



City of  
**Stoke-on-Trent**

# Gambling Act 2005

## **City of Stoke-on-Trent Council Statement of Principles 2025 – 2028**

Effect from ???

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## **PART A**

### **1. Introduction**

Stoke-on-Trent City Council (“the Licensing Authority”) in exercising its functions under the Gambling Act 2005 (“the Act”) is required to issue a Statement of Principles (“the Statement”) to cover a three-year period. The Licensing Authority consulted upon this Statement before finalising and publishing. Details of the consultation are contained in paragraph 4 and Appendix E.

The Statement will be kept under review, and the Licensing Authority will make revisions to it, as it considers appropriate. A full review of the Statement will take place every three years. More minor amendments may be made without involving a full consultation process.

Where this policy refers to the “Guidance”, this can be read at the Gambling Commission website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk). Their website also contains useful up to date information on maximum stakes and prizes that may be offered under gambling licences.

It should be noted that this policy statement will not override the right of any person to make an application, make representation about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

### **2. Licensing Objectives**

In exercising its functions under the Act the Licensing Authority 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.

### **3. Description/profile of Local Area**

The Licensing Authority has included a description and profile of the local environment as a means of highlighting potential local areas of concern to applicants. This may be reviewed and updated to reflect changes to the local area and changes to licensed premises. There is no statutory duty on the

Licensing Authority to complete an area profile; however benefits for both the Licensing Authority and Operators are a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

Stoke-on-Trent is situated in North Staffordshire, on both the River Trent and the Trent and Mersey Canal and lies approximately halfway between Manchester and Birmingham. It is well served by public transport and has strong transport links.

The main areas for entertainment and leisure activities are:

- (a) Hanley City Centre** - this is a focal point for entertainment, cultural and leisure activities within the City containing a multi-screen cinema, theatre, music and concert venues and the City's two casinos.
- (b) Tunstall, Burslem, Stoke, Fenton and Longton Town Centres** – these lie to the north and south of the city centre with district retail sectors and commercial and residential areas.
- (c) Festival Park** is a multi-functional centre containing a multi-screen cinema and retail centre.

Census data from 2021 can be found at [www.ons.gov.uk](http://www.ons.gov.uk) and the The city's Joint Strategic Needs Assessment, Health Profile 2023 shows:

- The population of the City is 258,400 according to the most recent census
- 62.6% of the population are between 16 - 64 years of age and 17.2% are aged over 65
- The employment rate for the City is 73.8%
- The recorded crime rate is 36% higher than the national average, however methods and methodology for recording crime may have changed
- Identified social, emotional and mental health needs match the averages for England

Further information can be provided to assist applicants with risk assessments on request.

## **Profile of gambling premises**

In the City there are currently:

- 24 licensed betting shops
- 13 licensed adult gaming centres
- 3 licensed bingo halls
- 2 licensed casinos
- 1 licensed track betting

These figures have changed since the last Statement of Principles in 2022.

A map of the Licensing Authorities boundary and details of the locations of current licensed premises are attached as Appendices A & B.

## **4. Consultation**

Consultation required by the Gambling Act was conducted with the parties listed at Appendix E between 01 June 2024 and 12 July 2024. A consultation copy of the proposed Statement was also placed on the council's website.

## **5. Applications**

The Licensing Authority will consider all validly made applications on their individual merits and acknowledges the rights of persons to make representations on an application or to seek the review of a licence where this is allowed under the Act, provided that the Licensing Authority has not determined that any representations or grounds for review are frivolous, vexatious or will certainly not influence the authority's determination of the application. Any representation or application for review must be supported by appropriate evidence and must be relevant to one or more of the licensing objectives.

## **6. Declaration**

In producing this final Statement, the Licensing Authority declares that it has had regard to the licensing objectives of the Act and the guidance issued by the Gambling Commission.

