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2.6.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Council has considered the Gambling Commission's Guidance to local authorities and these are referred to in 2.6.2, 2.6.5 and 2.6.7 below. Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officer and South Yorkshire Police before making a formal application.

2.6.2 Licensing Objective: **'Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime'**

The Council is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime the Council 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. The Council is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance is required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

2.6.3 Considerations when determining whether the grant of a Premises licence will result in an increase in crime and disorder will include;

- The location of the premises
- Whether the premises has a history of crime and disorder, or has been associated with crime and/or disorder and whether there are any potential future risks of this occurring (including violence, public nuisance, public order or other crimes and policing problems)

- Whether the premises has been designed, laid out and fitted to minimise conflict and opportunities for crime and disorder (eg. physical security features, position of cash tills, CCTV etc.).
- What management measures are proposed to promote this licensing objective
- Have local supporting strategies, schemes and plans been assessed and included in the risk assessments to promote this licensing objective?

2.6.4 The Licensing Authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

2.6.5 Licensing Objective: **‘Ensuring that gambling is conducted in a fair and open way’**

The Council recognises that the Gambling Commission does not generally expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks (see section 2.15).

2.6.6 When determining an application the following issues and other relevant factors should be considered in the risk assessment;

- Whether sufficient management measures are proposed, eg. is the management and operation of the premises open and transparent. Evidence of compliance with the Gambling Commissions Code of Practice, co-operation with enforcement agencies and relevant protocols and procedures are in place.
- The design, layout, fitting and lighting of the premises.

2.6.7 Licensing Objective: **‘Protecting children and other vulnerable persons from being harmed or exploited by gambling’**

BMBC recognises the Gambling Commission's guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

The Council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective.

2.6.8 With regards to “vulnerable persons”, the Gambling Commission states that “it will for regulatory purposes assume that this group of people includes those who gamble more than they want to; those who gamble beyond their means; and those who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. The Council will consider this licensing objective on a case-by-case basis.

**Can we add a list of vulnerable groups, which expands the operator’s understanding of “vulnerable adults” and who’s more at risk.**

**This should be linked to the evidence in terms of which groups are most vulnerable to problem gambling and therefore need to be protected from exposure to gambling products and gambling related-harm e.g.**

There is growing evidence that the prevalence of problem gambling or the vulnerability to developing problem gambling may be higher within certain population sub-groups, particularly:

- Younger people, particularly men;
- Those with other addictions (drugs, alcohol, nicotine);
- Those with mental health difficulties;
- Unemployed, economically inactive, low socio-economic status, deprivation;
- Some ethnic groups e.g. new migrants;
- Children of problem gamblers;
- Offender/arrestee populations

## Vulnerable Groups (Geofutures, 2015)

Key: Supported by evidence Emerging evidence No/conflicting evidence

Demographic	Socio-economic	Poor judgement/impairment	Other
Youth	Unemployment	Low educational attainment	Poor mental health
Older people	Low income	Low IQ	SMS/alcohol
Women	Deprived	Under influence of drugs/alcohol	Problem gamblers
Ethnic groups	Financial difficulties/debt	Learning disability	
	Homeless	Personal traits	
	Migrants		
	Prisoners/probation		

### Protection of vulnerable people

The council is aware of the difficulty in defining the term “vulnerable person”. In most recent literature it is not a term that is used, with the term “adults at risk of abuse or neglect” or “adults at risk” being the preferred terms.

The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term “vulnerable people” but will, for regulatory purposes assume that this group includes people: “who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”

The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.

The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult’s case (whether under this Part or otherwise) and, if so, what and by whom. “Abuse” includes financial abuse; and for that purpose “financial abuse” includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.

In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling in Leeds (*Problem Gambling in Leeds; Kenyon,*

Ormerod, Parsons and Wardle, 2016). This research looked specifically at identifying groups of the society that could be considered vulnerable to problem gambling the research findings can be applied to regional towns and cities:

- **Young people** – rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (Wardle, 2015).
- **Minority ethnic groups** – There is consistent evidence that those from Asian or Black backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox (Wardle, 2015).
- **Unemployed and constrained economic circumstance** – generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011).
- There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (Meltzer et al, 2012). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.
- **Area deprivation** – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. This was despite having roughly the similar levels of past year gambling participation to those who live in less deprived areas.
- Wardle (2015) looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that

among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (Astbury & Wardle, 2016).

