



**DRAFT**

Statement of Principles  
in relation to the  
Gambling Act 2005

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## CONTENTS

	Page
<b>Part A</b>	
<b>1. Introduction and the licensing objectives</b>	<b>3</b>
<b>3. Licensing Authority functions</b>	<b>4</b>
<b>4. Declaration</b>	<b>6</b>
<b>5. Responsible Authorities</b>	<b>6</b>
<b>6. Interested parties</b>	<b>7</b>
<b>7. Exchange of information</b>	<b>7</b>
<b>8. Enforcement</b>	<b>8</b>
<b>9. Reviews</b>	<b>10</b>
<b>10. Appeals</b>	<b>11</b>
<b>Part B - Premises licences</b>	
<b>1. General Principles</b>	<b>12</b>
<b>2. Adult Gaming Centres</b>	<b>18</b>
<b>3. (Licensed) Family Entertainment Centres</b>	<b>18</b>
<b>4. Casinos</b>	<b>19</b>
<b>5. Bingo</b>	<b>20</b>
<b>6. Betting premises</b>	<b>21</b>
<b>7. Tracks</b>	<b>22</b>
<b>8. Travelling fairs</b>	<b>24</b>
<b>9. Provisional Statements</b>	<b>24</b>
<b>Part C - Permits / Temporary and Occasional Use Notices</b>	
<b>1. Unlicensed Family Entertainment Centre gaming machine permits</b>	<b>26</b>
<b>2. (Alcohol) Licensed premises gaming machine permits</b>	<b>27</b>
<b>3. Prize Gaming Permits</b>	<b>28</b>
<b>4. Club Gaming and Club Machines Permits</b>	<b>29</b>
<b>5. Temporary Use Notices</b>	<b>30</b>
<b>6. Occasional Use Notices</b>	<b>31</b>
<b>Appendices</b>	
<b>Appendix A – Map of Middlesbrough</b>	<b>33</b>
<b>Appendix B – List of Consultees</b>	<b>34</b>
<b>Appendix C – Glossary</b>	<b>38</b>
<b>Appendix D - Responsible Authorities</b>	<b>48</b>
<b>Appendix E – Summary of Local Authority Designations</b>	<b>51</b>
<b>Appendix F - Large Casino Licence – Application Guidance: Principles for Selection and Application Process</b>	<b>53</b>
<b>Appendix G – Large Casino Licence – Competition Criteria</b>	<b>58</b>

## Part A

### Introduction

1. Middlesbrough sits in the heart of the Tees Valley conurbation with an economy which is largely service based. The town is the main urban centre within the Tees Valley city-region and has a culturally diverse population with the highest concentration of ethnic minorities in the North East. The Council area has a population of approximately 138,000 making it the second biggest borough in the Tees Valley in this regard. In terms of area however it is the smallest at approximately 21 square miles. A map is provided as Appendix A.
  
2. By virtue of section 2(1)a of the Gambling Act 2005 Middlesbrough Council is a Licensing Authority. The Licensing Authority's Statement of Principles for premises licensed for gambling sets out the issues which the licensing authority will take into consideration when determining Premises Licences for establishments in the borough. In exercising functions under the Gambling Act 2005 ("the Act"), the Licensing Authority will have regard to the licensing objectives in section 1 of the Act. These 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. This requirement is explicitly to protect children from being harmed or exploited by gambling.
  
3. The Licensing Authority is aware that, having regard to 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 Licensing Authority's statement of licensing policy

## **Functions.**

4. The Licensing Authority's main functions under the Act are:
  - To be responsible for the licensing of premises where gambling activities are to take place.
  - To issue Provisional Statements
  - To regulate Members' Clubs wishing to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
  - To issue Club Machine Permits to Commercial Clubs
  - To grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
  - To receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
  - To grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the premises, under the Licensing Act 2003, where more than two machines are required
  - To register Small Society Lotteries below prescribed thresholds
  - To issue Prize Gaming Permits
  - To receive and endorse Temporary Use Notices
  - To receive Occasional Use Notices
  - To provide information to the Gambling Commission regarding licences issued
  - To maintain a register of the Permits and Licences that are issued under these functions.
5. It should be noted that local licensing authorities will not be involved in licensing remote gambling. This function falls to the Gambling Commission under its responsibility for operating licences.
6. The Gambling Act 2005 requires the Licensing Authority to prepare and publish a "Statement of Licensing Policy" which sets out the policies that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This statement will be reviewed as necessary and republished at least every three years. Any amended parts must be consulted upon.
7. This Statement of Licensing Policy has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and to the responses from a formal consultation exercise. All references to the Gambling Commission Guidance in this document refer to the 5<sup>th</sup> Edition of the Guidance, published September 2015.
8. The Gambling Act requires that the following parties are consulted by licensing authorities on their licensing policy statement or any subsequent revision:
  - The Chief Officer of Police;

- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority's area;
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
9. Middlesbrough Council consulted widely upon this statement before finalising and publishing. Consultation took place between 20 July 2015 and 18 September 2015. A list of those persons consulted is provided in Appendix B. Due consideration has been given to all responses in the production of this Policy.
  10. This policy is effective from 31 January 2016 and will be reviewed as necessary, and at least every three years from the date of adoption.
  11. The policy was approved at a meeting of the full Council on 9 December 2015 and, as required by the Act, was subsequently published and advertised for a period in excess of four weeks prior to its implementation.
  12. This Policy has been prepared with the view that no statement will override the right of any person to make a licence application under the Act and will not undermine the right of any person to make representations on an application or to seek a review of that licence.
  13. The Licensing Authority when considering applications will not take into account whether or not there is an unfulfilled demand for gambling facilities within the borough of Middlesbrough. Every application for a premises licence to the Licensing Authority will be considered on its merits and will be treated fairly and objectively in accordance with the three licensing objectives. The Licensing Authority will consult with responsible authorities on all applications.
  14. Should you have any comments regarding this policy statement, please send them via e-mail or letter to the following contact:  
  
Tim Hodgkinson  
Community Protection Service Licensing Team,  
PO Box 502, Vancouver House  
Central Mews  
Gurney Street  
Middlesbrough  
TS1 9FW  
E-mail: [Licensing@middlesbrough.gov.uk](mailto:Licensing@middlesbrough.gov.uk)
  15. The Glossary in Appendix C at the back of this Policy sets out definitions appropriate to the Gambling Act 2005.

## **Declaration**

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

## **Responsible Authorities**

17. The Applicant will be required to notify all Responsible Authorities of their applications and these bodies will be entitled to make representations to the Licensing Authority in relation to applications for, and in relation to premises licences.
18. The contact details of all Responsible Authorities under the Gambling Act 2005 are shown in Appendix D. They are also available via the Council's web-site at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk) or by contacting the Licensing Team via telephone on 01642 728011 or via e-mail at [licensing@middlesbrough.gov.uk](mailto:licensing@middlesbrough.gov.uk).

## **Body representing Children from Harm**

19. The Licensing Authority has designated in writing the body it considers competent to advise the Licensing Authority on the protection of children from harm. This relevant contact is:

The Designated Licensing Officer (Safeguarding)  
Wellbeing, Care and Learning Directorate  
Middlesbrough Council  
Civic Centre  
Middlesbrough

20. The reasons the Licensing Authority has chosen the above as a responsible authority competent to advise it on the protection of children from harm are:
  - That this body is answerable to democratically elected persons and is not answerable to a particular vested interest group
  - That this body is responsible for the area covered by the Licensing Authority and this Policy
  - That this body is experienced in dealing with the protection of children.

## **Interested parties**

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

“... a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the applications is made, the person

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

For the purposes of the casino application process, all applicants to a casino licence are treated as interested parties.

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

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities at 8.11 and 8.18.

23. Interested parties can be people who are democratically elected such as councillors and MPs. Parish or community councils likely to be affected will also be considered to be interested parties. The Licensing Authority also accepts that people or bodies such as MPs, Councillors, trade unions, trade associations and residents and tenants associations may represent interested parties. Other than these however, this Licensing Authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

24. If individuals wish to approach Councillors to represent their views, 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 Team.

### **Exchange of Information**

25. Licensing Authorities are required to include in their statements the principles to be applied by the Authority in exercising the 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 the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

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

### **Enforcement**

27. 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.
28. This Authority will we will be guided by the Regulator's Code and the Gambling Commission's Guidance for local authorities. As a result we will endeavor to be:
  - Proportionate - we will only intervene when necessary, remedies will be appropriate to the risk posed, and costs identified and minimised.
  - Accountable - our decisions will be justifiable, and be subject to public scrutiny.
  - Consistent - rules and standards will be joined up and implemented fairly.
  - Transparent and Open - licence conditions will be kept simple and user friendly.
  - Targeted - our regulation will be focused on the problem, and minimise side effects.
29. In line with the Gambling Commission's Guidance for local authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
30. This Licensing Authority has, as recommended by the Gambling Commission's Guidance for local authorities, adopted a risk-based approach to inspection and enforcement of the gambling permissions that it issues. This approach is based around the risk towards the licensing objectives, relevant codes of practice, guidance issued by the Gambling Commission, and the principles included in this document.
31. The main enforcement and compliance role for this Licensing Authority in

terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for operating and personal licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

32. This Licensing Authority will also keep itself informed of developments regarding the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
33. Bearing in mind the principle of transparency, this Licensing Authority's enforcement policy will be available upon request to the Licensing Service. Our risk methodology will also be available upon request.

