment Centre (with Permit)							No limit on category D machines
Clubs or Miner's Welfare Institutes with Permits					Maximum of 3 machines in categories B3A or B4 to D		
Qualifying Alcohol Licensed Premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying Alcohol Licensed Premises with Gaming Machine Permit						Number as specified on permit (C-D only)	
Travelling Fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

Appendix 5

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