Statement of Principles
Gambling Act 2005

Date 22/01/2014 Version 4.0
Public Health and Protection
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1. Introduction

1.1. The County of Cornwall is the most south-westerly county in England and covers an area of 1,376 square miles. Cornwall has a population of just over 535,000.

1.2. The Council is one of the largest and most geographically diverse council areas in the Country, covering coastal, rural and urban spaces. A map of the County is attached at Appendix B for information.

1.3. Cornwall’s image has evolved from a rich history and culture of mining and maritime industries, the legacies of which can still be seen across the County. Today the economy depends heavily on its agricultural and tourist industry. Tourism makes up around a quarter of the Cornish economy.

1.4. Cornwall Council is designated under the Act as ‘the Licensing Authority’ for Cornwall and has a number of important regulatory functions in relation to gambling. These include licensing premises, regulating gaming and gaming machines in clubs, granting permits to family entertainment centre’s for the use of certain lower stake gaming machines, regulating gaming and gaming machines on alcohol licensed premises, granting permits for prize gaming, registering small society lotteries, and tracks.

1.5. The Council is required by the Act to publish a statement of principles that it proposes to apply when exercising its functions under the Act. This statement must be reviewed at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be re-published after each review.

1.6. The Council has, in accordance with the Act and the Gambling Commission’s Guidance for local authorities, prepared, published and reviewed this 'Statement of Principles' (Gambling Policy) that sets out the policies that it will generally apply to promote the ‘licensing objectives’ as laid down in the Act.

1.7. The Act requires that the following people and bodies be consulted in the preparation or revision of the statement: -

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

1.8. The Council consulted widely upon this statement. A list of those consulted is included as **Appendix C**.

1.9. This ‘Statement of Principles’ (Gambling Policy) is published on the Cornwall Council website at www.cornwall.gov.uk. Copies are also available to view at any of the main council offices.

2. **Purpose and aim of the policy**

2.1 The policy is intended to set out clear and concise guidance, procedure and principles for the benefit of the Licensing Authority, the community, applicants and other relevant organisations.

2.2 This policy statement does not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

2.3 In producing the final statement, the Licensing Authority had regard to the licensing objectives of the Act, the guidance and codes of practice issued by the Gambling Commission and any responses from those consulted on the statement. The full list of comments made and the consideration of responses given will be made available by contacting Cornwall Council.

3. **Scope**

**The Licensing Objectives**

3.1 In exercising most of its functions under the Act, the Licensing Authority shall have regard to the licensing objectives set out in section 1 of the Act. In particular, the Licensing Authority shall have regard to the licensing objectives when exercising its functions in relation to premises licences, temporary use notices and some permits. The licensing objectives are: -

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

**Decision Making**

3.2 The Licensing Authority is aware that, under section 153 of the Act, when making decisions about premises licences and temporary use
notices it must aim to permit the use of premises for gambling in so far as it thinks it is:-

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 the Authority’s statement of principles.

Responsible Authorities

3.3 Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences. Section 157 of the Act identifies the bodies that are to be treated as responsible authorities.

3.4 Contact details of all responsible authorities under the Act have been attached at Appendix D. These contact details are available on the Cornwall Council website together with information on how to make applications for licences and other permissions.

3.5 The Licensing Authority is required by regulations to state the principles which it will apply in exercising its powers under Section 157(h) of the Act to designate a body which is competent to advise the Authority about the protection of children from harm. The principles are:-

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

3.6 In accordance with the Gambling Commission’s Guidance for local authorities, the Licensing Authority designates the Local Safeguarding Children Board for this purpose. The Licensing Authority may at any time, if necessary, designate another body for this purpose and as such will do so and amend this policy accordingly without further consultation.

3.7 The Licensing Authority acknowledges that the Secretary of State may prescribe other responsible authorities by means of regulations.

Interested parties

3.8 Interested parties may make representations about premises licence applications, or apply for a review of an existing premises licence. These parties are defined in the Act as follows:-
“For the purpose of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person: -

a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
b) has business interests that might be affected by the authorised activities, or
c) represents persons who satisfy paragraph (a) or (b)”.

3.9 These factors, along with any other relevant considerations together with the principles indicated below, will be taken into account by the Licensing Authority in determining whether a person can be regarded as an interested party. Other relevant considerations may include for example, the size of the premises and the nature of the activities taking place but of course these examples are illustrative and not exhaustive.

3.10 The principles which the Licensing Authority will apply, in accordance with regulations, in exercising its powers under the Act to determine whether a person is an interested party are: -

a) Each case will be decided upon its own merits. The Licensing Authority will not apply an inflexible approach to its decision-making and will have regard to Gambling Commission’s guidance in relation to matters to be considered. It will also consider that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

b) The Licensing Authority will not normally view trade associations, trade unions and residents’ and tenants’ associations as interested parties unless they have a member(s) who can be classed as an interested party(ies) under the terms of the Act, i.e. lives sufficiently close to the premises or has business interests likely to be affected by the authorised activities; or is acting as a representative on behalf of an individual / business likely to be affected. A letter from the interested party requesting the representation will usually be sufficient.

c) Interested parties can be persons who are democratically elected such as councillors and MPs. The Licensing Authority will normally expect written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from the interested party requesting the representation will usually be sufficient.
3.11 If individuals wish to approach a Councillor of the Licensing Authority to ask them to represent their views, then those councillors will not be part of the Licensing Committee convened to determine the licence application. If there are any doubts or concerns, the Licensing Officer should be contacted for further advice.

3.12 Representations in respect of applications for new premises or applications for reviews should be based on the licensing objectives of the Act, relevant guidance and codes of practice.

**Licensing Authority Functions**

3.13 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members’ clubs and miners’ welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from premises licensed under the Licensing Act 2003 for the sale of alcohol for unconditional consumption on the premises for the use of one or two gaming machines (Category C or D);
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of applications received and licences issued or refused (see section above on ‘information exchange’); and
- Maintain registers of the permits and licences issued or refused under these functions.