### **Fees**

34. Fees will be set in accordance with the Gambling Commission's Guidance and will be limited to cost recovery. Fees for permits and other services will be as set by the Secretary of State.
35. Information regarding the fees to be charged, including the level of fees, for applications for premises licences and other permissions under the Act will be made available to the public via the Council's website or in writing upon request.

### **Licensing Committee**

36. Appendix E shows the summary of Licensing Authority delegations permitted under the Gambling Act, except for those functions in relation to the large casino. Such decisions may be delegated in accordance with section 154 of the Gambling Act, 2005.
37. In Middlesbrough the Licensing Committee can consist of up to 15 Members. Licensing Sub-Committees consisting of 3 Committee Members will hear any relevant representations from applicants, responsible authorities and interested parties. Any of these individuals or groups may specifically request a representative to make representations on their behalf. This could be a legal representative, a friend, an MP or a Ward Councillor. However, the Licensing Committee will determine whether it or its Sub-Committees will hear such relevant representations in relation to an application for a Casino Premise Licence.
38. The Licensing Committee and Sub Committees will not place themselves in situations where their honesty or integrity may be questioned, they will make decisions on merit and will reach their own conclusions on the issues laid before them. They will then act in accordance with those conclusions taking into account, as necessary and proper, the views of others.

39. The decision determined by the Licensing Committee or its Sub-Committee will be accompanied with clear, cogent reasons for that decision within the time limits required by legislation, having had due regard to the Human Rights Act 1998 and all other legislative requirements. The decision and reasons will be submitted to all parties concerned within the time limits required.

## **Reviews**

40. Prior to an application for a review by the Licensing Authority, every effort will be made to work with the operator to achieve compliance and resolve any issues at the premises. A formal Review would not normally be undertaken without this process of ensuring compliance by the operator.
41. A premises licence may be reviewed by the Licensing Authority itself following an application or on its own volition. Requests for a review can also be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether or not the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below. It will also consider whether the request is frivolous, vexatious, will certainly not cause the Authority to alter/revoke/suspend the licence or whether it is substantially the same as previous requests for review.
42. The conduct of the review will be:
  - a. In accordance with any relevant Code of Practice issued by the Gambling Commission
  - b. In accordance with any relevant Guidance issued by the Gambling Commission
  - c. Reasonably consistent with the Licensing Objectives, and
  - d. In accordance with the Licensing Policy statement except in relation to paragraph 43 below.
43. Where a premise licence has been granted by the Licensing Authority but an operator has not used the licence for a period of at least twelve months from the date of grant, the Licensing Authority may initiate a review of the premises licence and may take action on the ground that the licensee has not used the licence in accordance with Section 202(3) of the Act. However, each case will be considered on its own merits.

44. The Licensing Authority will endeavour to process review applications without delay.

### **Appeals**

45. An applicant may appeal a decision to reject an application, impose a condition or take action following a review of the Premises Licence. An interested party or responsible authority may appeal if an application is granted, or if they are aggrieved at the action taken, if any, following a review. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to Teesside Magistrates' Court. When an appeal notice is sent by first class post it will be deemed to be served 2 working days after it is posted or 4 working days if it is sent by second-class post. Teesside Magistrates' Court will take into account the Licensing Authority's Licensing Policy, Gambling Commission's Guidance, any relevant Codes of Practice and licensing objectives.
46. The Licensing Authority will give clear and comprehensive reasons for any rejection of an application and in accordance with good practice will give reasons in relation to all decisions it reaches. These reasons will address the extent to which the decision has been made with regard to the Licensing Policy and the Gambling Commission's Guidance and the reasons will be submitted to all parties concerned within the time limits required.
47. Once an appeal decision has been made the Licensing Authority will implement this without delay unless ordered by the Court to suspend such action or if an application is made to the High Court in relation to a point of law.

### **Complaints**

48. All complaints in the first instance should be addressed to the:  
Licensing Manager,  
Community Protection Service, Licensing Team,  
PO Box 502, Vancouver House  
Central Mews  
Gurney Street  
Middlesbrough  
TS1 9FW
49. The Licensing Authority will investigate all relevant complaints. Complainants will initially be encouraged to raise the complaint directly with the permit/licence holder. The Licensing Authority will endeavour to seek a resolution through informal means. Complaints may be progressed further through the Council's formal Complaints and Appeals procedure.

## **PART B**

### **PREMISES LICENCES**

#### **General Principles**

50. Premises licences authorise the provision of gambling facilities on the following:

- a. Casino Premises
- b. Bingo Premises
- c. Betting Premises, including race tracks used by betting intermediaries
- d. Adult Gaming Centres (for Category B3, B4, C and D machines)
- e. Family Entertainment Centres (for Category C and D machines).

Except in the case of tracks (where the occupier may not be the person offering gambling), premises licences will only be issued to people with the relevant operating licences.

51. Other forms of authorisations are as follows:

- a. Unlicensed Family Entertainment Centres
- b. Prize Gaming
- c. Gaming machines on alcohol-licensed premises
- d. Club Gaming
- e. Club Gaming Machines

52. Premises licences will be subject to the requirement set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions, which will be 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.

53. This 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:

- a. in accordance with any relevant code of practice issued by the Gambling Commission;
- b. in accordance with any relevant guidance issued by the Gambling Commission ;
- c. reasonably consistent with the licensing objectives; and
- d. in accordance with the Licensing Authority's Statement of Principles.

54. It is appreciated that as stated in the Gambling Commission's Guidance for local authorities "moral or ethical objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a Licensing Authority.

## **Definition of “premises”**

55. Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Licensing Authority does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. Each application for a premises licence will be considered on its own merits and the Licensing Authority recognises that different layouts may be appropriate under different circumstances. However, the crux of the matter is whether the proposed premises are genuinely separate premises that merit their licence, with the machines entitlement that that brings. They should not be artificially created from part of what is readily identifiable as a single premises.

56. The Licensing Authority takes particular note of the Gambling Commission’s Guidance for local authorities, which states that:

- a. Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular consideration should be given to entrances and exits from parts of buildings covered by one or more licence to ensure they are sufficiently separate and identified so that the separation of different premises is not compromised and that people do not “drift” into a gambling area.
- b. Licensing Authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should 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.
- c. Customers should be able to participate in the activity named on the licence.

Further guidance and factors to determine whether two or more premises are truly separate is available in the Gambling Commission Guidance to Local Authorities.

57. If an operator applies for a premises licence in respect of a premises which has still to be constructed or altered, the Licensing Authority will have regard to the Gambling Commission's Guidance when considering whether or not to issue a notice of grant or the premises licence, with or without conditions.

### **Location**

58. This Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As advised in the Gambling Commission's Guidance for licensing authorities, this Licensing Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

### **Local Risk Assessments**

59. From April 2016, Operators are required to produce a Local Risk Assessment as part of their application for a premises licence in accordance with the Gambling Commission's Licence Conditions and Codes of Practice (LCCP). This should reflect factors such as premises' proximity to schools and other sensitive locations, vulnerable persons schemes and other information relevant to the locality.

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

60. The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will however 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.

### **Licensing objectives**

61. Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

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

62. The Licensing Authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of

gambling premises in terms of this licensing objective. This Licensing Authority will, when determining applications consider whether the grant of a premises licence will result in an increase in crime and disorder. Thus, where an area has known high levels of organised crime this 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. This Licensing Authority is aware of the distinction between instances of 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. The Gambling Commission guidance states that Licensing Authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Issues of nuisance cannot be addressed via the Gambling Act provisions. Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council and/or Middlesbrough Police before making a formal application.

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

63. The Licensing Authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences, both of which are the responsibility of the Gambling Commission.

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

64. The Licensing Authority has noted that the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as the restriction of advertising so that gambling products are not aimed at, or are particularly attractive to children). The Licensing Authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. This may include such measures as:
- a. supervision of entrances
  - b. segregation of gambling areas from areas frequented by children
  - c. supervision of gaming machines in non-adult gambling specific premises.

There is however, more of a role with regard to tracks, which is explained in more detail in the 'tracks' section on page 22.

65. This Licensing Authority will also make itself aware of the codes of practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

### **Vulnerable Persons:**

66. The Licensing Authority will assume for regulatory purposes, in line with the Gambling Commission's definition, that vulnerable persons include:
  - a. people who gamble more than they want to;
  - b. people who gamble beyond their means; and
  - c. people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
67. The Licensing Authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
68. Middlesbrough Council is committed to working in partnership with GamCare and NECA (North East Council of Addiction) to ensure that local support services are available for the victims of gambling.

### **Conditions**

69. Any conditions attached to licences will be proportionate and will be:
  - a. relevant to the need to make the proposed building suitable as a gambling facility;
  - b. directly related to the premises and/or the type of licence applied for;
  - c. fairly and reasonably related to the scale and type of premises; and
  - d. reasonable in all other respects.
70. Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need; such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in regard to this under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer their own suggestions as to how the licensing objectives can be met effectively.
71. In pursuing the licensing objectives, the Licensing Authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include:
  - a. the supervision of entrances;
  - b. segregation of gambling from non-gambling areas frequented by children; and
  - c. the supervision of gaming machines in non-adult gambling specific premisesThese matters are in accordance with the Gambling Commission's Guidance.

