

CITY OF
WOLVERHAMPTON
COUNCIL

Statement of Gambling Policy

DRAFT

This Gambling Licensing Policy shall take effect from the 31st January 2019

STATEMENT OF GAMBLING POLICY**Gambling Act 2005**

(Published for consultation purposes May 2018)

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General Principles

PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005 (the Act), the Council must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

In carrying out its licensing functions under the Act and in accordance with section 153, the Council will, when making decisions about premises licences and temporary use notices 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 this statement of gambling policy

2. Introduction

City of Wolverhampton is situated in the West Midlands, which contains seven Councils in total. The Council area has a population of 252,987 and covers an area of 26 square miles. The Council area is urban in nature and is densely populated with approximately 3,500 residents per square kilometre. In addition to the Wolverhampton city centre, there are 3 other local centres, Bilston, Wednesfield and Tettenhall. These areas are shown in the map below.



The Council is required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published 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 then re-published.

The Gambling Act requires that the following parties are consulted by the Council:

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

3. Declaration

In producing the final statement, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

4. Responsible Authorities

The Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, 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.

In accordance with the suggestion in the Gambling Commission’s Guidance for licensing authorities, this Council designates the Children and Young People Service for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council’s website at

<http://www.wolverhampton.gov.uk/article/3000/Responsible-authorities-gambling>

In addition to the Responsible Authorities, the Council recognises the significant risk gambling can have on health and wellbeing and will therefore seek to consult the Director of Public Health on all applications for a gambling licence.

5. The Gambling Commission

The Gambling Commission regulates gambling in the public interest. The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling and the regulation of gambling generally.

The Commission has issued guidance regarding the manner in which local authorities exercise their licensing functions under the Act. They can be contacted at

www.gamblingcommission.gov.uk or by post at, The Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP.

6. Interested parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“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 applications 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)”

The Council is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.

Each case will be decided upon its merits. This Council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for licensing authorities at 8.9 - 8.11. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.16). This Council will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Other than this however, the Council will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be considered sufficient.

If individuals wish to approach councillors to ask them to represent their views, then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact Licensing and Support Services, Civic Centre, St Peters Square, Wolverhampton. WV1 1RP.

7. Exchange of Information

The Council is required to include in its statement the principles to be applied by the authority in exercising its function under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Council will also have regard to any Guidance issued by the Gambling Commission on this, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

8. Enforcement

The Council is required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising their functions under part 15 of the Act, with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The Council's principles are that:

It will be guided by the Gambling Commission's Guidance for licensing authorities and will endeavour to be:

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

The Council is committed to avoiding duplication with other regulatory regimes so far as possible. However, it should be noted that it will be necessary to liaise with West Midlands Police on occasion in relation to the consideration of applications and reviews of gambling premises licenses. The Council intends to adopt a similar approach to that utilized for the Licensing Act 2003 and on this basis will seek to agree a set of protocols with the Police that will determine the way in which the two parties interact which is set out within Regulatory Services enforcement policy.

The Council recognises that some companies within the gambling industry will have a number of premises within the City. In order to ensure that any compliance issues are identified and resolved at the earliest stage, operators will be requested, where appropriate, to give the Council a single, named point of contact, who should be a senior individual, and whom the Council will contact first should any compliance issues arise.

This Council has adopted and implemented a risk-based inspection programme based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this Statement of Gambling Policy

The main enforcement and compliance role for the Council in terms of the Gambling Act 05 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission.

The Council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

9. Licensing Authority Functions

The Council is 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 miner's welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (as delivered by the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B**PREMISES LICENCES****1. General Principles**

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The Council is able to exclude default conditions. The Council also has the power to impose additional conditions or exclude conditions from the licence.

Decision Making - The Council is aware that in making decisions about Premises Licences it should 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 Council's Statement of Gambling Policy.

It is appreciated that, as stated in the Gambling Commission's Guidance for licensing authorities, "moral objections to gambling are not a valid reason to reject applications for premises licences" (except in the case of a 'no casino resolution' - see section on Casinos) and also, that "unmet demand" is not a consideration for a licensing authority.

Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could 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 allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in Guidance to Licensing Authorities that: "In most cases the exception is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is locations within a wider venue, a Licensing Authority should request a plan of the venue on which the premise should be identified."

The Council takes particular note of the Gambling Commission's Guidance for Licensing authorities which states that: Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises' should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised, and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activities named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

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

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

Casinos

- the principal entrance to the premises must be from a street (as defined at 7.23 of the guidance)
- 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 Centre

- No customer must be able to access the premises directly from any other licensed gambling premises.

Betting Shops

- Access must be from a street (as defined at 7.23 of the guidance) or from another 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 the café – 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 premise, other than a track

Family Entertainment Centre

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

Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the council can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.56-7.65 of the Guidance.

Location – The Council is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. In accordance with the Gambling Commission’s Guidance for licensing authorities, the Council 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. 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.