## **7. Responsible Authorities**

The Licensing Authority has applied the following principles to designate in writing, the Stoke-on-Trent Safeguarding Children Board as the competent body to advise the authority about the protection of children from harm:

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

Contact details of all the responsible authorities under the Act are contained at Appendix D and are also listed on the Council's website at [www.stoke.gov.uk](http://www.stoke.gov.uk)

## **8. Interested Parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence.

A person is defined as an interested party if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
  - b) has business interests that might be affected by the authorised activities; or
  - c) represents persons who satisfy paragraph (a) or (b)
- In determining that a person lives sufficiently close to premises to be considered as an interested party the Licensing Authority will consider the following factors as per the gambling commission guidance:
    - the size of the premises
    - the nature of the premises
    - the distance of the premises from the location of the person making the representation
    - the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
    - the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b)

a residential establishment for young people who might be tempted to truant or abscond and (c) residential hostel for vulnerable adults

- in respect of a person who has business interests, the 'catchment' area of the premises (i.e. how far people travel to visit) and whether the person making the representation has business interests in that catchment area that might be affected.

This is not an exhaustive list and the Licensing Authority will not apply a rigid rule to its decision making. Each case will be decided upon its merits.

The Gambling Commission has recommended that licensing authorities state that interested parties include trade associations and trade unions, and residents' and tenants' associations. The Licensing Authority will not generally view these bodies as interested parties unless they have a member who can be classed as an interested party based upon living sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MPs. If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Authority at the address set out in Appendix C. A List of Councillors can be viewed on the Councils website [www.stoke.gov.uk](http://www.stoke.gov.uk). Other than these persons, the Licensing Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

## **9. Exchange of Information**

The Licensing Authority, in fulfilling its functions and obligations under the Act, will exchange relevant information with other regulatory bodies. The exchange of relevant information will conform to the requirements of the Data Protection Act 2018, the Freedom of Information Act 2000 and General Data Protection Regulation 2018 and will be in accordance with the Council's data policies.

The Licensing Authority will have regard to any guidance issues by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State.

## **10. Enforcement**

The principles to be applied by the Licensing Authority, when exercising its enforcement function under the Act will be consistent with the recommendation of the Gambling Commission in the Guidance, The Licensing Authority will 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 merged and implemented fairly
- Transparent: regulators should be open, and keep regulations simple and user friendly
- Targeted: regulation should be focused on the problem, and minimise side effects.

The Licensing Authority will also, as recommended by the Guidance, adopt a risk-based inspection programme.

The main enforcement and compliance role for the Licensing Authority will be to ensure compliance with the Premises Licences and other permissions which it authorises.

Bearing in mind the principle of transparency the Licensing Authority's enforcement policy will be available upon request at the address set out in Appendix D.

## **11. Duplication**

The Licensing Authority will avoid duplication with other regulatory regimes, as far as possible, when promoting the licensing objectives.



## **12. Licensing Authority Functions**

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 issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to commercial clubs
- Grant Permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two gambling 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.
- Maintain a register of the Permits and Licences that are issued under these functions.

Each application will be treated on its own merits.

It should be noted that the Licensing Authority will not be involved in licensing remote gambling, this will fall to the Gambling Commission via Operator Licences.

## **13. Scheme of Delegation**

The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing & General Purposes Committee to administer them.

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

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, are made in accordance with the council's scheme of delegation.

The table at Appendix C sets out the council's scheme of delegation relative to Gambling Act functions.

## **PART B**

### **PREMISES LICENCES**

#### **1. General Principles**

Premises Licences will be subject to the permissions/restrictions set-out in the Act and Regulations, as well as specific mandatory and default conditions, which will be detailed in regulations, issued by the Secretary of State. The Licensing Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

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

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives
- in accordance with the Licensing Authority's Statement.

The Licensing Authority will take into account, when considering applications for Premises Licences, permits and other permission, the following:

- The size of the premises

- The nature of the premises
- Proximity of premises to schools
- Proximity to vulnerable adult centres
- Risk assessment provided by the applicant
- Residential areas with a high concentration of families and children
- Proximity of premises to residential children's homes
- Proximity to hostels providing accommodation for young people leaving care

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

### **Local Risk assessments**

The Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in 31 October 2020, formalised the need for Operators to consider local risks.

The Social Responsibility (SR) Code of Practice requires licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

Licensees are required to undertake a local risk assessment when applying for a new premises licence, or to vary their existing licence, and provide a copy as part of their licence application. Their risk assessment must also be updated:

- to take account of significant changes in local circumstances, including those identified in this policy statement;
- where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

The Council requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise, and keep those risk assessments on the premises to be available for inspection by an authorised officer.

The risk assessment should set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions are required.

Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

Operators must undertake a review of their assessments when certain triggers are met. These triggers, along with the Council's views on what would instigate either a new assessment or the review of an existing one are set out in this guidance document.

