

# Gambling Act 2005

# Statement of Principles 2025 –2028

**Sunderland City Council  
Statement of Principles**

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## **1 Introduction**

### **1.1 Background**

The Gambling Act 2005, (“the Act”), created a system of licensing and regulation for commercial gambling in this country. The Act gives local authorities responsibilities for licensing premises for gambling including gaming machine arcades, betting, casino gaming and bingo.

The Act received Royal Assent in 2005 and came into force in 2007. The Act and associated regulations together with the Gambling Commission’s Licence Conditions and Codes of Practice (LCCP), statutory guidance issued to licensing authorities, the Gambling Commission’s formal statement of principles, form a central framework for regulating commercial gambling.

Under Section 349 of the Act each licensing authority is required to develop, consult on and publish a Statement of Principles, (SOP). The SOP must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. This process repeated every three years, a process that began on 31st January 2007. The Council’s SOP provides the local framework for the licensing of premises and specified gambling activities.

The Act requires the Gambling Commission to issue guidance to licensing authorities on the way they are to exercise their functions under the Act and the principles to be applied by them in exercising those functions. Licensing authorities are required to take account of all such guidance. The guidance is designed to ensure the spread of best practice and consistency of approach in decision making amongst licensing authorities, whilst not preventing authorities from properly exercising the discretion they must take account of appropriate and relevant local issues and factors.

The consultation process leading to the development of this latest version of Sunderland City Council’s Statement is laid out in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

### **1.2 The Licensing Objectives**

Sunderland City Council, (“the Council”), is designated as a Licensing Authority under the Gambling Act 2005. In exercising most of its functions under that 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; and
- 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'.

The Council is aware that, in accordance with Section 153, in making decisions about premises licences and temporary use notices 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 SOP.

### **1.3 Consultation**

In preparing this statement the Council consulted with and considered the views of a wide range of people and organisations. The Council has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and the responses from those consulted on the statement.

A full list of comments made in response to the consultation and the consideration by the Council of those comments is available on request to the Principal Licensing Officer whose details are listed below and via the Council's website at [www.sunderland.gov.uk/licensing](http://www.sunderland.gov.uk/licensing)

This SOP was approved at a meeting of the Council on 13 November 2024.

### **1.4 Public Health Approach to Gambling**

Sunderland City Council supports a public health approach to gambling.

Our public health approach seeks to reduce the risk of gambling and prevent gambling related harm. In implementation of this policy, the Licensing Authority has sought the views of public health colleagues and recognises the need to address the possible impact of gambling on individuals, their families and close associates. There is also consideration for the impact on the wider community.

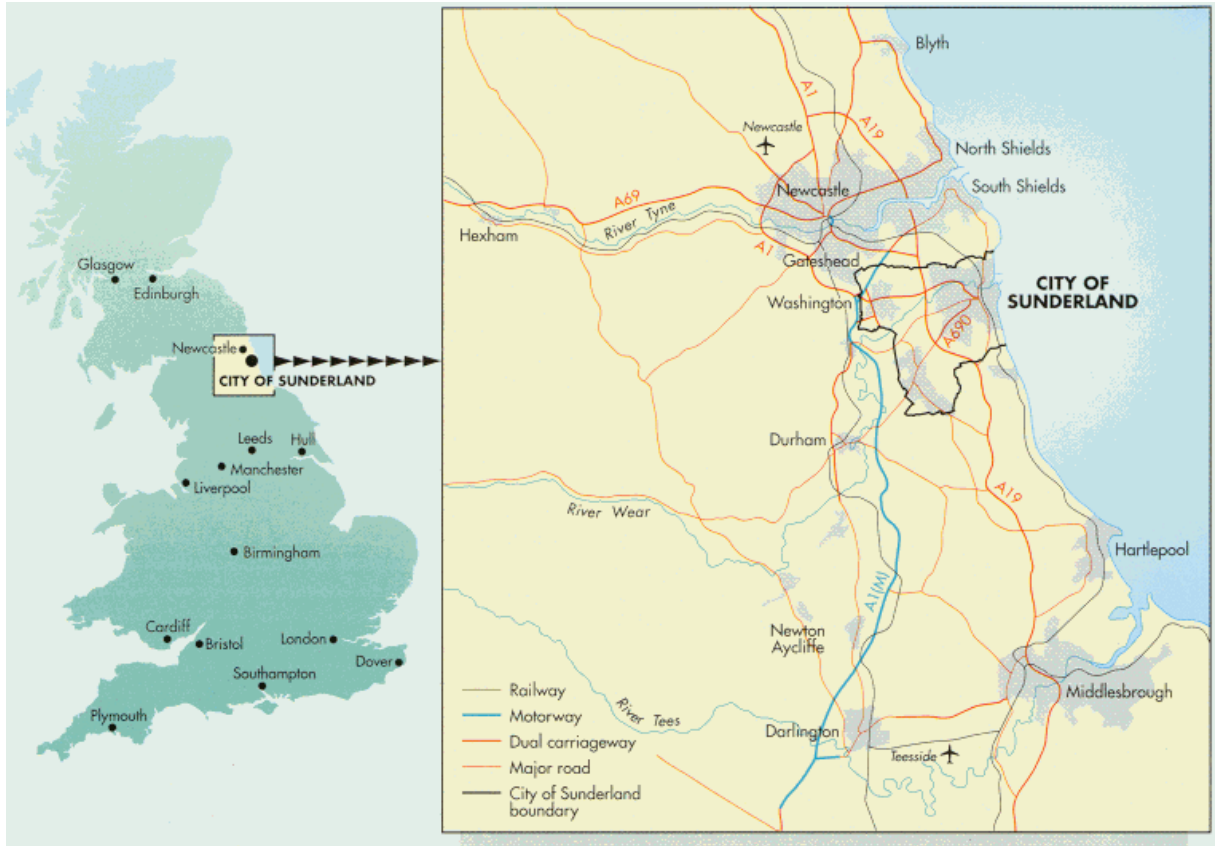
The Council is also aware of the need to encompass products, environments and marketing and the wider context in which gambling occurs including the range of social, cultural, political and environmental factors.

The approach also considers the impact on young people and high-risk groups. Their needs are different, and they may need different approaches to reducing gambling-related harm. The potential influence of parents, peers and family members as well as social media must be given focus in its creation of “social norms”.