Planning:

The Gambling Commission Guidance to licensing authorities, states:

7.58 - In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. (Equally, licences should only be issued where they are expected to be used for the gambling activity named on the licence). This is why the Act allows a potential operator to apply for a provisional statement if construction of the premises is not yet complete, or they need alteration, or he does not yet have a right to occupy them. Part 11 of this Guidance gives more information about provisional statements.

The Council will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.65 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other regulatory regimes – The Council seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, the council will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Licensing objectives - 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 licensing authorities and some comments are made below.

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's Guidance 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 authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Council is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

Ensuring that gambling is conducted in a fair and open way – The Council has noted that the Gambling Commission state that it generally does not expect licensing authorities to be 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 which is explained in more detail in the 'tracks' section below.

Protecting children and other vulnerable persons from being harmed or exploited by gambling – The Council has noted the Gambling Commission's Guidance (**for local authorities**) states 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, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include, but are not limited to,

- the supervision of entrances to prevent access by children (or known vulnerable persons)
- the supervision and monitoring of gaming machines,
- specifying the location of gaming machines
- areas where the nature of the gambling carried on in those areas should not be available to children should be segregated to exclude their entrance.

Measures are also likely to include a general requirement, in terms of the licensing of premises, in relation to the protection of children from harm and the prevention of vulnerable persons being harmed or exploited by gambling. In so doing it is anticipated that the Council will encourage, in its administration of gambling premises licensing, the promotion of organisations that seek to protect members of the public from gambling beyond their means and provide assistance to those who already gamble beyond their means.

The Council is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to 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 a mental impairment, alcohol or drugs." The Council will consider this licensing objective on a case by case basis.

Conditions - 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.

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

The Council will also consider specific measures which may be required for buildings which are subject to multiple premises licences. These measures may include, but are not limited to, 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.

The Council will seek to ensure that where category C or above machines are available for use in premises to which children are admitted:

- 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 premise licences are applicable.

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. In accordance with the Gambling Commission's Guidance, 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.

The Council notes that there are conditions which the licensing authority cannot attach 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.

Door Supervisors - The Gambling Commission advises in its Guidance to Licensing Authorities that if the Council is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons)

then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

The Council will have specific 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.

The Council 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
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

3. (Licensed) Family Entertainment Centres

The Council will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

The Council 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
- Specific opening hours
- 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

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

The Council will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The Council will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

Casinos and competitive bidding – Small casinos

The Council was empowered by Parliament to grant one premises licence for a small casino. The licence has now been granted. The Council has no power to grant further casino licences.

Licence considerations / conditions – The Council will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

Betting machines – The Council will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo Premises

The Council notes that the Gambling Commission's Guidance states:

18.5 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

18.8 - Section 172(7) provides that the holder of a bingo premises licence may make available for use 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 eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. The holder of bingo premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.

6. Betting Premises

Betting machines – The Council 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.

7. Tracks

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. As per the Gambling Commission's Guidance, the Council will especially 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.

The Council will therefore 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.

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
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as Gamcare

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

Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Betting machines – The Council will, as per part 6 of the Gambling Commission's Guidance, 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 proposes to offer.

Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the Council to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

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

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

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

8. Travelling Fairs

The Council is responsible for deciding whether, where category D gaming machines and/or equal chance prize gaming 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.

The Council will consider whether the applicant falls within the statutory definition of a travelling fair. Travelling fairs do not require any permit to provide gaming machines but must comply with legal requirements about the way the machine operates. They may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair.

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

9. Provisional Statements

Developers may wish to apply to the council for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

APPENDIX 1

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

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow 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 council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

10. Premises Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however it is for the council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review 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 Council's Statement of Gambling Policy.

The request for the review will also be subject to the consideration by the council as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Council can also initiate a review of a particular premises licence, or a particular class of premises licence, on the basis of any reason which it thinks is appropriate.

APPENDIX 1

Once a valid application for a review has been received by the council, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The council must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the council should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the council must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

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

Once the review has been completed, the council must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C

Permits / Temporary & Occasional Use Notices

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the Council for a gaming machine permit. It should be noted that the applicant must show that the premise will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that the Council 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 for considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission. The Gambling Commission's Guidance to licensing authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., licensing authorities will want to give weight to child protection issues." (24.8)

Guidance also states: an application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application. On this basis the Council will ask applicants to demonstrate

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres
- 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.

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles

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. The efficiency of such policies and procedures will each be considered on their merits however, they may include appropriate measures and training for staff as regards suspected truant school children on the premises, measures and training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premise. The Council will require applicants to be able to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres; 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.

A full copy of the statement of principles is available on request to:

Licensing Services
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RP

licensing@wolverhampton.gov.uk

2. (Alcohol) Licensed Premises Gaming Machine Permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Council of them.

The Council can remove this automatic authorisation in respect of any particular premise, if:

- provision of 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.