The Council considers that an Operators local risk assessment is a key component of the overall assessment and management of the local risks. The Council will assist operators to produce or review a risk assessment by providing relevant information and knowledge it holds.

This local risk assessment process is not the same as other forms of risk assessments undertaken, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

Local risk assessments are intended to be revisited and revised as local circumstances change. Operators are encouraged to engage with the relevant LA when updating a premises risk assessment rather than just repeating companywide policies and procedures in relation to the licensing objectives.

### **Premises design risks**

The design of the premises is an extremely important factor when considering local risks. For example, premises which are located within an area which has a high number of children and young people present throughout the day may identify that their standard external design means that children and young people can see into the premises and see gambling taking place. The appropriate mitigation may be for the operator to amend the premises design by

installing a screen or by covering the windows to obscure the interior of the premises. Such changes would be considered as control measures to mitigate the risk of attracting children to gambling.

As part of the design process, the layout of the premises is a major consideration as poorly conceived design may create significant risks to one or more of the licensing objectives.

### **Interior design risks**

The internal design and layout will reflect the premises operation and the type of gambling facilities that it offers. For some premises the design will be subject to certain limitations due to mandatory conditions on the gambling premises licence, such as the distance between gaming tables and other gambling facilities in casinos, and restrictions on the location of ATM's.

Operators will need to assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example, if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers' spending habits. Staff can also monitor the use of the machines and can challenge any customers who are believed to be under the age of 18, or who damage the machines, or who appear to be attempting to launder money. By a simple assessment of the optimum location for these machines, operators can significantly reduce the risk to the licensing objectives.

### **Exterior design risks**

The exterior of premises will be a major advertisement for the gambling operator. However, the design will need to be assessed based on the associated risk. Operators will identify the risk associated with the design and introduce control measures based on that perceived risk. For example, if the premises have a large amount of glass frontage in an area prone to criminal damage, operators may consider the risk of damage to the standard toughened glass to be high and introduce a control measure such as roller shutters and/or external CCTV cameras.

## **Control measures**

Depending on the nature of the risk factors, the control measures identified to mitigate the perceived risk may be a combination of systems, design and physical measure. Control measures that relate to systems will be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for particular premises to deal with a specific local risk factor. System control measures can include staff training, security policies and procedures. They may also relate to having security personnel on entrances, implementing membership criteria and/or providing support to local vulnerable groups through financial or other means.

### **(a) Gambling Activities**

Premises licences can authorise the provision of facilities on:

- Casino Premises
- Bingo Premises
- Betting Premises, including tracks and premises used by betting intermediaries
- Adult gaming centres (for category B3, B4, C and D machines)
- Family entertainment centres (for category C and D machines) (note that separate to this category the licensing authority may issue a family entertainment centre gaming permit, which authorises the use of category D machines only).

By distinguishing between premises types it is clear that the main activity of the premises should be that described. For example in a Bingo premise the main activity should be bingo with gaming machines made available for use only where there are also substantive facilities for non-remote bingo use provided. This is subject to the gaming machine entitlements which various types of licence bring with them. The Act does not permit a premises licence to be licensed for more than one of the above activities.

### **(b) Definition of “premises”**

Premises are defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premise at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be properly regarded as being different premises. Whether different

parts of a building can properly be regarded as being separate, will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

The Licensing Authority takes particular note of the Guidance that they should take particular care in considering applications for multiple licences for a building or those for a discreet part of the building used for other (non-gambling) purposes. In particular they should be aware of the following:

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

In agreement with the Gambling Commission guidance, the Licensing Authority allows operators to apply for a premise licence in respect of premises which have still to be constructed or altered, and would determine any such applications on their merits. Such applications will be considered in a two stage process:

**First** the licensing authority will decide as a matter of substance whether the premise ought to be permitted to be used for gambling.

**Secondly** 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.

It would be up to the applicant to provide a risk assessment taking into account all the above points to enable the licensing authority to make an informed decision.

The licensing authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

### **(c) Location**

The Licensing Authority upon receipt of any relevant representations will look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. 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 size of the premises and the nature of the activities taking place;
- any levels of organised crime in the area.

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 when refusing to granting an application or attaching conditions.