- **Homeless** – The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.
- **Mental ill health** – There is a strong association between mental ill health and problem gambling, in addition to suicidality. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.
- Being a problem or at risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm the conclusion that the relationship between problem gambling and mental ill health may be cyclical.
- **Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (Wardle, 2015). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (Dowling et al, 2015). There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time.

- **Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (Johansson et al, 2009). However, little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.
- **Problem gamblers seeking treatment** – Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right (Wardle, 2015).
- Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1%, there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Barnsley Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.
- In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice regarding social responsibility. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:
  - Combating problem gambling
  - Access to gambling by children and young people
  - Information on how to gamble responsibly and help for problem gamblers
  - Customer interaction
  - Self-exclusion
  - Employment of children and young people

- All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.
- Applicants should consider the following proposed measures for protecting and supporting vulnerable people, for example:
  - leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
  - training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable
  - trained personnel for the purpose of identifying and providing support to vulnerable people
  - self exclusion schemes
  - operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
  - posters with GamCare Helpline and website in prominent locations
  - windows, entrances and advertisements to be positioned or designed not to entice children or vulnerable people.
- It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.
- The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

2.6.9 The following must be included in any risk assessment;



- The location of the premises (eg. close to premises frequented by children or other vulnerable persons etc.)
- Whether any promotional material/advertising associated with the premises might encourage use of the premises by children or vulnerable adults.
- Whether there are management measures in place to ensure adequate staff training is in place to protect children, young persons and vulnerable people who could be harmed or exploited by gambling. Staff should receive refresher and induction training in relation to the procedures and operating systems for the protection of children and young people. Staff training records should be kept and made available to the Licensing Authority on request. Self testing procedures should be in place to identify staff training needs and staff competence in relation to age verification.
- There is sufficient evidence of links between suicidality and problem gambling for risk assessment for suicide to be offered to individuals identified to have “at risk” or problem gambling as a suicide prevention intervention.
- A risk assessment for safeguarding children and vulnerable people at gambling premises, the outcome of which should be used to inform staff training and operating policy.
- A member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons.
- A recognised Proof of Age scheme shall be operated in all areas of the premises where alcohol is on sale and at entrances to areas of the premises which give access to adult gambling facilities.
- A written record shall be maintained of all staff interventions that are made with customers for the protection of children and other vulnerable persons (eg. refusals of service or admission, the provision of self help information, membership records for the self exclusion scheme including photographic ID, records of interventions with parents/carers who fail to behave responsibly at the premises, record of persons barred).
- Signage to be displayed in areas where children are admitted.

- A customer charter promoting the principles of acceptable behaviour at the premises, including that adults must supervise their children at all times.

## **2.7 Codes of Practice**

2.7.1 The Council will take into account the Codes of Practice which the Gambling Commission issues from time to time with regards to the licensing objectives.

## **2.8 Conditions**

2.8.1 The Council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

2.8.2 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will attach individual conditions to address this.

2.8.3 Any conditions attached to licences will be proportionate and will be:-

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

2.8.4 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures that the Council will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types in this policy. The Council will also expect licence applicants to offer their own suggestions as to the way in which the licensing objectives can be met effectively.

2.8.5 The Council will consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

2.8.6 The Council will ensure that where category C (see Annex 2) or above machines are on offer in premises to which children are admitted that:-

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

These considerations will apply to premises including buildings where multiple premises licences are applicable.

2.8.7 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Council will consider the impact upon the third licensing objective and the need to

ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

2.8.8 The Council recognises that there are certain conditions which cannot be attached to premises licences which are:-

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

## **2.9 Door Supervisors**

2.9.1 The Gambling Commission guidance advises licensing authorities to consider whether there is a need for door supervisors in terms of the licensing objectives of the protection of children and vulnerable persons from being harmed or exploited by gambling, and in terms of preventing premises becoming a source of crime. It is also recognised that the door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority (SIA) if the premises are being used wholly or mainly for the purposes for which such a licence is required. The Council will however consider on a case by case basis whether door supervisors are required to work at casino or bingo premises and may have specific requirements appropriate to the individual premises by attaching conditions subject to any codes of practice. This is in recognition of the nature of the work in terms of searching individuals and dealing with potentially aggressive persons.