3.14 Licensable activities are described in the Glossary in Appendix A. It should be noted that the Licensing Authority will not be involved in licensing remote gambling at all. This will be undertaken by the Gambling Commission via operating licences.
4. **Policy statement**

**PREMISES LICENCES**

4.1 Premises licences will be subject to the requirements set out in the Act and its regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. The Licensing Authority will be able to exclude default conditions and also attach others, where it is believed to be reasonable and proportionate.

4.2 The Licensing Authority, in making decisions about premises licences, will aim to permit the use of premises for gambling in so far as it thinks it is:

- 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.

4.3 The Licensing Authority notes the Gambling Commission’s Guidance for local authorities that “Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority’s decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)”.

4.4 Previous legislation required that the grant of certain gambling permissions should take account of whether there is unfulfilled demand for the facilities. The Gambling Commission has stated that “absence of unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its merits without regard to demand.

**Primary Gambling Activity**

4.5 By distinguishing between premises types the Act makes it clear that the primary gambling activity of a premises should be that described. For example in a bingo premises the primary activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to existing casino licences and betting premises.
The Licensing Authority, when determining any issues relating to Primary Gambling Activity, will have regard to the relevant Statutory Guidance issued by the Gambling Commission for each specific type of gambling premises.”

Definition of “premises”

4.6 A premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks and shopping malls to obtain discrete premises licence where appropriate safeguards are in place. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstance. However, the Gambling Commission considers that areas of a building that are artificially or temporarily separated for example by way of ropes or moveable partitions cannot be properly regarded as different premises.

Division of premises and access between premises

4.7. There can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18 and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18s can go into family entertainment centres, tracks, pubs and some bingo clubs. So access is allowed between these types of premises.

4.8 Where a premises are part of the same building / within the same building there should be an area separating the areas concerned which the public visit for the purposes other than Gambling. This will ensure no direct access.

4.9 There is no definition of “direct access” in the Act or regulations. However, the Statutory Guidance states, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.

4.10 The relevant access provisions for each premises type is as follows:

Casinos
- the principal entrance to the premises must be from a street (please refer to the definition in Appendix A for “street”)
- no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
**Adult gaming centres**
- no customer must be able to access the premises directly from any other licensed gambling premises.

**Betting shops**
- access must be from a street (please refer to the definition in Appendix A for "street") or from other premises with a betting premises licence
- no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a cafe – the whole area would have to be licensed.

**Tracks**
- no customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre.

**Bingo premises**
- no customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track.

**Family entertainment centres**
- no customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track.

4.11 The Licensing Authority takes particular note of the Gambling Commission’s Guidance for local authorities which states that licensing authorities should:

- take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

4.12 When determining an application the Licensing Authority, in order to satisfy themselves that there is separation between premises and that the access between premises is acceptable, will have regard to
the plan submitted with the application, the ability for the premises
to comply with the mandatory conditions, the Act, Gambling
Commission guidance and codes of practice.

The Licensing Authority will raise a representation against an
application and may request a review of a premises licence should
they feel that the separation and access to the premises could or is
undermining one or more of the licensing objectives.

4.13 It is noted that some operators may submit an application for the
grant of a premises licence rather than applying for a provisional
statement. This means that the premises are likely to be under
construction and therefore not ready for use. In these circumstances
the Licensing Authority will have due regard to the relevant sections
of the statutory guidance issued by the Gambling Commission when
determining the application.

Location

4.14 The Licensing Authority will not consider ‘demand’ issues
with regard to the location of premises. The Licensing Authority will
however, consider the licensing objectives and associated relevant
considerations and will pay particular attention to the protection of
children and vulnerable persons from being harmed or exploited by
gambling, as well as issues of crime and disorder. Associated
relevant considerations could include such factors as the proximity of
gambling premises to schools and vulnerable adult centres or to
residential estates with a high number of children but will be a matter
determination in each case. Should any specific policy be decided
upon as regards areas where gambling premises should not be
located, this statement will be updated. It should be noted that any
such policy does not preclude any application being made and each
application will be decided on its merits, with the onus upon the
applicant showing how potential concerns can be overcome.

Duplication with other regulatory regimes

4.15 The Licensing Authority will seek to avoid any duplication with other
statutory / regulatory systems where possible, including planning.
The Licensing Authority will not normally consider whether a licence
application is likely to be awarded planning permission or building
regulations approval. It will however, listen to, and consider carefully
and appropriately, any concerns about conditions which are not able
to be met by the licensee due to planning restrictions, should such a
situation arise.

Licensing objectives

4.16 Any premises licences granted shall be reasonably consistent with the
licensing objectives, subject to any relevant code of practice or
guidance issued by the Gambling Commission.
4.17 **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 Licensing Authority acknowledges that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. It also acknowledges the Gambling Commission’s guidance which states, "Licensing Authorities will need to consider the location of premises in the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors". The Licensing Authority notes the Gambling Commission’s guidance in relation to disorder and nuisance and that in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. When determining whether a disturbance is serious enough to constitute disorder, the Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it or hear it.

4.18 **Licensing Objective: 'Ensuring that gambling is conducted in a fair and open way'**

The Licensing Authority will not normally (except with regard to tracks i.e. where there is no operating licence) become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences issued by the Gambling Commission.

4.19 **Licensing Objective: 'Protecting children and other vulnerable persons from being harmed or exploited by gambling'**

The Licensing Authority acknowledges 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 Licensing Authority will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

4.20 The Licensing Authority will take into account any Codes of Practice issued by the Gambling Commission regarding the licensing objectives particularly in relation to specific premises.

4.21 As regards the term "vulnerable persons" the Gambling Commission does not offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more
than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.” The Licensing Authority will consider this licensing objective on a case-by-case basis. Should a more exhaustive practical definition emerge in future then this policy statement will be reviewed in the light of that definition.