72. This Licensing Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- a. all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - b. only adults are admitted to the area where these machines are located;
  - c. access to the area where the machines are located is supervised;
  - d. the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
  - e. 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 premises licences are applicable.

73. 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. In line with the Gambling Commission's Guidance, this 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.
74. It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:
- a. any condition on the premises licence which makes it impossible to comply with an operating licence condition;
  - b. conditions relating to gaming machine categories, numbers, or method of operation;
  - c. conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
  - d. conditions in relation to stakes, fees, winning or prizes.

### **Door Supervisors**

75. The Gambling Commission advises in its Guidance for licensing authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted that in-house employees working as door supervisors at casinos or bingo premises are exempt from the requirement to be

licensed by the Security Industry Authority (SIA). However where contract staff are employed as door supervisors in casino or bingo premises, such staff are required to be licensed by the SIA.

### **Adult Gaming Centres**

76. The Licensing Authority will have specific regard to the protection of children and vulnerable persons from harm or exploitation through gambling and will expect applicants to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to these premises.
77. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however, appropriate measures /licence conditions may cover issues such as:
  - a. Proof of age schemes
  - b. CCTV
  - c. Supervision of entrances / machine areas
  - d. Physical separation of areas
  - e. Location of entry
  - f. Notices/signage
  - g. Specific opening hours
  - h. Self- exclusion schemes
  - i. 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.

Where an operator of an existing AGC premises licence applies to vary the licence to acquire additional AGC premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises), it is not permissible for all of the gaming machines to which each of the licences bring an entitlement to be grouped together in one of the licensed premises.

### **(Licensed) Family Entertainment Centres (FEC):**

78. There are two classes of Family Entertainment Centres. Licensed FECs provide category C and D machines and require a premises licence. Unlicensed FECs provide Category D machines only and are regulated through FEC Gaming Machine Permits and these are dealt with on page 28.
79. Children and young persons may enter FECs but are not permitted to play Category C machines. The Licensing authority may consider measures to meet the licensing objectives such as:

- a. CCTV
- b. Supervision of entrances / machine areas
- c. Physical separation of areas
- d. Location of entry
- e. Notices / signage
- f. Specific opening hours
- g. Self-exclusion schemes
- h. Provision of information leaflets / helpline numbers for organisations such as GamCare.
- i. Measures / training for staff on how to deal with suspected truant school children on the premises

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

80. The Licensing Authority will, as advised in the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also make itself aware of the mandatory or default conditions on these premises licences.

## **Casinos**

81. On 15 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. This specified which Licensing Authorities could issue Large and Small Casinos. Middlesbrough Borough Council, having previously submitted a proposal to the Casino Advisory Panel for a Regional or Large Casino Licence, was approved as one of the authorities permitted to issue a large Casino Premises Licence.
82. On 26 February 2008 the Secretary of State issued the Code of Practice on Determinations relating to large and small Casinos. The Licensing Authority is required to comply with this Code which sets out:
- a) the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005; and
  - b) matters to which the Licensing Authority should have regard in making those determinations.
83. Where there are a number of applications made by operators to operate the large Casino, legislation requires that the Licensing Authority will stage a 'competition' under Schedule 9 of the Gambling Act 2005 and will run such a competition in line with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and the DCMS Code of Practice issued by the Secretary of State.

84. Where the Licensing Authority receives a number of applications for a Casino Premises Licence, legislation requires the Licensing Authority to follow a two-stage application process in accordance with the DCMS Code of Practice issued by the Secretary of State.
85. On 27 October 2010, Middlesbrough Council published an invitation calling for applications for the large casino premises licence or provisional statement in accordance with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008.
86. On 4 April 2011, Middlesbrough Council's Licensing Committee considered 2 applications for a provisional statement which were received as a result of the invitation. Both applications were approved at stage 1.
87. On 30 May 2012, Middlesbrough Council's Licensing Committee granted a provisional statement to the successful applicant.
88. There are currently no plans to issue further premises licences for a Large Casinos in Middlesbrough. However, should circumstances change in future the Licensing Authority may be required to recommence the application process. The general principles, the application process and principles for selection for the large casino licence are detailed at Appendix F and Appendix G.

### **Betting machines in Casinos.**

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

### **Bingo Premises**

90. This Licensing Authority notes that the Gambling Commission's Guidance states:

It is important that if children are allowed to enter premises licensed for bingo 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 licensing authorities should ensure that:

- a. all such machines are located 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;

- b. only adults are admitted to the area where the machines are located;
- c. access to the area where the machines are located is supervised;
- d. the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- e. 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.

91. The Licensing Authority will need to be satisfied 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 excluded areas.

### **Betting premises**

92. The Licensing Authority is responsible for issuing and monitoring premises licences for all betting premises and children will not be permitted entry to a premise with a Betting Premises licence. They may however be permitted entry to tracks and special rules apply.

The Licensing authority may consider measures to meet the licensing objectives such as:

- a. Proof of age schemes
- b. CCTV
- c. Notices/signage
- d. Self-exclusion Schemes
- e. Provision of information/leaflets for organisations such as Gamcare.

The Licensing Authority will need to be satisfied that betting can be undertaken in any betting premises for which it issues a premises licence. The Licensing Authority will not look favourably upon an application where it is established that an applicant is seeking a betting premises licence with the sole intention of placing four Fixed Odds Betting Terminals in the premises, with no provision for betting facilities. The Licensing Authority does not consider this to be within the spirit of the Act.

### **Betting machines**

93. The Licensing Authority will, as advised in the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. Whilst the number of betting machines may be limited by condition, the holder of a betting premises

licence is authorised to offer up to 4 gaming machines of category B, C or D by virtue of s172 (8) Gambling Act 2005.

### **Tracks**

94. This Licensing Authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. With regard to the Gambling Commission's Guidance, the Licensing Authority will give particular consideration to the impact upon the third licensing objective (the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
95. This Licensing Authority will therefore 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.
96. The Licensing authority may consider measures to meet the licensing objectives such as:
  - a. Proof of age schemes
  - b. CCTV
  - c. Supervision of entrances / machine areas
  - d. Physical separation of areas
  - e. Location of entry
  - f. Notices / signage
  - g. Specific opening hours
  - h. Self-exclusion schemes
  - i. 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 on tracks**

97. Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and utilises the

entitlement to provide four gaming machines (of categories B2 to D), these machines are located in areas from which children are excluded (other than category D machines which children and young persons are not prohibited from playing on a track).

### **Betting machines on tracks**

98. The Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

### **Condition on rules being displayed**

99. The Licensing Authority notes the guidance relating to the mandatory condition requiring the display of rules at track betting premises and agrees that the rules should be prominently displayed on or near the betting areas and that other measures are taken to ensure that they are made available to the public, such as, printing them in the race card or programme. The requirement could also be met by making a copy of the rules available in a leaflet available from the main track office from where they could be issued to customers upon request. (in accordance with guidance and mandatory condition).

### **Applications and plans for Tracks.**

100. The Gambling Act (s151) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

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

101. Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
102. 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.

103. This 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 that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

### **Travelling Fairs**

104. It will fall to this Licensing Authority to decide 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 Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

105. It has been noted that the 27-day statutory maximum for the 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. This Licensing Authority will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

### **Provisional Statements**

106. 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 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.
107. s.204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- a. expects to be constructed;
  - b. expects to be altered; or
  - c. 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.

108. 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:
- a. they concern matters which could not have been addressed at the provisional statement stage, or
  - b. they reflect a change in the applicant's circumstances.
109. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a. which could not have been raised by objectors at the provisional statement stage;
  - b. which in the authority's opinion reflect a change in the operator's circumstances; or
  - c. 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 this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **PART C**

### **Permits / Temporary & Occasional Use Notices**

110. The Act introduces a range of permits for gambling. Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
111. The Licensing Authority may only grant or reject an application for a permit and cannot impose or attach any conditions. There are different considerations to be taken into account when considering the different types of permit applications.

112. Where a permit is granted, the Licensing Authority will issue the permit as soon, as is reasonably practicable.

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

113. 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.

114. The Licensing Authority must be satisfied that the premises will be used wholly or mainly as an unlicensed Family Entertainment Centre and the Chief Officer of Cleveland Police must be consulted on the application.

115. As unlicensed gaming centres are not subject to scrutiny by the Gambling Commission applicants are expected to demonstrate:

- a. that they have a full understanding of maximum stakes and prizes that are permissible in unlicensed FECs;
- b. their staff are trained to have a full understanding of these issues; and
- c. that neither they nor their staff have any relevant convictions.

116. When determining a permit, the Licensing Authority will have regard to the Gambling Commission's Guidance to Licensing Authorities and although not required to, will have regard to the three licensing objectives.

117. The Gambling Commission's Guidance for Licensing Authorities also states that: licensing authorities may include a statement of principles in their licensing policy that they propose to apply when exercising their functions in considering applications for permits. Licensing authorities will want to give weight to child protection issues.

**Statement of Principles for Unlicensed Family Entertainment Premises:**

118. The Licensing Authority will expect the applicant to show:

- a. that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however they may include appropriate measures / training for staff regarding suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises or children causing perceived problems on and around the premises.
- b. a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- c. that the applicant and staff have no relevant convictions (those that are set out in Schedule 7 of the Act)

- d. that staff are trained to have a full understanding of the maximum stakes and prizes.