2.9.2 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for

particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

## **2.10 Adult Gaming Centres**

2.10.1 Barnsley Metropolitan Borough Council 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.

2.10.2 The Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:-

- Proof of age schemes
- Staff training
- Record keeping
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for gambling related organisations such as GamCare.
- Local area profiling.

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

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

2.11.1 Barnsley Metropolitan Borough Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect applicants to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to 'adult only' gaming machine areas. Applicants will be expected to address the following;

- Promotion of the licensing objectives and the Licensing Authorities requirements under this Policy;
- Measures and procedures for any staff supervision requirements;
- The suitability of the location through the applicants local area risk assessment (including proximity to residential areas, shopping centres, places of education, play or recreation, specialist services for children/ vulnerable adults and /or community buildings etc.).

2.11.2 The Council will expect applicants to offer their own measures to meet the licensing objectives and appropriate measures/ licence conditions may cover issues such as:-

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

- Self-barring schemes
- Provision of information leaflets / helpline numbers for gambling related organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises
- The suitability of the location of the premises through the applicant's local area risk assessment.

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

2.11.3 The Council will, in line with 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. The Council will also make itself aware of any mandatory or default conditions on these premises licences.

## **2.12 Casinos**

2.12.1 There are currently no casinos within the Metropolitan Borough of Barnsley.

2.12.2 The Gambling Act 2005 prevents Barnsley Metropolitan Borough Council from accepting any applications for new Casino premises licences. The Council was not named as an authority which could issue small or large casino premises licences under the Act.

## **2.13 Bingo Premises**

2.13.1 Bingo is not given a statutory definition in the Gambling Act 2005, although there are two main types;

- Cash bingo, where the stakes paid make up the cash prizes that are won

- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

2.13.2 The Council acknowledges the Gambling Commission's guidance to local authorities in connection with bingo premises. Paragraph 18.7 of the guidance states:-

- "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. Social Responsibility (SR) code 3.2.5(3) states that "licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises" in order to prevent underage gambling".

2.13.3 When determining an application for a bingo licence, the Licensing Authority will require the applicant to demonstrate;

- Promotion of the licensing objectives and the relevant considerations as listed in this policy;
- Local area profiling via the risk assessment;
- Location of the premises
- Suitability and layout of the premises

This list is not exhaustive, and each application will be judged on its merits.

## **2.14 Betting Premises**

2.14.1 There are different types of premises, licensed under a single class of licence for betting. These are off course betting, on-course betting for tracks, betting machines and different categories of gaming machines (B2, B3, B4, C and D).

2.14.2 **Betting machines** - Section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the



circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, will 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 persons.

**2.14.3 Credit** - section 177 does not prevent the licensee from permitting the installation of cash dispensers (ATMs) on the premises. Such machines may accept credit cards (and debit cards) and the arrangement is subject to a requirement that the licensee has no other commercial connection in relation to gambling (aside from the agreement to site the machines) with the service-provider and does not profit from the arrangement, nor make any payment in connection with the machines. The licensing authority will also take note of any restrictions and requirements on the Operating Licences for betting premises as regards credit.

**2.14.4 Betting shops** – Off course betting is betting that takes place other than at a track eg. a betting shop. When determining an application, the Licensing Authority will particularly take into account the following;

- The licensing objectives and relevant issues as listed in this policy;
- Local area profiling via risk assessment
- Location of the premises (in particular to young and vulnerable persons)
- Procedures in place to prevent access to under 18
- Suitability and layout of the premises
- Size of the premise in relation to the number of betting machines
- Ability of staff to monitor use /abuse of machines
- Self-exclusion systems
- Staff training in relation to responding to vulnerable or underage persons.

This list is not exhaustive and each case will be judged on its merits.

## **2.15 Tracks**

2.15.1 A track is defined in the Act as a “horse racecourse, greyhound track or other premises of which a race or other sporting event takes place or is intended to take place”.