Conditions

4.22 Any conditions attached to premises licences by the Licensing Authority, will be proportionate to the circumstances which are sought to be addressed. Conditions shall be:-

- relevant to the need to make the proposed premises 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.

4.23 Certain matters are set out in the Act and may not be the subject of conditions. These are:

- conditions which make it impossible to comply with an operating licence;
- conditions as to gaming machines that contradict the provisions in the Act;
- conditions making activities, premises or parts of them operate as a membership club; and
- conditions on fees, winnings, stakes or prizes.

4.24 Decisions upon individual conditions will be made on a case-by-case basis, although there will be a number of measures that the Licensing Authority 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 Licensing Authority will also expect licence applicants to offer their own suggestions as to the way in which the licensing objectives can be met effectively.

4.25 The Licensing Authority, in accordance with the Gambling Commission’s guidance, 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.
4.26 The Licensing Authority expects that where category C (see Appendix E) or above machines are on offer in premises to which children are admitted that (including buildings where multiple premises licences are applicable):

- 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.

Door Supervisors

4.27 The Licensing Authority, in accordance with the Gambling Commission’s guidance, will consider whether there is a need for door supervisors in terms of the licensing objectives; the protection of children and vulnerable persons from being harmed or exploited by gambling; and preventing premises becoming a source of crime.

4.28 The Licensing Authority acknowledges that in the case of casinos or bingo premises (but not betting shops), any contract staff employed as door supervisors (carrying-out functions set-out in Schedule 2 Part 1 of the Private Security Industry Act 2001), must be licensed by the Security Industry Authority (SIA). In-house staff carrying-out the aforementioned functions in casinos and bingo premises, are exempt from this requirement under the 2001 Act and therefore are not required to be licensed by the SIA.

4.29 For casinos or bingo premises where in-house staff employed as door supervisors may come into contact with children or vulnerable persons, the Licensing Authority expects them to be subject to a Police National Database (PND) check or Criminal Records Bureau (CRB) check and / or registration with the Independent Safeguarding Authority, as appropriate. This is to ensure that they are fit and proper persons to work in such a capacity. Staff employed as door supervisors should have undertaken appropriate training such as BIIAB National Certificate for Door Supervisors. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons.

4.30 For premises other than casinos and bingo premises, the operator and the Licensing Authority may decide that supervision of entrances / machines is appropriate but it will need to be decided whether these
door supervisors need to be SIA licensed or not. It will not be automatically assumed that they need to be.

**Adult Gaming Centres**

4.31 The 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.

4.32 The Licensing Authority may consider measures to meet the licensing objectives such as:-

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare. For more information go to [www.GamCare.org.uk](http://www.GamCare.org.uk)

The above list is neither mandatory, nor exhaustive and is merely indicative of example measures.

**(Licensed Family) Entertainment Centres (LFECs):**

4.33 The 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 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.

4.34 The Licensing Authority may consider measures to meet the licensing objectives such as:-

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

The above list is neither mandatory, nor exhaustive and is merely indicative of example measures.
4.35 The Licensing Authority will have regard to any guidance issued by the Gambling Commission, in relation to any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority will also have regard to any mandatory or default conditions issued by the Secretary of State applicable to this type of premises licence.

Casinos

4.36 **No casinos resolution’** – the 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 the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. The decision to pass such a resolution may only be taken by the authority as a whole and cannot be delegated to the Licensing Committee.

4.37 **Casinos and competitive bidding** – where a Licensing Authority area is enabled to grant a premises licence for a new style casino (the Secretary of State has made such regulations under Section 175 of the Act) there are likely to be a number of operators who will want to run the casino. In such situations the Licensing Authority will run a ‘competition’ under Schedule 9 of the Act and in line with any regulations/ codes of practice issued under the Act.

4.38 **Licence considerations / conditions** – The Licensing Authority will have regard to any guidance issued by the Gambling Commission in relation to casinos.

Bingo

4.39 The Licensing Authority expects that, where children are allowed to enter premises licensed for bingo, they do not participate in gambling other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority expects that:

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

4.40 The Licensing Authority will have regard to any guidance issued by the Gambling Commission, in relation to the suitability and layout of bingo premises.

**Betting Machines**

4.41 Betting machines – the Licensing Authority will, in accordance with 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.

**Betting Premises**

4.42 To assist operators of betting premises the Gambling Commission has published a document setting out the indicators that are to be used to assess whether the requirements for betting being the primary gambling activity in any particular premise are being met.

These are:
- a) The offer of established core products (including live event pictures and bet range)
- b) The provision of information on core products and events
- c) The promotion of gambling opportunities and products
- d) The actual use made of betting facilities
- e) The size of the premises
- f) The delivering of betting facilities

This authority will consider these when making its decision, depending on the circumstances of the case.

**Tracks “including other sporting venues”**

4.43 Tracks” under the Act include premises where a race or other sporting event takes place or is intended to take place. Tracks may be subject to more than one premises licence provided each licence relates to a specified area of the track. The Licensing Authority 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 expects that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
4.44 The Licensing Authority expects premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities, for example, where children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, they must be prevented from entering areas where gaming machines (other than category D machines) are provided.

4.45 The Licensing Authority may consider measures to meet the licensing objectives such as:-

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

The above list is neither mandatory nor exhaustive, and is merely indicative of example measures.

Gaming Machines

4.46 The Licensing Authority will consider the location of gaming machines at tracks and expects applicants for track premises licences to demonstrate, (where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines), that these machines are located in areas from which children are excluded. Children and young persons, however, will not be prohibited from playing category D gaming machines on a track. The Licensing Authority will have regard to any further guidance issued by the Gambling Commission.

Condition on rules being displayed

4.47 The Licensing Authority, in accordance with the Gambling Commission’s guidance, will 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. For example, the rules are to be printed in the race card, or made available in leaflet form from the track office.