### **(d) Duplication**

The Licensing Authority whilst having regards to the licensing objectives will seek to avoid any duplication with other statutory/regulatory systems. With specific regards to Planning legislation, licensing decisions should not be a re-run of the planning process and will not cut across decisions taken by the Local Planning Authority Committee or following appeals against decisions taken by that Committee. Applicants for licences are recommended to make inquiries of the local planning authority where applicable to enable proper regard to be had to residential amenity.

### **(e) Licensing Objectives:**

Guidance requires that premises licences granted by the Licensing Authority must be reasonably consistent with the licensing objectives. In following this guidance the Authority notes:



- The Gambling Commission will be the lead authority regarding the objective to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

The Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the provisions of the Act.

- The Gambling Commission does not expect the Licensing Authority to become concerned with the objective of ensuring that gambling is conducted in a fair and open way as this is addressed via operating and personal licences.
- Guidance states that the objective to protect children and other vulnerable persons from being harmed or exploited by gambling means preventing children from taking part in gambling (as well as restrictions on advertising so that gambling products are not aimed at or are, particularly attractive to children). The Licensing Authority will consider whether specific measures are required at any particular premises in this regard. Specific measures may include supervision of entrances/machines, segregation of areas, operating a "Think 21" scheme and ensuring all staff are trained in its use, highlighting advice and support agencies e.g. Gamcare, etc.

The Licensing Authority will also consider any Codes of Practice, which the Gambling Commission has issued as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition, but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

The Department of Health document “No Secrets” 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 Licensing Authority will bear in mind both of these definitions when considering the objective regarding vulnerable persons, on a case by case basis.

Applicants should consider the following measures when addressing the protection and support of vulnerable persons:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets;
- training for staff members which focus on building an employee’s ability to maintain a sense of awareness of how much (e.g. how long customers are gambling, as part of measures to detect persons who may be vulnerable;
- trained personnel for the purposes of identifying and providing support to vulnerable persons;
- self-exclusion schemes;
- promoting advice and support through posters and leaflets in prominent locations at the premises and on their promotions and website e.g. the Gamcare Helpline.
- Windows, entrances and advertisements to be positioned or designed not to entice passers-by.

#### **(f) Conditions**

All gambling Premise Licenses are subject to mandatory and default conditions intended to ensure operation that is reasonable consistent with the licensing objectives. Additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case. Any conditions attached to licenses will be:

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

Decisions upon individual conditions will be made on a case by case basis, and there may be a number of measures the Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only area, etc. Further examples are given under some of the licence types below. The Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively having undertaken their own risk assessment of the locality.

The Licensing Authority will also consider specific measures, which may be required for buildings, which are subject to multiple licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objective. These matters are in accordance with the Guidance.

The Licensing Authority will also ensure that where Category C or above machines' are on offer in premises to which children are admitted:

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

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

The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Guidance, the Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

### **(g) Door Supervisors**

The Licensing Authority takes note of the Guidance that Door Supervisors do not have to be registered with the Security Industry Authority when working in Casino and Bingo premises. However, the Licensing Authority will expect the Door Supervisors employed on these premises to hold a 3 year clear DBS check. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

## **2. Adult Gaming Centres**

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

The Licensing Authority is aware that the mandatory and default conditions and Codes of Practice imposed by the Gambling Commission will normally be sufficient to regulate gambling premises. In exceptional cases where there are specific risks or problems associated with a particular locality, specific premises or class of premises the Licensing Authority may consider attaching individual conditions related to the licensing objectives.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, having undertaken their own risk assessment of the locality. Appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes (Think 21);
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas. For this purpose a rope, floor marking or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high;
- Location of entry;
- Notices/signage (“area is prohibited to persons under 18”);
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;

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

### **3. (Licensed) Family Entertainment Centres - FECs**

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas e.g. operating a “Think 21” scheme.

The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, having undertaken their own risk assessment of the locality. Appropriate measures/licence conditions may cover issues such as:

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas. For this purpose a rope, floor marking or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high;
- Location of entry;
- Notices/signage (“area is prohibited to persons under 18”);
- Specific opening hours;

- Self-barring schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with suspected truant school children on the premises;
- 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.

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

The Licensing Authority will be vigilant for any mandatory or default conditions on FECs applied by the Gambling Commission to operating licences, particularly how areas containing category C machines should be delineated.