2.15.2 The Council is aware that tracks may be subject to individual or multiple premises licences, provided each licence relates to a specified area of the track. In accordance with the Gambling Commission's guidance the Council will consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

2.15.3 The Council will expect premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

2.15.4 Barnsley Metropolitan Borough Council will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:-

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry

- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Customer charter to promote responsibility behaviour and the supervision of children.

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

**2.15.5 Gaming machines used on Tracks** - All machines must be located in accordance with Gambling Commission guidance and any special considerations that should apply in relation to, for example, supervision of the machines and preventing children from playing them. The Council supports the Commission's guidance that licensing authorities need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons will not be prohibited from playing category D gaming machines on a track.

**2.15.6 Betting machines used on Tracks** – The Council will take into account the size of the premises 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 also supports the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

**2.15.7 Condition on rules being displayed** - The Gambling Commission's guidance advises that licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or

near the betting areas, or that other measures are taken to ensure that they are made available to the public.

**2.15.8 Applications and plans** – All application must be made in accordance with the appropriate Regulations for premises licences and in accordance with the Gambling Commission's suggestion in its guidance. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

2.15.9 The Council accepts the Gambling Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators on a track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **2.16 Travelling Fairs**

2.16.1 Barnsley Metropolitan Borough Council will decide whether, where category D machines and/ or equal chance prize gaming (see Annex 2) without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

2.16.2 The Council will also consider whether the applicant falls within the statutory definition of a travelling fair.

2.16.3 The 27-day statutory maximum for land being used as a fair is per calendar year, and that applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Council will work with neighbouring authorities to ensure that land which crosses Council boundaries is monitored so that the statutory limits are not exceeded.

## **2.17 Provisional Statements**

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

- Expect to be constructed
- Expect to be altered
- Expect to acquire a right to occupy

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

2.17.2 The Council notes the Guidance from the Gambling Commission on this issue. It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence and requiring the building to be complete ensures that the authority could, if necessary, inspect it fully.

2.17.3 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:-

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

2.17.4 The Council recognises that, as a licensing authority, it should not take into account irrelevant matters. An example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

## **2.18 Reviews and Representations**

2.18.1 The Council will carry out a review of a Premises Licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may include issues relating to the following:-

- a) Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes;
- b) Use of licensed premises for the sale and distribution of illegal firearms;
- c) Use of licensed premises for prostitution or the sale of unlawful pornography;
- d) Use of licensed premises as a base for organised crime activity;
- e) Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- f) Use of licensed premises for the sale of smuggled tobacco or goods;
- g) Use of licensed premises for the sale of stolen goods;
- h) Children and/or vulnerable persons being put at risk.

Representations should include as much detail and evidence as possible.

2.18.2 Due consideration will be given to all relevant representations unless they fit the following:-

- a) The grounds are frivolous;
- b) The grounds are vexatious;
- c) The grounds are irrelevant;
- d) The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- e) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

2.18.3 The Council (licensing authority) can also initiate a review of a licence based on any reason that it thinks is appropriate.

2.18.4 Representations made outside of the statutory period for making such representations or which otherwise fail to comply with the regulations will not be valid and will not be taken into consideration.

2.18.5 Where valid representations are received, the Authority will hold a hearing.

## **2.19 Decision Making**

2.19.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Statutory Licensing Board to administer them.

2.19.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Board has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

2.19.3 A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

2.19.4 The Statutory Licensing Board will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

2.19.5 Where a Councillor who is a member of the Statutory Licensing Board is making or has made representations regarding a licence on behalf of an interested

party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

2.19.6 The Licensing Sub-Committee will also refer to the Statutory Licensing Board any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

2.19.7 The Statutory Licensing Board will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

2.19.8 Every determination of a licensing decision by the Statutory Licensing Board or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

2.19.9 The Council's Licensing Officers will deal with all other licensing applications where either no representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

2.19.10 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Statutory Licensing Board or Sub-Committee. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. There is no right of appeal against a determination that representations are not admissible.



2.19.11 The table shown at Annex 1 sets out the agreed delegation of decisions and functions to Statutory Licensing Board, Sub-Committee and Officers.

2.19.12 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Statutory Licensing Board if considered appropriate in the circumstances of any particular case.

2.19.13 An applicant or person making representations will have a right of appeal to the Magistrates' Court if they are unhappy with any decision made by the Council.