Applications and Plans

4.48 The Licensing Authority expects applicants to submit a detailed plan(s) (as part of the whole application) of the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by
the Tote or track operator, as well as any other proposed gambling facilities. The plan(s) 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.

Off Course Betting Premises on ‘Tracks’

4.49 The Licensing Authority, in accordance with the Gambling Commission’s guidance, considers that it is generally preferable for all self-contained premises operated by off-course betting operators on 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.

Travelling Fairs

4.50 The Licensing Authority will decide whether the statutory requirement for facilities for gambling amount to no more than an ancillary amusement at the fair is met where category D machines and/or equal chance prize gaming (see Appendix E) without a permit are to be made available for use at travelling fairs.

4.51 The Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair (refer to Appendix A for definition).

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

Provisional Statements

4.53 Where a premises licence application, follows 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 Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

(i) which could not have been raised by objectors at the provisional licence stage;
(ii) which is in the authority’s opinion reflect a change in the operator’s circumstances;
(iii) where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and Licensing Authorities should discuss any concerns they have with the applicant before making a decision.

4.54 The Licensing Authority, in accordance with Gambling Commission’s guidance, will 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.

Variations

4.55 Should the authority receive an application to vary a premises licence for a bingo or betting premises in order to extend the opening hours, then in accordance with the Gambling Commission Guidance this authority will need to be satisfied that the reason for the application is in line with the requirements on primary gambling activity (i.e. the need for operating licence holders to ensure that the gambling activity appropriate to the licence type (“the primary activity” or “the principal activity”) is actually offered at those premises and not replaced by the making available of gaming machines). Therefore the applicants will be expected to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and an activity which is ancillary to the primary activity of the premises, namely betting or bingo.

Reviews

4.56 Requests for a review of a premises licence can be made by interested parties or responsible authorities. The Licensing Authority will decide whether the review is to be carried out and will be determined on the basis of whether the request for the review is relevant to the matters listed below; the request is frivolous, vexatious; and whether it is substantially the same as previous representations or requests for review. These will certainly not cause this Licensing Authority to alter/revoke/suspend the licence. Any requests for a review of a premises licence must be:

- 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.

The Licensing Authority may also initiate a review of a licence on the basis of any relevant reason that it thinks is appropriate.
Permits / Temporary & Occasional Use Notice

Unlicensed Family Entertainment Centre (UFEC) gaming machine permits

4.57 Unlicensed Family Entertainment Centres will be able to offer only category D machines (refer to Appendix E) in reliance on a gaming machine permit. (If the operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, the operator will need to apply for an operating licence from the Gambling Commission and a premises licence from the Licensing Authority).

4.58 Applicants when applying for a permit must show that the premises will be wholly or mainly used for making gaming machines available for use.

4.59 The Licensing Authority will expect applicants to show that there are policies and procedures in place to protect children and other vulnerable persons from being harmed or exploited by gambling. The efficiency of such policies and procedures will each be considered on their merit, however, they may include appropriate measures / training for staff as regards to suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises etc.

4.60 The Licensing Authority will expect applicants to demonstrate: -
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs;
- 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.

4.61 When considering applications for a permit, in accordance with the Act, the Licensing Authority will have regard to any relevant guidance issued by the Gambling Commission, however it need not (but may) have regard to the licensing objectives.

4.62 An application for a permit may be granted only if the 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.

4.63 It should be noted that the Licensing Authority cannot attach conditions to this type of permit.

(Alcohol) Licensed premises gaming machine permits

4.64 Premises licensed to sell alcohol for consumption on the premises are automatically entitled to have two gaming machines (of category C or
D) (see Appendix E). These premises merely need to notify the Licensing Authority of their intention to make gaming machines available for use, and must pay the prescribed fee.

4.65 The Licensing Authority can remove the automatic authorisation in respect of any particular premises, by making an order under section 284 of the Act. The Licensing Authority can make such an order 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 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 Act has been committed on the premises.

4.66 If a premises wishes to have more than two machines, then it needs to apply for a permit. The Licensing Authority will consider that application based upon the licensing objectives and have regard to any guidance issued by the Gambling Commission and also such matters as they think relevant. The Licensing Authority 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 persons under 18 years do not have access to the adult only gaming machines. Measures which may 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 years. Notices and signage may also be of 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.

4.67 It is recognised that some alcohol-licensed premises may apply for a premises licence under the Act for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as a premises licence under the Act but the individual circumstances are likely to need to be looked at in each case to assess the requirements of the Act.

4.68 The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
4.69 Holders of permits must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Prize Gaming Permits

4.70 When applying for a permit, the applicant should 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.

4.71 When considering applications for a permit, in accordance with the Act, the Licensing Authority will have regard to any relevant guidance issued by the Gambling Commission, however it need not (but may) have regard to the licensing objectives.

4.72 The Licensing Authority cannot attach conditions to the permit, however there are mandatory conditions in the Act with which permit holders must comply. They 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.

Club Gaming and Club Machines Permits

4.73 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (up to 3 machines from categories B3A, B4, 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 (up to 3 machines from categories B3A, B4, C or D). (Only one of the 3 machines can be a category B3A).

4.74 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.

4.75 The Licensing Authority will therefore require applicants for permits to supply sufficient information and documents to enable it to satisfy itself that the club meets the requirements of the Act to obtain a Club Gaming Permit.

4.76 The Licensing Authority 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 Gambling Commission or the police.

4.77 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 Gambling Commission or the police, and the grounds upon which the Licensing 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.

4.78 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.