Permit: 3 or more machines

If a premises wishes to have more than 2 machines, then it will need to apply for a permit from the Council. The Council will then consider the application based upon the licensing objectives and any guidance issued by the Gambling Commission. The Commission also states that the Council should also consider other relevant matters. Such matters will be decided on a case by case basis but generally the Council will 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 ensure that under 18 year olds do not have access to the adult only gaming machines. These measures may include the adult machines being in sight of the bar, or in the sight of staff that will monitor the machines to ensure they are not being used by those under 18.

Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as Gamcare.

The Council recognises 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.

It should also be noted that the Council 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.

Applicants should also note that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission regarding the location and operation of gaming machines.

3. Prize Gaming Permits

The Gambling Act 2005 states that the Council 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”.

Accordingly, the Council has prepared a Statement of Principles which requires the applicant to set out the types of gaming that he or she is intending to offer. The applicant should 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.
- Clear policies that outline the steps to be taken to protect children from harm

In making its decision on an application for this permit the Council does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that the Council cannot and therefore will not attach conditions to the permit. However where facilities are provided in an adult gaming centre, a licensed family centre or for equal chance prize gaming, section 293 of the Gaming Act 2005 provides conditions with which the permit holder must comply. These 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.

4. Club Gaming and Club Machines Permits

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 (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).

Gambling Commission Guidance states: "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. The Secretary of State

has made regulation and these cover bridge and whist clubs, which replicate(s) 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."

The Commission Guidance also states that "licensing authorities 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."

There is also 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). As the Gambling Commission Guidance to licensing authorities states: "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 the Council can refuse a permit are reduced. And "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.

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. The Council will enforce these statutory conditions.

5. Temporary Use Notices

Temporary use notice(s) allow the use of premises for gambling, where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice according to the gambling commission would include hotels, conference centres and sporting venues.

The council can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. 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 needs to look at, amongst other things, the ownership/occupation and control of the premises.

6. Occasional Use Notices

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.

The Council will though consider the definition of a 'track' and whether applicant is permitted to avail him/herself of the notice.

- Betting on a track will be permitted by an occasional use notice providing it is for 8 days or less in a calendar year. The calendar year will commence on the 1st January.
- The notice must be served by a person who is responsible for the administration of events on the track, or by an occupier of the track.
- A notice must be served on the Council and copied to the Chief of Police.
- The notice must specify the day on which it has effect and may be given in relation to consecutive days providing the overall limit of 8 days is not exceeded in a calendar year.
- The Council will maintain a record of the number of notices served in a calendar year to ensure the limit of 8 days is not exceeded.
- No gaming machines may be provided

7. Lotteries

All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act. One exemption is in respect of what are termed 'small society lotteries'. The Council will be responsible for registering these small lotteries.

A society will be allowed to register with the Council if it is a 'non-commercial' lottery i.e. it is established and conducted:

- for charitable purposes,
- for the purpose of enabling participation in, or of supporting, sporting, athletic or cultural activities or
- for any other non-commercial purpose other than for private gain

The Council will maintain a register of small society lotteries which it has registered.

8. Local Authority Lotteries

Under the terms of the Act Council's can, if they elect to do so, apply to the Gambling Commission for a licence to operate a Local Authority Lottery, the proceeds of which should be utilised for the benefit of the local community.

PART D**Small Casino Licence**

1. On 15th May 2008 the categories of Casino Regulation 2008 and the Gambling (Geographical Distribution of Large and Small Casino premises Licences) Order 2008 were approved. This specified which licensing Authorities could issue large and small casinos. Wolverhampton City Council was one of the authorities authorised to issue a small casino premises licence.
2. The council issued the licence for a Small Casino under Part 8 of the act on 12 September 2016 in accordance with the following principles. If the Council is able to issue a further licence at any time in the future it will do so in accordance with those principles.
3. On 26th February 2008 the Secretary of State issued the Code of Practice on Determinations relating to large and small Casinos. The Licensing Authority will comply with this Code which sets out:
 - a) the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005; and
 - b) matters to which the Licensing Authority should have regard in making those determinations.
4. The Licensing Authority is aware that there may be a number of applications made by operators to operate the small Casino in the City, including existing Casino operators, who currently have licenses in the city. In such a situation, the Licensing Authority will stage a 'competition' under Schedule 9 of the Gambling Act 2005 and will run such a competition in line with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and the DCMS Code of Practice issued by the Secretary of State.
5. In accordance with the above regulations the Licensing Authority will publish an invitation calling for applications for the small Casino Premises Licence.
6. Where the Licensing Authority receives more than one valid application for a Casino Premises Licence or Provisional Statement, there will be a two-stage application process in accordance with the DCMS Code of Practice issued by the Secretary of State.

General Principles

7. The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must:
 - (a) hold or have applied for an Operating Licence; issued by the Gambling Commission.
 - (b) have the right to occupy the land or buildings that is the proposed site of the Casino.

8. In making any decision in respect of an application, the Licensing Authority shall not take into account whether or not an applicant has planning permission or building regulation approval and any decision shall not constrain any later decision by the Authority under the law relating to planning or building. The Licensing Authority does, however, strongly recommend that planning permission be sought prior to submitting an application in order to avoid disappointment. Conditions or agreements attached to Planning consents usually fall outside the Licensing process and will not therefore be taken into account by the Licensing Authority at Stage 2 of the competition. Therefore, benefits which are likely to arise independently of the Licensing process will be disregarded.
9. The Licensing Authority will not consider unmet demand when considering applications for casino premises licenses and each application will be taken on its own merit.
10. Where more than one valid application is received, the Stage 2 process will commence and the Licensing Authority will expect the applicant to set out and demonstrate the deliverable benefit such a development will bring to the residents of the borough, the contribution it will make to the well being of the area, and the steps it will take to minimise and mitigate any disbenefits.
11. In determining the principles the Licensing Authority intends to apply in making any determination for a Casino Premises Licence or Provisional Statement, the Licensing Authority will pay specific regard to:
 - Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community. The Licensing Authority however recognises that persons who gamble beyond their means do not necessarily emanate from Casino's and could come from other gambling premises and therefore this matter is not entirely the responsibility of Casinos.
 - Any provision that is made for preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.
 - Any provision that is made for ensuring that gambling is conducted in a fair and open way.
 - The beneficial impacts the proposal will have and, in the Authority's view, which proposal will deliver the greatest benefit to the Authority's area.
 - The design and location of the proposed development and the nature / character of the surrounding area.
 - Range and nature of non gambling facilities to be offered as part of the proposed development.
 - Likely effects of an application on employment, training opportunities and regeneration in the local area.
 - Deliverability of the development, any financial and other contributions proposed by the applicant, and any steps to be taken by the applicant to monitor the impact of the Casino and to mitigate adverse effects and to assess the community benefit.

12. The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the principles for determining applications or the procedure for assessing applications so as to make it unfair or perceived to be unfair to any application. The Licensing Authority shall therefore disregard any such contract, arrangement or other relationship.
13. The Licensing Authority's decision will not be prejudged and where advice is sought this will be impartial advice. In making a decision on both stages the Licensing Authority will take heed of any Codes of Practice and Regulations issued by the Secretary of State, DCMS and Gambling Commission.

Casino Application Stage 1

14. The Licensing Authority will publish an invitation in a trade newspaper, journal or similar publication, which the Licensing Authority considers likely to be read by potential applicants in the United Kingdom or abroad.
15. The Licensing Authority shall provide an application pack to all applicants, which will include a Statement of the procedure the Licensing Authority proposes to follow and the detailed principles to be considered in assessing applications for the Casino Premises Licence or Provisional Statement.
16. Stage 1 will be implemented after the closing date for receipt of applications where the Licensing Authority receives one or more applications. Applications may also include provisional statement applications. Applications received prior to the closing date will be deferred until after this date. The Licensing Authority will consider each application separately on its own merit with no comparison being made to the other applications received.
17. At this stage the Licensing Authority cannot accept any additional information other than the information required by the Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 for Stage 1. All such additional information will be disregarded and returned to the applicant.
18. With regard to Stage 1, the General Principles as stated at paragraphs 7-12 in this Gambling Policy shall apply to all applications.
19. The Licensing Authority recognises that each of the other competing applicants are considered as an 'interested party' and as a result may make representations. As such applicants are reminded that each representation will be considered carefully to ensure they meet those principles.
20. Representations will be treated in the same manner as for a Premises Licence or Provisional Statement, and in accordance with the paragraphs relating to representations and interested parties in this Policy and in the Gambling Commissions Guidance to Local Authorities. It is recognised that the Licensing Authority's decision may be appealed against, in which case the Licensing Authority will not proceed to Stage 2 until the final determination of all appeals.
21. Where a Provisional Statement application is successful, the Licensing Authority may limit the period of time for which the Statement will have effect. The Authority may consider extending this period if the applicant so applies.

22. If more than one application for a premises licence or Provisional Statement results in a decision to grant a premises license or Provisional Statement, Stage 2 of the licensing procedure will be implemented.

Casino Application Stage 2

23. Stage 2 will be implemented after the closing date for the competition, if more than one application under Stage 1 has been granted and following the final determination of any appeal of a stage 1 decision.
24. At this stage, the applicant will be required to state the benefit they can bring to the residents of Wolverhampton and how they can contribute to the well being of this area.
25. Full details of the Licensing Authority's criteria, procedure and an explanation of the proposed evaluation process will be enclosed in the application pack that will be sent to applicants.
26. The Licensing Authority will decide between the competing applications and grant the available licence to the applicant that it considers in its opinion will result in the greatest benefit to Wolverhampton. The competition will be judged on a wide range of issues, reflecting the issues that are important to the city, local concerns and local priorities.
27. The Licensing Authority may during the second stage engage in discussions or negotiations with each second stage applicant with a view to the application being refined, expanded or altered so as to maximise the benefits to the area.
28. The Licensing Authority will not, during Stage 2, discuss the details of a person's application with the other competing applicants without that person's permission.
29. The Licensing Authority will expect the applicants to enter into a written agreement in order to secure the benefits proposed. The Licensing Authority may have regard to this agreement when determining which application would result in the greatest benefit to the Authority's area. The Licensing Authority will attach conditions to a licence granted so as to give effect to any agreement entered into. The agreement will allow for an applicant to provide a third party guarantor and will have regard to the effect of any agreement so entered into and any guarantee provided in such agreement in making the determination on the competing applications.

General Principles that apply and information to be provided that the licensing authority consider appropriate in determining whether to grant a Licence

30. The Licensing Authority has set out in Appendix 1 an overview of the principles for selection. It is expected that applicants be fully conversant with this and the Council's policies, strategies and plans. Further details of these will be stated in the application pack. In addition the applicant will be expected to have understood and be fully conversant with any Codes of Practice issued by the Gambling Commission or Department of Culture, Media and Sport.
31. With regard to the Local Authority's preferred location for the Casino, although applicants are able to submit plans for any site within the Borough which will be

judged on their own individual merits, applicants should have regard to the Council's Local Development Framework for the area.

32. The Licensing Authority expect applicants to present a detailed package that will bring the greatest benefit to the Authority's area taking into account the criteria set out in Appendix 1. It is expected that the applicants will have undertaken detailed research and liaised with the relevant departments of the Council prior to submitting their application.
33. The applicant will be expected to provide:
 - A scaled plan of the premises including the table gaming area (including electronic gaming), machines area, other gaming areas and any non gaming areas. The Licensing Authority will also require full details of minimum and maximum numbers of gaming tables, automated tables, electronic gaming terminals and electronic gaming machines and any other games to be provided. In evaluating competing applications the Licensing Authority will take into account the degree to which the proposal offers a wide range casino experience, as opposed to a concentration on a small number of types of games.
 - Detailed numbers of all staff and Personal Licence Holders to be employed, together with a clear management structure.
 - Proposals for refreshment and entertainment. Where alcohol is to be supplied, the Licensing Authority would wish to have sight of the menu to ensure substantial refreshment and not just bar snacks will be provided.
 - An indication of the proposed location of the casino, which should be sustainable and appropriate taking into account transport accessibility. Each application will be considered on its own merit assuming it meets this Council's competition criteria. Applicants must provide an indication of the availability of the site chosen, including any matter that may impact on anytime restraint that may affect the delivery of the proposal. Details may also be required of any proposed linked development, including plans, and the extent to which the Casino would be dependent on any linked development and vice versa.
 - Demonstration of sufficient financial capacity to raise the funding for the scheme.
 - Evidence of financial standing including submission of the applicant's last 3 year financial accounts, together with 2 financial references confirming that there is sufficient finance in place to ensure delivery of the project.
 - Two professional references to evidence that the applicant has a demonstrable ability within the casino / gambling sector.
 - Submission of a clear and detailed Business Plan supported by a signed agreement in a form that is acceptable to the Council, committing the applicant in the event that his application is successful to the proposals that he has put forward.

APPENDIX 1

- A timescale for implementation and completion of the proposed development (casino and/or ancillary developments) and, where applicable, setting out the various stages of construction. This is to enable the Licensing Authority to be kept informed of when the project is likely to be completed and that the applicant is on target for final completion.
- Evidence that there is ongoing consultation with statutory bodies and responsible authorities to ensure that all statutory regulations/legislation are complied with.
- Evidence of ongoing consultation with West Midlands Police in particular with respect to the development and evaluation of scheme proposals to promote the prevention of crime and disorder. Proposals should consider for example: CCTV, security procedures and relevant policies, Door Supervisors, external and internal lighting, and proposals to ensure that where possible opportunities for crime are designed out at an early stage. West Midlands Police however expects the Operator to take responsibility for their own security issues.
- Evidence of a robust training plan that will be put in place for all employees in accordance with the Gambling Commissions Licence conditions and Codes of Practice. Training to cover all matters including awareness of the Licensing Objectives, knowledge of the gambling legislation, an awareness of problem gambling and all relevant internal procedures. In addition, applicants are required as part of their training plan to evidence customer service training and a knowledge of the local area.
- The applicant will be expected to provide a Premises Log Book recording all training undertaken and this should be signed by the recipient to acknowledge training was given and understood. All training should be ongoing and based on a two-tier system. This system should demonstrate that staff are trained to their level of responsibility with senior staff trained to a higher level to ensure that they can effectively apply procedures and respond appropriately to any consumer requesting information, or assistance.
- Evidence of Policies and Procedures that will be put in place to protect children and vulnerable persons from harm. In particular, the applicant should evidence clearly how they intend to promote the Licensing Objectives.
- A Policy detailing the mechanism enabling the applicant to identify problem gamblers. This Policy should be incorporated within the Training Plan for all employees. This Policy is likely to set out how advice and support will be provided to those engaged in or affected by problem gambling.
- A Policy detailing commitment to educating the community on gambling and problem gambling.
- An Admissions Policy incorporating procedures for Door Supervisors to manage the entry of individuals affected by alcohol or other substance abuse, under age persons and any dress code.
- Confirmation that all gambling advice will be available in a language other than English when a predetermined percentage of regular customers are identified as speaking that language.

- A Social Responsibility Policy and casino rules for each gambling activity on offer. In addition, the applicant shall provide within the gaming area a specific practice area/room that enables any customer to learn how to gamble on the various activities offered without feeling intimidated or embarrassed. Where there is a practice room there shall be information provided that emphasises the importance of staying in control of their gambling, the steps they can take to achieve this and where to access help should they become concerned about their gambling. Where an area is provided, there should be leaflets and information clearly displayed setting out these points.
 - An indication on the plan where the separate non-gambling refuge area of the premises is located. This area should provide a refuge from gambling and could be by way of a non threatening sound proofed quiet room that is always available for those concerned about their own or someone else's gambling. Within this room there should be installed the facility to telephone appropriate counselling services, access online counselling facilities or contact a local face-to-face counselling service or Gamcare. Leaflets with contact addresses and telephone numbers should be prominently displayed within this room. This is in addition to any information displayed in other non gambling areas such as toilet or hospitality areas.
34. Evidence on how the proposal is likely to benefit the City, in terms of an assessment of the social, economic and physical impact, will be required to be submitted with the application. Guidance on local priorities and how proposals could benefit the City and the community will be set out in the application pack and are summarised in Appendix 1, together with criteria against which the Council will judge the package of non-gambling public benefits which should accompany the application. These criteria and priorities which will be used to assess which application provides the greatest benefit are summarised below:
- Proposals for the location of the casino and other high quality leisure and entertainment facilities and how the site(s) selected and the design and architecture will regenerate the surrounding area and street scene.
 - Proposals regarding day/night access and travel arrangements to and from the casino taking into consideration staff and customer travel
 - How the proposal will assist with the rebranding of the tourism sector towards a new upmarket image and address issues relating to hotels, conference facilities and cinema.
 - How the proposal will improve the environment with improved public realm, tackling poor buildings or the provision of new infrastructure.
 - The provision of a marketing policy which explains how the proposal will promote the City in line with the Council's strategy to improve the quality and image of the City.
 - Support for contributions towards community schemes, such as improving the night time economy, and the local community/voluntary sector.
 - How the proposals will directly assist sustainable job creation, safeguard existing jobs, local economic benefit and regeneration, learning and skills, youth unemployment specifically non-gambling related jobs.
 - How the proposal will deal with social responsibility including problem/fair gambling, protection of children and vulnerable people, crime and disorder, public nuisance and the Council's Cumulative Impact Policy.

35. In addition, the Licensing Authority will expect the applicant to state:
- How many new jobs the casino will create and its employment policy with regard to local recruitment;
 - How many existing jobs will be safeguarded by the proposed development;
 - Sustainable Training Policy it intends to promote with regard to training of local employees into the casino market;
 - Any policy on local service providers, such as local architects, designers, contractors and suppliers when constructing the casino;
 - Policy on suppliers for the casino itself to be sourced from small and medium sized businesses, including local businesses;
 - Set out what local community partnership it proposes to communicate and consult with;
 - The regeneration benefits of the additional facilities particularly the benefits that will be delivered in terms of non gaming facilities/services;
 - The financial viability of the proposal;
 - The monitoring and reporting on the impact of the casino.
36. The Licensing Authority will expect applicants to present a detailed package that will bring maximum benefit to the city and it is expected that the applicant will have undergone detailed research and liaised with the relevant departments of the Council prior to submitting their application.
37. In assessing the impact of competing bids the applicant will be expected to have taken into account the additional criteria set out in Appendix 1 to this Policy. In addition, the applicant will be expected to have understood and be fully conversant with any Codes of Practice issued by the Gambling Commission or Department of Culture, Media and Sport.

Process of Evaluation

38. The Council will publish a detailed evaluation methodology, which includes the information applicants are required to supply in order to support their application, and the weight that will be placed on each criterion. This evaluation methodology will be included in the application pack.
39. As it is recognised that the Licensing Authority does not necessarily have planning or regeneration expertise it may, in certain circumstances, seek advice on an applicant's proposal from officers in other relevant departments such as Planning, Highways, Finance, Regeneration, Legal, etc. For this purpose, the Licensing Authority may request that an independent Evaluation Panel be formed to assist in the evaluation of the Stage 2 application process. Members of this group will comprise of individuals who are not biased or perceived to be biased and whose personal interests will not compromise their independence. They will be individuals who are able to maintain the confidentiality on which the integrity of this process demands. It will be for the Licensing Authority to determine which individuals would best represent the interests of the community. Where such a panel is formed, the Licensing Authority will require a written remit on the purposes of the panel to ensure that the process is open and transparent.

40. It is accepted that only the Licensing Authority, consisting of elected Members and not Members of the Evaluation Panel, will make the final decision on the successful applicant. Licensing Authority Members are bound by code of conduct and rules governing the competition. All applications will be kept confidential throughout the competition process and in accordance with the Stage 2 Storage Protocol until such time as a decision is made. In any event it should be noted that the entire process is open to judicial review. The Licensing Authority will, however, give equal time to all applications and will carefully scrutinise all proposals prior to making any decision. The process will be open, fair and transparent.
41. In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority shall ensure that there is a Register of Interests in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. The Register will be published on the Council's website; alternatively a hard copy will be made available on request free of charge. However, applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during the second stage of the competition.
42. In addition, the Licensing Authority shall have a Protocol governing the storage of confidential information submitted during the second stage so as to maintain confidentiality. This Protocol is available on the Council's website or a hard copy is available from the Council's offices upon request.
43. Where there is more than one applicant who complies with the competition criteria the Licensing Authority shall hold individual hearings where the applicant will be given the opportunity to expand and explain their proposals. However, it is strongly recommended that all documents and paperwork in support of these proposals are submitted to the Licensing Authority well in advance in order to give the Licensing Committee sufficient time to seek advice and read through the proposals.
44. Once all the bid documentation has been submitted, the Evaluation Panel will evaluate each bid and the bids will be scored numerically within definite bands. Once assessed, the Evaluation Panel will ensure that the draft evaluation on each applicant is sent to the applicant to enable the relevant applicant to correct any factual errors or make representations as to the scoring or qualitative evaluation. At this stage they will not, however, be permitted to provide any new information.
45. The Evaluation Panel will then provide a final written report with a copy of all applicants' representations to the Licensing Committee. While it is legally possible for the Committee to delegate the decision to a Sub-Committee, the Licensing Authority intends that the decision shall be made by a wide body of councillors and so has decided that the Licensing Committee itself shall decide the applications. However, the quorum for the Committee shall be set at 5 so as to ensure that the Committee may continue to sit even if one or more of its members are indisposed. Assisted by the Evaluation Panel's recommendation as to the correct band for

each criterion, the Panel's qualitative evaluation and also the applicant's response, the Licensing Committee will determine a precise score within each recommended band for each criterion. The Committee will not take further evidence or representations by the applicants but will then make its decision. However, where the Committee has any new concerns not previously identified, it may give the applicant an opportunity of answering them.

- a. The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable. It should be noted that once a decision has been made there will be no right of appeal.

Part D – Appendix 1

Application Guidance: Principles for Selection

1. Introduction

- 1.1 This Appendix outlines the general principle criteria, which will be used by the Council to assess applications received for a small casino licence. The criteria include general guidance and specific principles, which will be taken into account by the Council in judging the merits of applications. The guidance represents a summary of the objectives of the Council in relation to the development of a small casino, further details will be provided in the application pack.
- 1.2 The guidance aims to advise applicants on the positive impacts for economic physical and social regeneration from a casino that the Council will be seeking, and what it will seek in terms of mitigating and minimising any adverse or negative social impact.
- 1.3 The Council wishes to maximise, harness or capture the economic benefits of a casino in the public interest. This is an exciting time for Casino operators to consider investing in Wolverhampton because of the major changes which are taking place in the city with increasing investor confidence and major public and privately funded development projects underway which are significantly changing the face of the city. Therefore, the Council requires the applicant to understand the physical, social and economic issues in the city and develop the casino in a way which addresses local problems and opportunities.
- 1.4 The guidance provides an indication of local priorities and which issues are likely to be assessed as providing the greatest benefit to the area.
- 1.5 Whilst guidance sets out the principles the Council will use in assessing applications, it is not intended to be prescriptive and applicants are encouraged to examine the opportunities currently presented by the city and apply their own expertise and creativity in compiling their applications licence.

- 1.6 The Council wishes to see lasting, tangible and visible public benefits arising from a casino development. Facilities or capital or revenue should not impose future costs on the community or the Council that is not shown to be capable of being funded by the casino operator.

2. General Principles

2.1 **The following are the key principles/criteria that the Licensing Authority will consider in assessing which casino submission provides the greatest benefit to the area.**

2.2 Social Responsibility

- 2.3 Prior to the issuing of any premises licences operators will have reached the required standards in social responsibility laid down by the Gambling Commission via the application process for operating and personal licences.

- 2.4 Stage 2 will consider proposals over and above the social responsibility standards laid down by the Gambling Commission, which in the Licensing Authority's view will confer the greater levels of benefit to the area/best minimise harm, including:

- a) proposals for preventing gambling from becoming a source of crime and disorder, being associated with crime and disorder, being associated with the sex industry, or being used to support crime;
- b) proposals to identify and mitigate problem gambling including policies on access restrictions, provision of safe practice zones etc;
- c) financial contributions that will be made by the casino operator to support the provision of services to support those suffering from problem gambling, over and above payments currently provided via the RIGT levy.

2.5 Employment

- 2.6 The Licensing Authority wishes to see training and employment opportunities maximised for local residents with staff training within the Wolverhampton area. Proposals should include opportunities that will be created for local employment including:

- a) the number of jobs created during construction of the casino;
- b) the number and types of jobs directly created within the new casino;
- c) training to be provided for staff, including recognised accredited qualifications.
- d) the number and types of jobs created in ancillary, non-casino activities;
- e) in both cases job 'types' should include indication of pay levels, and levels of qualification required;
- f) proposals to maximise local recruitment to jobs;
- g) proposals to maximise local training opportunities; and

- h) investment in local training provision/infrastructure to enhance capacity to deliver training opportunities.
- 2.7 Local Business Benefits
- 2.8 Opportunities that will be available to local businesses to compete for work related to the construction and operation of the casino, including:
- a) proposals for local contractors/sub-contractors/suppliers to be involved in the construction phase;
 - b) proposals for local contractors/sub-contractors/suppliers to be involved in the casino and associated activities operation.
- 2.9 Regeneration benefits – additional facilities
- 2.10 What additional benefits will be delivered in terms of non-gaming facilities / services including:
- a) associated on-site leisure facilities/services including restaurants and bars (including destination quality restaurant), retail, performance space, etc included in proposals;
 - b) hotel development supported by the casino (either off-site or on-site) including hotel star rating and associated hotel facilities such as conference, health-spa, etc;
 - c) overall impact/contribution of the proposed casino to Wolverhampton in terms of:
 - its night-time economy offer;
 - its cultural offer;
 - its retail offer;
 - its overall city-regional role;
 - the image and perception of Wolverhampton
- 2.11 Regeneration benefits – physical development
- 2.12 What benefits the proposal will give the area in terms of its physical impact including:
- a) the capital value of the proposed development;
 - b) the quality of the proposed design;
 - c) the impact of the proposal on the immediate surrounding area/environment, including other investment attracted due to the casino;
 - d) the impact on Wolverhampton image through additional high quality development;
 - e) the environment/carbon reduction quality of the proposals;
 - f) proposals for access, public transport and parking and any additional benefits these provide other than for immediate casino use/access;
 - g) any other benefits or added value which will accrue to the area from the proposal/location of the casino.

- 2.13 Regeneration benefits – community regeneration
- 2.14 In addition to the benefits already outlined, any other benefits of the proposal to the community.
- 2.15 Financial contributions
- 2.16 There may be instances where benefits take the form of financial contributions by the license-holder to the Council for a number of purposes. If these types of benefits are included in proposals then proposers are requested to identify either the flat rate sums involved, or appropriate methods for determining the levels of these contributions based on profit share or other formulae.
- 2.17 Deliverability and Risk
- 2.18 At stage 2 the council will assess the risk and deliverability of the proposed scheme. In particular the council will wish to consider what legal and financial assurances there are that the proposed development will be delivered within 5 years, and that the promised benefits will both materialise and be maintained. Firm evidence is required that all benefits and development proposed can be funded and contractual obligation with penalties for non-delivery is required.
- 2.19 The application pack will include a template agreement under paragraph 5(3) (b) of Schedule 9 to the 2005 Act (“a schedule 9 agreement”). Such an agreement will be negotiated with the applicants during the stage 2 evaluation process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where the benefits, including delivery of the development itself, are made subject of contractual obligations as opposed to merely damages for non-delivery, are likely to receive greater weight in the evaluation process.
- 2.20 The council is aware that the casino application may form part of a wider development proposal. The stage 2 evaluation will only take into consideration parts of a development that the applicant is willing to make a firm contractual commitment to deliver within a set timescale. Any benefits not supported by a contractual commitment in the schedule 9 agreement along with meaningful proposed penalties on non-delivery or delay and without proof of funding will receive little if any weight. Development outside of the control of the applicant will not be considered.
- 2.21 Further detail including the information required its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack along with a template schedule 9 agreement.

2.22 Commuted Sums

2.23 Where appropriate the Licensing Authority will also require that commuted sums be payable in lieu of regeneration benefits proposed which are subsequently not delivered.

2.24 Proposals are sought as to the value of commuted sums, suggested mechanism for handling of commuted sums, etc.

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