

## ***LICENSING COMMITTEE*** ***Agenda***

Date Tuesday 29 October 2024

Time 9.30 am

Venue Lees Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Alex Bougatef or Constitutional Services at least 24 hours in advance of the meeting.

2. CONTACT OFFICER for this agenda is Constitutional Services email-constitutional.services@oldham.gov.uk

3. PUBLIC QUESTIONS - Any Member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the contact officer by 12 noon on Thursday, 24 October 2024.

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### MEMBERSHIP OF THE LICENSING COMMITTEE

Councillors Azad, Bishop, Byrne, Chowhan, Cosgrove, Hamblett, Harrison (Vice-Chair), Hindle, J. Hussain, S. Hussain (Chair), Islam, Nasheen, Navesey, Sheldon and Shuttleworth

- 1 Apologies For Absence
- 2 Urgent Business  
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest  
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time  
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 3 - 8)  
The Minutes of the meeting held on 4<sup>th</sup> June 2024 are attached for approval.
- 6 Appointment of Vice Chair (To Follow)  
To appoint a Vice Chair of the Licensing Committee
- 7 Licensing Update (Pages 9 - 12)  
To receive a report on the activities of the Licensing Team since April 2024.
- 8 Taxi Policy (Pages 13 - 16)  
To approve changes to the Taxi Policy
- 9 Gambling Policy (Pages 17 - 64)  
To note the proposed gambling policy.



**LICENSING COMMITTEE**  
**04/06/2024 at 9.30 am**

**Present:** Councillor S. Hussain (Chair)  
Councillors Byrne (Vice-Chair), Azad, Bishop, Hamblett,  
Harrison, J. Hussain, Islam, Nasheen, Sheldon and Shuttleworth

Also in Attendance:

Alan Evans	Group Solicitor - Environment
John Garforth	Service Manager (Public Protection)
Susan Loftus	Licensing Projects and Hearings Officer
Nicola Lord	Principal Licensing Officer
Andrew Mather	Constitutional Services

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Cosgrove.

2           **URGENT BUSINESS**

There were no items of urgent business received.

3           **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4           **PUBLIC QUESTION TIME**

A public question was submitted by Mr A R Khayal Chair, Board Member NPHTA

**Question:**

In July 2023 Oldham licensing and multi agency approach was adopted and carried out to checks on hackney and private hires vehicles.

Results were very disappointing that 10 private hires vehicles from Wolverhampton taken to Morley street out 10 four were not road worth 5 got so many technical faults resulting failed MOT failed one pass (90% failed) The licensing officials continues giving lectures on customers safety definitively out side vehicles (are) not meeting the standards they should be not allowed to work in Oldham or in Greater Manchester areas .

Oldham Council are aware of a rise in the number of out-of-town vehicles working within the Borough. This has been an issue for some years, and the Council is consistently working to find ways to reduce the volume for the benefit of our own licensed vehicles and drivers.

**Response:**

The Chair read out the following response to the question:

In June 2023, the Council reviewed its Licensing Policy and made changes in the process to apply for a licence, reducing the burdens placed on applicants whilst maintaining public safety. This has seen a huge rise in applications being made to the

Council, with over 1000 new driver licences being issued since. Following the issue of these licences it is anticipated that those individuals, some of which have vehicles licensed with other authorities, will choose to licence their vehicle with Oldham when their current vehicle licence expires. This should lead to a visible reduction in the out-of-town vehicles in Oldham, and an increase in Oldham licensed vehicles.

Officers from Licensing undertook an enforcement initiative in July 2023, alongside Wolverhampton Licensing Officers and this highlighted serious vehicle standard issues with Wolverhampton licensed vehicles.

In total 9 vehicles licensed in Wolverhampton were tested with 4 suspensions, 2 prohibitions, 2 delayed prohibitions and 1 pass. The results were also fed back to Wolverhampton City Council. Unfortunately, Oldham have no influence over enforcement and compliance of those vehicles and how they are tested. This is a matter for Wolverhampton City Council.

In addition, the vehicles operating in Oldham are doing so legally and we have no powers to prevent this from happening unless the Government update primary legislation.

We will continue to work to support our own licensed vehicles and drivers, and do everything within our power, including lobbying the Government for the legislative updates we need to reflect the modern day working of the private hire and hackney carriage trade

5 **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting held on 31 October 2023 be approved as a correct record.

6 **LICENSING ANNUAL REPORT**

Consideration was given to the Licensing Annual report which informed Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2023 to 31 March 2024.

Members were informed that There are two strategic objectives that relate to Licensing:-

(i) To work with businesses to ensure they are licensed and compliant. This covers:

- Proactively licensing premises and individuals engaged in alcohol supply, entertainment and late-night refreshment.
- Participation in Pubwatch schemes, partnership projects and joint, intelligence led inspections to ensure licence conditions are not being breached.
- Promotion of the four licensing objectives and three gambling objectives.

(ii) The second relates to ensuring safe passenger journeys, in safe licensed vehicles with safe licensed drivers. This covers:

- Undertaking inspections of licensed vehicles.
- Vetting new applicants for licences to ensure they are fit and proper.
- ensuring that passengers are safe in vehicles by responding to complaints and investigating offences and breaches of conditions

The Licensing Act 2003 was governed by four licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of Children from Harm

Members were informed about the number of licensed premises under the Act, the number of applications considered by the Licensing Premises Panel and the number of complaints related to licensed premises. Members were also informed about the number of permissions under the Gambling Act 2005. A rise in the number of premises licences was highlighted. In response to members questions on the issue of Personal Licences officers reported that these licences were issued for life but could be revoked in limited circumstances.

Members were informed that officers continued to work with the private hire and hackney trade to ensure effective communication and consultation took place. The Committee were provided with an update on the details of applicants and drivers brought before the Licensing Drivers Panel over the last twelve months. Members were provided with the breakdown of licences in force and the vehicle testing data.

The Licensing Team also administers and enforces a wide range of other licences, registrations and permits and the numbers of each were given. In response to Members questions concerning scrap metal licences, officers outlined enforcement activities in co-operation with the Police and Environment Agency. It was also reported that the provision of vehicle door signage for licensed scrap metal collectors was also being looked at.

Members were informed of future challenges and changes with regular changes to legislation and guidance affecting licensing together with consultations; the summaries of which are detailed below:

- Ne temporary pavement licence legislation came into effect on 31<sup>st</sup> March 2024. This will require setting new fees and establishing an application process;

- Awaiting consultation on the Governments levelling up agenda to review to the number of taxi licensing authorities;
- Taxi and Private Hire best practice guidance has now been issued;

Members were also informed of current projects which were underway or due to start in the coming months which included:

- Reviewing hackney carriage ranks, licence release policy and unmet demand.
- Review of Licensing IT capabilities to improve the service and experience of applicants and encouraging self-serve functions where possible.
- Implementing new vehicle testing to include the issue of MOT certificates.
- Review of testing facilities to increase capacity for the anticipated rise in incoming vehicle applications over the coming 12 months.
- Review of Licensing Fees to ensure that work is carried out on a cost recovery basis and reducing fees where possible.

In response to a question, Members were informed that Licensing Policy changes can be applied retrospectively to Licence holders.

**RESOLVED** that:

- (i) The report be noted.
- (ii) The implications of the report be considered in future licensing decisions.

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## **LICENSING POLICY - TAXI & PRIVATE HIRE**

A report was submitted requesting Members to approve a revised Licensing Policy for Taxi & Private Hire which includes proposals on Language Proficiency, updates to the frequency of DBS checks of Dual Drivers and reintroducing a condition to promote safeguarding of children.

The Council in its capacity as licensing authority is responsible for the licensing of private hire and hackney carriage drivers and vehicles, and private hire operators. In accordance with best practice Oldham has a single licensing policy which is revised from time to time to include decisions made by the Licensing Committee.

It was reported that The Statutory Taxi & Private Hire Vehicle Standards introduced in July 2022 recommend that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills.

The Council already requires applicants to undertake a Driver Awareness Training Session which is immediately followed by their written Knowledge Test. In addition to the existing requirements, it was proposed that a Licensing Officer's assessment of verbal communication skills be carried out during the first application appointment. Where there appeared to be a significant enough language barrier that an individual cannot hold a conversation it was proposed the application be refused under delegated powers or an offer to defer the application pending the passing of a suitable language course be given at the cost of the applicant.

The Statutory Taxi & Private Hire Vehicle Standards states that all licensed drivers should be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every 6 months. Drivers that do not subscribe to the update service should still be subject to a check every 6 months. Oldham Council have been compliant with the requirement to undertake 6 monthly criminality checks of drivers since late 2022. However, it was reported that the existing working practices of the DBS was causing significant issues for drivers in relation to updating payments for the service which could result in the inadvertent lapse of their DBS and having to reapply. To help resolve this issue, it was proposed that the Council moves to weekly checks of individuals DBS on the update service. This would enable the Council to become aware more quickly of convictions and to monitor the update status of drivers and issue timely reminders. Weekly checks of DBS's would also bring Oldham into line with other Greater Manchester authorities who have already moved to more frequent checks to safeguard the public.

The report also proposed to incorporate a requirement into the licence conditions prohibiting a child from travelling in the front passenger seat of a vehicle.