**Temporary Use Notices**

4.79 As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the Licensing Authority will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and the Licensing Authority will consider objecting
to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

**Occasional Use Notices for Betting on Tracks**

4.80 The Licensing Authority 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 Licensing Authority will however consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

**5. Policy Details**

5.1 In developing this policy the Council has had regard to:

(a) The Gambling Act 2005 and subsequent regulations

(b) Section 17 of the Crime and Disorder Act 1998 to take all responsible steps to reduce crime and disorder within the county;

(c) The Regulators Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and

(d) The Provision of Services Regulations 2009 to ensure requirements are:

   i) non –discriminatory
   ii) justified by an overriding reason relating to the public interest
   iii) proportionate to that public interest objective
   iv) clear and unambiguous
   v) objective
   vi) made public in advance, and transparent and accessible

**6. Consultation and Engagement**

6.1 The Council consulted on this policy between 12 October 2012 and 21 December 2012.

Consultation took place with a number of agencies, some of which are detailed at Appendix C. A full list of the persons / bodies who were consulted can be provided upon receipt of a written request.

**7. Performance and Risk Management**

7.1 The Policy will be regularly reviewed and monitored to ensure that it reflects current legislation, its effective, up to date and achieving a responsible regulatory framework for Cornwall.
7.2 This will be achieved by monitoring the outcome of hearings, appeals through Magistrates courts, developments in legislation, by having regard to stated cases, local needs and economic impacts.

7.3 The Council will ensure that Members and Council officers are involved in the development and implementation of this policy, the enforcement of the licensing regime and anyone involved in the day to day operation of the service receives adequate training.

7.4 Training will be carried out following any review and amendment of the policy, alterations to legislative requirements or fundamental changes to the provision of the licensing service.

7.5 Three-yearly policy reviews are included within the Public Health and Protection Service Plan.

8. Communicating the Policy

8.1 This policy is available on the Council’s website and will be made available at Council Offices across the county. In addition responsible authorities will be provided with a copy of this policy document.

8.2 Any amendment of the policy will be communicated to the community by way of a press release on the Council’s website. Persons having been actively involved in any consultation on the policy will be notified directly.

9. Breaches and Non-Compliance

Inspection and Enforcement

9.1 The principles which the Licensing Authority will apply, in exercising its functions with respect to the inspection of premises and the powers it is given to institute criminal proceedings in respect of the offences specified, will be guided by any advice issued by the Gambling Commission and will endeavour to be: -

- Proportionate: only intervene when necessary; remedies will be appropriate to the risk posed and costs identified and minimised;
- Accountable: able to justify decisions and be subject to public scrutiny;
- Consistent: be joined-up and implement rules and standards fairly;
- Transparent: be open and keep regulations simple and user-friendly; and
- Targeted: regulate by focussing on the problem, and minimise side effects.

Under the Legislative and Regulatory Reform Act 2006, any person exercising a specified regulatory function has a legal duty to have regard to the statutory principles of good regulation in the exercise of the function. These provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is
needed. The Gambling Commission has regard to these principles in relation to its responsibilities and also has regard to the requirements of the Regulators’ Compliance Code ("the Code"). The purpose of the Code is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

9.2 In accordance with the Gambling Commission’s Guidance the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is reasonably practicable.

9.3 The Licensing Authority will endeavour to adopt targeted risk-based inspection regimes in accordance with any Codes of Practice issued concerning the inspection of premises and will also have regard to any guidance or risk models proposed by the Gambling Commission.

9.4 The main enforcement role for the Licensing Authority under the Act will be to ensure that premises issued with premises licences and other permissions it authorises, comply with the law. Under the provisions of the Act, the Licensing Authority will also follow up any complaints and enquiries about premises and persons / organisations.

9.5 The Gambling Commission will be the enforcement body for the operating licences and personal licences that it issues. The Licensing Authority will, therefore, not deal directly with any concerns relating to the manufacture, supply or repair of gaming machines, but will notify the Gambling Commission of any such concerns.

9.6 The Licensing Authority, in exercising its regulatory functions, will be mindful of any advice issued as a result of the developments of the work of the Department for Business, Innovation and Skills. For more information go to [http://www.bis.gov.uk/](http://www.bis.gov.uk/).

9.7 Any enforcement action taken on any premises or individual will be in accordance with Cornwall Council’s Enforcement Policy.

**Exchange of Information**

9.8 The Licensing Authority will ensure it exercises its functions in accordance with the laws on exchange of information with respect to the exchange of information between it and the Gambling Commission and its functions under the Act with the respect to the exchange of information between it and other persons listed in Schedule 6 to the Act.

9.9 The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information whilst complying with the provisions of the Data Protection Act 1998. The Licensing Authority will have regard to any guidance issued by the Gambling Commission as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.
9.10 The Licensing Authority will have regard to any advice given by the Gambling Commission when establishing local protocols regarding information exchange with other bodies and which will be available upon written request.

9.11 Representations made by interested parties will be disclosed in full to the applicant and to Members (councillors) determining the application at any hearing. Disclosure will normally include the identity of the person / body making the representation. Anonymous representations will not be accepted as the Licensing Authority must be satisfied that the representation is made by an ‘interested party’ as defined in the Act.

10. Information and Training

10.1 The information can be viewed at www.opsi.gov.uk

- Gambling Act 2005
- Gambling Commission Guidance issued to Local Authorities
- Gambling Commission Codes of Practice
- The Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Human Rights Act 1998
- Equality Act 2010

11. Evaluation and Review

This policy will be reviewed on a three yearly basis. Any proposed amendments to the Policy will be fully consulted upon, prior to re-adoption by the Council.

This policy will be subject to review by 31 January 2016.

Prepared by

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Public Health and Protection
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Treyew Road  
Truro TR1 3AY  

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Email: **enquiries@cornwall.gov.uk**  

[www.cornwall.gov.uk](http://www.cornwall.gov.uk)  

Please consider the environment. Only print this document if it cannot be sent electronically.

You can contact the Council’s Licensing Service at any of the main offices at Camborne, St Austell or Wadebridge.