- 1.5 The City of Sunderland** has a population of 274,171 according to the Office of National Statistics estimate for 2021 and is situated on the northeast coast of England. In terms of area, it covers approximately 137 square kilometres (13,700 hectares) and is mainly urban in character. Its location is shown on the map below.



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## **2 Part A – The Gambling Act 2005**

### **2.1 The Legislation**

The Gambling Act 2005 came into force in 2007 and put in place a comprehensive and cohesive regulatory regime based on three fundamental objectives. Under the Act Sunderland City Council is the licensing authority for the district and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the Council are to Sunderland City Council as the licensing authority.

### **2.2 Decision Making**

The Council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. 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; and
- Reasonably consistent with the licensing objectives and in accordance with this document.

The Council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.

### **2.3 Risk assessments**

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Section 4.

### **2.4 Integration with other guidance, policies, objectives and strategies**

Many stakeholders are involved in the leisure industry and they are all involved in the promotion of the licensing objectives. Several stakeholders' plans and strategies deal with matters related to the

licensing function. Where this is the case the Council will aim to integrate and co-ordinate them.

## **2.5 The Purpose of the Gambling Act 2005 –**

The Council is required by the Gambling Act 2005 to publish a statement of the principles which it proposes to apply when exercising its functions under the Act. This statement is required to be published before each successive period of three years. The statement must also be reviewed from ‘time to time’ and any revision consulted upon. Any revised statement must be then published before it may have effect.

The Act requires that the following parties are consulted by licensing authorities, :-

- 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; and
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Act.

In formulating this SOP, the Council has sought the views of, :-

- Northumbria Police;
- Tyne and Wear Fire and Rescue Service;
- Sunderland City Council, Development Control Section;
- Sunderland City Council, Public Protection and Regulatory Services (Environmental Health);
- Sunderland City Council, Public Health Department
- Safer Sunderland Partnership;
- Betting and Gaming Council;
- Bacta
- Various representatives of the gambling trade and premises licence holders in the City; and
- Other Interested Parties via advertisement of the consultation on the Council’s website

This SOP was approved at a meeting of the Council held on [insert date] and was published on [insert date]. This SOP has application for the three year period commencing on : [insert date].

It should be noted that this SOP will not override the right of any

person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

This SOP is in line with and will contribute to the Safer Sunderland Partnership's strategic priorities which are to:-

1. Prevent crime and disorder, re-offending and maintain high levels of feelings of safety; and
2. Protect and support our most vulnerable people and places from harm.

## **2.6 The licensing framework**

The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

The Gambling Commission issues operators' licences and personal licences. Any operator wishing to provide gambling at a certain premise must have applied for the requisite personal licence and operator licence before they can approach the Council for a premises licence. In this way the Gambling Commission can screen applicants and organisations to ensure they have the correct credentials to operate gambling premises.

The Council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

The Council recognises that in matters of regulation under the Act it is subject to the Regulators' Code. That code imposes several obligations on the Authority, including one that it should carry out its activities in a way that it supports those it regulates to comply and grow.

Additionally, under the Code, when designing and reviewing policies, the Council must among other things, understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates.

The Council will take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates.

## **2.7 Functions of the Council as the Licensing Authority**

The Council in its role as the licensing authority 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 miners' welfare institutes who wish to undertake certain gaming activities via the issuing of 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 of the use of two or fewer gaming machines from premises licensed for the sale of alcohol under the Licensing Act 2003;
- issue licensed premises gaming machine permits for premises licensed under the Licensing Act 2003 to sell / supply alcohol for consumption on the premises 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 2.13 below on Exchange of information); and
- maintain registers of the permits and licences that are issued under these functions.

It should be noted that the Council is not involved in licensing remote gambling. This is the responsibility of the Gambling Commission by means of operating licences.

## **2.8 Exercise of licensing functions**

The Licensing Authority's licensing functions under the Act will be carried out by the Licensing and Regulatory Committee. To provide a speedy, efficient and cost-effective service and in accordance with the Act, the Licensing and Regulatory Committee will delegate decisions and functions and will establish a number of sub-committees to deal with them as detailed in this Statement. Three members will sit on these sub-committees. Further, with any of the decisions and functions being administrative in nature, the

grant of non-contentious applications, including those where no representations have been made, are delegated to Officers. A full list of delegation of functions is at Appendix I

## **2.9 Duplication with other regulatory regimes**

The Council will seek to avoid any duplication with other statutory regulatory systems where possible, including planning. The Council will not consider whether premises for which a licence application has been submitted are likely to be awarded planning or building consent. The Council will 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 an application for a premises licence in respect of a finished building, the Council will not take into account whether that building is in compliance with any necessary planning or building consent. Fire or health and safety risks will not be taken into account also, as these matters are dealt with under relevant planning control, building and other regulations and must not form part of the consideration of a premises licence.

## **2.10 Declaration**

In producing this SOP, the Council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission (the 'Gambling Commission's Guidance'), and any responses from those persons consulted on this SOP. If and when the Gambling Commission's guidance is revised the Council may consider it necessary to review this statement.

## **2.11 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 Council 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 Council'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 Gambling Commission's Guidance the

Council designates the Sunderland Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available from the Licensing Section via e-mail at [licensing@sunderland.gov.uk](mailto:licensing@sunderland.gov.uk) and are also shown below in Appendix II.

## **2.12 Interested parties**

Interested Parties can make representations about licence applications, or apply for a review of an existing licence. Representations must relate to the licensing objectives. Interested parties are defined in Section 158 of the Gambling Act 2005 as follows, :-

*“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the 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)”.*

## **2.13 Exchange of information**

The Council is required to include in its statement the principles it will apply in exercising its functions 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 the Council will apply is that it will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the General Data Protection Regulations will not be contravened. The Council will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **2.14 Fees**

The Department of Culture, Media and Sport (DCMS) published the Gambling (Premises Licence Fees) Regulations 2007 on 21 February 2007. The Regulations provide for Licensing Authorities to determine the fees, subject to maximum fees prescribed in the Regulations. The Regulations provide for licensing authorities to determine separate fees for different types of activities associated with licences, (e.g. application for a licence; application to vary a licence etc.), and the annual fees payable in respect of a licence. The Regulations also provide for Licensing Authorities to determine separate fees for different classes of premises licence, (e.g. those relating to bingo halls, betting shops etc.), prescribing the maximum fees chargeable for each type of gambling premises.