**RESOLVED:**

- (i) That approval be given to the introduction of language proficiency standards into the licence application process as detailed in the report but that drivers failing the initial assessment need not take a course which is accredited.
- (ii) That approval be given to moving to weekly checks of drivers DBS status.
- (iii) Approval be given to the inclusion in the Licence Conditions of a condition that the Proprietor shall not allow any child, not accompanied by an adult,

under the age of 16 years of age to be conveyed in the front of the vehicle.



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### **COMPOSITION OF PANELS 2024/25**

Members considered a report which set out the membership of the Licensing Driver Panel and Licensing Panels, with future 2024/25 meeting dates.

**RESOLVED:** that

- (i) The membership and meeting dates of the Licensing Driver Panel be noted subject to, on the Licensing Driver Panel, Councillor J. Hussain replacing Councillor Harrison and Councillor Hamblett replacing Councillor Bishop.

The meeting started at 9.30 am and ended at 11.00 am





**Report to LICENSING COMMITTEE**

## **LICENSING UPDATE**

**Portfolio Holder:**

Councillor Taylor: Cabinet Member for Housing & Licensing

**Officer Contact:** Nasir Dad

**Report Author:** John Garforth

**29<sup>th</sup> October 2024**

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**Reason for Decision**

The reason for this report is to request that Members note the activities of the Licensing Team since April 2024.

**Recommendations**

Members are asked to note the report.

**LICENSING UPDATE**

**1 Background**

- 1.1 The Council, acting in its role as Licensing Authority carries out a arrange of statutory functions including taxi and private hire licensing, alcohol, entertainment and late night refreshment, gambling, and street trading.
- 1.2 This reports sets out the activities of the licensing team since April 2024 together with outlining the challenges and demands on the service.

**2 Alcohol, Entertainment and Late Night Refreshment**

- 2.1 The team continues to advise, issue, and ensure compliance with a range of premises licences issued under the Licensing Act 2003.
- 2.2 There has been one hearing since April 2024 as detailed below:
  - o Kobe Ruger, The Greaves Building, Hartshead Street, Oldham OL4 5EE  
Application granted with amended conditions.
- 2.3 Officers continue to advise and respond to complaints about licensed premises and undertake inspections to ensure compliance with conditions.

**3 Taxi and Private Hire**

- 3.1 There has been a total of 906 new applications received for dual driver licences since April 2024.
- 3.2 The total number of licences now in force are detailed below with comparison figures from May 2023.

<b>Licence Type</b>	<b>October 2024</b>	<b>May 2023</b>
Dual drivers' licence	3088	1305
School contract drivers	86	95
Private hire vehicles	1756	1030
Private hire operators	90	38
Hackney carriage vehicles	85	85

- 3.3 As Members will see from the above figures, the significant increase in licensed drivers has placed an additional burden on Officers within the team. A recruitment exercise is underway to bolster the team with the additional Officers needed in order to meet demand, including extending opening hours of our service reception.
- 3.4 The additional vehicles being licensed has also meant an increase in testing capacity at our testing station at Moorhey Street is required. A third bay is currently being built and then extra test slots will be available for booking. In addition, a waiting room and CCTV viewing of the testing bay has been installed.
- 3.4 Officers are working towards the implementation of a new service database and front facing driver application and account system which we hope to deliver late 2025. This will improve efficiency and speed of processes and hopefully make it easier for service users to handle their applications.
- 3.5 Current statistics for vehicle tests since April 2024 are as follows:

Hackney Carriages	Pass = 49 (64%)	Fail = 28
Private Hire	Pass = 1098 (64%)	Fail = 627
Main reasons for failure	Brakes Suspension Tyres Condition of interior	
Missed tests.	140	

- 3.6 Since April 2024 there have been 36 hearings before the Drivers Panel. The breakdown of outcomes are detailed below.

Applications granted	Applications refused	Licences Suspended	Licences Revoked	NFA
4	21	3	7	1

- 3.7 In addition, there have been 4 delegated revocation decisions made by Officers for urgent matters.
- 3.8 One of the above delegated revocations followed a successful prosecution on 19<sup>th</sup> September 2024 of an unlicensed driver who was disqualified from driving by the court for 2 years and ordered to pay a fine and costs totaling £4671.

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3.8 In July 2024 a vehicle compliance operation was undertaken in partnership with Greater Manchester Police and VOSA. The results of that operation are outlined below:

Total vehicles checked	18
Hackney carriages checked	2
Private hire vehicles checked	16
Pass	5
Fail for minor defects	10
Failed and Suspended	3

4 **Options/Alternatives**

4.1 Not applicable.

5 **Consultation**

5.1 Not applicable.

6 **Financial Implications**

6.1 Not applicable

7 **Legal Implications**

7.1 Not applicable

8 **Appendices**

8.1 None



**Report to LICENSING COMMITTEE**

## **TAXI POLICY**

**Portfolio Holder:**

Councillor Taylor, Cabinet Member for Housing & Licensing

**Officer Contact:** Nasir Dad

**Report Author:** John Garforth (Service Manager)

**29<sup>th</sup> October 2024**

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### **Reason for Decision**

The reason for this report is to request that Members approve an amendment to the Councils Taxi and Private Hire licensing policy in relation to the acceptance of driving licences.

### **Recommendations**

Members are asked to approve the amendment.

**TAXI POLICY****1 Background**

- 1.1 The Council, acting in its role as Licensing Authority in relation to taxi and private hire licensing adopts and reviews a policy periodically which sets out how it carries out its functions. This includes application requirements.

**2 Current Position**

- 2.1 The current policy was adopted in June 2024. An amendment to the current policy is sought in relation to the production of driving licences as part of the application process. The current wording at 3.4 of the policy states:

*Applicants must have held a full GB or EU driving licence for at least two years when applying for a licence. If you do not fall into the categories above and you have a foreign driving licence you must have held a valid licence for at least two years, of which 12 months must have been GB or EU. The two years commences from the issue date of the licence, rather than the date of passing the test.*

- 2.2 It is requested that reference to EU licences is removed on the grounds that driving licence status checks on offences and endorsements cannot be carried out on EU licences. Therefore, going forward is request that the policy states that all applicants must have a UK licence to enable checks to be conducted.
- 2.3 It is further requested that existing licence holders who are operating on a UK driving licence must transfer to a UK licence before the expiry of their current dual drivers' licence issued by this authority.

**3 Options/Alternatives**

- 3.1 There are no alternative options, other than to approve a policy which we must have in place under the Act.

**4 Consultation**

- 4.1 Not undertaken.

**5 Financial Implications**

- 5.1 Not applicable

**6 Legal Implications**

- 6.1 Under section 57 of the Local Government (Miscellaneous Provisions) Act 1976, the Council can require an applicant for a licence under the Town Police Clauses Act 1847 (in respect of hackney carriages) or the Local Government (Miscellaneous Provisions) Act 1976 (in respect of private hire vehicles and private hire operators) to submit such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted or whether conditions should be attached to any such licence. Any person aggrieved by the refusal to grant him a licence may appeal to the magistrates' court. (A. Evans)

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7     **Appendices**

7.1   None

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**Report to LICENSING COMMITTEE**

## **GAMBLING POLICY**

**Portfolio Holder:**

Councillor Taylor, Cabinet Member for Housing & Licensing

**Officer Contact:** Nasir Dad

**Report Author:** John Garforth (Service Manager)

**29<sup>th</sup> October 2024**

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### **Reason for Decision**

The reason for this report is to update members of the recent review of the Council's Gambling Policy and seek views on the suggested amendments required prior to Council approval.

### **Recommendations**

Members are asked to note the report and approve its submission to Council.

## GAMBLING POLICY

### 1 Background

1.1 The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling in this Country. Amongst other changes it gave local authorities new and extended responsibilities for licensing premises for gambling and associated permissions.

1.2 In setting its local policy the Council must show how we will seek to promote the licensing objectives under the Act which are:

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

1.3 The role of the licensing authority covers:

- Being responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issuing Provisional Statements
- Regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issuing Club Machine Permits to Commercial Clubs
- Granting permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issuing licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for the consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Registering small society lotteries below prescribed thresholds
- Issuing Prize Gaming Permits
- Receiving and Endorse Temporary Use Notices
- Receiving Occasional Use Notices
- Providing information to the Gambling Commission regarding details of licences issued
- Maintaining registers of the permits and licences

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## 2 **Current Position**

2.1 The current policy was adopted in January 2022 and has to be reviewed every three years by law. The proposed policy can be found at Appendix 1.

2.2 The content of the policy centres around the regulatory responsibilities of both operators and the Council in how it administers the gambling system. This includes:

- General principles of the Gambling Act 2005
- Determining licences
- Relevant factors to consider
- Specific considerations for business types
- Permits and permissions

2.3 The Gambling Act defines which statutory bodies are to be consulted on a new premises application and these are:

- Gambling Commission
- Greater Manchester Police
- GM Fire & Rescue
- Planning Authority
- Environmental Health
- Safeguarding Partnership
- HMRC
- The Licensing Authority

2.4 Significant attention has been paid to the public health concerns surrounding gambling addiction in the revised policy. Data suggest that in Oldham there are around three thousand problem gamblers and nine thousand at risk gamblers. A Greater Manchester Gambling Harm Reduction Strategy has been compiled with funding allocated to support pathways and research.

## 3 **Options/Alternatives**

3.1 There are no alternative options, other than to approve a policy which we must have in place under the Act.

## 4 **Consultation**

4.1 The proposed policy was shared with all responsible authorities under the Act together with a range of operators covering the different licensed regimes.