Alternatively call 0300 1234 212 or email on **licensing@cornwall.gov.uk**
Appendix A – Glossary / Definitions

<table>
<thead>
<tr>
<th>The “Act”</th>
<th>means the Gambling Act 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Gaming Centres (AGC)</td>
<td>Premises with an adult gaming centre premises licence, authorising the use of Category B machines (restricted to B3 and B4 machines).</td>
</tr>
<tr>
<td>Amusement Arcades</td>
<td>These are not referred to as such in the Act. See Adult Gaming Centres and Family Entertainment Centres (Licensed &amp; Unlicensed).</td>
</tr>
<tr>
<td>Betting</td>
<td>‘Betting’ means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.</td>
</tr>
<tr>
<td>Betting Machines</td>
<td>A machine which has been designed or adapted for use to bet on future real events, such as horse racing, and used as a substitute for placing a bet over a counter.</td>
</tr>
<tr>
<td>Bingo</td>
<td>Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes were derived from the stakes and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators. A holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. Alcohol-licensed premises, clubs and miners’ welfare institutes are able to offer bingo in all forms (up to a total weekly prize value of less than £2,000). Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that AGCs, both licensed and unlicensed FECs, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. Limits have been set in Government Regulations.</td>
</tr>
</tbody>
</table>
| Child / Children & Young persons | In the Act:-

‘Child’ means an individual who is less than 16 years old

‘Young person’ means an individual who is 16 -18yrs old |
| Club Gaming Permits | Issued by the Licensing Authority authorising the provision of facilities for gaming on premises where a members’ club or miners’ welfare institute operates. Such permits authorise up to 3 gaming machines (Categories B3A, B4, C or D but note that only one of the 3 machines can be a B3A category), the provision of facilities for some gaming activities, and facilities for games of chance subject to regulations etc. |
| **Club Machine Permits** | Issued by the Licensing Authority authorising up to 3 gaming machines (Categories B3A, B4, C or D but note that only one of the 3 machines can be a B3A category) on premises where a members’ club or miners’ welfare institute operates (and for use only by members of the club/institute and their guests). Conditions are applied to such permits as required by Section 273 of the Act. |
| **Equal chance gaming** | This is a game where the chances of winning are equally favourable to all participants and which does not involve playing or staking against a “bank”. It is immaterial how the “bank” is described and whether or not it is controlled by a player. |
| **Exempt activities** | Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer. Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equally chance gaming takes place; and it does not occur in a place to which the public have access. |
| **Gambling** | Defined as either gaming, betting or participating in a lottery. |
| **Games of chance** | Includes games that involve both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants. |
| **Gaming** | Playing a game of chance for a prize. |
| **Gaming machines** | A machine designed or adapted for use by individuals to gamble (whether or not the machine can also be used for other purposes). This does not include a machine designed to bet on future real events, or to play bingo. See also Appendix E. |
| **Licensed Family Entertainment Centres (LFECs)** | Premises (other than AGCs) which are wholly or mainly used for provision of gaming machines and licensed via an ‘FEC premises licence’ for the provision of Category C or D gaming machines. |
| **“Licensing Authority”** | means Cornwall Council |
| **Non-commercial gambling** | When no part of the proceeds/profits will be for private gain. Proceeds/profits are sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. Certain conditions and limits apply which are prescribed in the Act and its Regulations. |
**Occasional Use Notices**

Notice given under section 39 in respect of a track which is intended to be used to accept bets. The notice can only be given by a person who is an occupier of the track or responsible for the administration of events on the track.

**Off-course betting**

Off-course betting operators may operate self contained betting premises within a track premises as well as betting premises away from the track.

**On-course betting**

An on-course betting operator is one who comes onto a track temporarily while races are taking place, and operates at the track side.

**Pool betting**

Betting is ‘pool betting’ if made on terms that all or part of winnings: -

(a) shall be determined by reference to the aggregate of stakes paid or agreed to be paid by the persons betting

(b) shall be divided among the winners; or

(c) shall or may be something other than money

**Premises Licences**

A licence issued by the Licensing Authority, which authorises premises to be used for:

a) the operation of a casino (a 'casino premises licence')

b) the provision of facilities for the playing of bingo (a 'bingo premises licence')

c) making Category B, C or D gaming machines available for use (an 'adult gaming centre premises licence')

d) making Category C and D gaming machines available for use (a 'family entertainment centre premises licence') or

e) the provision of facilities for betting, whether by making or accepting bets, by acting as a betting intermediary or providing other facilities for the making or accepting of bets (a 'betting premises licence')

**Prize Gaming Permits**

Permits issued by the Licensing Authority authorising a person to provide facilities for gaming with prizes on a specified premises. Section 188 of the Act defines gaming as prize gaming if the nature and size of the prizes is not determined by the number of people playing and the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

**Provisional Statements**

An application for a provisional statement is an application in respect of premises in anticipation (by the applicant) that the premises will be constructed, altered or occupied for the purpose. A provisional statement (if granted by the Licensing Authority) is followed by an application for a premises licence once the premises are appropriated, altered or built, and the Licensing Authority must then disregard any representations made, unless the representations address matters that could not have been
<table>
<thead>
<tr>
<th><strong>Remote gambling</strong></th>
<th>Gambling in which persons participate by the use of remote communication. Remote communication under section 4 of the Gambling Act 2005 means using the internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Small society lotteries</strong></td>
<td>Proceeds of the lottery do not exceed £20,000 or, if it is promoted wholly or partly at a time in a calendar year, the aggregate proceeds in a calendar year do not exceed £250,000 (subject to other conditions set out in Part 4 of the Act). A small society lottery is exempt from the licensing requirements providing certain conditions are met, however, the promoting society is required to be registered with the local authority (Part 5).</td>
</tr>
<tr>
<td><strong>Street</strong></td>
<td>This is defined in the GA05 (Mandatory and Default Conditions) Regulations as “including any bridge, road, lane, footway, subway, square, court, alley or passageway (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not”</td>
</tr>
<tr>
<td><strong>Temporary Use Notices</strong></td>
<td>Notification by the holder of an operating licence that they intend to use an unlicensed premises for gambling on specified days not exceeding 21 days in any 12 month period. Such notices are required to be given to the Licensing Authority at least 3 months prior to the proposed use of the premises.</td>
</tr>
<tr>
<td><strong>The Gambling Commission</strong></td>
<td>Established on 1 October 2005, the Commission has responsibility for the regulation of all commercial gambling in Great Britain (other than spread betting or the National Lottery).</td>
</tr>
<tr>
<td><strong>Tracks</strong></td>
<td>A horse race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.</td>
</tr>
<tr>
<td><strong>Travelling fairs</strong></td>
<td>A ‘fair’ is a fair consisting wholly or mainly for the provision of amusements, and a ‘travelling fair’ is a fair held wholly or mainly by persons who travel from place to place for the purpose of providing fairs, and the fair is held at a place which has been used for the provision of a fair on not more than 27 days in that calendar year.</td>
</tr>
<tr>
<td><strong>Unlicensed Family Entertainment Centres (UFECs)</strong></td>
<td>Premises (other than AGCs or Licensed FECs) which are wholly or mainly used for the provision of gaming machines (a family entertainment centre) and authorised via an ‘FEC gaming machine permit’ to make Category D machines available for use in a premises.</td>
</tr>
</tbody>
</table>