Under section 212(2)(d) of the Act, in determining fees, licensing authorities must aim to ensure that the income from the fees as nearly as possible equates to the cost of providing the service to which the fee relates. Fees will include the cost of administration, (including hearings and appeals), inspection and enforcement associated with the regime, (direct and indirect costs, including a full proportional share of overhead costs, insurance, depreciation and cost of capital charge). The fees are reviewed annually. The current Gambling Act fees can be found on the Council website at : [www.sunderland.gov.uk/licensing](http://www.sunderland.gov.uk/licensing)

#### **2.15 Contact details**

If you have any comments, or queries concerning this SOP please send them to the Licensing Section via the following email : [licensing@sunderland.gov.uk](mailto:licensing@sunderland.gov.uk)



### **3 Part B – The licensing objectives**

- Preventing gambling from being a source of crime or disorder, being associated with crime and 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.

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

The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The Council will have regard to the licensing objectives in relation to the licensing of premises. The Council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Gambling Commission's guidance, codes of practice and this policy statement.

The Council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective. For example, if an area is affected by organised crime to a known and significant level the Council will consider carefully whether it is suitable for gambling premises to be located there and whether conditions may be required such as the provision of door supervision.

Issues of nuisance cannot be addressed by the Gambling Act provisions however if problems arise of this nature they can be addressed through other legislation as appropriate. There is a distinction between disorder and nuisance. Should incidents of this nature occur in connection with premises the Council will consider whether Police assistance was required and if threatening behaviour was a contributory factor etc.

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

The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks. Generally, the Gambling Commission does not expect licensing authorities to have to act to ensure that gambling is conducted in a fair and open way as this

will for the most part be addressed via operator and personal licences.

The Council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

### **3.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling**

#### **3.3.1 Protection of children**

This licensing objective means preventing children from taking part in most types of gambling. The Council will therefore consider whether specific measures are required at premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

Section 45 of the Act provides the following definition for child and young person, :-

*“Meaning of “child” and “young person” –*

*(i) In this Act “child” means an individual who is less than 16 years old.*

*(ii) In this Act “young person” means an individual who is not a child but who is less than 18 years old”.*

The Council will pay attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling, or be on premises where gambling is taking place as follows, :-

- Casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
- Bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo or play Category B or C machines that are restricted to those over 18;
- Family entertainment centres can admit under 18s, but they are not permitted to play Category C machines which are restricted to those over 18;

- Premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play Category C machines which are restricted to those over 18;
- Clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than Category D machines;
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on Category D machines;
- The Council will have regard to any code of practice which the Gambling Commission issues about this licensing objective in relation to specific premises; and
- The Council will consider whether specific measures are required at premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part 5.0 of this SOP.

### **3.3.2 Protection of vulnerable people**

The term of a “vulnerable person” is a broad term. “Adults at risk of abuse or neglect” or “adults at risk” are terms often used in relevant literature.

Department of Health document “No Secrets” from 2000 offers a definition of a vulnerable adult as a person: “who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.”

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

With regards to gambling, specifically, while the vast majority of people who gamble do so safely and as a part of their leisure

experience, it can be indiscriminate, and anyone is at risk of harm, however harms are not evenly distributed. Evidence from the Office for Health Improvement and Disparities (OHID) suggests that:

- people living in deprived communities are seven times more likely to experience gambling related harms.
- there is a higher prevalence of gambling disorder among people who are in contact with the criminal justice system.
- military veterans are ten times more likely to experience a gambling disorder or addiction.
- men are more likely to gamble at harmful levels than women.
- gambling disorder rates are higher in young people than in the general population.
- those who have a parent who gambles at harmful levels are more likely to gamble at these levels too.

The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding, :-

- Combating gambling at a harmful level;
- Access to gambling by children and young persons;
- Information on how to gamble responsibly and help for those experiencing gambling related harm,;
- Customer interaction;
- Self-exclusion; and
- Employment of children and young persons.

The Council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant. Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example, :-

- Leaflets offering assistance to those experiencing gambling related harm should be available on gambling premises in a location that is both prominent and discreet;
- Training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons;
- Self-exclusion schemes;
- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people;

- Posters, leaflets and information signposting to North East Council on Addictions and the NHS Northern Gambling Service displayed in prominent locations; and
- external advertising e.g. on windows and entrances to be positioned or designed not to entice passers-by.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.

The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

Since 2007 there have been significant changes in how gambling is carried on both nationally and within the City. Gambling has for many years formed an important and significant part of the entertainment culture. It is however important that we understand the risks associated with gambling at a harmful level, harm that can be caused by irresponsible and problem gambling.

It is important also that we recognise that most licensees operating in the City do so responsibly and with appropriate sensitivity to the needs of the communities in which they operate.

It is incumbent on all those involved in the gambling industry to be mindful of the needs of the most vulnerable members of our society, and Sunderland City Council has an important role to play through the licensing regime in helping to safeguard them.

In accordance with section 153 of the Act the Council is aware that in making decisions about premises licences and temporary use notices, 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 authority's published statement.

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

## **4 Part C - Premises licences**

### **4.1 General principles**

The Council will issue premises licences to allow those premises to be used for certain types of gambling. These are, :-

- Casino premises;
- Bingo premises ;
- Betting premises, including tracks and premises used by betting intermediaries adult gaming centre premises; or
- Family entertainment centre premises,

Premises licences are 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. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate, ie. where necessary and proportionate.

The Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

### **4.2 Definition of “premises”**

In the Act, “*premises*” is defined as including “*any place*”. Section 152 of the Act 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 to allow discrete premises licences to be obtained in respect of large, multiple unit premises such as a pleasure park, pier, track, or shopping mall, where appropriate safeguards are in place. However, the Council will pay particular attention if there are issues about sub-divisions of a single building or plot and will seek to ensure that mandatory conditions relating to access between premises are observed.

### **4.3 Building separation, access arrangement and multiple licences**

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 Gambling 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.”

The Gambling Commission states in its Guidance that: “In most cases the expectation 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”.

- The Council will take 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, it will assess entrances to and exits from parts of a building covered by one or more premises licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised, and people do not “drift” into a gambling area.
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling if they cannot participate in them. 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 activity named on the premises licence

The Guidance also lists factors about which a licensing authority should be aware in making a decision, they include:

- Do the premises have a separate registration for business rates?
- Are 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? and
- 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.