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- 4.2 Responses were received from Public Health and the Fire Service who suggested some amendments which have been incorporated into this final version.
- 5 **Financial Implications**
- 5.1 Not applicable
- 6 **Legal Implications**
- 6.1 The Gambling Policy Statement sets out the principles the Council proposes to apply in exercising its functions under the Gambling Act during the three year period covered by the Statement. Under section 153 of the Gambling Act, the Council should aim to permit the use of premises for gambling in so far as the Council think it in accordance with the Gambling Policy Statement, any relevant code of practice or guidance issued by the Gambling Commission, and it is reasonably consistent with the licensing objectives.  
(A. Evans)
- 7 **Equality Impact, including implications for Children and Young People**
- 7.1 Yes
- 8 **Key Decision**
- 8.1 No
- 9 **Key Decision Reference**
- 9.1 N/A
- 10 **Background Papers**
- 10.1 Draft policy for consultation and the responses received.
- 11 **Appendices**
- 11.1 Appendix 1 – Proposed Gambling Policy 2025

# Licensing Policy

## Statement of Principles under the Gambling Act 2005



**Oldham**  
Council

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# 1. Foreword

- 1.1 In Greater Manchester we are thinking differently about gambling with a shared aim to prevent and reduce the negative impacts of gambling on individuals, families and communities. As part of our innovative public service reform and population health agenda we are working with partners across Greater Manchester. The Greater Manchester Gambling Related Harms Board has been funded via a regulatory settlement from the Gambling Commission and has the following priorities:
- Developing our understanding of gambling related harms
  - Improving access to high quality treatment and support
  - Supporting interventions to prevent gambling from becoming a harmful activity
  - Engaging with people and communities to co-design our work
- 1.2 This policy reflects collaboration across Greater Manchester with, for the first time, a joint Statement of Gambling Principles approved at local level.
- 1.3 This statement of Policy in relation to the Gambling functions that this Authority regulates sets out the approach that will be taken when dealing with permissions it grants and enforces thereafter.
- 1.4 It also identifies how the Authority will seek to promote the licensing objectives under the Act, namely: -
- Preventing gambling from being a source of crime or 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.
- 1.5 The Greater Manchester Gambling Harm Reduction Programme aims to prevent harm from arising and to ensure that the individuals, families and communities experiencing harm as a result of gambling have access to the right treatment and support.
- 1.6 The Greater Manchester model “doing things differently” means integrating policies around people, places and their needs, focusing on prevention, developing new models of support and sharing information to design and deliver better services. Working across disciplines will provide the skills to understand gambling harm, recognise it and signpost specialists where required.



## 2. Introduction

- 2.1 As the licensing authority, we are required to perform the following functions under the Gambling Act:
- 1) Be responsible for licensing premises where gambling activities are to take place by issuing premises licences
  - 2) Issue provisional statements where it is proposed that gambling activities will take place but a premises is not yet ready for use
  - 3) Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing club gaming permits and/or club machine permits
  - 4) Issue club machine permits to commercial clubs
  - 5) Issue permits for unlicensed Family Entertainment Centres where Category D machines may be used
  - 6) Receive notifications from premises licensed for on-sales of alcohol for use of two or fewer Category C or D gaming machines
  - 7) Issue licensed premises gaming machine permits for premises licensed for on-sales of alcohol for use of two or more Category C or D machines
  - 8) Register small society lotteries
  - 9) Issue prize gaming permits
  - 10) Receive and endorse Temporary Use Notices for temporary use of premises for gambling
  - 11) Receive Occasional Use Notices for betting at tracks
- 2.1. 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery.
- 2.2. 'Gaming' means playing a game for the chance to win a prize.
- 2.3. 'Betting' means making or accepting a bet on:
- the outcome of a race, competition or other event
  - the likelihood of anything occurring or not occurring
  - whether anything is true or not.
- 2.4. A 'Lottery' is where participants are involved in an arrangement where prizes are allocated wholly by a process of chance.
- 2.5. The responsibility for regulating gambling is shared between the Gambling Commission and local authorities. The Gambling Commission is responsible for issuing operating licences to organisations and individuals who provide facilities for gambling and personal licences to persons working in the gambling industry. The Commission takes the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating and personal licence requirements. The Commission is also responsible for remote gambling activities such as facilities provided via the internet, television or radio.

2.6. We are also required to:

- Provide information to the Gambling Commission regarding details of licences issued
- Maintain a register of the permits and licences that are issued under the functions above which can be found via our website at [www.oldham.gov.uk/licensing](http://www.oldham.gov.uk/licensing)

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

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

2.8. 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.

### **Publication of this Policy**

2.9. Licensing authorities have a requirement to develop, consult on, and publish a statement of licensing policy every three years with regards to the principles they propose to apply in exercising functions under the Gambling Act 2005.

2.10. The policy statement forms the licensing authority's mandate for managing local gambling provision and sets out how the licensing authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.

The authority is one of the 10 Metropolitan Districts of Greater Manchester. In Greater Manchester we have a shared aim in reducing gambling related harms, our approach focuses on preventing gambling harms from occurring, as well as improving how we support our residents who are already experiencing harms, either directly or as a result of someone else's gambling. The renewal of licensing policies presents an opportunity for local authorities to embed these principles. Licensing leads across Greater Manchester have agreed to take a common approach to refreshing gambling licensing policies.

**This policy was approved on the 18<sup>th</sup> December 2024 and comes into effect on the 17<sup>th</sup> January 2025.**

## Description of the Area

- 2.11. The authority is one of the ten Metropolitan Districts of Greater Manchester. The Borough of Oldham occupies an area of 56 square miles to the north east of Manchester. About one third of the Borough consists of the area occupied by the majority of towns 242,000 residents (2021 census). Another third of the Borough consists of moorland, which is largely uninhabited. The final third consists of small rural towns and villages.
- 2.12 Oldham currently has a range of premises that offer gambling facilities which can be seen in the table below. This data is correct as of August 2024.

Licence / Permit Type	Number
Bingo Hall	1
Adult Gaming Centre	4
Betting Premises	21
Family Entertainment Centre	0
Club Machine Permits	13
Gaming Machine Permits	20
Automatic Entitlements (machines in pubs)	157

## 3. General principles

- 3.1 In making decisions on premises licences, the licensing authority shall aim to permit the use of premises for gambling in so far 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 statement of licensing policy
- 3.2 As the licensing authority, we will regulate gambling in the public interest, which will be reflected in this policy statement.
- 3.3 This policy statement does not undermine the right of any person to make representations on an application or to seek a review of a licence where provision has been made for them to do so.
- 3.4 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.
- 3.5 Each application will be considered on its merits in accordance with the requirements of the Gambling Act and without regard to demand.

### Other regulatory regimes

- 3.6 The licensing authority will avoid duplication with other regulatory regimes, so far as possible. A range of general duties are imposed on the self-employed, employers and operators of gambling premises, both in respect of employees and of the general public, by legislation governing health and safety at work and fire safety. Therefore, such requirements do not need to be included in the policy statement.

### **Responsible Authorities**

- 3.7 Responsible Authorities are generally public bodies that must be notified of all applications and who are entitled to make representations to the Council if they are relevant to one or more of the licensing objectives.
- 3.8 Section 157 of the Act defines those authorities. For this area they are: -
- The Gambling Commission
  - Greater Manchester Police
  - Greater Manchester Fire and Rescue
  - The Planning Authority
  - The authority which has functions in relation to pollution to the environment or harm to human health
  - Oldham Safeguarding Partnership
  - HM Revenue and Customs
  - The Licensing Authority.
- 3.9 The contact details of all the Responsible Authorities are available are set out in Appendix 1.
- 3.10 The licensing authority has designated the Oldham Safeguarding Partnership as the body that is competent to advise it about the protection of children from harm. The principles that have been used in making this designation is that the board is:
- responsible for the whole of the licensing authority's area
  - answerable to democratically elected persons

### **Gambling Related Harm & Public Health**

- 3.11 The Greater Manchester Gambling Related Harms Board was responsible for commissioning the Greater Manchester Strategic Needs Assessment (GM SNA) on gambling related harms which was published in May 2022. The estimated prevalence of 'problem gambling' within the adult population is 0.5% in the United Kingdom (UK). This increases to 0.8% in Greater Manchester i.e., 18,100 adults. This rate is 1.5 times higher than the national average. GM residents are more likely to experience 'problem gambling' which may be attributed to having a younger population, higher levels of social and economic exclusions and/or greater participation in more harmful gambling products. The average Problem Gambling Severity Index (PGSI) score among people accessing specialist treatment services in Greater Manchester is 24 (out of a maximum 27). This suggests that only the most severely affected individuals are actively seeking support. Early intervention and prevention will require an active concerted effort.
- 3.12 In the UK, 3.8% of the adult population are identified as 'at-risk' gamblers, meaning they experience some level of negative consequences due to their gambling. This figure increases to 4.3% (97,400) for GM residents, with 3.5% classified at 'low' risk and 0.8%

at 'moderate risk'. Young people aged 16-24 years have the highest prevalence of 'at risk' gambling despite having the lowest participation in gambling. When indicators of harm are used, 1.7% of the GM population (38,500 residents) report experiencing harms as a direct result of their gambling. (A perhaps useful comparison is that 1.7% of GM residents experience alcohol dependency). Men (5.9%), have higher rates of gambling harms than women (0.7%), with 1 in 20 men who gamble, reporting that they experience harm as a direct result of their participation in gambling.