**(Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))**

119. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority.
120. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:
  - a. provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - b. gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. the gaming machines have been made available in such a way that does not comply with the requirements on the location and operation of gaming machines.
  - c. the premises are mainly used for gaming; or
  - d. an offence under the Gambling Act has been committed on the premises.
121. If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority 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 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:
  - a. protect children and vulnerable persons from being harmed or being exploited by gambling, and
  - b. that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures, which will satisfy the authority that there will be no access, may include:

- c. the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18.
- d. Notices and signage may also be of help.

With regards to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets /helpline numbers for organisations such as GamCare.

122. It should be noted that 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.
123. 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.

**Permitted and Exempt Gaming in Clubs and Alcohol licensed premises.**

124. There are certain types of gaming permitted in these premises without the need for a permit, temporary use or occasional use notices. However, this exemption is subject to limits on stakes and prizes. Reference should be made to the Guidance, which provided detailed information on this matter

**Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))**

125. The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.

The Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- a. that they understand the limits to stakes and prizes that are set out in Regulations;
  - b. that the gaming offered is within the law.
126. In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.
  127. It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
    - a. the limits on participation fees, as set out in regulations, must be complied with;
    - b. 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;
    - c. the prize for which the game is played must not exceed the amount set

- out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- d. participation in the gaming must not entitle the player to take part in any other gambling.

### **Club Gaming and Club Machines Permits**

128. Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D, but only one B3A machine can be sited as part of this entitlement), equal chance gaming and games of chance as set-out in regulations.
129. Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C and D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.
130. Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is restricted to bridge and whist. . A members' club must be permanent in nature, but there is no requirement for a club to have an alcohol licence. (reflects amended guidance)
131. The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.
132. 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 for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process

may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

133. The gambling provided under the authority of a club gaming permit must also meet the following conditions:
- (a) in respect of gaming machines:
    - No child or young person may use a category B or C machine on the premises
    - That the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.
  - (b) the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

The Licensing Authority notes the Gambling Commission's amended guidance in relation to factors to be considered when:-

- a. Granting a Club Gaming Permit
- b. Considering gaming under a Club Machine Permit
- c. Monitoring Club Machine Permits (to reflect amended guidance)

### **Temporary Use Notices (TUN's)**

134. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence and there are a number of statutory limits as regards TUNs. Section 218 of the Act refers to a 'set of premises' and provides that a set of premises is the subject of a temporary use notice if 'any part' of the premises is the subject of a notice. The reference to a 'set of premises' prevents one large premise from having a temporary use notice in effect for more than 21 days in a year by giving notification in relation to different parts of the premises and re-setting the clock. The Licensing Authority will decide what constitutes a 'set of premises' where Temporary Use Notices are received relating to the same building / site.
135. In considering whether a place falls within the definition of a 'set of premises' the Licensing Authority will look at the ownership/occupation and control of the premises and the Licensing Authority will consider whether different units are in fact different 'sets of premises'. An example would be a large exhibition centre with different exhibition halls. This would be considered properly as one premise and would not be granted a temporary use notice for each of its exhibition halls.
136. The Licensing Authority may object to a TUN where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. The Licensing Authority and other

bodies to which the notice is copied may give notice of objection but they must have regard to the licensing objectives and where there are such objections, they must give a notice of objection to the person who gave the TUN, such notice will be copied to the Licensing Authority.

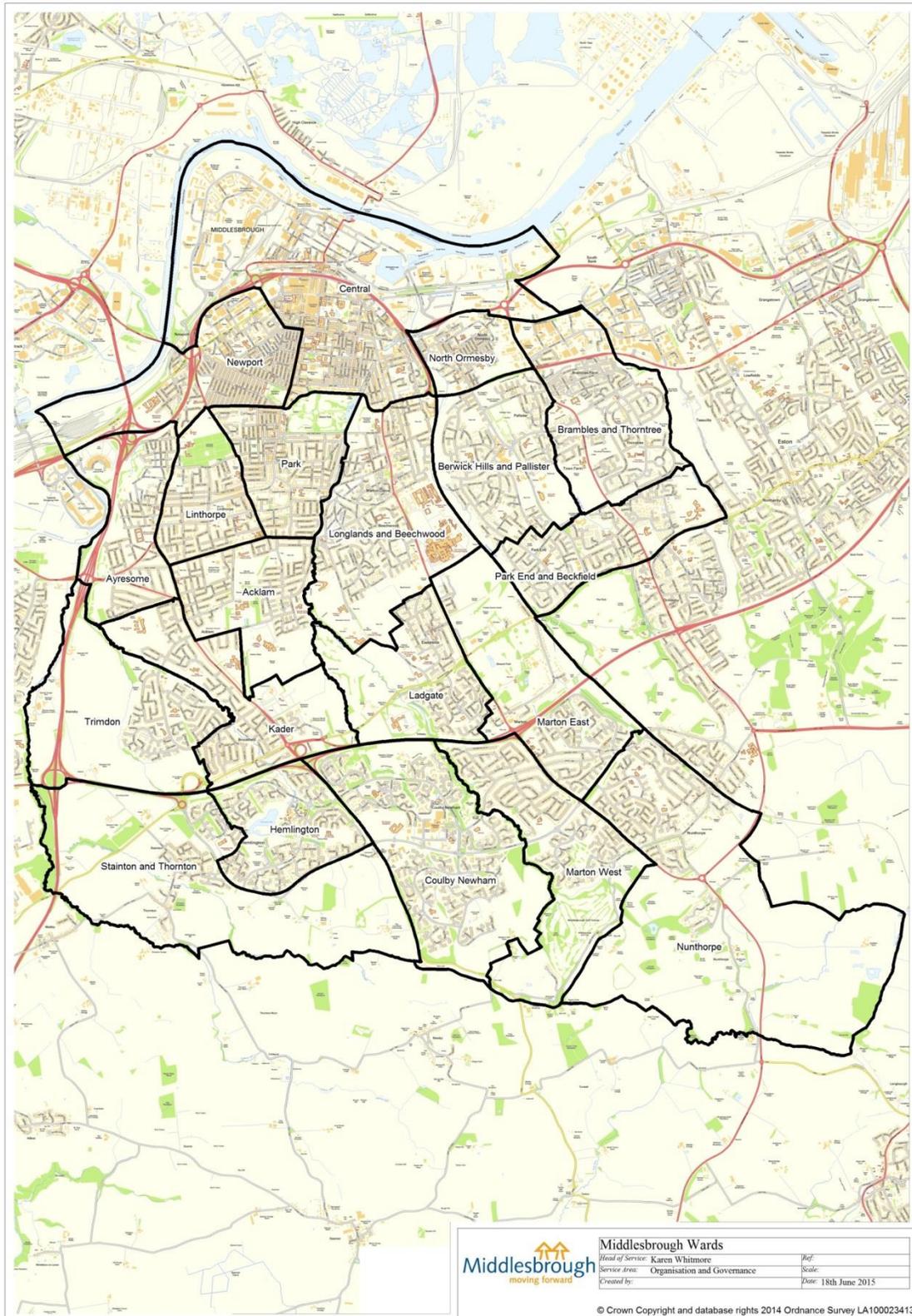
**Occasional Use Notices (OUN).**

137. An Occasional Use Notice may be used where there is betting on a track on 8 days or less in a calendar year. The OUN dispenses with the need for a Betting Premises Licence for a track and the Licensing Authority will maintain a register of all applications.
138. The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This Licensing Authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

# APPENDICES

# APPENDIX A

## MAP OF MIDDLESBROUGH



## APPENDIX B

### CONSULTEES TO GAMBLING LICENSING POLICY

The Gambling Act requires that the following parties be consulted on the Licensing Policy:

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

Middlesbrough Council has consulted the following bodies:

- Drandsfields Limited (suppliers of Gaming and Amusement Machines)
- Gambling Commission
- GamCare ([www-GamCare.org.uk](http://www-GamCare.org.uk))
- Local Government Association
- The following Responsible Authorities
  - The Gambling Commission  
*Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP*
  - The Chief Officer of Police in whose area the premises is partly or wholly situated:  
*Cleveland Police  
Middlesbrough District Licensing Unit  
Middlesbrough HQ  
Bridge Street West  
Middlesbrough  
TS2 1AB*
  - The Fire and Rescue Authority for the same area:  
*Cleveland Fire Brigade  
Endeavour House  
Stockton Road  
Hartlepool  
TS25 5TB*
  - In England and Wales the local Planning Authority:

*Middlesbrough Council  
Development Control Service  
PO Box 504  
Civic Centre  
Middlesbrough  
TS1 9FY*

- An authority which has functions in relation to pollution to the environment or harm to human health:

*Middlesbrough Council  
Public Protection Service  
Environmental Health Team  
PO Box 502  
Vancouver House  
Gurney Street  
Middlesbrough  
TS1 9FW*

*Middlesbrough Council  
Environmental Protection Team  
Address as above*

- Anybody, designated in writing by the Licensing Authority as competent to advise about the protection of children from harm:

*The Designated Licensing Officer (Safeguarding)  
Wellbeing, Care and Learning Directorate  
Middlesbrough Council  
Civic Centre  
Middlesbrough*

