

CITY OF
WOLVERHAMPTON
COUNCIL

CITY OF WOLVERHAMPTON COUNCIL

GAMBLING ACT 2005

Statement of Principles

Unlicensed Family Entertainment Centre –
Gaming Machine Permits

&

Prize Gaming Permits

Statement of Principles – Gambling Act 2005

Contents

1. The Gambling Act 2005
2. Purpose of this document
3. Unlicensed Family Entertainment Centres (uFEC)
4. Prize Gaming Permits
5. Statement of Principles for UFEC Gaming Machine Permits and Prize Gaming Permits
 - 5.1 Supporting documents
 - 5.2 Child protection issues
 - 5.3 Protection of vulnerable persons issues
 - 5.4 Other miscellaneous issues
 - 5.5 Consideration of applications

1. The Gambling Act 2005

- 1.1 The Gambling Act 2005 creates a new system of licensing and regulation for commercial gambling.

The Act contains three licensing objectives which underpin the functions under the Act:

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

- 1.2 The Act has introduced a unified regulator for gambling in Great Britain, the Gambling Commission, and a new licensing regime for commercial gambling (to be conducted by the Commission or by licensing authorities, depending on the matter to be licensed). The Act removes from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Commission and licensing authorities will share between them responsibility for all matters previously regulated by licensing justices

- 1.3 The Act gives licensing authorities, such as City of Wolverhampton Council (the Council), a number of important regulatory functions in relation to gambling. Their main functions are to:

- license premises for gambling activities;
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.

2. Purpose of this document

- 2.1 This document has been prepared to assist persons considering making an application for either an Unlicensed Family Entertainment Centre (uFEC) gaming machine permit or a prize gaming permit under the Gambling Act 2005.

- 2.2 In respect of uFEC gaming machine permits it has been prepared in accordance with Paragraph 7 of Schedule 10 of the Act and in respect of prize gaming permits it has been prepared in accordance with

paragraph 8 of Schedule 14 of the Act. This document should be read in conjunction with the document 'Wolverhampton City Council – Statement of Gambling Policy'.

- 2.3 When considering permit applications for uFEC gaming machine permits and prize gaming permits, the Council:
- need not (but may) have regard to the licensing objectives;
 - must have regard to any guidance issued by the Gambling Commission; and
 - can draw up a statement of principles to be applied in relation to applications for uFEC and prize gaming permit applications.
- 2.4 The purpose of this document is to clarify measures that the Council will expect applicants to demonstrate when applying for either of these permits to enable the Council to determine the suitability of an applicant and the premises for a permit.
- 2.5 Within this process the Council will aim to grant the permit where the applicant is able to demonstrate that:
- they are a suitable person to hold the permit;
 - they have considered and are proposing suitable measures to promote the licensing objectives; and
 - they have a legal right to occupy the premises to which the permit is sought.

3. Unlicensed family entertainment centres

- 3.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a 'licensed family entertainment centre' which does require a premises licence because it contains both category C and D gaming machines.
- 3.2 The Council will only grant an uFEC gaming machine permit where it is satisfied that the premises will be operated as a bona-fide unlicensed family entertainment centre.
- 3.3 In line with the Act, while the Council cannot attach conditions to this type of permit, the Council can refuse applications if they are not satisfied that the issues raised in this "Statement of Principles" have been addressed through the application.
- 3.4 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time (permits are granted for a period of ten years).

4. Prize gaming permits

- 4.1 Section 288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences
- 4.2 A prize gaming permit is a permit issued by the Council to authorise the provision of facilities for gaming with prizes on specified premises.
- 4.3 Applicants should be aware of the conditions in the Act by which prize gaming permit holders must comply. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.
- 4.4 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.
- 4.5 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time (permits are granted for a period of ten years).