#### **4. Casinos**

The City currently has the maximum number of licensed casinos permitted under the original licensing regime (2) and resolved not to seek an increase under previous Government initiatives encouraging expansion of the industry. If further changes are made to the Licensing Authority's powers to grant licences this would be brought to the attention of the Licensing Committee for the previous resolution to be reviewed.

Should it become necessary the Licensing Authority will consider attaching conditions to its casino premises licences according to the principles set out in the Gambling Commission's Guidance, and where changes to the number of betting machines offered are requested we will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons and vulnerable people.

#### **5. Bingo**

The Licensing Authority notes that the Gambling Commission's Guidance requires them to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then

applies for a new premises licence, or multiple licences, for that or those excluded areas.

The Authority also notes the Guidance regarding the unusual circumstances in which the splitting of a pre-existing premise into two adjacent premises might be permitted, and in particular that it is not permissible to locate all of the gaming machines to which each of the licences brings an entitlement to be grouped together within one of the licenced premises.

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.

## **6. Betting premises**

The Licensing Authority will take into account the size of the premises, the number of counter positions available for person-person transactions, and the ability of staff to monitor the use of Betting Machines by children and young persons and vulnerable people when considering the number /nature and circumstances of betting machines that an operator wants to offer.

## **7. Tracks**

The Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. For applications regarding tracks the Licensing Authority 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 Licensing Authority will expect the premises licence applicant 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 Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives, having undertaken their own risk assessment of the locality. Appropriate measures/licence conditions may cover issues like:

- Proof of age schemes (Think 21);
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas. For this purpose a rope, floor marking or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high;
- Location of entry;
- Notices/signage (“area is prohibited to persons under 18”);
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

### **Gaming machines**

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

### **Betting machines**

The Licensing Authority will, take into account the size of the premises and the ability of staff to monitor the use of betting machines by children and young persons and vulnerable people when considering the number/ nature and circumstances of betting machines an operator proposes to offer.

### **Conditions on Rules being displayed**

The Licensing Authority will attach conditions to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public.



## **Applications and plans**

Applicants are required to submit plans of the premises with their application in order to ensure the Licensing Authority has the necessary information to judge whether the premises are fit for gambling. The plan will also be used for the Licensing Authority to plan its future inspection activity.

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

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

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

The Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information for the Licensing Authority to satisfy itself that the plan indicates the main areas where betting might take place.

## **8. Travelling Fairs**

It will fall to the Licensing Authority to decide whether category D machines and/or equal chance prize gaming without a permit is to be made available for use at a travelling fair, and also whether the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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

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

## **9. Provisional Statements**

Developers may wish to apply to the Licensing 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 in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

A person may make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- Expects to be constructed;
- Expects to be altered;
- Expects to acquire a right to occupy.

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

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

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority 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.

The Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

## **10. Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review is to be carried-out, and in making that decision they will consider:

- codes of practice and guidance issued by the Gambling Commission;
- whether the request is reasonably consistent with the licensing objectives;
- whether the request is in accordance with the authority's statement of licensing policy

The Licensing Authority must also consider whether the request is frivolous, vexatious, will certainly not cause the authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The Licensing Authority can initiate a review of a licence on the basis of any reason which they think is appropriate.

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

The licensing authority 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 Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- add, remove or amend a licence condition imposed by the licensing authority;
- exclude a default condition imposed by the Secretary of State or remove or amend such a condition;
- suspend the premises licence for a period not exceeding three months;
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations. In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review had been completed, the licensing authority must, as soon as possible, notify its decision to:

- The licence holder
- The applicant for review (if any)
- The Commission
- Any person who made representations
- The Chief Officer of Police or Chief Constable
- Her Majesty's Commissioners for Revenue and Customs

## **PART C**

### **PERMITS/TEMPORARY AND OCCASIONAL USE NOTICES**

#### **1. Unlicensed Family Entertainment Centre Gaming Machine Permits**

Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this Permit. 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 .

The applicant is expected 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, and also includes young people who might be tempted to truant or abscond. The efficiency of such policies and procedures will each be considered on their merits. However, they may include appropriate measures or training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on or around the premises. The Licensing Authority will also expect that applicants demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that they have no relevant convictions (those that are set out in Section 7 of the Act);
- that staff are trained to have a full understanding of the maximum stakes and prizes;
- the suitability of the premises in relation to their location and issues about disorder.

This is not an exhaustive list of considerations and each application will be considered on its merits.