The Council will also pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the Council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

The Gambling Commission's relevant access provisions for each premises type are reproduced below, :-

**a. Casinos**

- The principal access entrance to the premises must be from a street (as defined at paragraph 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; and
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

**b. Adult gaming centres**

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

**c. Betting shops**

- Access must be from a street (as defined at paragraph 7.23 of the Guidance) or from another premises with a betting premises licence; and
- 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 there may not be a betting shop at the back of a café – the whole area would be required to be licensed.

**d. Tracks** - No customer should be able to access the premises directly from:

- a casino; or
- an adult gaming centre.

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

Part 7 of the Gambling Commission's Guidance contains further guidance on this issue, which this Council will also consider in its decision-making.

#### **4.4 Premises "ready for gambling" & Provisional statements**

An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

The Guidance states that 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.

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 could be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premise, the Council 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; and
- 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 the Council 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 in the Guidance produced by the Gambling Commission.

#### **4.5 Location**

The Council is aware that the issue of demand cannot be considered with regard to the location of premises but that consideration in connection with the licensing objectives can. In accordance with the Gambling Commission's Guidance to Licensing Authorities, Sunderland City Council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder in deciding whether a licence for particular premises should be granted, each case will be decided on its merits. There is strong evidence to suggest that those living in more deprived areas are suffering the most severe levels of gambling related harm.

With regards to these objectives it is the Council's policy, upon receipt of any relevant representations, to look at location-specific issues, which includes the following, although the list is not exhaustive, :-

- The possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area;
- The possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children;
- The possible impact a gambling premises may have in identified areas of deprivation;
- the size of the premises and the nature of the activities taking place; and
- Any levels of organised crime in the area.

In order for location to be considered, the Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives.

Although the Council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the above location-specific points in the Local Risk Assessment.

#### **4.6 Local Risk Assessment**

It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Part II Section

10, that licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

The Council will expect the Local Risk Assessment to consider the following as a minimum, :-

- The location of educational establishments attended by persons under 18 years of age;
- The location of services for children such as playgrounds, leisure centres and other areas where children will gather;
- The location of any establishment frequented by vulnerable adults for the purpose of treatment and / or support;
- The location of any establishment frequented by persons addicted to gambling for the purpose of treatment and / or support;
- The layout of the local area and physical environment in which the premises are situated including any crime and disorder hotspots; and

In any case, the Local Risk Assessment should show how vulnerable people, including people with gambling dependencies, are protected by the licensee, or applicant.

The Council will expect Local Risk Assessments to consider the following socio-economic and demographic factors, :-

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

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

The Council will expect Local Risk Assessments to show how vulnerable people, including people with gambling dependencies, are protected. This will include the following being considered, :-

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

The Council will expect Local Risk Assessments to show how children are to be protected, with the following issues being addressed, :-

- The proximity of institutions, places, or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.; and
- The proximity of places where children congregate such as bus stops, cafes and shops.

The Council will also encourage the following matters to be included in Local Risk Assessments, :-

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored;

- Gambling Act 2005 Statement of Licensing Policy
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises; and
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

In preparing a Local Risk Assessment the licence holder should have regard to the following matters ;

- The crime mapping website [Your area | Police.uk](http://Your area | Police.uk) ([www.police.uk](http://www.police.uk));
- Neighbourhood statistics [General health by age, sex and deprivation, England and Wales - Office for National Statistics \(ons.gov.uk\)](http://General health by age, sex and deprivation, England and Wales - Office for National Statistics (ons.gov.uk)); and
- Information made available by the Council,

Where concerns do exist, the Council suggests that the licence holder considers consulting the most appropriate Responsible Authority for guidance before submitting an application for a licence or a variation of a licence, or where it is believed there has been a significant change in local circumstances.

When the officers from the Council undertake an inspection of premises offering gambling facilities it is likely that the Local Risk Assessment will be requested to be seen. It is therefore a requirement that the Local Risk Assessment, or a copy, is always kept at the premises.

As a matter of best practice, the Council recommends that operators establish a regular review regime. This review programme would ensure that these assessments are considered at regular intervals and updated if necessary

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

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

Licence holders must review, (and update as necessary), their Local Risk Assessments in response to, :-

- To take account of significant changes in local circumstances, including those identified in this SOP;
- The development of an educational establishment for persons under 18 years of age;
- The development of an establishment at which vulnerable adults and / or persons addicted to gambling may attend for the purpose of treatment and / or support;
- The licensee becoming aware of a particular risk to premises offering gambling facilities in the location of the premises;
- The Council having received information and having consulted with the licensee upon the significance of that information, determines that this amounts to a change in local circumstances;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks; and
- When applying for a variation of a premises licence.

#### **4.7 Decision-making**

The Council is aware that, in accordance with Section 153 of the Act, in making decisions about premises licences and temporary use notices 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 SOP.

It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and that unmet demand is not a criterion for a licensing authority.

#### **4.8 Door supervision**

The Gambling Commission advises in its Guidance that if a licensing authority is concerned that a premises may attract disorder, or be subject to attempts at unauthorised access, (for example, by children and young persons), it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition to this effect upon a premises licence.

Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether such supervision is provided by Security Industry Authority, (“SIA”), licensed personnel will be necessary. It will not be automatically assumed that such personnel need to be licensed, as the statutory requirements for different types of premises vary : as described by the Gambling Commission’s Guidance, Part 33.

#### **4.9 Adult gaming centres**

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

The Council expects applicants to offer their own measures to meet the licensing objectives. Appropriate measures, or 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; and
- Provision of posters, leaflets and information signposting to North East Council on Addictions and the NHS Northern Gambling Service displayed in prominent locations.

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

#### **4.10 (Licensed) Family entertainment centres**

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

The Council expects applicants to offer their own measures to meet the licensing objectives. Appropriate measures, or licence conditions may cover issues such



as, :-

- CCTV;
- Supervision of entrances and machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of posters, leaflets and information signposting to North East Council on Addictions and the NHS Northern Gambling Service displayed in prominent locations and
- Measures and training for staff on how to deal with suspected truant school children on the premises.