- 3.13 For every individual person directly affected by their own gambling, an average of six others are indirectly affected. This may be children, partners, parents, friends, or colleagues who experience harms in a comparable way to the person who gambles. Locally, this means that 1 in 15 GM residents are experiencing the harmful impacts of gambling.
- 3.14 GM SNA analysis suggests that the gambling prevalence in Oldham 1,500 adults experience 'problem gambling', 9,800 adults are 'at risk'; and 14,400 people experiencing gambling related harms This is likely to be a conservative estimate of true prevalence. Although based statistically robust samples, this analysis is reliant upon self-reported data and excludes some population groups (e.g., students and those experiencing housing instability). Furthermore, we know that services which interact with people who may be experiencing gambling related harms are unlikely to ask questions or report whether gambling could have been a contributing factor in a presenting issue, for example, housing providers, health services, police and probation services.
- 3.15 Possible reasons for people gambling are thought to include:
- Quick route to wealth
  - Psychological triggers used in design of gambling products
  - Advertising and marketing
  - Engraining of gambling in culture
  - Normalisation of gambling in sport
  - A social activity and source of entertainment
  - Age-related milestone and life events
  - Limited enforcement
  - Proximity to gambling venues
- 3.16 The PHE Gambling Evidence Review highlights the fact that people at the greatest risk of harm from gambling are more likely to be unemployed, living in more deprived areas, have poor health, low life satisfaction and wellbeing, and have an indication of probable psychological health problems. There was some evidence that particular populations, such as migrant communities and people with learning disabilities are at more risk of harm. Research suggests that people living in the most deprived communities are nearly twice as likely to participate in gambling and are seven times more likely to experience problem gambling, compared with those living in the least deprived communities. Greater Manchester residents who participate in gambling are three times more likely to need to use a foodbank, with a quarter of those who gamble reporting they go without food because of a lack money.
- 3.17 Participation in gambling by people from communities' experiencing racial discrimination is lower; however, evidence suggests they bear a disproportionate burden of harms and

severity of harm. More detailed analysis is needed to understand the specific reasons for this; but differences in cultural beliefs may be one of the reasons, particularly where participation in gambling may be considered “taboo” and result in shame, stigma, and social exclusion. Prevalence of gambling is higher among members of the armed forces community, with military veterans ten times more likely to experience a gambling disorder or addiction.

- 3.18 Anyone who gambles is at risk of harm, however if they are experiencing multiple disadvantages such as homelessness, poor mental health, unemployment etc. they are more likely to experience the harmful impacts of gambling. Gambling may not be the sole cause of harm but can make existing inequalities and disadvantages worse.
- 3.19 Currently, the proportion of children aged 11–16 years who participate in gambling is estimated to be 11%. Although lower than those drinking alcohol (16%), it is higher than smoking tobacco cigarettes (6%) or taking illegal drugs (5%). The proportion of children and young people in Greater Manchester who report that they have gambled in the last 12 months was 36%. Participation in gambling is higher among older children (14–16-year-olds), and boys are twice more likely to gamble than girls. Supporting 11-25 year old’s in Oldham will be especially important as we have a high young population.
- 3.20 Electronic gaming (fruit and slot) machines were often identified as the first experiences of gambling among children and young people. National Lottery, scratch cards and placing private bets with friends were the most common forms of gambling reported. As young people got older there was a significant increase in online gambling among boys. There is a growing link between gaming and gambling with features such as “loot boxes” and in-game trading thereby normalising gambling behaviour within games more frequently played by young people.
- 3.21 Professionals working with children and young people report a possible link between gambling and “Adverse Childhood Experiences” (ACES). A child living in a home where adults gamble may experience periods of financial difficulty, domestic abuse, emotional neglect and these experiences can be inconsistent and unpredictable, as the mood and domestic situation may reflect adults gambling activity and whether gambling adults had “won” or “lost”.
- 3.22 Gambling related harms are complex and will be experienced differently, dependent upon individual circumstances. Gambling may be the sole cause of harms or make existing inequalities and disadvantages worse. The types of harms associated with gambling are listed below, and although they are categorised individually, they are frequently interlinked.
- Financial harms: the most commonly reported harm which includes debt (including issues with loan sharks etc), asset losses, bankruptcy, financial hardship including debt which causes homelessness frequently will impact families.
  - Mental and physical health harms: the second most commonly reported harm including addictive and compulsive behaviours, depression and anxiety, stress, sleep deprivation and exhaustion. The relationship between gambling and mental health is complex and is linked to suicide ideation.

- Relationship harm: this can include relationship disruption, conflict or breakdown, loss of trust, neglect of responsibilities, violence and other forms of domestic abuse.
  - Criminal activity: crimes associated with gambling may include theft, damage to property in licensed premises, threatening behaviour and fraud.
  - Employment and education: gambling can lead to reduced performance at work or in education and can result in increased absenteeism, stress, underachievement, theft and fraud.
  - Cultural harms: gambling is considered to be unacceptable in some cultures and communities and is a 'taboo' subject. Therefore, gamblers and their close associates may experience additional harm related to shame, stigma or isolation which may make it difficult for them to seek help. Conversely, gambling may be 'normalised' in some communities/families and the associated harms can be intergenerational.
- 3.23 The PHE Evidence review found a clear association between gambling at all levels of harm and increased alcohol consumption, which was greater for 'at risk' and 'problem gambling.'
- 3.24 There is an established link between gambling addiction and suicide attempts and ideation. Suicidal events are at least twice as likely among adults experiencing problems with gambling. Greater Manchester Police (GMP) respond to at least one incident each week where serious concern has been raised of a risk of suicide directly associated with gambling. It is estimated that between 240 -700 people take their own life every year in England related to gambling, however gambling is not currently recorded as a relevant factor to deaths by suicide by coroners. Suicide risk and suicide prevention should be considered where gambling harms are identified.
- 3.25 Awareness of gambling harms as an emerging public health problem has increased in recent years, however Public Health are not a responsible authority under the Gambling Act 2005. Nonetheless, the licensing authority will consult the Director of Public Health on all premises licence applications and will advise the Director of Public Health to consider the use of the Gambling Commission's toolkit for public health and safeguarding: <https://www.gamblingcommission.gov.uk/for-licensing-authorities/Licensingauthority-toolkit/Public-health-and-Safeguarding-toolkit.aspx>
- 3.26 Greater Manchester has a gambling harms reduction programme (which aims to reduce the harms caused by gambling to the population. Licence applicants and holders will be expected to show how they are actively protecting the local population from gambling harms with their processes and operations, and consider how the location, opening hours and promotion of their activities can minimize opportunities for harm to the vulnerable groups listed above.
- 3.27 The licensing authority recognises that local authority public health teams can offer insights from those impacted by gambling harms and offer contextual information about treatment and support in the local area and can add value to the licensing application process where there are concerns raised about risk of harm to vulnerable groups locally.
- 3.28 Greater Manchester's gambling harms reduction programme is listening to residents with lived experience of gambling and is commissioning its own research to better

understand gambling harms in the region. The details of this program can be found here: <https://www.greatermanchester-ca.gov.uk/what-we-do/health/gambling/> As findings from this research emerge, licence holders will be expected to support the delivery of recommendations to help minimise gambling harms to the local populations. An action plan which has local involvement from all local authorities in GM, including Oldham, can be found here <https://www.greatermanchester-ca.gov.uk/media/8479/20230925-gm-gambling-harms-action-plan-vfinal.pdf>.

## **Support services**

### **Chapter One**

- 3.29 Chapter One has the info to help you understand the causes of gambling harm. It will also show where to get the right help. This help is free from gambling industry funding and influence.

#### [Chapter One](#)

### **The NHS Northern Gambling Service**

- 3.30 The NHS has clinics specifically to help. They're easy to access and confidential. The team will provide information and support at every step.
- 3.31 Some, including the NHS Northern Gambling Service, also support the loved ones of people with a gambling addiction. This includes family, partners, and carers.

- [Northern Gambling Service](#)
- T: 0300 3001490
- E: [referral.ngs@nhs.net](mailto:referral.ngs@nhs.net)

### **GaMHive**

- 3.32 GaMHive raises awareness. It reduces the stigma of gambling harm in Greater Manchester.
- 3.33 They work together and guide those experiencing GRH. This includes gamblers and affected others. They guide them to support and guidance groups. They also advocate for lasting policy change locally and nationally.
- [www.gamhive.co.uk](http://www.gamhive.co.uk)



- E: [info@gamhive.co.uk](mailto:info@gamhive.co.uk)

### **Gamblers Anonymous**

- 3.34 Gamblers Anonymous is a group of men and women. They share their experience, strength, and hope. They do this so they can solve their common problem and help others do the same.
- 3.35 Gamblers Anonymous offers many aids for the compulsive gambler. These include a forum, a chat room, literature, and, most importantly, a meeting finder.
- 3.36 Meetings are the core of Gamblers Anonymous and they have meetings every day of the week.
- 3.37 For more information and to find a meeting visit:
- [Gamblers Anonymous](#)

### **Beacon Counselling Trust**

- 3.38 Beacon Counselling Trust is in the Northwest of England. It offers free, tailored support and education to those affected by gambling harms. This help includes 121 therapy, couples therapy, practical help, and long-term recovery support.
- [Beacon Counselling Trust](#)
  - T: 0151 226 0696
  - E: [support@beaconcounsellingtrust.co.uk](mailto:support@beaconcounsellingtrust.co.uk)

## **Determining whether a person is an interested party in relation to a premises licence, or an application for or in respect of a premises licence**

- 4 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)

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

4.2 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
- 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 circumstances of the person who lives close to the premises. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises 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).