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 that the Chief Officer of Police has been consulted on the application.

## **2. (Alcohol) Licensed Premises Gaming Machine Permits**

The Act makes provision for premises licensed for the sale by retail of alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/ or D. The premises merely need to notify the Licensing Authority of the presence of the machines. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act;
- the premises are mainly used for gaming;

- an offence under the Act has been committed on the premises.

If a premises wishes to have more than two machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, guidance from the Gambling Commission, and “such matters as they think relevant.”

The Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling. They will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 years olds do not have access to adult only gaming machines. Measures, which will satisfy the Licensing Authority that there will be no access, may include the adult machines being in sight of the bar or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as Gamcare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application will be dealt with as an Adult Gaming Centre premises licence.

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

The holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the gaming machine(s).

### **3. Prize Gaming Permits**

The applicant should set out the types of gaming that he or she is intending to offer.

The applicant must be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

In making its decision on an application for these permits the Licensing Authority is not required to have regard to the licensing objectives but will have regard to any Gambling Commission guidance.

The permit holder must comply with the conditions contained in section 293 of the Act which are:

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

#### **4. Club Gaming and Club Machines Permits**

Members Clubs and Miners' Welfare Institutes (but not Commercial clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit.

Commercial Clubs may only apply for a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in Regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Guidance states that "Members' clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations.

A Members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs branches of Royal British Legion and clubs with political affiliations.

The Licensing Authority may only refuse an application on the grounds that:

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

A premise, which holds a Club Premises Certificate under the Licensing Act 2003, is able to use a 'fast-track' procedure. This provides that there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced.

The grounds on which the Licensing Authority may refuse an application under this process are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- 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. Temporary Use Notices**

Temporary Use Notices allow the use of a 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 include hotels, conference centres and sporting venues.



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

Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming where the gaming is intended to produce a single winner, which in practice means poker tournaments.

The Gambling Commission Guidance to Licensing Authorities on Temporary Use Notices includes definitions regarding the meaning of “premises”. In deciding what are premises the Licensing Authority will consider the ownership, occupation and control of the premises, and 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.