**Note**
Appendix B - Map of Cornwall
Appendix C – List of Consultees

Consultation included the following agencies; this is not an exhaustive list.

- The Police
- Health Authority
- Local Safeguarding Children Board
- Fire & Rescue Authority
- The Licensing Authority
- The Gambling Commission
- The Local Planning Authority
- Environmental Health
- HM Revenue & Customs
- Casinos and Bingo Premises
- Betting Shops
- Representatives of premises licensed to sell alcohol
- Amusement Arcades/Family Entertainment Centres
- Ten Pin Bowling Centres
- Pools Operators and Lotteries Operators
- Gaming Machine Suppliers & Bookmakers Association
- Gambling Help/Support Organisations
- Other bodies such as Parish Councils, Ward Councillors etc., considered to be bodies representing persons who may be affected by the exercise of the Authority’s functions under this Act.
Appendix D

**List of Responsible Authorities**

<table>
<thead>
<tr>
<th>Responsible Authority</th>
<th>Address</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Licensing Authority (St Austell, Fowey, Lostwithiel, Newquay, Perranporth, St Agnes, Truro, The Roseland)</td>
<td>Licensing Service Cornwall Council 39 Penwinnick Road ST AUSTELL PL25 5DR</td>
<td>01726 223638</td>
</tr>
<tr>
<td>The Licensing Authority (Camborne, St Ives, Penzance, Falmouth, The Lizard, Helston, Redruth)</td>
<td>Licensing Service Cornwall Council Dolcoath Avenue CAMBORNE TR14 8SX</td>
<td>01209 614440</td>
</tr>
<tr>
<td>The Licensing Authority (Bodmin, Bude, Launceston, Looe, Callington, Saltash, Wadebridge, Liskeard)</td>
<td>Licensing Service Cornwall Council Higher Trenant Road WADEBRIDGE PL27 6TW</td>
<td>01208 893155</td>
</tr>
<tr>
<td>The Gambling Commission</td>
<td>Victoria Square House Victoria Square Birmingham B2 4BP</td>
<td>0121 230 6500</td>
</tr>
<tr>
<td>Local Safeguarding Children Board</td>
<td>FAO Andy Jory 3rd Floor, North Wing New County Hall Truro TR1 3AY</td>
<td>0300 1234 101</td>
</tr>
<tr>
<td>HM Revenues &amp; Customs</td>
<td>National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</td>
<td>0141 555 3492</td>
</tr>
<tr>
<td>The Chief Officer of Police</td>
<td>Devon &amp; Cornwall Constabulary Launceston Police Station Moorland Road Launceston Cornwall PL15 7HY</td>
<td>01566 771309</td>
</tr>
<tr>
<td>Fire &amp; Rescue Authority</td>
<td>Central Division Headquarters St Austell Fire Station Carlyon Road St Austell PL25 4LD</td>
<td>0300 1234 232</td>
</tr>
<tr>
<td>Responsible Authority</td>
<td>Address</td>
<td>Telephone</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| **Local Planning Authority**                              | Planning Enforcement Service  
Cornwall Council  
Room 116  
3/5 Barn Lane  
BODMIN  
PL31 1LZ | 0300 1234 151 |
| **Environmental Health**                                  | Environmental Health  
Cornwall Council  
Dolcoath Avenue  
CAMBORNE  
TR14 8SX | 0300 1234 212 |
| **Any other persons prescribed by regulations made by the Secretary of State** | The responsible authorities listed are correct at the time of printing, but the Act allows for additions to be made by way of regulations passed by the Secretary of State. Details of responsible authorities will be provided on request to the Licensing Service and will in any case accompany application forms issued by the licensing service. An up to date list of contact details will also be available from the Council’s Licensing Service. | |
| **Responsible authorities also include navigation authorities for vessels moored/berthed/navigated in any water at a time when used for licensable activities:** |                                                          |            |
| **Maritime and Coastguard Agency**                        | Plymouth Main Office  
New Fish Market  
Baylys Wharf  
Sutton Harbour  
Plymouth. PL4 0LH | 01752 266211 |
| **British Waterways Board**                               | Willow Grange Church Road  
Watford  
Herts. WD17 4QA | 01923 226422 |
| **Environment Agency (Head Office)**                      | Rio House Waterside Drive  
Aztec West  
Almondsbury BS32 4UD | 08708 506506 |
Appendix E
Definition of Gaming Machines
Based on Gambling Commission’s Guidance to Licensing Authorities – September 2012

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 in that 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 facilities on it.

Categories of Gaming Machines

<table>
<thead>
<tr>
<th>Category of machine</th>
<th>Maximum Stake</th>
<th>Maximum Prize</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>£5</td>
<td>£10,000*</td>
</tr>
<tr>
<td>B2</td>
<td>£100</td>
<td>£500</td>
</tr>
<tr>
<td>B3</td>
<td>£2</td>
<td>£500</td>
</tr>
<tr>
<td>B3A</td>
<td>£2</td>
<td>£500</td>
</tr>
<tr>
<td>B4</td>
<td>£2</td>
<td>£400</td>
</tr>
<tr>
<td>C</td>
<td>£1</td>
<td>£100</td>
</tr>
<tr>
<td>D non-money prize (not crane grab)</td>
<td>30p</td>
<td>£8</td>
</tr>
<tr>
<td>D non-money prize (crane grab)</td>
<td>£1</td>
<td>£50</td>
</tr>
<tr>
<td>D money prize</td>
<td>10p</td>
<td>£5</td>
</tr>
<tr>
<td>D combined money and non-money prize (coin pusher/penny falls)</td>
<td>20p</td>
<td>£20 (of which no more than £10 may be a money prize)</td>
</tr>
</tbody>
</table>

* with option of maximum £20,000 linked progressive jackpot on premises basis only

Age restrictions

- Categories A, B (including B3A machines offering lottery games) 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 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

<table>
<thead>
<tr>
<th>Machine category</th>
<th>A</th>
<th>B1</th>
<th>B2</th>
<th>B3</th>
<th>B4</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional casino (machine/table ratio 25-1 up to maximum)</td>
<td></td>
<td></td>
<td></td>
<td>Maximum of 1250 machines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional casino (machine/table ratio 25-1 up to maximum)</td>
<td></td>
<td></td>
<td></td>
<td>Maximum of 150 machines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to table ratio)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small casino (machine/table ratio of 2-1 up to maximum)</td>
<td></td>
<td></td>
<td></td>
<td>Maximum of 80 machines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to table ratio)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-2005 Act casinos (no machine/table ratio)</td>
<td></td>
<td></td>
<td></td>
<td>Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Betting premises and tracks occupied by Pool Betting</td>
<td></td>
<td></td>
<td></td>
<td>Maximum of 4 machines categories B2 to D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bingo premises</td>
<td></td>
<td></td>
<td></td>
<td>maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**</td>
<td></td>
<td>No limit C or D machines</td>
<td></td>
</tr>
<tr>
<td>Adult gaming centre</td>
<td></td>
<td></td>
<td></td>
<td>maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**</td>
<td></td>
<td>No limit C or D machines</td>
<td></td>
</tr>
<tr>
<td>(Licensed) Family entertainment centre (with premises licence)</td>
<td></td>
<td></td>
<td></td>
<td>No limit on category C or D machines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Unlicensed) Family entertainment centre (with permit)</td>
<td></td>
<td></td>
<td></td>
<td>No limit on category D machines</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clubs or miners’ welfare institutes with permits</td>
<td></td>
<td>Maximum of 3 machines in categories B3A or B4 to D*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Qualifying alcohol licensed premises</td>
<td></td>
<td></td>
<td></td>
<td>1 or 2 machines of category C or D automatic upon notification</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Qualifying alcohol licensed premises with gaming machine permit</td>
<td></td>
<td></td>
<td></td>
<td>Number as specified on permit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Travelling fair</td>
<td></td>
<td></td>
<td></td>
<td>No limit</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
* It should be noted that members’ clubs and miners’ welfare institutes are entitled to site a total of three machines in categories B3A to D and commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 01 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 01 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.
### Appendix F

**Summary of Licensing Authority delegations permitted under the Gambling Act (Based on Gambling Commission’s Guidance to Licensing Authorities September 2012)**

<table>
<thead>
<tr>
<th>Matter to be dealt with</th>
<th>Full Council</th>
<th>Sub-committee of Regulatory Licensing Committee</th>
<th>Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final approval of three year licensing policy</td>
<td>X</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
</tr>
<tr>
<td>Policy not to permit casinos</td>
<td>X</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
</tr>
<tr>
<td>Fee setting (when appropriate)</td>
<td>X</td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
</tr>
<tr>
<td>Application for premises licences</td>
<td></td>
<td>Where representations have been received from the Commission</td>
<td>Where no representations received/representations have been withdrawn</td>
</tr>
<tr>
<td>Application for a variation to a licence</td>
<td></td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
</tr>
<tr>
<td>Application for a transfer of a licence</td>
<td></td>
<td>Where representations have been received from the Commission</td>
<td>Where no representations received/representations have been withdrawn</td>
</tr>
<tr>
<td>Application for a provisional statement</td>
<td></td>
<td>Where representations have been received and not withdrawn</td>
<td>Where no representations received/representations have been withdrawn</td>
</tr>
<tr>
<td>Determination of review of a premises licence</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Instigation of review of a premises licence</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Application for club gaming/club machine permits</td>
<td></td>
<td>Where objections have been made (and not withdrawn)</td>
<td>Where no objections made/objections have been withdrawn</td>
</tr>
<tr>
<td>Cancellation of club gaming/club machine permits</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applications for other permits</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Matter to be dealt with</td>
<td>Full Council</td>
<td>Sub-committee of Regulatory Licensing Committee</td>
<td>Officers</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>--------------</td>
<td>-----------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Cancellation of licensed premises gaming machine permits</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Small Lottery Registration</td>
<td></td>
<td>Where objections have been made (and not withdrawn)</td>
<td>Where no objections made/objections have been withdrawn</td>
</tr>
<tr>
<td>Consideration of temporary use notice</td>
<td></td>
<td>Where objections have been made (and not withdrawn)</td>
<td>Where no objections made/objections have been withdrawn</td>
</tr>
<tr>
<td>Decision to give a counter notice to a temporary use notice</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Give notice to dispense with a hearing where all parties consider a hearing is unnecessary and the relevant licensing sub-committee have confirmed in writing their agreement that a hearing is unnecessary</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

X Indicates at the lowest level to which decisions can be delegated