4.3 Having a 'business interest' will be given the widest possible interpretation and include community and voluntary groups, schools, charities, faith groups and medical practices. The licensing authority will consider the following factors relevant when determining whether a person's business interests may be affected:

- The size of the premises
- The 'catchment' area of the premises (i.e. how far people travel to visit it)
- whether the person making the representation has business interests in the affected catchment area

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

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

**Exchange of information between the licensing authority and the Gambling Commission (s29 and s30 of GA2005), and the exchange of information between the licensing authority and other persons listed in Schedule 6 of the Act (s350 of GA2005)**

- 4.5 The licensing authority 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 First Tier Tribunal, The Secretary of State or Scottish Ministers.
- 4.6 We will abide by the Freedom of Information Act and the General Data Protection Regulation (GDPR) in its safeguarding/release of information or data.
- 4.7 In the context of the Gambling Act, we will retain only that information which relates to the processing of applications for licences, permits, permissions and representations. Applications and representations in respect of applications are both in the public domain and are therefore available on request and may be published as part of our web register. Personal addresses/contact numbers attached with representations may also be released. Information may also be shared with other Gambling Act regulators or other parties prescribed by the Secretary of State.
- 4.8 Licensing authorities have statutory duties to notify the Commission as well as the applicant and other responsible authorities of the grant/rejection of applications (new, variations, transfers etc) as well as the revocation, surrender or lapse of a premises licence using the correct statutory forms.
- 4.9 We 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.
- 4.10 The licensing authority will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation.

**Functions of the licensing authority under Part 15 of the GA2005 with respect to the inspection of premises and the power under s346 of the Act to institute criminal proceedings in respect of the offences specified in that section**

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

Gambling Commission, in accordance with the Government's Enforcement Concordat and the Compliance Code.

- 4.12 The Council will take account of the Gambling Commission's guidance document published in April 2021 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Council will also follow its own policies and procedures regarding the use of underage test purchasers.
- 4.13 This licensing authority will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

Proportionate	regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
Accountable	regulators must be able to justify decisions, and be subject to public scrutiny
Consistent	rules and standards must be joined up and implemented fairly
Transparent	regulators should be open, and keep regulations simple and user friendly
Targeted	regulation should be focused on the problem, and minimise side effects

- 4.14 Where there is a Primary Authority scheme in place, the Council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were seven Primary Authority arrangements with host local authorities:

Operator	Primary Authority local authority
BACTA	Reading
Coral Racing	Milton Keynes
Ladbrokes	Milton Keynes
Paddy Power	Reading
Rank Group	City of Westminster
Sky Betting & Gaming	Wakefield
William Hill	Reading

- 4.15 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/par>

### **Commenting on a licence application**

- 4.16 If 'interested parties' (see below for definition) or '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'.
- 4.17 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
- Are neither frivolous nor vexatious nor will certainly not influence the authority's determination of the application.

### **Factors that will not be relevant**

- 4.18 Any objections to new premises or requests for a review should be based on the licensing objectives of the Act. Unlike the Licensing Act 2003, the Act does not include the prevention of public nuisance as a specific licensing objective.
- 4.19 The licensing authority will not take into account representations that are:
- repetitive, vexatious or frivolous
  - from a rival gambling business where the basis of the representation is unwanted competition
  - moral objections to gambling
  - concerned with expected demand for gambling
  - anonymous
- 4.20 Details of applications and representations referred to a licensing sub-Committee for determination will be published in reports that are made publicly available and placed on the Council's website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will however be removed from representations in the final website version of reports.
- 4.21 Names and addresses of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is specifically asked to do so.

### **Split Premises**

- 4.22 The Licensing Authority will always give the closest consideration to whether a sub-division has created separate premises meriting a separate machine entitlement. The Authority will not automatically grant a licence for sub-divided premises even if the mandatory conditions are met, particularly where the Authority considers that this has been done in order to sidestep controls on the number of machines which can be provided in a single premise. The Authority will consider if the sub-division has harmed the licensing objective of protecting the vulnerable. The Authority may also take into account other relevant factors as they arise on a case-by-case basis.

### **Premises "ready for gambling"**

- 4.23 A licence to use premises for gambling will only be issued in relation to premises:

- that the Authority can be satisfied are 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
  - where they are expected to be used for the gambling activity named on the licence.
- 4.24 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 4.25 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two-stage consideration process: -
- 1) Whether the premises ought to be permitted to be used for gambling
  - 2) Whether appropriate conditions can be put in 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.
- 4.26 Applicants should note that this 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.
- 4.27 When dealing with a premises licence application for finished buildings, the licensing authority will not take into account:
- whether those buildings have to comply with the necessary planning or building consents;
  - fire or health and safety risks.
- 4.28 Those matters should be dealt with under relevant planning control, building and other regulations (such as The Regulatory Reform (Fire Safety) Order 2005), and must not form part of the consideration for the premises licence.
- 4.29 It is noted that s.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, 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.

### **Applications and plans**

- 4.30 The Gambling Act (s51) 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 Authority to plan future premises inspection activity.
- 4.31 It is the local authority's policy that it will expect applicants for new premises licences and variations to provide a plan showing the indicative layout of the premises including, but not limited to:
- Machines, specified by category
  - Staff counters

4.32 We consider that this information is appropriate, in conjunction with the premises' risk assessment, to effectively assess the provision of gambling facilities at the premises. Where this information is not provided, it is more likely that a representation will be made in order to enable the licensing authority to accurately assess the likely effect of granting the application relative to the Licence conditions and code of practice and licensing objectives.

4.33 The premises plan in itself is only one means by which the licensing authority may seek reassurance that the requirements will be met. It may be that conditions attached to the premises licence regarding lines of sight between the counter and the gaming machines, staffing arrangements or security devices are a more effective method of doing so. Local circumstances and concerns and the layout of a particular premises may well determine what is most appropriate for an individual application.

### **Tracks**

4.34 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. 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 boundaries of the premises do not need to be defined.

4.35 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.

4.36 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.

## 5 Determining Premises Licences

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

- 5.1 Where we receive an application for a gambling premises licence, we will aim to permit the use of premises for gambling where it is considered:
- a) In accordance with any relevant code of practice issued by the Gambling Commission
  - b) In accordance with any relevant guidance issued by the Gambling Commission
  - c) Reasonably consistent with the licensing objectives (subject to a and b) and
  - d) In accordance with this policy (subject to a – c).
- 5.2 The Licensing Authority has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g. the committee cannot reject applications on moral grounds.
- 5.3 Each case will be decided on its merits.
- 5.4 The Licensing Authority will not have regard to any demand issues for the premises.
- 5.5 Where an area has known high levels of organised crime the licensing authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.
- 5.6 Rather than reject applications outright, wherever possible the Licensing Authority will look to work with gambling premises and tackle concerns with licence conditions that uphold the licensing objectives. However, where there are reasons why granting a licence would not be consistent with (a) - (d) above, the application will normally be refused.
- 5.7 In accordance with the Guidance from the Gambling Commission, we will circulate 'clear and comprehensive' reasons for any decision to all parties. We will also cite the extent to which decisions have been made in accordance with the Council's gambling policy and the Guidance from the Gambling Commission.

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

- 5.8 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 Oldham Council's Licensing Committee following a hearing (where necessary).
- 5.9 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.

5.10 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.

5.11 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.

5.12 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.

### **Determining whether to review a licence**

5.13 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.

5.14 A review may be initiated by the Licensing Authority or as a result of an application for review from an interested party or responsible authority. Where it is the Licensing Authority that initiate the review, they may do this for a whole class of premises e.g. all Adult Gaming Centres or in relation to particular premises. The Licensing Authority can review a licence for any reason it thinks appropriate.

5.15 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?
- 5.16 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
- 5.17 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
- 5.18 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.

## **6 Relevant factors when considering applications and reviews**

6.1 In considering applications for new gambling licences, variations to existing licences and licence reviews the licensing authority will consider the following matters:

- the location of the premises
- the Local Area Profile
- the Local Risk Assessment (LRA)
- the views of responsible authorities
- the views of interested parties
- compliance history of current management
- the hours of operation
- the type of premises
- the operation of the premises in accordance with the expectations of the licensing authority, as set out in this policy
- the physical suitability of the premises
- the levels of crime and disorder in the area
- the level of deprivation and ill health in the area

6.2 The Licensing Authority believes that this list is not exhaustive and there may be other factors which may arise that could be considered relevant. The Licensing Authority will consider the relevance of any additional factors raised on a case-by-case basis.

### **Location of the premises**

6.3 The location of the premises will be an important factor as it can impact on all three of the licensing objectives. The Licensing Authority will consider very carefully applications for premises licences that are located in close proximity to sensitive premises such as:

- Schools, including universities
- Parks, stations, other transport hubs and places where large numbers of school children might be expected
- other premises licensed for gambling
- premises licensed for alcohol
- children's and vulnerable persons' centres and accommodation
- youth and community centres
- health and treatment centres
- leisure centres used for sporting and similar activities by young persons and/or vulnerable persons
- religious centres and public places of worship

6.4 The Licensing Authority expects each premises to produce and keep on the premises a local risk assessment, covering the areas set out in this policy.