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

The Council will, in accordance with the Gambling Commission's guidance, refer to the Commission's website to consider any conditions applying to operating licences which cover the way in which the area containing the Category C machines should be delineated. The Council will also take account of any mandatory or default conditions on such premises licences.

#### **4.11 Casinos**

**No casinos resolution** - The Council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this SOP with details of that resolution.

#### **4.12 Bingo premises**

The Council notes that the Gambling Commission's Guidance states at Paragraphs 18.5 to 18.7, :-

*"Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This is 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"*

Under the Act, children and young persons, (anyone up to the age of 18), cannot be employed in providing any facilities for gambling

on bingo premises, and children, (under 16), cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises, (while bingo is being played), provided the activities on which they are employed are not connected with the gaming, or gaming machines. Licensing authorities are able to find information about the restrictions that apply in Licence Conditions and Codes of Practice (LCCP).

Children and young people are allowed into bingo premises. However, they are not permitted to participate in the bingo and, if Category B, or C machines are made available for use, these must be separated from areas where children and young people are allowed.

If children can enter premises licensed for bingo it is important that they do not participate in gambling, other than on Category D machines. Where Category C, or above machines are available in premises to which children are admitted then the operator should ensure that, :-

- All such machines are in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose, a rope, floor markings or similar provision will not suffice and the Council may insist on a permanent barrier of at least one meter high;
- Only adults are admitted to the area where the machines are located;
- Access to the area where the machines are located is always supervised;
- The area where the machines are located is arranged so that it can be observed by staff;
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18; and
- Children will not be admitted to bingo premises unless accompanied by an adult.

The Council expects applicants to offer their own measures to meet the licensing objectives. Appropriate measures, or 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; and
- Provision of posters, leaflets and information signposting to North East Council on Addictions and the NHS Northern Gambling Service displayed in prominent locations.

#### **4.13 Betting premises**

Betting premises are premises, such as bookmakers, where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises. However, within this single class there are different types of premises which require licensing, such as high street bookmakers, bookmakers located in self-contained facilities at racecourses, as well as the general betting premises licences that track operators will require.

The Council expects applicants to offer their own measures to meet the licensing objectives. Appropriate measures, or 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; and
- Provision of posters, leaflets and information signposting to North East Council on Addictions and the NHS Northern Gambling Service displayed in prominent locations.

#### **4.14 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, or by vulnerable people, when considering the number, nature and circumstances of betting machines an operator wants to offer. It is an offence for those under 18 to bet.

#### **4.15 Fixed Odds Betting Terminals (FOBTs)**

Where an applicant for a betting premises licence intends to offer higher stake Category B gaming machines, (Categories B2-B4), including any Fixed Odds Betting Terminals, (“FOBTs”), then applicants should consider the control measures related to the protection of vulnerable persons.

Where certain measures are not already addressed by the mandatory / default conditions, Gambling Commission Code of Practice, or the applicant, the Council may consider licence conditions to address such issues.

Under this policy the Council encourages operators to report vandalism to FOBTs on their premises, so the Council can obtain more information about the level of crime associated with the use of FOBTs within the City.

#### **4.16 Tracks**

The Council is aware that tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track. In accordance with 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 therefore expects applicants for premises licences 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 expects applicants to offer their own measures to meet the licensing objectives. Appropriate measures, or licence conditions may cover issues such as, :-

- Proof of age schemes;
- CCTV;
- Supervision of entrances and machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Specific opening hours;

- Self-exclusion schemes; and
- Provision of posters, leaflets and information signposting to North East Council on Addictions and the NHS Northern Gambling Service displayed in prominent locations

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

#### **4.17 Gaming and Betting machines**

Where the applicant holds a pool betting operating licence or a non-remote standard operating licence and uses the entitlement of four gaming machines, (other than Category D machines), they should be located only in areas from which children are excluded.

Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the Council, amongst other things, will consider the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, to ensure they are in a properly segregated area where children are not permitted.

Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the Council may consider licence conditions to address such issues and 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; and
- Provision of Posters, leaflets and information signposting to North East Council on Addictions and the NHS Northern Gambling Service displayed in prominent locations

#### **4.18 Applications and plans**

Section 151 of the Act requires applicants to submit plans of the premises with their application, in order to ensure that a

licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan may also be used by licensing authorities to plan future premises inspection activity. (See the Gambling Commission's Guidance at Paragraph 20.43).

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. (See the Gambling Commission's Guidance at Paragraph 20.44).

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 identifying exact locations for some types of track. Applicants should provide sufficient information to enable the Council to satisfy itself that the plan indicates the main areas where betting might take place. (See the Gambling Commission's Guidance at Paragraph 20.46).

#### **4.19 Travelling fairs**

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met, and this provision continues in similar fashion under the Act.

Travelling fairs have the right to provide an unlimited number of Category D gaming machines and / or equal chance prize gaming , (ie. without the need for a permit), as long as the gambling amounts to no more than an ancillary amusement at the fair.

The Council is responsible for deciding whether, where Category D 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 also consider whether the proposed activities of the applicant fall within the statutory definition of a travelling fair.

The Council notes that the 27-day statutory maximum for land being used as a fair applies on a per calendar year basis, and 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.

#### **4.20 Provisional Statements**

A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward considering the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence, ie. either for a different type of gambling, or the same type.

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

The holder of a provisional statement may 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 a 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 Council's opinion reflect a change in the operator's circumstances; or
- Where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the Council may discuss any concerns it has with the applicant before making a decision.

When determining a provisional statement application, the Council will operate in accordance with the Act and will not have regard to any issues related to planning consent, or building regulations, e.g. the likelihood that planning consent will be granted.



## 5 Part D - Permits, temporary and occasional use Notices

### 5.1 Unlicensed family entertainment centre (FEC) gaming machine permits (Statement of Principles with regard to permits – Schedule 10, Paragraph 7 of the Act)

It is possible to apply to the Council to provide gaming machines where no premises licence is held. It should be noted that the applicant must show that the premises will be wholly, or mainly used for making gaming machines available for use : as per Section 238 of the Act.

The Act states that a licensing authority may prepare a SOP that they propose to consider in determining the suitability of an applicant for a permit and, in preparing this statement, and / or considering applications, it need not, (but may), have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under Section 25. The Gambling Commission's Guidance, at Paragraph 24.8, also states : *"In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising their functions in considering applications for permits....., licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group.... a plan for the unlicensed FEC must be submitted"*.