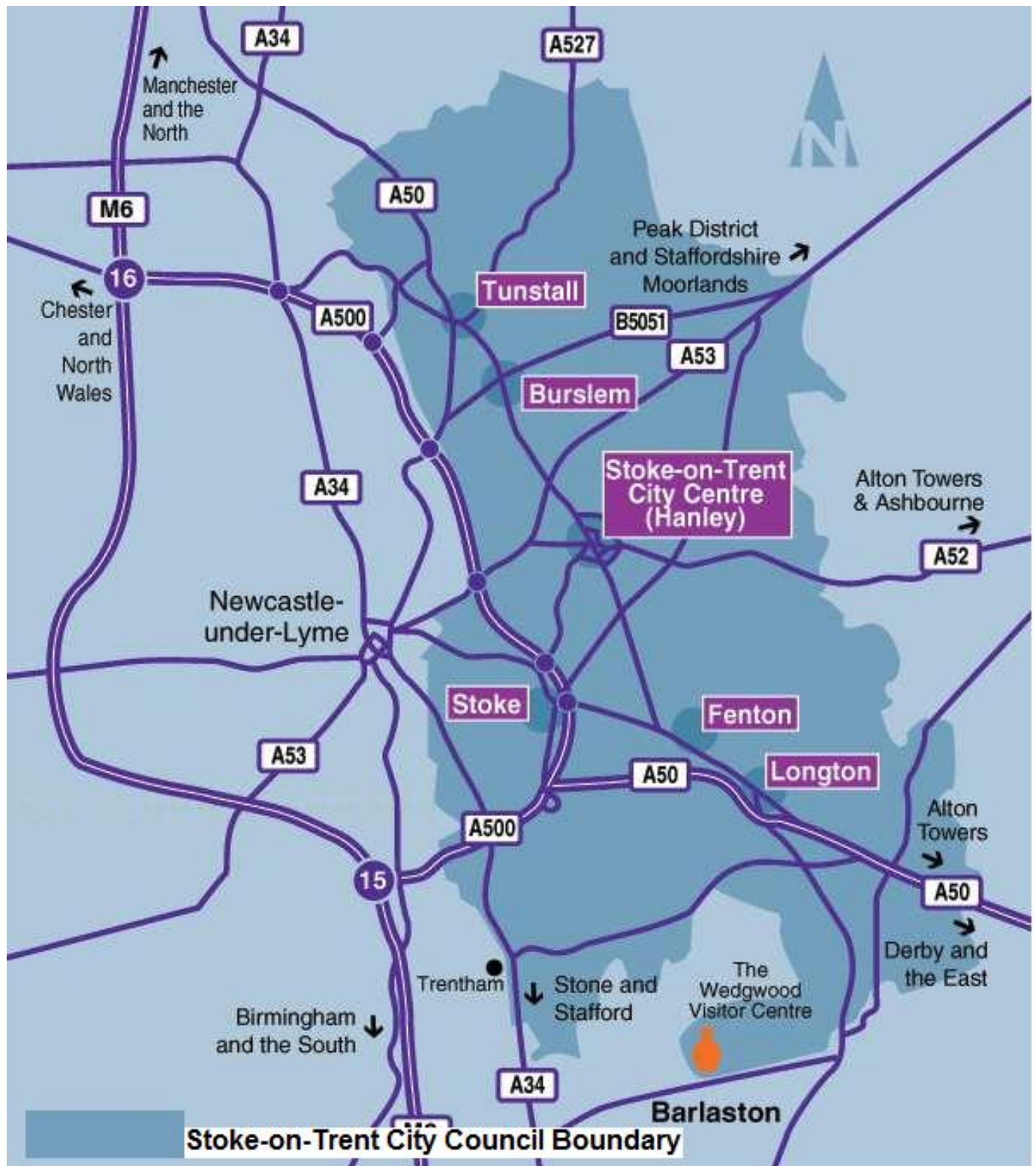
## **6. Occasional Use Notices**

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. The Licensing Authority’s discretion regarding these notices is limited but they must ensure that the statutory limit of 8 days in a calendar year is not exceeded.

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

The application should 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.

## Appendix A Stoke on Trent Licensing Authority Boundary



## Appendix B Locations of Gambling Licensed Premises

Area	Betting Shops	Gaming Centres	Bingo	Casinos	Track Betting
Abbey Hulton	2				
Bentilee	1				
Bucknall	1				
Burslem	2	2			
Chell	1				
Fenton	1		1		
Hanley	5	4	2	2	
Longton	4	2			
Meir	1				
Smallthorne	1				
Sneyd Green	1				
Stoke	3	2			1
Tunstall	1	3			

## Appendix C Delegations of Licensing Functions

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission

## Appendix C Delegations of Licensing Functions

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COUNCIL</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

## Appendix D Contact Details for Responsible Authorities

Licensing Authority	Stoke-on-Trent City Council, Licensing Services, c/o The Weighbridge Lodge, Cromer Road, Northwood, Stoke-on-Trent ST1 6PN
Gambling Commission	Victoria Square House, Victoria Square, Birmingham, B2 4BP
Staffordshire Police	Early Intervention and Prevention Unit (EIPU), Staffordshire Police Headquarters, Ground Floor, Block 9, Weston Road, Stafford, Staffordshire, ST18 0YY
Staffordshire Fire & Rescue	Licence applications Newcastle under Lyme Community Fire Station Knutton Lane Newcastle under Lyme Staffordshire ST5 2SL
Safeguarding, Child Protection, Vulnerable Persons	Safeguarding Children Board Manager Flr 2, Civic Centre, Glebe St, Stoke, ST4 1RN
HM Revenue & Customs	Excise Processing Teams, BX9 1GL
Planning Authority	Development Management, Floor 3, Civic Centre, Glebe St, Stoke, ST4 1HH
Environmental Health	Health Protection Manager, Floor 3, Civic Centre, Glebe Street, Stoke-on-Trent ST4 1RF
Public Health	Director of Public Health, Civic Centre, Glebe St, Stoke, ST4 1RF

## **Appendix E Consultees 2024**

Licensing & Appeals Committee Members

Council Executive (Cabinet)

Children and Family Services

Public Protection Service

Development Control Service

Community Safety Partnership

Staffordshire Police

Staffordshire Fire & Rescue

HM Revenue & Customs

Gambling Commission

GamCare

Betting and Gambling Council

British Beer and Pub Association

Newcastle-under-Lyme Borough Council

Stafford Borough Council

Staffordshire Moorlands District Council

Cheshire East Council

All existing premises licence holders