- HM Revenue & Customs  
*Dobson House  
Regent Centre  
Gosforth  
Newcastle upon Tyne  
NE3 3PF*

- Any other person prescribed in regulations by the Secretary of State

Vessels only

- Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e.  
*Environment Agency  
North East Regional Office  
St Paul's Street  
Leeds  
West Yorkshire*

LS1 2QG

British Waterways Board  
Willow Grange  
Church Road  
Watford  
Herts, WD17 4QA

- Responsible Gambling Trust
- Middlesbrough Council Staff
- NHS Middlesbrough
- Voluntary, Vulnerable and Community Groups (e.g. Mencap, Gamblers Anonymous, Citizen's Advice Bureau, etc.) through the Council for Voluntary Services (CVS)
- Current Licensees

**Bodies representing persons living sufficiently close and having business interests that may be affected**

- Association of British Bookmakers
- BACTA
- Bar Entertainment & Dance Association
- British Beer and Pub Association
- British Casino Association
- British Institute of Innkeeping
- Casino Operators' Association
- Federation of Licensed Victuallers
- Remote Gambling Association
- Responsibility in Gambling Trust
- The Bingo Association
- The Football Association
- The Lotteries Council
- The Professional Golfers Association
- The Working Men's Club & Institute Union

**Bodies representing Residents**

- Alcoholics Anonymous (through CVS)
- Disablement Action Group (through CVS)
- Gamblers Anonymous
- Middlesbrough Elected Members
- Community Councils
- Town and Parish Councils:  
Parish Clerk for Stainton and Thornton  
Mrs M Newbould  
4 Thornton Close  
Thornton  
Middlesbrough  
TS8 9BT

Parish Clerk for Nunthorpe  
Angela Livingstone  
1 Muirfield Road  
Nunthorpe  
Middlesbrough

**Reasons why the above groups were chosen as consultees:**

The above have been chosen as consultees as they represent the interests of persons carrying on gambling businesses or the interests of persons likely to be affected by gambling businesses in the Middlesbrough area.

The Licensing Authority has developed its own consultation practices, has undertaken a comprehensive consultation exercise and has used a variety of methods. The consultation took place between 20 July 2015 and 18 September 2015.

The full list of comments made and the consideration by the Council of those comments will be available on the Council's web site at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk) or by e-mailing: [licensing@middlesbrough.gov.uk](mailto:licensing@middlesbrough.gov.uk)

**GLOSSARY**

<b>Admissible Representations</b>	Representations submitted by a Responsible Authority or Interested Party
<b>Adult Gaming Centre</b>	Premises where category B3, B4, C and D gaming machines may be made available with an Operator Licence and a Premises Licence
<b>Authorised Local Authority Officer</b>	A Licensing Authority Officer who is an authorised person for a purpose relating to premises in that authority's area.
<b>Authorised Person</b>	A Licensing Officer and an officer of an authority other than a Licensing Authority, both of whom have been authorised for a purpose relating to premises in that authority's area. The following are considered authorised persons: <ul style="list-style-type: none"> <li>• Inspectors appointed under the Fire Precautions Act 1971;</li> <li>• Inspectors appointed under the Health and Safety at Work, etc. Act 1974</li> <li>• Inspectors or Surveyors of ships appointed under the Merchant Shipping Act 1995;</li> <li>• A person in a class prescribed in regulations by the Secretary of State.</li> </ul>
<b>Automated Roulette Equipment</b>	2 types: <ol style="list-style-type: none"> <li>1) Linked to a live game of chance, e.g. Roulette</li> <li>2) Plays live automated game, i.e. operates without human intervention</li> </ol>
<b>Automatic Conditions</b>	Conditions attached automatically to premises licences or authorisations. The Licensing Authority has no discretion not to include or modify them.
<b>AWP machines</b>	Amusement with Prizes Machines
<b>BACTA</b>	British Amusement Catering Trade Association
<b>Betting Intermediary</b>	Offers services via remote communication, such as the internet.
<b>Betting Premises</b>	For betting that takes place other than at a track (off course betting)

<b>Betting Ring</b>	An area that is used for temporary 'on course' betting facilities.
<b>Betting Machines</b>	A machine designed or adapted for use to bet on future real events (not a Gaming Machine).
<b>Bingo</b>	A game of equal chance.
<b>Bingo Premises</b>	Premises where cash and prize bingo may be permitted with an operator licence and a premises licence
<b>Casino</b>	An arrangement whereby people are given an opportunity to participate in one or more casino games.
<b>Casino Games</b>	Games of chance that are not equal chance gaming.
<b>Casino Premises Licence Categories</b>	<ul style="list-style-type: none"> <li>a) Regional Casino Premises Licence</li> <li>b) Large Casino Premises Licence</li> <li>c) Small Casino Premises Licence</li> <li>d) Casinos permitted under transitional arrangements</li> </ul>
<b>Casino Resolution</b>	Resolution to issue monitor and regulate Casino Premises Licences
<b>Child</b>	Individual who is less than 16 years old.
<b>Christmas Day Period</b>	Covers the period of 24 hours from midnight on 24 December.
<b>Club Gaming Machine Permit</b>	Permit to enable the premises to provide gaming machines (3 machines of Categories B3A, B4, C or D)
<b>Club Gaming Permit</b>	Permit to enable the premises to provide gaming machines (3 machines of Categories B3A, B4, C or D), equal chance gaming and games of chance.
<b>Commercial Club</b>	Clubs with the same characteristics as a Members Club except that they are established with a view to making a profit e.g. snooker club. Permit to enable premises to provide gaming machines (3 machines of Categories B4, C or D)
<b>Complex Lottery</b>	<p>An arrangement where:</p> <ul style="list-style-type: none"> <li>• Persons are required to pay to participate in the arrangement;</li> <li>• In the course of the arrangement, one or more prizes are allocated to one or more members of a class;</li> <li>• The prizes are allocated by a series of processes; and</li> <li>• The first of those processes relies wholly on chance.</li> </ul>

<b>Conditions</b>	<p>Conditions to be attached to licences by way of:</p> <ul style="list-style-type: none"> <li>• Automatic provision</li> <li>• Regulations provided by Secretary of State</li> <li>• Conditions provided by Gambling Commission</li> <li>• Conditions provided by Licensing Authority</li> </ul> <p>Conditions may be general in nature (either attached to all licences or all licences of a particular nature) or may be specific to a particular licence.</p>
<b>Customer Lotteries</b>	Lotteries run by the occupiers of business premises who sell tickets only to customers present on their premises. These lotteries may not be conducted on vessels.
<b>Default Conditions</b>	Conditions that will apply unless the licensing authority decide to exclude them. This may apply to all premises licences, to a class of premises licence or licences for specified circumstances.
<b>Delegated Powers</b>	Decisions delegated either to a Licensing Committee, Sub-Committee or Licensing Officers.
<b>Disorder</b>	No set interpretation, however, likely to be connected to the way gambling is being conducted. In the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance.
<b>Domestic Computer</b>	One capable of being used for a purpose not related to gambling that is located in a private dwelling and used only on domestic occasions. Exempt from a Gaming Machine Permit (as per regulations)
<b>Dual Use Computer</b>	One capable of being used for a purpose not related to gambling but must not be knowingly adapted or presented in such a way as to facilitate or draw attention to the possibility of its use for gambling. Exempt from a Gaming Machine Permit (as per regulations)
<b>Equal Chance Gaming</b>	Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants
<b>EBT</b>	Electronic Bingo Ticket Minders. Electronic equipment operated by a Bingo Operators Licence for the purposes of playing bingo.
<b>Exempt Lotteries</b>	<p>Lotteries specified in the Gambling Act as permitted to be run without a licence from the Gambling Commission. There are 4 types:</p> <ul style="list-style-type: none"> <li>• Small Society Lottery (required to register with Licensing authorities.</li> </ul>

	<ul style="list-style-type: none"> <li>• Incidental Non Commercial Lotteries</li> <li>• Private Lotteries</li> <li>• Customer Lotteries</li> </ul>
<b>External Lottery Manager</b>	An individual, firm or company appointed by the Small Lottery Society to manage a lottery on their behalf. They are consultants who generally take their fees from the expenses of the lottery.
<b>Family Entertainment Centre</b>	<p>Licensed: may provide category C and D machines with a Premises Licence</p> <p>Unlicensed: may provide category D machines only with a family entertainment centre machine permit</p>
<b>Fixed Odds Betting</b>	General betting on tracks.
<b>Gambling Commission</b>	A body established to regulate all commercial gambling in Great Britain, other than spread betting and the National Lottery.
<b>Gaming</b>	Prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before the play commences.
<b>Gaming Machine</b>	<p>Machine covering all types of gambling activity, including betting on virtual events.</p> <ul style="list-style-type: none"> <li>• The categories of gaming machine including stakes and prizes maybe subject to change within the 3 year life of this policy. The current categories, stakes and prizes can be found on the Gambling Commission website.</li> </ul>
<b>Guidance to Licensing authorities</b>	Guidance issued by the Gambling Commission dated xx (date to be inserted, guidance currently under consultation)
<b>Human Rights Act 1998 Articles: 1, 6, 8 and 10</b>	<p>Article 1: Protocol 1 – the right to peaceful enjoyment of possessions</p> <p>Article 6: - the right to a fair hearing</p> <p>Article 8: - the right of respect for private and family life</p> <p>Article 10: - the right to freedom of expression</p>
<b>Inadmissible Representation</b>	A representation not made by a Responsible Authority or Interested Party.
<b>Incidental Non Commercial Lottery</b>	A lottery promoted wholly for purposes other than private game, and which are incidental to non-commercial events (commonly charity fund raising events, lottery held at a school fete or at a social event such as a dinner dance).
<b>Information Exchange</b>	Exchanging of information with other regulatory bodies under the Gambling Act.