The Guidance also states the following at Paragraph 24.9 : *"An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application"*. The Council may also consider asking applicants to demonstrate, :

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
- That the applicant has no relevant convictions (these are set out in Schedule 7 of the Act); and
- That employees are trained to have a full understanding of the maximum stakes and prizes.

It should be noted that the Council cannot attach conditions to this type of permit.

**Statement of Principles** - The Council expects 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 effectiveness of such policies and procedures will each be considered on their merits. However, they may include appropriate measures and training for staff with regard to 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 where evidence demonstrates children causing problems on or around the premises. The Council will also expect, in accordance with the Gambling Commission's Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's; that the applicant has no relevant convictions, (as set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

**5.2 (Alcohol) Licensed premises gaming machine permits – (Schedule 13, Paragraph 4(1) of the Act)**

**Automatic entitlement: two machines**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically be able to have two gaming machines of categories C and / or D. The operator of the premises merely needs to notify the Council. The Council can remove the automatic authorisation in respect of any particular premises if, :-

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act, i.e. that written notice has not been provided to the Council, the prescribed fee has not been provided, or that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with;
- The premises are mainly used for gaming; or
- An offence under the Gambling Act 2005 has been committed on the premises.

**Permits: three or more machines**

If an operator of a premises wishes to have more than two machines, it is necessary to apply for a permit and the Council must consider that application based upon the licensing objectives,

any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant*”. This Council considers that “*such matters*” will be decided on a case by case basis. However, generally, the Council will consider the need to protect children and vulnerable persons from harm, or being exploited by gambling and will expect the applicant to satisfy it that there will be sufficient measures taken to ensure that under 18 year olds do not have access to adult only gaming machines. Measures which may satisfy the Council that there will be no access may include the locating of adult machines in sight of the bar, or in the sight of staff that will ensure that the machines are not being used by those under 18. Notices and signage may also be of help. With regard to the protection of vulnerable persons, applicants may wish to consider posters, leaflets and information signposting to North East Council on Addictions and the NHS Northern Gambling Service displayed in prominent locations

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with, as an adult gaming centre premises licence.

It should 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.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **5.3 Prize gaming permits**

The Gambling Act 2005, at Section [to be inserted]. states that licensing authorities 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 authority proposes to consider in determining the suitability of the applicant for a permit*”.

The Council has prepared a SOP in this regard. These state that an applicant should set out the types of gaming that is intended to be offered and that the applicant should be able to demonstrate the following, :

- An understanding of the limits to stakes and prizes that are set out in regulations;
- That the gaming offered is within the law; and
- Clear policies that outline the steps to be taken to protect

children from harm.

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

It should be noted that there are conditions in the Act with which the permit holder must comply, but that the Council cannot attach conditions to permits. The conditions in the Act are, :-

- The limits on participation fees, as set out in regulations, which 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 a non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

#### **5.4 Club gaming and club machine permits**

Members' clubs and miners' welfare institutes, (but not commercial clubs), may apply for a club gaming permit, or a club machine permit. A club gaming permit will enable the premises to provide gaming machines, (up to three machines of Categories B, C or D), equal chance gaming, (see Section 269 of the Act), and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines, ie. up to three machines of Categories B3A, B4, C or D.

The Gambling Commission's 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 restricted to bridge and whist. A members' club must be permanent in nature, but there is no need for a club to have an alcohol licence*".

The Commission's Guidance also notes that "*licensing authorities may only refuse an application on the grounds that :*

- *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;*

- *the applicant's premises are used wholly or mainly by children and / or young persons;*
- *an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;*
- *a permit held by the applicant has been cancelled in the previous ten years; or*
- *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's Guidance 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 a licensing authority can refuse a permit are reduced*" and the "*grounds on which an application under the process may be refused are :*

- *that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;*
- *that, in addition to the prescribed gaming, the applicant provides facilities for other gaming; or*
- *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.

## **5.5 Temporary use notices**

Temporary use notices 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.

A temporary use notice may be given by 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 forms of gambling can be authorised by temporary use notices. The relevant regulations, (ie. 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.

This, in practice, means poker tournaments.

There are a number of statutory limits with regard to temporary use notices. The meaning of “*premises*” in Part 8 of the Act is discussed in Part 7 of the Gambling Commission’s 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 Council will look at, among other things, the ownership / occupation and control of the premises.

The Council expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission’s Guidance.

#### **5.6 Occasional use notices (Tracks)**

There is a special provision in the Act which provides that where there is betting on a track on eight days, or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the Council by the person responsible for the administration of the events on a track, or by an occupier of the track.

The Council has very little discretion with regard to these notices, aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. However, the Council, with regard to relevant premises, will consider the definition of a ‘track’ and whether any applicant is permitted to avail themselves of the notice.

#### **5.7 Small society lottery registrations**

A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. The Act creates two principal classes of lotteries : licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the Council for small societies who have a principal office in Sunderland and want to run such lottery.

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

To be “non-commercial” a society must be established and conducted, :-

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

The other types of exempt lotteries are incidental non-commercial lotteries, private lotteries and customer lotteries. If guidance is required on the different categories of lotteries, then please contact the Council’s Licensing Section.

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

- Submission of late returns : returns must be submitted no later than three months after the date on which the lottery draw was held;
- Submission of incomplete, or incorrect returns; and
- Breaches of the limits for small society lotteries.

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental, or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit, or gain. The proceeds of such events may benefit one, or more individuals if the activity is organised, :-

- By, or on behalf of a charity, or for charitable purposes; or
- To enable participation in, or support of, sporting, athletic, or cultural activities.

Charities and community groups should contact the Licensing Section on 0191 5205550 to seek further advice.

The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.



## **6 Part E - Enforcement**

### **6.1 Enforcement Principles**

The administration and regulation of permits, small society lotteries and temporary permissions for gambling are the responsibility of licensing authorities. The Council will consider the following factors when determining which agency will take the lead on enforcement, :-

- The nature of the breach;
- The seriousness of the breach;
- The frequency of the breach; and
- the enforcement action that is available

Generally, the Council will take the lead in enforcing premises licence conditions, dealing with breaches of premises licence conditions and investigating and prosecuting less serious, or significant incidents of illegal gambling. The Gambling Commission will lead on enforcement activity connected to operating and personal licences and on the investigation and prosecution of illegal gambling of multi-authority, regional, or national importance.