## **Gambling related harm**

- 6.5 The council, as the Licensing Authority under the Act has a duty to consider applications relating to allowing gambling facilities within the Borough to ensure that they meet the fundamental principles of the Act. In doing so, the authority must balance the needs of business to profit and grow with the potential impact on those who are vulnerable to being exploited or susceptible to gambling related harm. Therefore, the local context in relation to vulnerability to gambling-related harm will be an important consideration.

## **Local risk assessments**

- 6.6 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- when applying for a variation of a premises licence
  - to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
  - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 6.7 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.
- 6.8 In conducting their risk assessment, the Licensing Authority will expect operators to follow the general principles of risk assessment:
- 1) Identify hazards (think about what may cause harm using the information provided below as a guide and any other matters you consider relevant)
  - 2) Assess the risks (decide how likely it is that someone could be harmed and how serious it could be. This is assessing the level of risk). Decide:
    - i) Who might be harmed and how
    - ii) What you are already doing to control the risks
    - iii) What further action you need to take to control the risks
    - iv) Who needs to carry out the action
    - v) When the action is needed by
  - 3) Control the risks (Look at what you are already doing, and the controls you already have in place.) Ask yourself:
    - i) Can I get rid of the hazard altogether?
    - ii) If not, how can I control the risks so that harm is unlikely?
  - 4) Record your findings (record your significant findings), including:
    - i) the hazards (things that may cause harm)
    - ii) who might be harmed and how
    - iii) what you are doing to control the risks
  - 5) Review the controls. (You must review the controls you have put in place to make sure they are working.) You should also review them if:
    - i) they may no longer be effective
    - ii) Also consider a review if your workers have spotted any problems or there have been any accidents or near misses.

- iii) to take account of significant changes in local circumstances, including those identified in this policy statement
- iv) when there are significant changes at the premises that may affect your mitigation of local risks
- v) Update your risk assessment record with any changes you make.

6.9 The Licensing Authority considers the following as significant changes at the premises that may affect your mitigation of local risks:

- Staffing changes
- Layout of the premises
- Changes to gaming facilities provided

6.10 The Authority will expect the local risk assessment to consider the urban setting:

- The proximity of the premises to schools
- The commercial environment
- Factors affecting the footfall
- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship

6.11 The local risk assessment must show how vulnerable people, including people with gambling dependencies, are protected through:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the staffing of premises affects this.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of anonymised information regarding self-exclusion and gaming trends.
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with underage people and vulnerable people, which may include:
  - dedicated and trained personnel
  - leaflets and posters
  - self-exclusion schemes
  - window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality

- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, Council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate

6.12 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of places where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

6.13 Other matters that the assessment will include as appropriate: -

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of people using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

6.14 Such information may be used to inform the decision the Authority makes about whether to grant the licence, to grant the licence with special conditions, or to refuse the application.

6.15 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

### **Local Area Profile**

6.16 The Greater Manchester Gambling Harms Reduction programme is listening to residents with lived experience of gambling and is commissioning its own research to better understand gambling harms in the region. The details of this program can be found here: <https://www.greatermanchester-ca.gov.uk/what-we-do/health/gambling/>. As findings from this research emerge, licence holders will be expected to support the delivery of recommendations to help minimize gambling harms to the local populations. This research and evidence will be available online at: [Understanding gambling related harms - Greater Manchester Combined Authority \(greatermanchester-ca.gov.uk\)](https://www.greatermanchester-ca.gov.uk/understanding-gambling-related-harms) and should be referred to in Local Risk Assessments.

## **How the premises will operate consistent with the licensing objectives**

- 6.17 We expect high standards from all gambling premises. Operators will be expected to demonstrate that they have given careful consideration to the licensing objectives and have appropriate measures in place to uphold them.
- 6.18 The following paragraphs indicate the physical and management factors that the licensing authority may take into account when considering applications for new or varied licence applications and reviews. These are not mandatory requirements but should be used as a guide to applicants and licensees as to the sort of arrangements that it should have in place and demonstrate these are in place through their bespoke risk assessment. Where an applicant or licensee can demonstrate that these factors are not relevant, or alternative arrangements are more appropriate, the licensing authority will take these into account.

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

- 6.19 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.
- 6.20 However, as a Licensing Authority, we will take into account any local considerations that may impact with regard to this licensing objective, particularly in respect to the location of the premises, to ensure the suitability of the gambling premises. When considering whether a disturbance was serious enough to constitute disorder, we will have regard to the individual merits of the situation including, but not limited to, whether police assistance was required and how threatening the behaviour was to those who could see or hear it. We acknowledge that the Gambling Commission highlights in its guidance to local authorities that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance”.
- 6.21 Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences, if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.
- 6.22 Licensees and applicants will be expected to demonstrate that they have given careful consideration to preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
- 6.23 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.
- 6.24 We encourage premises to liaise with their Neighbourhood Policing Team to develop relationships at a local level and promote effective communication and co-operation. Additionally, operators are expected to actively support and participate in any local

business partnership schemes, where any such schemes are in operation, and where such schemes are reasonably consistent with the licensing objectives.

6.25 The measures to be considered should include:

- The arrangements in place to control access (preventing unauthorised access shall not be limited to the provision of supervisory personnel; other options may include, but are not limited to, time-lock or maglock entrances)
- The opening hours
- The provision of registered door supervisors\*
- The provision of CCTV
- The number of staff on duty and effective staff training, especially in relation to lone working
- The provision of toilet facilities
- Prevention of antisocial behaviour associated with the premises, such as street drinking, litter, activity outside the premises including the management of clients leaving the premises
- Adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.

\* Only staff directly employed by Casinos and Bingo Clubs have an exemption from SIA registration. Where door supervisors are provided at these premises the operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.

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

6.26 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)

6.27 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**

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



- 6.29 Gambling-related harms are the adverse impacts from gambling on the health and wellbeing of individuals, families, communities and society. These harms are diverse, affecting resources, relationships and health, and may reflect an interplay between individual, family and community processes. The harmful effects from gambling can have longer- term and enduring consequences that can exacerbate existing inequalities.
- 6.30 Regard will be had to current evidence in relation to vulnerability to gambling-related harm. In 2015, Manchester City Council in partnership with Westminster City Council commissioned research into this issue and published a report: Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review by Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015. Similarly, In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Gambling harms (Gambling harms in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016) looking specifically at identifying groups of the society that could be considered (more) vulnerable to gambling harms:
- Younger people, including students
  - Those who are unemployed and/or with constrained financial circumstances
  - Those from minority ethnic groups
  - Those under the influence of alcohol or drugs
  - Problem gamblers seeking treatment
  - Homeless people
  - Those living in areas of greater deprivation
  - Those with other mental health issues and substance abuse/misuse disorders
  - Those with poorer intellectual functioning
  - Custodial and non-custodial offenders
- 6.31 Licensees and applicants will be expected to demonstrate they have carefully considered how to protect children and vulnerable persons from harm and have adequate arrangements for preventing underage gambling on their premises. The measures that should be considered where appropriate are:
- The provision of CCTV
  - Location of entrances
  - Restricted opening and closing times to protect residents vulnerable to harm
  - Supervision of entrances
  - Controlled access to the premises by children under the age of 18
  - Dealing with pupils who are truanting, and policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays
  - Design layout/lighting/fit out to not attract children or vulnerable persons
  - Having a nationally-recognised proof of age scheme – Think 21/25
  - The provision of registered door supervisors
  - Clear segregation between gaming and non-gaming areas in premises frequented by children
  - The provision of adequate signage and notices
  - Supervision of machine areas in premises, particularly areas to which children are admitted
  - Controlled opening hours
  - Effective self-barring schemes

- The provision of materials for support with gambling harms, Citizens Advice Bureau information, local public and mental health and housing/homeless associations, printed in languages appropriate to the customer base.
  - Advertising local support services in the area such as Beacon Counselling Trust or the NHS Gambling Clinic.
  - The number of staff on duty and effective staff training, especially in relation to the ability to effectively identify and engage with vulnerable persons, including primary intervention and escalation
  - A requirement that children must be accompanied by an adult (in premises where children are allowed)
  - Enhanced DBS checks of staff
  - Obscuring windows where appropriate and labelling premises so it is clear that they are gambling premises
  - Self-exclusion schemes
- 6.32 With reference to those persons with a mental impairment or mental health difficulties, operators 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.
- 6.33 For multi-occupied premises consideration should be given to the arrangements for controlling access by children and the compatibility of the different uses. Separate and identifiable entrances may be required to ensure that people do not drift inadvertently into a gambling area.
- 6.34 Children are not permitted to use Category C or above machines and in premises where these machines are available, and children are permitted on the premises the licensing authority will require:
- all Category C and above machines to be located in an area of the premises which is separated from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance
  - adults only admitted to the area where these machines are located
  - adequate supervised access to the area where the machines are located
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder
  - prominent notices displayed at the entrance to, and inside, any such areas there indicating that access to the area is prohibited to persons under 18

### **Expectations of operators: Staffing provision**

- 6.35 Staff in licensed gambling premises are recognised as being subject to risk in the workplace from violence and verbal abuse, especially if working alone. In addition, lone workers may not be able to sufficiently serve and supervise the customers, identify and prevent young people from gambling, protect vulnerable persons, deal with customers who may be consuming alcohol and prevent the premises being used as a source of crime or supporting crime.
- 6.36 We expect premises management to recognise and address this as part of their management arrangements, especially at times where it has been identified that there is a spike in crimes around the premises.

6.37 We expect there to be an adequate number of staff and managers on the premises to cover key points throughout the day, especially where premises are close to schools/colleges/universities, pubs, bars, shopping centres and stadia.

### **Expectations of operators: Data gathering and sharing**

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

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

- 1) Customer interventions
- 2) Cases where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
- 3) Mandatory exclusions needing enforcement
- 4) Attempts to enter by those underage in a calendar month
- 5) Attempts to enter by those underage in the company of adults
- 6) Attempts to enter by those underage with complicit adults
- 7) Incidents of 'at risk behaviour'
- 8) Incidents of 'behaviour requiring immediate intervention'

6.40 We would expect that all records include time and date along with a short description of the incident and action taken.

6.41 Where appropriate, we may look to impose premises specific conditions to require this information to be provided to the licensing authority annually. However, we strongly encourage operators to share this information with the licensing authority voluntarily.

6.42 A template for this information to be provided is at Appendix 2.

### **Expectation of applicants: Staff Training and Knowledge**

6.43 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 gambling harms.
- 3) Identifying and communicating with vulnerable persons: primary intervention and escalation, supported by high quality training given the challenging nature of these conversations.
- 4) Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment including local treatment providers
- 5) Refusal of entry (alcohol and drugs)
- 6) Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
- 7) Importance and enforcement of time/spend limits

- 8) The conditions of the licence
- 9) Maintaining an incident log
- 10) Offences under the Gambling Act
- 11) Categories of gaming machines and the stakes and odds associated with each machine
- 12) Types of gaming and the stakes and odds associated with each
- 13) Ability to signpost customers to support services with respect to gambling harms, financial management, debt advice etc.
- 14) Safe cash-handling/payment of winnings
- 15) Identify forged ID and bar those using forged ID from the premises
- 16) Knowledge of a gambling harms helpline number (for their own use as well as that of customers)
- 17) The importance of not encouraging customers to:
  - (a) Increase the amount of money they have decided to gamble
  - (b) Enter into continuous gambling for a prolonged period
  - (c) Continue gambling when they have expressed a wish to stop
  - (d) Re-gamble winnings
  - (e) Chase losses.
- 18) Training for staff working in licensed premises – gambling harms and also suicide prevention -see <https://shininglightonsuicide.org.uk/learn-to-save-a-life/>

6.44 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 relation to training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

### **Expectation of applicants: Gaming machines / layouts**

- 6.45 It is an operator's responsibility to ensure staff are able to effectively monitor gaming machine play for a number of reasons that are part of the operator's licence conditions. Age verification, customer interaction and self-exclusion policies all require operators to take into account the structure and layout of their gambling premises.
- 6.46 The Licence conditions and code of practice (LCCP) state: 'Facilities for gambling must only be offered in a manner which provides for appropriate supervision of those facilities by staff at all times'.
- 6.47 A screen or pod around a gaming machine, designed to increase the privacy of the player, could prevent staff in a gambling premises from effectively monitoring gaming machine play
- 6.48 Operators will be expected to be able to evidence to the licensing authority how they have considered the risk to the licensing objectives and implemented effective controls, prior to the introduction of any new machine arrangements.
- 6.49 It will be important to consider the means by which gaming machines are supervised (e.g. line of sight to counter, effective CCTV, mirrors or floor staff) and consider whether that is appropriate for that premises.

6.50 Whether amendments to a premises amount to a 'material change' warranting an application to vary the premises licence under s.187 of the Gambling Act is a matter for local determination and the licensing authority will adopt a common-sense approach.

### **Other Expectations of Operators**

6.51 The licensing authority expects all operators to comply with self-exclusion schemes as outlined in the LCCP.

6.52 Operators must also notify the commission if a person that gambled with them has died by suicide.

6.53 Other expectations of operators are:

- Incident logs – these should be inspected and include details of customer interactions and 'safer gambling' interventions, as well as a process for escalating concerns.
- Restrictions on harmful promotions – e.g. no prominent window displays of bet boosts / free bets / 'win your money back' type offers.
- Risk assessment / management – Is there safeguarding process in place when someone is experiencing gambling harms – how do they protect staff from frustrated / threatening / distressed customers, this should include consideration of lone working policies, etc.
- Safeguarding reporting – Have a policy in place to report a safeguarding issue if this is identified, e.g. financial abuse, risk to children and young people via the Council's Multi Agency Safeguarding Hub.

## **7 Premises-specific considerations**

### **Adult Gaming Centres**

- 7.1 Adult gaming centres (AGCs) are premises able to make category B, C and D gaming machines available to their customers. Persons operating an AGC must hold a gaming machines general operating licence from the Commission as well as a premises licence from the Council.
- 7.2 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 to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 7.3 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.

### **Casinos**

- 7.4 Oldham has no licensed casinos.
- 7.5 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines.

### **'No Casinos' resolution**

- 7.6 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

### **Bingo premises**

- 7.7 The Gambling Act 2005 does not contain a definition of bingo. It is to have its ordinary and natural meaning and the Act does stipulate that "bingo" means any version of that game, irrespective of how it is described. Two types of bingo may be offered:
  - Cash bingo, where the stakes panel made up the cash prize that is won; or
  - Prize bingo, where various forms of prizes are won, not directly relating to the stakes panel.

- 7.8 Subject to the rules of individual operators, children and young people are allowed into bingo premises. However, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 7.9 Where category C or above machines are available in premises to which children are admitted then the Council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least one metre high
  - only adults are admitted to the area where the machines are located
  - access to the area where the machines are located is supervised at all times
  - the area where the machines are located is arranged so that it can be observed by staff
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
  - children will not be admitted to bingo premises unless accompanied by an adult.
- 7.10 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The Council will take this into consideration when determining licence applications for bingo premises.
- 7.11 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the Council may consider licence conditions to address such issues.

### **Electronic bingo gaming machines**

- 7.12 Where a premises intends on providing electronic terminals to play bingo, we will expect operators (as part of their application) to provide a breakdown of the number of electronic bingo terminals that will be provided at the premises

### **Gaming machines at bingo premises**

- 7.13 In addition to bingo, the holder of a bingo premises licence may make available for use a number of category B gaming machines. The current number of category B machines permitted can be found in Annex A of the Guidance to Licensing Authorities issued by the Gambling Commission here - [Guidance to licensing authorities - Appendix A: Summary of machine provisions by premises \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/guidance-to-licensing-authorities-appendix-a-summary-of-machine-provisions-by-premises).
- 7.14 Bingo facilities in bingo premises may not be offered between the hours of midnight and 9am. However, there are no restrictions on access to gaming machines in bingo premises.
- 7.15 The LCCP requires (Social Responsibility Code Provision 9) that gaming machines are only made available in combination with the named non-remote activity of the operating licence. So, unless a bingo premises operator offers substantive facilities for non-

remote bingo it should not make gaming machines available for use on the premises in question. This does not restrict the provision of gaming machines in line with 6.14 above.

- 7.16 As the licensing authority, we will need to satisfy ourselves that a premises applying for or licensed for bingo is operating or will operate in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo. Equally, we must ensure that a premises licensed for the purposes of providing facilities for bingo is operating as such and is not merely a vehicle to offer higher stake and prize gaming machines.
- 7.17 Therefore, we will expect operators (as part of their application) to provide information on:
- any times they intend to provide gaming machines at any times that bingo facilities are not provided
  - how the premises will be recognised as a premises licensed for providing facilities for bingo
  - A breakdown of gaming machine numbers (by category)
- 7.18 The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions. The licensing authority will expect that applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.
- 7.19 The licensing authority will use their power to restrict the circumstances in which they are available for use when appropriate by way of conditions. When considering imposing conditions, the licensing authority will take into account, among other factors:
- the size and physical layout of the premises
  - the number of counter positions and staff on the premises
  - the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people
- 7.20 The licensing authority will not seek to limit the number of gambling machines by category as this entitled provision is defined in the Gambling Act. However, we will seek to ensure that the number and provision of gaming machines are only provided in a manner which a customer would reasonably be expected to recognise as a premises licensed for the purposes of providing facilities for bingo.
- 7.21 To contain the unavoidable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.
- 7.22 The licensing authority will require information from an applicant for a new premises or for a variation to an existing premises licence in order to satisfy themselves as to the matters set out at s153 of the Act. This includes the codes of practice and the Gambling Commission's guidance to licensing authorities.



## **'Entertainment' Bingo**

- 7.23 A phenomenon over recent years has been the evolution of businesses, such as Bongo's Bingo, providing facilities for high turnover bingo (the aggregate stakes or prizes for bingo in any seven day period may exceed £2,000); typically providing equal chance gaming at pubs and nightclubs, in reliance on the alcohol licence held by the premises, and therefore doing so under the rules for exempt gaming.
- 7.24 We note that it is a condition of some such companies' operator's licence that they must notify both the Commission and the relevant local authority at least 28 days before any event takes place in new premises, by providing a description of the event taking place, a copy of the premises contract and any amendment to the rules of the bingo.
- 7.25 We would encourage venues hosting such events to promote responsible gambling messaging at them.

## **Betting Premises**

- 7.26 We encourage operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises. Where an operator does not participate in the scheme, it is expected that they can satisfactorily demonstrate the security measures they incorporate are adequate.
- 7.27 Licensed betting premises are only permitted to offer gambling facilities between 7am and 10pm, unless the licensing authority has granted a variation application to extend these hours. The licensing authority is concerned that later opening hours will attract the more vulnerable, such as those who are intoxicated or who have gambling addictions. The licensing authority also has concerns that licensed betting premises operators may seek to extend the permitted hours for the primary purpose of making gaming machines available to customers for longer.
- 7.28 As a consequence, the licensing authority is unlikely to grant variation of hours' applications unless applicants can demonstrate that robust measures will be in place to protect the vulnerable and the additional hours are not being sought to take advantage of the gaming machine entitlement.
- 7.29 The licensing authority will use their power to restrict the number of betting machines (bet receipt terminals), their nature and the circumstances in which they are available for use when appropriate by way of conditions. When considering imposing conditions, the licensing authority will take into account, among other factors:
- the size and physical layout of the premises
  - the number of counter positions and staff on the premises
  - the ability of staff to monitor the use of machines by children, young persons under the age of 18 or vulnerable people
- 7.30 Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size 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 children and young persons (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. It is noted that that children are not able to go into premises with the benefit of a Betting Premises Licence.

### **(Licensed) Family Entertainment Centres**

- 7.31 The Act creates two classes of family entertainment centre (FEC). Licensed FEC's provide category C and D machines and require a premises licence. Unlicensed FEC's provide category D machines only are regulated through FEC gaming machine permits.
- 7.32 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 to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the adult only gaming machine areas. Operators should ensure that a proof of age scheme is in force.
- 7.33 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

### **Occasional use notices**

- 7.34 Occasional Use Notices (OUN) are designed to allow licensed betting operators to provide betting facilities at genuine sporting events, such as point-to point racecourses and golf courses for major competitions, within the boundaries of the identified venue on a specific date.
- 7.35 An OUN must be submitted for EACH day that the betting activity will be conducted on the premises. For example, four notices for four consecutive days of betting and not one notice covering the four days.
- 7.36 We will liaise with the Gambling Commission should we receive an OUN that does not relate to a genuine recognised sporting event to ensure that OUN's are not misused, for example, venues seeking to become tracks through a contrived sporting event, utilising OUNs to solely or primarily facilitate betting taking place on events occurring away from the identified venue.

## 8 Permits and other permissions

### Alcohol Licensed Premises Gaming Machine Permits

- 8.1 Premises licensed to sell alcohol that have a bar and the alcohol is not ancillary to food for consumption on the premises, having more than two gaming machines, will need to apply for a permit and must also notify the Licensing Authority if they have one or two machines. In considering whether to grant a permit, the licensing authority will have regard to the licensing objectives, guidance issued by the Gambling Commission and any other relevant matters. Permits will not be granted to licensees who have failed to demonstrate compliance with the Gambling Commission's Code of Practice.
- 8.2 In addition to the requirements of the Gambling Commission's Code of Practice, the Licensing Authority expects applicants to:
- display adequate notices and signs, advertising the relevant age restrictions
  - position machines within view of the bar in order for staff to be able to monitor the machines for use by under age or misuse of the machines
  - challenge anyone suspected of being under age and refuse access
  - provide information leaflets and / or help-line numbers for organisations such as GamCare and Betknowmore UK.

### Prize Gaming Machine Permits

- 8.3 Prize gaming premises will appeal to children and young persons and weight will be given to child protection issues. Therefore, the licensing authority will expect the applicant to demonstrate that they are suitable to hold a permit (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises.
- 8.4 The licensing authority expects applicants to set out the types of gaming machines that they intend to offer and be able to demonstrate that:
- they understand the limits to stakes and prizes that are set out in regulations
  - that the gaming offered is within the law
- 8.5 The Gambling Commission website gives advice on types of permits, conditions, stakes and prizes. See <https://www.gamblingcommission.gov.uk>

### Unlicensed FECs (uFEC)

- 8.6 Unlicensed family entertainment centres (FEC's) will perhaps be most commonly located at places such as airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. Unlicensed FEC's will be able to offer only category D machines in reliance on a gaming machine permit.
- 8.7 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238). As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport,

motorway service station or similar. Typically, the machines would be in a designated, enclosed area.

8.8 Given that the premises is likely to appeal particularly to children and young persons, when considering applications for permits we will give weight to matters relating to protection of children from being harmed or exploited by gambling and are keen to ensure that staff supervision adequately reflects the level of risk to this group. Therefore, we will generally expect such risks to be addressed through effective:

- Staff supervision and training
- Detailed plan
- Social responsibility policies
- Staff being easily identifiable
- Clear signage

8.9 As part of an application for a uFEC, it is our policy that a plan for the uFEC must be submitted.

### **Small Society Lotteries**

8.10 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

8.11 To be 'non-commercial' a society must be established and conducted:

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

8.12 This licensing authority will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries
- The eligibility of the society as 'non-commercial'

## 9 Appendix 1 –Responsible Authorities

<p>Technical and Consultation Team Greater Manchester Fire and Rescue Service 146 Bolton Road Swinton Manchester, M27 8US <a href="mailto:consultations@manchesterfire.gov.uk">consultations@manchesterfire.gov.uk</a></p>	<p>HM Revenue &amp; Customs Excise Processing Teams BX9 1GL  <a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a></p>
<p>Safeguarding Children Partnership Oldham Council 10 Whitney Court Southlink Business Centre Hamilton Street Oldham, OL4 4DB <a href="mailto:childrens.safeguarding@oldham.gov.uk">childrens.safeguarding@oldham.gov.uk</a></p>	<p>Planning Team Oldham Council Spindles Shopping Centre George Street, Oldham, OL1 1HD  <a href="mailto:planning.admin@oldham.gov.uk">planning.admin@oldham.gov.uk</a></p>
<p>Greater Manchester Police Police Licensing Officer Sir Robert Peacock House Vulcan Street Oldham, OL1 4LA <a href="mailto:julian.addison@gmp.police.uk">julian.addison@gmp.police.uk</a></p>	<p>Environmental Health Oldham Council Sir Robert Peacock House Vulcan Street, Oldham, OL1 4LA <a href="mailto:ehgeneral@oldham.gov.uk">ehgeneral@oldham.gov.uk</a></p>
<p>Gambling Commission Victoria Square House Victoria Square Birmingham, B2 4BP <a href="mailto:info@gmablingcommission.gov.uk">info@gmablingcommission.gov.uk</a></p>	

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### Applications must be sent to:

Licensing Service  
Oldham Council  
Sir Robert Peacock House  
Vulcan Street,  
Oldham, OL1 4LA

E: [licensing@oldham.gov.uk](mailto:licensing@oldham.gov.uk)

## 10 Appendix 2 – Template for data collection

The data collection template is available as an Excel file upon request from the Licensing Unit. The screenshots below demonstrate the information to be collected.

**Gambling Premises - Data Collection Template**

Licence Holder	
Licence Type	
Named Person Responsible for Safeguarding Vulnerable and Children/Young Persons	
Licence Number	
Enter Calendar Year	2021

Please return this template to [XXXX@tameside.gov.uk](mailto:XXXX@tameside.gov.uk) within 10 working days of the start of each month with the previous month's data<sup>ii</sup>. Please start a new template for each calendar year.

Data Metric	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21
<b>1. Licensee Interventions</b>												
1a. The number of gambler interventions (e.g. challenging excessive gambling, advising of gambling help services etc) that are made in a calendar month. Record a short description of the cause and effect in the second template.												
1b. From the interventions in 1a, the number of interventions that changed a customer's behaviour (e.g. onward referral to support services, limited spend for that session, registered for time/money limits etc).												
<b>2. Self Exclusions</b>												
2a. Provide information regarding the number of self-exclusions during the month (self-exclusion scheme only, not time/fund limits).												
2b. Number cases per month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry.												
2c. Record the number of individuals per month who have chosen to return to gambling once their self-exclusion period has ended.												
<b>3. Time/Money Limits</b>												
3. Record the number of times money/time limits are voluntarily set on B2 gaming machines per month.												
<b>4. Incidents on the Premises</b>												
4a. The number of licensee mandated exclusions made in the month.												
4b. The number of mandatory exclusions needing enforcement during the month due to the individual attempting to gain entry.												
4c. Incidents of behaviour requiring police assistance during the month (including those where the police have been unable to attend).												
<b>5. Children and Young Persons</b>												
5a. Attempts to enter the premises or gamble by those who are underage during the month.												
5b. Attempts to enter the premises or gamble by those who are underage accompanied by an adult during the month, along with a short description of the incident and action.												
5c. Record the number of people who, having gambled, were unable to prove they were 18 (or 16 for lotteries) when challenged during the month.												

### Gambling Premises - Data Collection Template

#### Licence Interventions

Record a short description of the cause and effect of each intervention made (e.g. challenging excessive gambling, advising of gambling help services etc).

Time & Date of Intervention (DD/MM/YY)	Reason for intervention	Outcome of intervention

## 11 Appendix 3 - Glossary

Term	Description
ATM	Auto teller machine or cash machine.
Betting	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).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games include Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Authority.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives. The licensing objectives are: <ul style="list-style-type: none"> <li>• Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>• Ensuring that gambling is conducted in a fair and open way.</li> <li>• Protecting children and other vulnerable people from being harmed or exploited by gambling.</li> </ul>
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people 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 people 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).
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.

Non-money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) 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.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the Authority which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks and stadia) where races or other sporting events take place