5. Statement of Principles for uFEC gaming machine permits and prize gaming permits

5.1 Supporting documents

- 5.1.1 The Licensing Authority (hereafter called the Council) will require the following supporting documents to be provided with all uFEC gaming machine permit and prize gaming permit applications:
- proof of age (a certified copy or sight of an original birth certificate, driving licence, or passport – all applicants for these permits must be aged 18 or over);
 - proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property’s deeds or a similar document;
 - In the case of applications for a uFEC gaming machine permit evidence that the machines to be provided are or were supplied by

a licensed gambling operator who holds a valid gaming machine technical operating licence issued by the Gambling Commission; and

- A plan of the premises to which the permit is sought showing the following:
 - the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - where any category D gaming machines are positioned and the particular type of machines to be provided (e.g. slot machines, penny falls, cranes)
 - the location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed.
 - the positioning and types of any other amusement machines on the premises
 - the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
 - the location of any ATM/cash machines or change machines
 - the location of any fixed or temporary structures such as columns or pillars
 - the location and height of any stages in the premises;
 - any steps, stairs, elevators, balconies or lifts in the premises; and
 - the location of any public toilets in the building.

Unless agreed with the Council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

5.2 Child protection issues

5.2.1 The Council will expect the applicant to show that they have 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 council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- maintain contact details for any local schools and or the education authority so that any truant children can be reported;
- employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school;
- employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays;
- maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to

- ensure sufficient staffing levels during these times;
- maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.);
- ensure all young children are accompanied by a responsible adult;
- maintain policies to deal with any young children who enter the premises unaccompanied; and
- enhanced criminal records checks for all staff who will be working closely with children.

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

5.3 Protection of vulnerable persons issues

5.3.1 The Council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to Part B Section 1 of the Council's 'Gambling Act 2005 - Statement of Licensing Policy' to familiarise themselves with who the council considers vulnerable. The council will assess these policies and procedures on their merits; however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

- display Gamcare helpline stickers on all gaming machines;
- display Gamcare posters in prominent locations on the premises;
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable; and
- consider appropriate positioning of ATM and change machines. (including the display of Gamcare stickers on any such machines).

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

5.4 Other miscellaneous issues

5.4.1 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of nuisance as follows:

- maintain an effective CCTV system to monitor the interior and exterior of the premises;
- keep the exterior of the premises clean and tidy;

- ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises;
- consider the design and layout of the outside of the premises to deter the congregation of children and youths; and
- to ensure the premises are smoke free.

Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

5.5 Consideration of applications

5.5.1 The application for an uFEC or prize gaming permit (PGP) must be made on the approved application form and be accompanied by the required supporting documents plus prescribed fee as set by the Secretary of State.

5.5.2 The application form must be fully completed in accordance with the accompanying guidance notes applicable at the time of application.

5.5.3 Granting or Refusing a Permit

- a. A permit cannot be issued in respect of a vessel or a vehicle.
- b. The applicant must be aged 18 and over.
- c. The Licensing Section of Wolverhampton City Council will have delegated authority to consider all applications for a permit.
- d. Prior to any consideration of an application for a permit the Council will consult with the Chief Officer of Police as required under the Act, responsible for the Wolverhampton area, on the application. The Council will provide the Chief Officer of Police with a copy of the application form and ask if they have any objection to the issuing of the permit. Their response will be requested to be communicated to the Council within 21 days of receipt of the copy application form.
- e. The application will be considered with reference to the following:
 - Any conviction of any applicant as notified to the Council that would make them unsuitable to operate prize gaming
 - The location of the intended premises in relation to
 - (a) Other gambling premises
 - (b) Educational premises
 - (c) Retail units
 - (d) Any area where children or young persons use or congregate
 - (e) Alcohol licensed premises
 - (f) Reported instances of disturbance in the vicinity
 - Measure either in place or planned to satisfy the points raised in:

- Point 5.2 child protection issues
 - Point 5.3 protection of vulnerable persons
 - Point 5.4 other miscellaneous issues
 - Any objection made by the Chief Officer of Police
- f. Each application will be considered on an individual basis with reference to the criteria contained in Point 5.
- g. The decision, by a delegated officer, on each application will be recommended in an appropriate form to the Chief Environmental Services Officer who will authorise, reverse or request further information on the decision, until a decision to grant or refuse is made.
- h. If the application is granted a permit will be issued in the prescribed form within 14 days.
- i. The Council may not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- j. A permit that has been issued will have effect for 10 years and no annual fee is payable.
- k. The permit may lapse for a number of reasons:
- a. if the holder ceases to occupy the premises;
 - b. if the Council notify the holder that the premises are not being used as an uFEC.
 - c. if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity; becomes bankrupt, or sequestration of his estate is ordered; or
 - d. if the company holding the permit ceases to exist, or goes into liquidation.
- l. Where a permit lapses, the Act provides that the permit may be relied upon for a period of six months after it has lapsed, by the following persons:
- the personal representative of the holder (in the case of death);
 - the trustee of the bankrupt's estate (in the case of individual bankruptcy);
 - the holder's interim or permanent trustee (in the case of an individual whose estate is sequestrated); or
 - the liquidator of the company (in the case of a company that goes into liquidation).
- m. The permit may also cease to have effect if the holder surrenders it to the Council. Notice of such surrender must be accompanied by

the permit, or by an explanation of why the permit cannot be produced.

- n. If the permit holder is convicted of a relevant offence (that is an offence listed in schedule 7 of the Act) the court may order the forfeiture of the permit. The court must order the holder to deliver the permit to the Council, or provide a statement explaining why it is not reasonably practicable to produce it. The court must notify the Council that it has made a forfeiture order as soon as is reasonably practicable after making the order. Such an order may be suspended by a higher court pending appeal against conviction of a relevant offence.
- o. The permit must be kept on the premises and it is an offence not to produce it when requested to by a constable, an enforcement officer, or an authorised local authority officer.
- p. If a permit is lost, stolen or damaged, the holder may apply for a replacement, subject to paying a fee that will be set by the Secretary of State in regulations. The Council will grant the application if it is satisfied that the permit has been lost, stolen or damaged and a report has been made to the Police. The Council will then issue a copy and certify it as a true copy.
- q. If the person to whom the permit is issued changes their name or wishes to be known as another name they may send the permit along with the prescribed fee as set by the Secretary of State, to the Council to request that a new name be substituted for the old name. The Council will comply with the request and return the permit to the holder.

5.5.4 Appeal Procedure

- a. The applicant for or holder of a permit may appeal if the Council:
 - 1. reject an application for the issue or renewal of a permit,
 - 2. give notice that the holder that the premises are not being used as a uFEC, or
 - 3. give notice that in its opinion the individual permit holder is incapable of carrying on the activities authorised by the permit by reason of mental or physical incapacity.
- b. An appeal must be instituted in Wolverhampton Magistrates Court, by notice of appeal to the Council and must be done within 21 days beginning with the day on which the notice of refusal (Point 9.) is given.
- c. On appeal the court may:
 - dismiss the appeal;
 - substitute for the decision appealed against;
 - restore a permit;

- remit the case to the Council to decide in accordance with a direction of the court;
- make an order about costs.

DRAFT

**LIST OF RESPONSIBLE AUTHORITIES AND INTERESTED PARTIES
INCLUDED IN CONSULTATION EXERCISE**

Name of Responsible Authority etc.	Details
Chief Superintendent, West Midlands Police, Wolverhampton West	Responsible authority under the Gambling Act 2005
Chief Superintendent, West Midlands Police, Wolverhampton East	Responsible authority under the Gambling Act 2005
Chief Fire Officer, West Midlands Fire Service	Responsible authority under the Gambling Act 2005
Trading Standards, Wolverhampton City Council	Interested party
Director for Children & Young People, Wolverhampton City Council	Responsible authority under the Gambling Act 2005
Director for Adult & Community Services, Wolverhampton City Council	Interested party
Responsibility in Gambling Trust	Independent trust voluntarily funded by the gaming industry to research and limit problem gambling.
Gamcare	Registered charity - leading expert on the social impact of gambling addressing the needs of those affected by problem gambling.
Gamblers Anonymous	Registered charity dealing with gambling addiction
MENCAP	A UK charity which campaigns for equal rights for children and adults with a learning disability
NCH West Midlands	One of the UK's leading children's charities
Gordon House	Organisation offering residential assistance to those affected by problem gambling
Gamestec Limited	UK supplier of gaming machines
Leisure Link	UK supplier of gaming machines
British Amusement Catering Trade Association	Association set up to represent the pay-to-play leisure industry
Food & Environmental Safety, Wolverhampton City Council	Interested party
Public Protection, Wolverhampton City Council	Interested party
Strategic Sites & Major Development, Wolverhampton City Council	Interested party
Development Control, Wolverhampton City Council	Responsible authority under the Gambling Act 2005
Legal Services, Wolverhampton City Council	Interested party