Where non-gambling offences are also involved a multi-agency approach may be appropriate. The Council, the Police and Commission shall use local consultation arrangements to agree priorities and who should lead on which issues.

Regulatory action would include informal, or formal warnings and licence reviews, issue of simple cautions, (warnings), or the prosecution of an offence under the Act. The main objective of the compliance process will be to ensure compliance with the three licensing objectives, including compliance with the general licensing conditions, (including mandatory and default conditions), specific licence conditions and any applicable codes of practice. Enforcement can be defined as the criminal, or regulatory investigation process and any consequent laying of criminal charges, or imposition of a regulatory sanction.

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the 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 will have regard to the Statutory Regulators Code which came into force in April 2014. The Council supports the principle of better regulation to promote efficient, proportionate and effective approaches to enforcement and inspection that improve

regulatory outcomes without imposing unnecessary burdens on business.

The Council will work closely with the Responsible Authorities in accordance with any locally established joint enforcement protocols and we will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

The Council's principles are that it will be guided by the Gambling Commission's Guidance to 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 will endeavour to avoid duplication with other regulatory regimes so far as possible. It has adopted and implemented a risk-based inspection programme, in line with government recommendations around better regulation and the principles of the Hampton Review based on, :-

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

This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act 2005. When undertaking test purchasing activities, Officers of the Council will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

The main enforcement and compliance role for the Council in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

The Council also keeps itself informed of developments about the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

This Authority acknowledges the Primary Authority Scheme. This scheme allows businesses to be involved in their own regulation. It enables them to form a statutory partnership with one local authority, which then provides robust and reliable advice for other local regulators to consider when carrying out inspections or addressing noncompliance. Where there is a Primary Authority scheme in place, the Licensing Authority will seek guidance from the Primary Authority before taking enforcement action. At the time of the publication of this SOP there are no Gambling Act 2005 Primary Authority arrangements in place in the City of Sunderland. Further information on the scheme and an up-to-date list of arrangements can be accessed at :

[www.primaryauthorityregister.info/par/index.php/home](http://www.primaryauthorityregister.info/par/index.php/home)

The Council's enforcement/compliance protocols and any written agreements currently in operation are available upon request

## **6.2. Reviews**

Requests for a review of a premises licence can be made by Interested Parties, or Responsible Authorities. However, the Council will decide whether a review is to be undertaken. This will be on the basis of whether the request for the review is in accordance with the considerations listed below, :-

- Any relevant Code of Practice issued by the Gambling Commission;
- Any relevant guidance issued by the Gambling Commission;
- Reasonable consistency with the licensing objectives; and
- The Council's SOP.

The request for the review will also be subject to consideration by the Council as to whether it is frivolous, vexatious, or whether it will certainly not cause the Council 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.

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 seven days after the application was received by the Council. The Council will publish notice of the application within seven 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 Council are to, :-

- a) Add, remove, or amend a licence condition imposed by the Council;
- b) Exclude a default condition imposed by the Secretary of State, (such as opening hours), or to remove, or amend such an exclusion;
- c) Suspend the premises licence for a period not exceeding three months; or
- 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 Council 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 following:

- The licence holder;
- The applicant for review, if any;
- The Gambling Commission;

- Any person who made representations;
- The Chief Officer of Police, or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs.

### **6.3 Appeals**

Where an applicant, licence holder, or person who has made a representation is aggrieved by a decision of the Council, there is a right of appeal. In certain circumstances there is also a right for the Gambling Commission to appeal against decisions of the Council. The appeal must be lodged with the Magistrates' Court within 21 days from the date on which the aggrieved person was notified of the Council's decision. The appeal must be lodged in the Magistrates' Court where the premises are situated.

Generally, a decision will not have effect until the time for bringing an appeal has passed, or if an appeal is brought, until it is determined or abandoned. However, the Council can decide that its decision should have effect immediately. This will be considered on each individual case having due regard to the individual circumstances and in particular any immediate risk to public safety.

### **6.4 Complaints about premises and licensable gambling activities**

The Licensing Authority will investigate complaints about licensed premises and activities taking place at unlicensed premises. Where appropriate, complainants will in the first instance be encouraged to raise the complaint directly with the licensee, or business concerned. In the case of a valid complaint, the Council will initially endeavour to seek resolution through informal means.

All complaints should be made by completing the online complaint form, which can be found using the following link:- [Make a complaint - Sunderland City Council](#)

## **6.5 Glossary**

City of Sunderland, or City is used throughout the Statement of Licensing Policy and refers to the whole of the area controlled by Sunderland City Council.

**ATM** - Auto teller machine or cash machine.

**Betting** - Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).

**Betting Machines / Bet Receipt Terminal** - Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.

**Bingo** - There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.

**Book Running** - a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.

**Casino games** - A game of chance, which is not equal chance gaming. Casino games includes Roulette and blackjack etc.

**Chip Casinos** - in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.

**Pusher or penny falls machine** - A machine of the kind which is neither a money prize machine nor a non-money prize machine

**Crane grab machine** - A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.

**Default condition** - These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the Council.

**Equal Chance Gaming** - Gaming which does not involve playing or staking against a bank.

**Fixed Odds Betting** - If a gambler can establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.

**Fixed Odds Betting Terminals (FOBTs)** - FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

**Gaming** - Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.

**Gaming Machine** - Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.

**Licensing Objectives** - The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:

- 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.

**Lottery** - A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

A lottery is defined as either a simple lottery or a complex lottery.

A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance.

A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance.

Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).

**Mandatory condition** - A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The Council will have no discretion to alter or remove these conditions.

**Money prize machine** - A machine in respect of which every prize which can be won as a result of using the machine is a money prize.

**Non-money prize machine** - A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:

- (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or
- (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.

**Odds** - The ratio to which a bet will be paid if the bet wins, e.g. 4-1 means for every £1 bet, a person would receive £4 of winnings.

**Off-course betting operator** - Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmaker. They will however only normally operate on race days.

**On-course betting operator** - The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).

**Pool Betting** - For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.

**Regulations or Statutory instruments** - Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies



to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.

**Representations** - In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.

**Responsible authority (authorities)** - Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.

**Skill machine / Skill with prizes machine** - The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.

**Spread betting** - A form of investing which is more akin to betting and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.