<b>Interested Party</b>	A person who: <ul style="list-style-type: none"> <li>• Lives sufficiently close to the premises to be likely affected by the authorised activities,</li> <li>• Has business interests that might be affected by the authorised activities, or</li> <li>• Represents persons in either of the above groups</li> </ul>
<b>Irrelevant Representations</b>	<ul style="list-style-type: none"> <li>• Where other legislation can cover the representation</li> <li>• Demand</li> <li>• Competition</li> <li>• Moral or ethical grounds (as per guidance)</li> </ul>
<b>Judicial Review - Orders</b>	<ol style="list-style-type: none"> <li>1. Mandatory Order – compels the reviewed body to do something</li> <li>2. Prohibitory Order – compels it to refrain from doing something</li> <li>3. A ‘declaration’ – sets out the court’s view on the legality of a particular course of action</li> <li>4. Quashing Order – nullifies a decision and remits it for reconsideration</li> <li>5. Injunction – similar to Mandatory or Prohibitory Order</li> </ol>
<b>LACORS</b>	Local Authority Coordinators of Regulatory Services
<b>Large Lottery</b>	Where the total value of tickets in any one lottery exceeds £20,000 OR tickets in separate lotteries in one calendar year exceeds £250,000. This requires an Operating Licence.
<b>Licensed Lottery</b>	Large society lotteries and lotteries run for the benefit of local authorities which will be regulated by the Gambling Commission. Operating licences will be required.
<b>Licensing Objectives</b>	<ol style="list-style-type: none"> <li>1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;</li> <li>2. Ensuring that gambling is conducted in a fair and open way; and</li> <li>3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ol>
<b>Licensed Premises</b>	Premises licensed under the Licensing Act 2003 for the consumption of alcohol on the premises.
<b>Licensed Premises Gaming Machine Permit</b>	Required for further category C or D machines in addition to the automatic entitlement of 2 category C or D machines by virtue of the alcohol licence.
<b>Live Gaming</b>	Gambling on a live game as it happens.

<b>Lottery</b>	An arrangement which satisfies the statutory description of either a simple lottery or a complex lottery in Section 14 of the Act.
<b>Lottery Tickets</b>	Tickets that must: <ul style="list-style-type: none"> <li>• Identify the promoting society</li> <li>• State the price of the ticket, which must be the same for all tickets</li> <li>• State the name and address of the member of the Society who is designated as having responsibility at the Society for the promotion of the lottery, or, if there is one, the external lottery manager; and</li> <li>• State the date of the draw, or enable the date of the draw to be determined.</li> </ul>
<b>Mandatory Conditions</b>	Conditions that must be attached to a licence. This may apply to all premises licences, to a class of premises licence or licences for specified circumstances.
<b>Members Club</b>	A club that must <ul style="list-style-type: none"> <li>• have at least 25 members</li> <li>• be established and conducted ‘wholly or mainly’ for purposes other than gaming</li> <li>• be permanent in nature</li> <li>• not established to make commercial profit</li> <li>• controlled by its members equally.</li> </ul>
<b>Non commercial event</b>	An event where all the money raised at the event, including entrance fees, goes entirely to purposes that are not for private gain.
<b>Non Commercial Society</b>	A society established and conducted: <ul style="list-style-type: none"> <li>• for charitable purposes</li> <li>• for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or</li> <li>• for any other non-commercial purpose other than that of private gain.</li> </ul>
<b>Occasional Use Notice</b>	Betting may be permitted on a ‘track’ without the need for a full Premises Licence.
<b>Off Course Betting</b>	Betting that takes place other than at a track, i.e. at a licensed betting shop.
<b>Off Course Betting – Tracks</b>	Betting that takes place in self-contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.

<b>On Course Betting - Tracks</b>	Betting that takes place on a track while races are taking place
<b>Operator</b>	An individual or a company who provides facilities for certain types of gambling.
<b>Operating Licences</b>	Licence to permit individuals and companies to provide facilities for certain types of gambling. They may authorise remote or non-remote gambling.
<b>Permits</b>	Authorisation to provide a gambling facility where the stakes and prizes are very low or gambling is not the main function of the premises.
<b>Personal Licence</b>	Formal authorisation to individuals who control facilities for gambling or are able to influence the outcome of gambling. These cannot be held by companies.
<b>Pool Betting – Tracks</b>	Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track
<b>Premises</b>	Defined as ‘any place’. It is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
<b>Premises Licence</b>	Licence to authorise the provision of gaming facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres
<b>Private Lotteries</b>	3 Types of Private Lotteries: 1. Private Society Lotteries – tickets may only be sold to members of the Society or persons who are on the premises of the Society 2. Work Lotteries – the promoters and purchasers of tickets must all work on a single set of work premises 3. Residents’ Lotteries – promoted by, and tickets may only be sold to, people who live at the same set of premises;
<b>Prize Gaming</b>	Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.
<b>Prize Gaming Permit</b>	A permit to authorise the provision of facilities for gaming with prizes on specific premises.

<b>Provisional Statement</b>	Where an applicant can make an application to the Licensing Authority in respect of premises that he: <ul style="list-style-type: none"> <li>• Expects to be constructed</li> <li>• Expects to be altered</li> <li>• Expects to acquire a right to occupy.</li> </ul>
<b>Racing</b>	Casino located at a racecourse.
<b>Relevant Representations</b>	Representations that relate to the licensing objectives, or that raise issues under the Licensing Policy Statement or the Gambling Commission's Guidance or Codes of Practice.
<b>Responsible Authorities</b>	Public bodies that must be notified of all applications and who are entitled to make representations in relation to premises licences, as follows: <ul style="list-style-type: none"> <li>• The Licensing Authority in whose area the premises is partly or wholly situated</li> <li>• The Gambling Commission</li> <li>• The Chief Officer of Police in whose area the premises is partly or wholly situated</li> <li>• Cleveland Fire &amp; Rescue Service</li> <li>• Middlesbrough Council Planning Authority –</li> <li>• Environmental Health (related to pollution and harm to human health)</li> <li>• Body competent to advise on protection of children from harm, i.e. Children &amp; Young Peoples' Service</li> <li>• HM Revenue &amp; Customs</li> <li>• Authority in relation to vulnerable adults • Vessels only – Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e. Environment Agency, British Waterways Board, Maritime &amp; Coastguard Agency</li> </ul>
<b>SIA</b>	Security Industry Authority
<b>Simple Lottery</b>	An arrangement where: <ul style="list-style-type: none"> <li>• Persons are required to pay to participate in the arrangement</li> <li>• In the course of the arrangement, one or more prizes are allocated to one or more members of a class; and</li> <li>• The prizes are allocated by a process, which relies wholly on chance.</li> </ul>
<b>Skills with Prizes</b>	A machine on which the winning of a prize is determined only by the player's skill and there is no element of chance, e.g. trivia game machine, Formula 1 simulators, shooting game. Skills machines are unregulated.

<b>Small Lottery</b>	Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.
<b>Small Society Lottery</b>	A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.
<b>Small Operations</b>	Independent on course betting operators with only one or two employees or a bookmaker running just one shop.
<b>Society</b>	The society or any separate branch of such a society, on whose behalf a lottery is to be promoted.
<b>Statement of Principles</b>	Matters taken into account when considering an applicant's suitability for applications for FEC Permits and Prize Gaming Permits. (as detailed in guidance)
<b>Temporary Use Notice</b>	To 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.
<b>Totalisator or Tote</b>	Pool betting on tracks.
<b>Touch Bet Roulette</b>	Where a player gambles on a live game of chance without actually being seated.
<b>Track</b>	Sites where races or other sporting events take place e.g. horse racing, dog racing or any other premises on any part of which a race or other sporting event takes place or is intended to take place.
<b>Travelling Fair</b>	A fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year.
<b>Vehicles</b>	Defined trains, aircraft, seaplanes and amphibious vehicles other than hovercraft. No form of commercial betting and gaming is permitted
<b>Vessel</b>	Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.
<b>Vessel and Relevant Licensing Authority</b>	The Licensing Authority for the area in which the vessel is usually moored or berthed.
<b>Virtual Betting</b>	Machine that takes bets on virtual races, i.e. images generated by computer to resemble races or other events.

<b>Vulnerable Persons</b>	No set definition but likely to mean group to include people who gamble more than they want to, people who gamble beyond their means; people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.
<b>Young Person</b>	An individual who is not a child but who is less than 18 years old.

**RESPONSIBLE AUTHORITIES**

Responsible Authorities

- The Licensing Authority in whose area the premises is partly or wholly situated:  
*Middlesbrough Council*  
*PO Box 502 Vancouver House*  
*Gurney Street*  
*Middlesbrough*  
*TS1 9FW*
- The Gambling Commission  
*Victoria Square House*  
*Victoria Square*  
*Birmingham*  
*B2 4BP*
- The Chief Officer of Police in whose area the premises is partly or wholly situated:  
*Cleveland Police*  
*Middlesbrough District Licensing Unit*  
*Middlesbrough HQ*  
*Bridge Street West*  
*Middlesbrough*  
*TS2 1AB*
- The Fire and Rescue Authority for the same area:  
*Cleveland Fire Brigade*  
*Endeavour House*  
*Stockton Road*  
*Hartlepool*  
*TS25 5TB*
- In England and Wales the local planning authority:  
*Middlesbrough Council*  
*Development Control Service*  
*PO Box 504*  
*Civic Centre*  
*Middlesbrough*  
*TS1 9FY*
- An authority which has functions in relation to pollution to the environment or harm to human health:

Middlesbrough Council  
*Community Protection Service*  
*Environmental Health Team*  
*PO Box 502 Vancouver*  
*House Gurney Street*  
*Middlesbrough*  
*TS1 9FW*

*Middlesbrough Council*  
*Environmental Protection Team*  
*Address as above*

- Anybody, designated in writing by the Licensing Authority as competent to advise about the protection of children from harm:

*Middlesbrough Council*  
*Children's Family and Learning Service*  
*PO Box 69 Vancouver House*  
*Gurney Street*  
*Middlesbrough*  
*TS1 1EL*

- HM Revenue & Customs

*Dobson*  
*House Regent*  
*Centre*  
*Gosforth*  
*Newcastle upon Tyne*  
*NE3 3PF*

- Any other person prescribed in regulations by the Secretary of State

Vessels only

- Navigation Authority whose statutory functions are in relation to waters where the vessel is usually moored or berthed, i.e.

*Environment Agency*  
*North East Regional Office*  
*Rivers House*  
*21 Park Square South*  
*Leeds*  
*West*  
*Yorkshire LS1*  
*2QG*

British Waterways Board  
*Willow Grange*  
*Church Road*  
*Watford*  
*Herts*

**APPENDIX E****SUMMARY OF LICENSING AUTHORITY DELEGATIONS**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee of licensing committee</b>	<b>Officers</b>
Final approval of 3 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
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ Representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections 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 F

### Large Casino Licence - Application Guidance: Principles for Selection and Application Process

#### **1.0. General Principles**

- 1.1. The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must:
  - (a) hold or have applied for an Operating Licence; or
  - (b) have the right to occupy.
- 1.2. In making any decision in respect of an application, the Licensing Authority shall not take into account whether or not an applicant has planning permission or building regulation approval and any decision shall not constrain any later decision by the Authority under the law relating to planning or building. The Licensing Authority does, however, strongly recommend that planning permission be sought prior to submitting an application in order to avoid disappointment.
- 1.3. The Licensing Authority will not consider unmet demand when considering applications for casino premises licences and each application will be taken on its own merit.
- 1.4. In determining the principles the Licensing Authority intend to apply in making any determination for a Casino Premises Licence the Licensing Authority will pay specific regard to:
  - Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community. The Licensing Authority does however recognise that persons who gamble beyond their means do not necessarily emanate from Casinos and could come from other gambling premises and therefore this matter is not entirely the responsibility of Casinos.
  - Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - Any provision that is made for ensuring that gambling is conducted in a fair and open way.
  - The beneficial impacts the proposal will have and, in the Authority's view, which proposal will deliver the greatest benefit to the Authority's area.

The principles that the Authority will use to assess which proposal represents the greatest benefit is set out in Appendix G.

- 1.5. The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the principles for determining applications or the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any such contract, arrangement or other relationship.
- 1.6. Following the closing date of the application process, and before considering any applications, the Licensing Authority will prepare a register disclosing their interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. A copy of this information in the register of interests will be available free of charge to any person who requests it.
- 1.7. The Licensing Authority's decision will not be prejudged and where advice is sought this will be impartial advice. In making a decision on both stages the Licensing Authority will take heed of any Codes of Practice and Regulations issued by the Secretary of State, DCMS and Gambling Commission.

## **2.0. Casino Application Stage 1**

- 2.1. The Licensing Authority will publish an invitation in a trade newspaper, journal or similar publication, which the Licensing Authority considers likely to be read by potential applicants in the United Kingdom or abroad.
- 2.2. The Licensing Authority shall provide an application pack to all applicants, which will include a Statement of the procedure the Licensing Authority proposes to follow and the principles to be considered in assessing applications for the Casino Premises Licence.
- 2.3. Stage 1 will be implemented after the closing date for receipt of applications where the Licensing Authority receives one or more applications. Applications may also include provisional statement applications. Applications received prior to the closing date will be deferred until after this date. The Licensing Authority will consider each application separately on its own merit with no comparison being made to the other applications received.
- 2.4. At this stage the Licensing Authority cannot accept any additional information other than the information required by the Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. All such additional information will be disregarded and returned to the applicant.

- 2.5. With regard to Stage 1, the General Principles as stated at paragraphs 2 in this Gambling Policy shall apply to all casino applications.
- 2.6. The Licensing Authority recognises that each of the other competing applicants are considered as an 'interested party' and as a result may make representations. As such applicants are however reminded that an interested party is defined in paragraph 21-24 of this Statement and each representation will be considered carefully to ensure they meet those principles.
- 2.7. Representations will be treated in the same manner as for a Premises Licence and in accordance with the paragraphs relating to representations and interested parties in this Statement and in the Gambling Commissions Guidance to Local Authorities. It is recognised that the Licensing Authority's decision may be appealed against, in which case the Licensing Authority will not proceed to Stage 2 until the final determination of all appeals.
- 2.8. Where a Provisional Statement application is successful, the Licensing Authority may limit the period of time for which the Statement will have effect. The Authority may consider extending this period if the applicant so applies.

### **3.0. Casino Application Stage 2**

- 3.1. Stage 2 will be implemented after the closing date for the competition, if more than one application under Stage 1 has been granted and following the final determination of any appeal of a stage 1 decision.
- 3.2. At this stage, the applicant will be required to state the benefit they can bring to the residents of the Middlesbrough and how they can contribute to the wellbeing of this area.
- 3.3. The Licensing Authority will decide between the competing applications and grant the available licence to the applicant that it considers in its opinion will result in the greatest benefit to Middlesbrough. The competition will be judged on a wide range of issues, reflecting the issues that are important in Middlesbrough local concerns and local priorities.
- 3.4. The Licensing Authority may during the second stage engage in discussions or negotiations with each second stage applicant with a view to the application being refined, expanded or altered so as to maximise the benefits to the area.
- 3.5. The Licensing Authority will not, during stage 2, discuss the details of a person's application with the other competing applicants without that person's permission.

- 3.6. The Licensing Authority will expect the applicants to enter into a written agreement in order to secure the benefits proposed. The Licensing Authority may have regard to this agreement when determining which application would result in the greatest benefit to the Authority's area. The Licensing Authority will attach conditions to a licence granted so as to give effect to any agreement entered into.

#### **4.0. Principles that apply in determining whether or not to grant a Casino Premises Licence**

- 4.1. The Licensing Authority has set out in Appendix G the Competition Criteria and shall expect applicants to be fully conversed with this and the Council's policies, strategies and plans referred to therein. In addition the applicant will be expected to have understood and be fully conversant with any Codes of Practice issued by the Gambling Commission or Department of Culture, Media and Sport
- 4.2. With regard to the Local Authority's preferred location for the Casino, although applicants are able to submit plans for any site within the Borough which will be judged on their own individual merits, the Local Authority is provisionally of the view that the location likely to bring the greatest benefit to the Borough is within the Town Centre, as designated in the Middlesbrough Local Development Framework.
- 4.3. The Licensing Authority expect applicants to present a detailed package that will bring the greatest benefit to the Authority's area taking into account the criteria set out in Appendix G. It is expected that the applicants will have undertaken detailed research and liaised with the relevant departments of the Council prior to submitting their application.
- 4.4. Applicants should provide evidence of how the proposal is likely to benefit the Borough, via an assessment of its social, economic and physical impact. This should be submitted with the application, together with the draft agreement referred to in paragraph 106 above. Guidance on local priorities and how proposals could benefit the town and the community is set out in Appendix F. Proposals should address the issues covered in Appendix F namely:
- Social Responsibility – proposals regarding the prevention of problem gambling and crime & disorder;
  - Employment – proposals regarding the creation of local training and employment opportunities;
  - Local Business Benefits – proposals regarding opportunities that will be available to local businesses via the construction and operation of the casino;
  - Regeneration Benefits – Additional Facilities – proposals regarding benefits that will delivered in terms on non-gaming facilities/services;

- Regeneration Benefits – Physical Development – proposals regarding the benefits that will be delivered in terms of its physical impacts;
- Regeneration Benefits – Community Regeneration – proposals regarding benefits to the local community;
- Financial Contributions – proposals regarding where benefits may take the form of financial contributions;
- Commuted Sums – proposals regarding mechanisms for the handling of commuted sums.

## **5.0. Licensing Authority Process**

- 5.1. The details of the application procedure will be set down and approved by the Licensing Authority in accordance with the DCMS Code of Practice issued by the Secretary of State.
- 5.2. In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority shall ensure that there is a Register of Interests in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. The Register will be published on the Council's website, alternatively a hard copy will be made available upon request free of charge. However, applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during the second stage of the competition.
- 5.3. In addition, the Licensing Authority shall have a Protocol governing the storage of confidential information submitted during the second stage so as to maintain confidentiality. This Protocol will be included in the application pack, will be available on the Council's web-site or a hard copy will be available from the Licensing Service upon request.

## **APPENDIX G**

### **Large Casino Licence – Competition Criteria and Principles for Selection**

#### **1.0 Introduction**

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

#### **2.0 Middlesbrough Community Strategy/Overarching Objectives**

- 2.1 Middlesbrough's Sustainable Community Strategy is the overarching strategy for change in Middlesbrough and is coordinated with the Local

Area Agreement, which is an agreement between central Government and the local area. The Sustainable Community Strategy sets out the long-term vision for the area and this is reflected in the shorter-term priorities and targets contained within the Local Area Agreement.

2.2 The Sustainable Community Strategy and Local Area Agreement states the shared commitment and programme of action from all communities and organisations to help achieve the long-term vision for the whole of Middlesbrough. Both are based on a strategic partnership approach to improvement and partners include voluntary and community organisations as well as key public sector organisations, all which play a role in the delivery of services across the town.

2.3 Six shared priorities have been developed, which are covered within both Sustainable Community Strategy and the Local Area Agreement:

- Creating stronger communities
- Creating safer communities
- Supporting children and young people
- Promoting adult health and wellbeing/tackling exclusion and promoting equality
- Enhancing the local economy (including economic vitality, housing and transport)
- Securing environmental sustainability

2.4 Middlesbrough Council's priority contributions to the delivery of the Sustainable Community Strategy themes are based upon the "Raising Hope" agenda set by its elected Mayor and supported by the Council's executive and non-executive councillors.

2.5 The Mayor's "Raising Hope" agenda is built on four pillars:

- a clean, safe environment, in which people can go about their business without fear of crime and anti-social behaviour;
- physical regeneration of the town's run-down sites and buildings;
- a business-friendly enterprise culture which welcomes would-be investors; and
- a transport network which can meet the needs of a town on its way up.

### **3.0 Middlesbrough's Regeneration Strategy/Regeneration Objectives**

3.1 Middlesbrough Council's Urban Regeneration Strategy sets out the Council's vision for Middlesbrough as an attractive, thriving, and competitive place in which to live, work and invest. The urban landscape in Middlesbrough is changing rapidly and a true urban renaissance is taking place, some highlights of which are listed below:

- Middlesbrough is now one of the North East's primary shopping centres with a diverse mix of national and independent traders the Middlesbrough Institute of Modern Art (mima), the art gallery in the town centre which opened in 2007, together with the redesigned Centre Square, has provided a new heart to the town and has attracted international exhibitions and a series of high profile events, included the BBC Proms;
- The town has a thriving evening economy and leisure sector, including the town's Cineworld cinema, which attracts more than 850,000 visits per annum;
- the University of Teesside continues to be a major driver of Middlesbrough's economy, student numbers have risen from 11,500 in 96/97 to over 22,000 in 05/06, the University's DigitalCity programme will see further expansion of its digital media facilities, including the development of a cluster of digital media companies;
- Middlehaven, which is a flagship waterfront development is attracting international developer interest a first phase of office accommodation has been completed alongside access improvements to the A66 and eventually the site will contain a mix of housing, offices and leisure facilities;
- close proximity to Teesport, the second largest port in Britain, and two international airports;
- a good road infrastructure, with little congestion relative to other regions;
- ready access to the East Coast main rail line;
- proximity to the North Yorkshire Moors and Yorkshire Dales; and
- a ready and flexible labour supply.

### 3.2 The vision for Middlesbrough in 2021 is:

- The town's population is growing and increasingly diverse, families are remaining in the area attracted by a wide range of homes in safe areas with good quality schools, with net in-migration of people moving to live in the town;
- Middlesbrough is a magnet for creative people and the number of University of Teesside graduates who remain in the town has doubled;
- Inward investment has increased;
- Full employment has been achieved with creation of jobs in financial and service sectors , in the digital and creative media industries and in advanced engineering and manufacturing;
- Middlesbrough is the North East's fastest growing retail centre and is in the top 25 shopping centres in the UK;
- The town is one of the top cultural destinations, mima has an international reputation for visual arts and the thriving cultural quarter provides a diverse mix of the performing arts;
- Schools, further and higher education facilities have been modernised;
- Communities are thriving, investment has improved social housing,

cleared sub-standard dwellings and provided new family housing and city living opportunities;

- Middlehaven is a vibrant development with new homes, offices and leisure facilities and Riverside Park has expanded;
- Middlesbrough is the heart of a city-region transport network with 50% of residents travelling to work, learning or leisure using public transport.

3.3 In order to fulfil the vision outlined in paragraph 3.5, future regeneration activities in Middlesbrough will concentrate on the development of the following:

- competitive business infrastructure;
- revitalising the housing market;
- a 21<sup>st</sup> century retail centre;
- a regional centre for culture and education;
- connecting Middlesbrough; and
- creating a 21<sup>st</sup> century environment.

#### **4.0 Principles**

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

#### 4.2 Social Responsibility

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

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

- a) proposals for preventing gambling from becoming a source of crime and disorder, being associated with crime and disorder being associated with the sex industry, or being used to support crime;
- b) proposals to identify and mitigate problem gambling including policies on access restrictions, provision of safe practice zones etc.; and
- c) financial contributions that will be made by the casino operator to support the provision of services to support those suffering from problem gambling, over and above payments currently provided via the RIGT levy (additional note: Financial Contributions see section 4.8).

### 4.3 Employment

4.3.1 The Licensing Authority wishes to see training and employment opportunities maximised for local residents with staff training within Middlesbrough and the Tees Valley. Proposals should include opportunities that will be created for local employment including:

- a) the number of jobs created during construction of the casino;
- b) the number and types of jobs directly created within the new casino;
- c) training to be provided for staff, including recognised accredited qualifications.
- d) the number and types of jobs created in ancillary, non-casino activities;
- e) in both cases job 'types' should include indication of pay levels, and levels of qualification required;
- f) proposals to maximise local recruitment to jobs (i.e. from Middlesbrough and the Tees Valley city-region areas);
- g) proposals to maximise local training opportunities (Middlesbrough and Tees Valley); and
- h) investment in local training provision/infrastructure to enhance capacity to deliver training opportunities.

4.3.2 **Discussions can be held with casino proposers with regards to making links with local employment and training initiatives in relation to f) to h)**

### 4.4 Local Business Benefits

4.4.1 Opportunities that will be available to local businesses to compete for work related to the construction and operation of the casino, including:

- a) proposals for local (Middlesbrough and Tees Valley city-region) contractors/sub-contractors/suppliers to be involved in the construction phase;
- b) proposals for local (Middlesbrough and Tees Valley city-region) contractors/sub-contractors/suppliers to be involved in the casino and associated activities operation.

4.4.2 Discussions can be held with casino proposers with regard to making links with local businesses and local supply chains in relation to a) and b).

### 4.5 Regeneration benefits – additional facilities

What additional benefits will be delivered in terms of non-gaming facilities/services including:

- a) associated on-site leisure facilities/services including restaurants and

- bars (including destination quality restaurant), retail, performance space, etc. included in proposals;
- b) hotel development supported by the casino (either off-site or on-site) including hotel star rating and associated hotel facilities such as conference, health-spa, etc.;
- c) overall impact/contribution of the proposed casino to Middlesbrough's role as a city-region centre in terms of
  - its night-time economy offer;
  - its cultural offer;
  - its retail offer;
  - its overall city-regional role;
  - the image and perception of Middlesbrough.

(see additional note – Financial contributions section 4.8)

#### 4.6 Regeneration benefits – physical development

4.6.1 What benefits the proposal will give the area in terms of its physical impact including:

- a) the capital value of the proposed development;
- b) the quality of the proposed design;
- c) the impact of the proposal on the immediate surrounding area/environment, including other investment attracted due to the casino;
- d) the impact on Middlesbrough's image through additional high quality development;
- e) the environmental/carbon reduction quality of the proposals;
- f) proposals for access, public transport and parking and any additional benefits these provide other than for immediate casino use/access;
- g) any other benefits or added value which will accrue to the area from the proposal/location of the casino.

#### 4.7 Regeneration benefits – community regeneration

4.7.1 In addition to the benefits already outlined, any other benefits of the proposal to the community of Middlesbrough and the Tees Valley city-region, including:

- a) any contributions to general community benefit funds or endowments.

(see additional note – Financial contributions, section 4.8)

#### 4.8 Financial contributions

4.8.1 There are a number of areas highlighted (and there may be other areas proposers identify) where benefits may take the form of financial contributions by the license-holder to the Licensing Authority for a number

of purposes. If these types of benefits are included in proposals then proposers are requested to identify either the flat rate sums involved, or appropriate methods for determining the levels of these contributions based on profit share or other formulae.

#### 4.9 Commuted Sums

- 4.9.1 Where appropriate the Licensing Authority will also require that commuted sums be payable in lieu of regeneration benefits proposed which are subsequently not delivered.
- 4.9.2 Proposals are sought as to the value of commuted sums, suggested mechanisms for the handling of commuted sums, etc.