## **2.20 Departure from Policy**

2.20.1 The Licensing Authority may choose to depart from this Policy if the individual circumstances of a case warrant such a departure, in the interests of fairness. and it is relevant to the matters listed below;

- 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 principles.

2.20.2 In such an event, the Licensing Authority will give full reasons for the decision to depart from this Policy, and each case will be dealt with on its own merits.

## **Part C – Permits / Temporary And Occasional Use Notices**

### **3.1 Unlicensed Family Entertainment Centre gaming machine permits**

#### **(Statement of Principles on Permits - Schedule 10 paragraph 7)**

3.1.1 Where a premise does not hold a premises licence but wishes to provide category D gaming machines only, it may apply to the licensing authority for this permit. Applicants must show that the premises will be wholly or mainly used for making gaming machines available for use.

3.1.2 The Gambling Act 2005 states that; "... a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25." The Gambling Commission's guidance also states; "a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group."

3.1.3 An application for a permit may be granted only if the Council (licensing authority) is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application. In addition, the Council will require applicants to demonstrate:-

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- A risk management plan is in place in relation to protecting children and vulnerable people;

- The Police and the Safeguarding Children Board have been consulted on the application;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes, and all other relevant issues.
- That the applicant is over 18 years of age;
- That proper and appropriate procedures are in place to protect children and vulnerable persons from harm;
- That there are measures set out to promote the licensing objectives;
- The location of the premises;
- local area profiling through via the risk assessment
- that a member of staff is designated with lead responsibility for safeguarding children and other vulnerable people;
- that there are policies and training available for safeguarding children and vulnerable others;
- provide details of the supplier of the machines and the licence number.
- provide a plan of the premises.

3.1.4 It should be noted that the Council (licensing authority) cannot attach conditions to this type of permit.

3.1.5 Applicants are required to obtain an enhanced disclosure from the Disclosure and Barring Service as part of the application process and regard will be given to any “Relevant convictions” (as defined by Schedule 7 of the Act) which may be revealed.

3.1.6 In addition to the Police, the Safeguarding Children’s Board will also be consulted on the application. The Council will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

**3.2 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**

3.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D (see Annex 2). These premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:-

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

3.2.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.” The Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

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

3.2.4 The licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

3.2.5 Holders of permits must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3.3 Prize Gaming Permits**

3.3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority proposes to consider in determining the suitability of the applicant for a permit”.

3.3.2 Barnsley Metropolitan Borough Council’s Statement of Principles require applicants to set out the types of gaming 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;
- and that the gaming offered is within the law.

3.3.3 In making its decision on an application for a permit, applicants will be expected to demonstrate the following;

- the type of gaming they are intending to offer;
- that the applicant is over 18 years of age;
- that proper and appropriate procedures are in place to protect children and vulnerable persons from harm;

- that all staff have been fully trained in all the relevant issues;
- that the applicant has no relevant convictions;
- that there are measures in place to promote the Licensing Objectives;
- the location of premises;
- a local area profile risk assessment;
- that a member of staff is designated with lead responsibility for safeguarding children and vulnerable others;
- there are policies available for safeguarding children and other vulnerable persons;
- that the application has been copied to the Police and the Safeguarding Children Board

3.3.4 Applicants are required to obtain an enhanced disclosure from the Disclosure and Barring Service as part of the application process and regard will be had to any “Relevant convictions” (defined by Schedule 7 of the Act) which may be revealed.

3.3.5 There are conditions in the Gambling Act 2005 by which permit holders must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:-

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

### **3.4 Club Gaming and Club Machines Permits**

3.4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

3.4.2 Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

3.4.3 The Council may only refuse an application on the grounds that:-

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

3.4.4 There is a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12

paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police, and the grounds upon which an authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are:-

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

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

### **3.5 Temporary Use Notices**

3.5.1 Temporary Use notices allow the use of premises for gambling where there is no premises licence, but where an operator wishes to use the premises temporarily for providing facilities for gambling.

3.5.2 There are a number of statutory limits with regards to temporary use notices. Section 218 of the Act in relation to these notices refers to a “set of premises”, which differs from the definition of premises in Part 8 of the Act. In considering whether a place falls within the definition, the licensing authority will consider the ownership, occupation and control of the premises.

3.5.3 Operators should note the following;

- A Temporary Use Notice can only be used to provide facilities for equal chance gaming which must be intended to produce a single overall winner;



- Cash games are not permitted;
- The Gambling Commission licensed operator which notifies the Temporary Use Notice bears full responsibility for the compliance of the event;
- All relevant licence conditions that apply to the Gambling Commission licensed operator responsible for the Temporary Use Notice, apply to the temporary premises.

3.5.4 In considering a Temporary Use Notice, the Local Authority will consider the following;

- Promotion of the licensing objectives;
- Suitability of the premises;
- Suitability of the location;
- Measures put in place for safeguarding; and
- Any guidance issued by the Gambling Commission or relevant authorities.

### **3.6 Occasional Use Notices**

3.6.1 The Council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Council will though consider the definition of a “track” and whether the applicant is permitted to avail him/herself of the notice.

## **Part D – Legislation, Policies and Strategies**

### **4.1 Legislation**

4.1.1 In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:-

- a) Section 17 of the Crime and Disorder Act 1988;
- b) Human Rights Act 1998;
- c) Health and Safety at Work Act 1974;
- d) Environmental Protection Act 1990;
- e) The Anti-Social Behaviour Act 2003;
- f) The Race Relations Act 1976 (as amended);

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

## **4.2 National Strategies**

4.2.1 The Council will seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

## **4.3 Local Strategies and Policies**

4.3.1 Where appropriate, the Council will consider applications with reference to other adopted local strategies and policies, including the following:-

- The Council's Corporate Strategy;
- The Community Safety Strategy;
- Regulators Code of Conduct and Regulatory Services Enforcement Policy.
- Safer and Sustainable Communities Plan

## **4.4 Integrating Strategies**

4.4.1 There are many stakeholders involved in the Leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders'

plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

4.4.2 The Council recognises in particular the importance of the co-ordination and integration of the Gambling policy with other plans aimed at the management of town centres and the night-time economy. Relevant plans and strategies include:-

- a) **Crime and Disorder Strategy** – The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences and certificates will reflect local crime prevention strategies.
- b) **Local Transport Plan** – the Council aims to work with the local transport authority and will consider ways in which the public can be dispersed from licensed premises and events so as to avoid disturbance, crime and disorder. The Police will be encouraged to report on matters related to the swift and safe dispersal of people from licensed premises.
- c) **Racial Equality** – The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact on these issues of the Gambling Policy will be monitored and amendments will be made as necessary.
- d) **Human Rights** – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-
  - i. Article 6 that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
  - ii. Article 8 that everyone has the right to respect for his home and private and family life;

- iii. Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
- e) The Licensing Authority's Statutory Licensing Board will provide reports, when appropriate, to its Planning Committee on the situation regarding licensed premises in the area, including the general impact of gambling related crime and disorder, to enable the Planning Committee to have regard to such matters when taking its decisions.
- f) **Tourism and Town Centre Management** – The Council aims to promote a high quality thriving night-time economy.
- g) The Council will ensure that the Statutory Licensing Board receives reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations.
- h) **Economic Strategies** – The Council will ensure that the Statutory Licensing Board is appraised of the employment situation in the area and the need for new investment and employment where appropriate.
- i) **Enforcement Policy** – All licensing enforcement will be conducted in accordance with the Regulators Code and the Regulatory Services Enforcement Policy.

4.4.3 In order to avoid duplication with other statutory regimes, the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

4.4.4 Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether to grant a licence, but only if relevant representations are received.

### **5.1 Ongoing Responsibilities of Licensed Premises**

5.1.1 The responsibility to promote the licensing objectives does not end when a licence is granted. Operators must continue to tackle the risks associated with the activities they provide.

5.1.2 All customer-facing and management staff in licensed premises are expected to have sufficient knowledge to promote responsible gambling and to address risks associated with gambling. This should include (where appropriate);

- The importance of social responsibility.
- Staff are familiar with partnership agencies, have relevant contact details and know how to report any concerns.
- The causes and consequences of problem gambling.
- Identifying and communicating with vulnerable persons; including primary intervention and escalation.
- How to deal with problem gamblers; including exclusion (mandatory and voluntary) and escalating for advice/treatment.
- The importance of maintaining records (such as refusals, self-exclusions, incident logs, age challenges).
- Refusal of entry (alcohol and drugs).
- Age verification procedures and the need to return stakes/withdraw winnings if underage persons are found gambling.
- The importance and enforcement of time/spend limits.
- Licence conditions.
- Offences under the Gambling Act.
- Categories of gaming machines and the stakes and odds associated with each machine.
- Types of gaming and the stakes and odds associated with each.
- Staff exclusions from gambling at the premises where they are employed and the reasons for that restriction.

- The ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
- Safe cash handling and the payment of winnings.
- How to identify forged ID, report it and procedures in relation to the offender (such as report to the Police, bar offenders from the premises).
- Knowledge of a problem gambling helpline number.
- The importance of not encouraging customers to increase the amount of money they have decided to gamble; enter into continuous gambling for a prolonged period; continue gambling when they have expressed a desire to stop; re-gamble winnings or chase losses.

### **Support for Problem Gamblers**

#### **GamCare**

“The Licensing Authority recommends that licence holders support and are in partnership with GamCare”.

There should be an expectation that operators work in partnership with Gamcare and local health/vulnerable people/welfare services could be more clearly stated e.g. that we would expect screening for problem gambling using reliable tools, signposting and referral to national and local services, and support to self-exclude. Where someone has mental capacity but is a vulnerable person and displaying problem gambling behaviours then the operator should work in partnership with their key worker to manage the risk of harm.

#### **There is very little on support for problem gamblers**

- Support for problem gamblers and vulnerable individuals –there should be a stronger responsibility on operators to link vulnerable individuals they identify to support services for problem gamblers
- Local support services could be provided in an appendix. This could be provided ‘print ready’ for operators to use. – Using Gamcare
- I’d be keen to see Krysallis, the local Gamcare provider’s details given in the document <http://www.krysallis.org.uk/barnsley.html> this would raise the profile of Krysallis and increase referalls. It could also be suggested that Krysallis could be listed under “Useful contacts”.

- Other Barnsley support services can be found on the Live Well site - <https://www.livewellbarnsley.co.uk/>

It would also be helpful if this section included the requirement to train staff in and use evidence-based reliable screening tools such as the two question screening tool “Lie/Bet” as this is a less subjective measure than other more lengthy checklists used by operators. Those who score a “yes” on either question in Lie/Bet should be referred or signposted to specialist problem gambling support services such as those provided by Gamcare.

The Lie/Bet tool is a simple two question tool and is recommended by the Royal College of General Practice for use by GPs – answering yes to either or both of the screening questions indicates that further assessment is needed. The brevity of this tool has led to this being widely used.

## **6.1 Self Exclusion scheme.**

6.1.1 The Licensing Authority expects all premises to operate a voluntary exclusion scheme; which means that whenever a customer requests to be excluded from the premises, they are excluded for an agreed time-frame taking into account the Gambling Commissions Licence Conditions and Code of Practice minimum requirements.

6.1.2 A self-exclusion policy should be supported by a written agreement drawn up in accordance with the relevant Codes of Practice and trade association advice.

## Annex 1 – Delegations of Licensing Functions

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



## **Annex 2 – Definition of Gaming Machines**

### **Definition of Gaming Machines**

#### **Based on Gambling Commissions' guidance to Licensing Authorities**

Section 235 of the Act defines a “gaming machine” as; “a machine which is designed or adapted for use by individuals to gamble (whether or not it can also be used for other purposes)”. This definition is wider than those included in previous gaming legislation and covers all types of gambling activity which can take place on a machine, including betting on virtual events. However, the following should be noted:

- there remains a distinction between skill machines and gaming machines. Skill machines are unregulated; and
- section 235 contains important exemptions for equipment that is not to be considered a gaming machine, even when gambling can be performed on it. For example, a home PC is not to be classed as a gaming machine, even though someone can access remote gambling on it.

#### **Categories of gaming machines**

The maximum stakes and prizes for certain gaming machines were updated by the Gambling Commission in June 2009.

<b>Category of machine</b>	<b>Maximum Stake</b>	<b>Maximum Prize</b>
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£2	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D non-monetary prize (other than crane grab machines)	30p	£8
D non-monetary prize (crane grab machines)	10p	£50
D money prizes	10p	£5
D combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 cash (of which no more than £8 may be a money prize)

#### **Age restrictions**

- Categories A, B and C machines – minimum age of 18 years for all players;
- Category D – no minimum age for players, however the Secretary of State has a reserve of power to set a minimum age for playing category D machines with an associated power to exempt certain machines like cranes and penny pushers;
- The holder of a permit or premises licence will have to ensure that he complies with the Codes of Practice issued by the Commission on the location of and access to such machines by children and young persons, and their separation from category C and B machines where those are also located on the same premises.

## Summary of maximum number of machines by premises type

### Gaming machines on arcade premises

Gaming machines fall into categories depending on the maximum stake and prize available. Arcades are allowed to offer a certain number of gaming machines from each category:

	Machine category			
	B3	B4	C	D
<b>Adult gaming centre</b>	Maximum of 4 machines in category B3 or B4		No limit on category C or D machines	
<b>Family entertainment centre</b> (with premises licence)			No limit on category C or D machines	
<b>Family entertainment centre</b> (with permit)				No limit on category D machines

### Gaming machines on betting premises

Gaming machines can be sited on betting premises. All gaming machines sited on betting premises must comply with the Gambling Commission's gaming machines technical standards, and be tested to the appropriate standard by an approved test house.

### What gaming machines can betting premises offer?

Gaming machines fall into categories depending on the maximum stake and prize available. A general betting (standard) operating licence, together with a betting premises licence, allows for up to four gaming machines from any of the following categories to be sited on that premises:

Machine category				
B2	B3	B4	C	D

**Betting premises and tracks occupied by pool betting**

Maximum of 4 machines in categories B2 to D

**Gaming machines on bingo premises**

Gaming machines can be sited on bingo premises. The rules for the positioning of gaming machines, in relation to other activities on a premises, are listed in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 and the (Mandatory and Default Conditions) (Scotland) Regulations 2007.

All gaming machines sited on bingo premises must comply with the Gambling Commission's Gaming Machine Technical Specifications and be tested to the appropriate standard by an approved test house.

**What gaming machines can bingo premises offer?**

Gaming machines fall into categories depending on the maximum stake and prize available. A licensed bingo operator is permitted up to eight gaming machines from category B3 or B4, and any number of category C or category D machines.

	<b>Machine category</b>			
	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>
<b>Bingo premises</b>	Maximum of 8 machines in category B3 or B4			No limit on category C or D machines

**Gaming machines on casino premises**

Barnsley Metropolitan Borough Council currently has no casino premises and therefore information relating to gaming machines on casino premises has not been included within this policy. Further information on machine categories for casinos can be found at the Gambling Commission website.

**Pubs, clubs, and other qualifying alcohol licensed premises**

**Clubs or miners' welfare institutes**

Gaming machines fall into categories depending on the maximum stake and prize available.

	<b>Machine category</b>		
	<b>B4</b>	<b>C</b>	<b>D</b>
<b>Clubs or miners' welfare institute (with permits)</b>	Maximum of 3 machines in categories B3A or B4 to D*		
<b>Qualifying alcohol-licensed premises</b>		1 or 2 machines of category C or D automatic upon notification	
<b>Qualifying alcohol-licensed premises (with gaming machine permit)</b>		Number as specified on permit	

### **Permits for additional gaming machines**

In addition to their automatic entitlement, pubs and other alcohol licensed premises may apply to the Council for a gaming machine permit which allows the provision of additional machines. The number of machines allowed will be specified on the permit.

### **Travelling fairs**

Gaming machines fall into categories depending on the maximum stake and prize available.

**Travelling fair**

#### **Machine category D**

No limit on category D machines



### **Further Information**

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:-

Barnsley Metropolitan Borough Council  
Regulatory Services  
PO Box 634  
Barnsley  
S70 9GG

Tel: 01226 773843  
Fax: 01226 775699  
Email: [regulatoryservices@barnsley.gov.uk](mailto:regulatoryservices@barnsley.gov.uk)  
Website: [www.barnsley.gov.uk](http://www.barnsley.gov.uk)

Information is also available from:-

Gambling Commission  
Berkshire House  
168-173 High Holborn  
London  
WC1V 7AA

Tel: 020 7306 6219  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)