**Stake** - The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.

**Statement of principles document** - A document prepared by the Council which outlines the areas that applicants need to consider before applying for gaming permits.

**Table gaming** - Card games played in casinos.

**Tote** - "Tote" is short for Totalizer, a system introduced to Britain in 1929 to offer pool betting on racecourses.

**Track** - Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

## **Appendix I – Delegation of Functions**

The Licensing Authority will delegate its functions under the Gambling Act 2005 as follows, :-

<b>Matters to be dealt with</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application for premises licence	where relevant representations received and have not been withdrawn	where no relevant representations received/have been withdrawn
Application for a variation to a licence	where relevant representations received and have not been withdrawn	Where no representations received/have been withdrawn
Application to transfer a licence	where relevant representations have been received from the Gambling Commission and have not been withdrawn	Where no representations received from the Gambling Commission or Responsible Authority
Application for a provisional statement	where relevant representations received and have not been withdrawn	Where no representations received/have been withdrawn
Review of a premises licence	X	
Application for club gaming/club machine permits	where relevant objections received and have not been withdrawn	Where no representations received/have been withdrawn
Cancellation for club gaming/club machine permits	X (if requested by the holder)	X (if no request received)
Application for other permits		X
Cancellation licensed premises gaming machine permits	X (if requested by the holder)	X (if no request received)
Consideration of temporary use notice		X
Decision to give a counter notice to a temporary use notice	where relevant representations received and have not been withdrawn	X (where time limits have been exceeded)

Note: The Licensing and Regulatory Committee can consider any application; it is not precluded from doing so by reason that the relevant column above is devoid of an entry. X Indicates the lowest level to which decisions can be delegated.

## Appendix II – Responsible Authorities

Responsible Authority	Contact Details
Gambling Commission	Victoria Square House Victoria Square Birmingham B2 4BP <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
Licensing Authority	<b>The Licensing Section</b> Sunderland City Council City Development Directorate City Hall, Plater Way Sunderland SR1 3AA <a href="mailto:licensing@sunderland.gov.uk">licensing@sunderland.gov.uk</a>
Northumbria Police	<b>Northumbria Police</b> Southwick Police Station Church Bank Southwick Sunderland SR5 2DU <a href="mailto:southern.licensing@northumbria.police.uk">southern.licensing@northumbria.police.uk</a>
Tyne and Wear Fire and Rescue Service	<b>Chief Fire Officer</b> Tyne and Wear Fire and Rescue Service <a href="#">Service</a> Headquarters Nissan Way, Barmston Mere, Washington, Sunderland, SR5 3QY <a href="mailto:firesafety.licensing@twfire.gov.uk">firesafety.licensing@twfire.gov.uk</a>
Sunderland Children's Safeguarding	Children Safeguarding Sunderland Safeguarding Children Partnership  <a href="mailto:jennifer.beer@togetherforchildren.org.uk">jennifer.beer@togetherforchildren.org.uk</a>
Sunderland City Council – Planning	<b><a href="#">Development Control</a></b> Sunderland City Council City Hall Plater Way Sunderland SR1 3AA <a href="mailto:DC@sunderland.gov.uk">DC@sunderland.gov.uk</a>
Sunderland City Council – Environmental Health	Sunderland City Council City Development Directorate City Hall Plater Way Sunderland SR1 3AA <a href="mailto:public.health@sunderland.gov.uk">public.health@sunderland.gov.uk</a> <a href="mailto:colin.rudd@sunderland.gov.uk">colin.rudd@sunderland.gov.uk</a>
HMRC	<a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a>

## Appendix III – Summary of Gaming Machine Categories and Entitlements

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (with the option of max £20,000 linked progressive jackpot on premises basis only)
B2*	£100 (in multiples of £10) *	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be money prize)

\*The maximum stakes on Category B2 gaming machines are to be reduced from £100 to £2 by means of secondary legislation.

<http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>

**Entitlement of each Premises**

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Regional casino (table/ machine ratio of 25-1 up to maximum)	Maximum of 1250 machines. Any combination of machines in categories A to D, within the total limit of 1250 (subject to table/machine ratio) <b>not to include B3A</b>						
Large Casino (table/machine ratio of 5-1 up to maximum)	X	Maximum of 150 machines. Any combination of machines in categories B to D, within the total limit of 150 (subject to table/machine ratio) <b>not to include B3A</b>					
Small Casino (table/machine ratio of 2-1 up to maximum)	X	Maximum of 80 machines. Any combination of machines in categories B to D, within the total limit of 80 (subject to table/machine ratio) <b>not to include B3A</b>					
Pre-2005 Act Casinos (no table/machine ratio)	X	Maximum of 20 machines categories B to D or any number of C or D machines instead. <b>not to include B3A</b>					
Betting Premises and Tracks Occupied by Pool Betting	X	X	Maximum of 4 machines categories B2 to D				<b>not to include B3A</b>
Bingo Premises	X	X	X	Maximum of 20% of the total number of gaming machines which are available for use on the premises - categories B3 or B4*		No limit C or D machines	
Adult Gaming Centre	X	X	X	Maximum of 20% of the total number of gaming machines which are available for use on the premises - categories B3 or B4**		No limit C or D machines	
Family Entertainment Centre (with Premises Licence)	X	X	X	X	X	No limit on category C or D machines	
Family Entertainment Centre (with Permit)	X	X	X	X	X	X	No limit on category D machines
Club or Miner's Welfare Institutes with Permits	X	X	X	Maximum of 3 machines in categories B3A or B4 C and D (only one B3A machine can be sited as part of this entitlement).			
Commercial Club with a Club Machine permit	X	X	X	X	A maximum of 3 machines B4, C or D.		

## Sunderland City Council Statement of Principles

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Qualifying Alcohol Licensed Premises	X	X	X	X	X	1 or 2 machines of category C or D automatic upon notification	
Qualifying Alcohol Licensed Premises with Gaming Machine Permit	X	X	X	X	X	Number as specified on permit (C-D only)	
Travelling Fair	X	X	X	X	X	X	No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

(X = category of machines not permitted on this type of premises)

\* Bingo premises are entitled to make available for use a number of category B3/B4 gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater.

\*\* Adult Gaming Centres are entitled to make available for use a number of category B3/B4 gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater.