

Agenda Item No: 4
Report To: LICENSING, HEALTH AND SAFETY COMMITTEE
Date: MONDAY 16TH JULY 2007
Report Title: STATEMENT OF PRINCIPLES FOR UNLICENSED FAMILY ENTERTAINMENT CENTRES, GAMING MACHINE PERMITS & PRIZE GAMING PERMITS – GAMBLING ACT 2005
Report Author: Head of Environmental Services



Summary:	The report recommends the proposed Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits and Prize Gaming Permits.
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Key Decision: NO

Affected Wards: Not applicable

Recommendations: That the Licensing, Health and Safety Committee recommends the adoption of a Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits and Prize Gaming Permits to the Full Council.

Policy Overview:

Financial Implications: None

Risk Assessment Yes

Other Material Implications: None

Exemption Clauses: Not applicable

Background Papers: None

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Report Title: STATEMENT OF PRINCIPLES FOR UNLICENSED FAMILY ENTERTAINMENT CENTRES, GAMING MACHINE PERMITS & PRIZE GAMING PERMITS – GAMBLING ACT 2005

Purpose of the Report

1. The report recommends the proposed Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits and Prize Gaming Permits.

Issue to be Decided

2. Whether to approve the report in Appendix A.

Background

3. The issuing of permits under the provisions of the Gambling Act 2005 is a statutory function placed on the Licensing Authority by the Act. The Full Council has already agreed a Statement of Policy and Principals that sets out the Authority's intention with regard to the regulation of gambling within the Borough of Ashford. In adopting this policy the Council has to have regard to the licensing objectives set out in the Act:
 - a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - b) Ensuring that gambling is conducted in a fair and open way, and
 - c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
4. These licensing objectives must be considered when determining an application for a premises licence of any type under the Act.
5. When determining whether to issue a permit however the Licensing Authority may give consideration to the licensing objectives but is not required to by the Act.
6. Given that gaming machines may be considered to be the attractive to the young and vulnerable persons, the Committee may feel that considering the licensing objectives when determining such permit applications is essential to protect such persons.
7. The attached Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits and Prize Gaming Permits under the Gambling Act 2005 will reinforce the message that the Licensing Authority, whilst allowing lawful gambling to take place, will take firm enforcement action against those who breach the licensing objectives. It will also give advice and guidance to those who are lawfully and responsibly involved in the industry.
8. This Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits and Prize Gaming Permits is subordinate to the main Statement of Policy and Principals approved and adopted by the Full Council.
9. In adopting this subordinate policy the Licensing Committee is formally stating that it will consider the three licensing objectives when determining applications for unlicensed family entertainment centres, gaming machine permits and prize gaming permits.
10. The policy sets out advice and guidance to the gambling industry on the issues that this licensing authority believes to be important in regulating the industry.

Risk Assessment

11. Notwithstanding this policy each application for a permit must be considered on its individual merits.
12. As the licensing authority, when determining whether to issue a permit may give consideration to the licensing objectives but is not required to by the Act, there is a degree of ambiguity. Without clearly stating what issues the licensing authority will focus on when considering

applications, there may be some confusion to applicants and make justifying decisions more difficult.

Other Options Considered

13. To adopt a modified Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits and Prize Gaming Permits.
14. Not to adopt the Statement of Principles for Unlicensed Family Entertainment Centres, Gaming Machine Permits and Prize Gaming Permits and issues permits under the existing policy.

Consultation

15. No consultation is required under the Gambling Act 2005 in respect of this policy

Conclusion

16. Members are asked to recommend this subordinate policy to clearly state that it will consider the three licensing objectives when determining applications for unlicensed family entertainment centres, gaming machine permits and prize gaming permits.

Portfolio Holder's Views

17. The draft policy has been sent to the Portfolio Holder and his comments will be reported to the Committee in due course.

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ASHFORD
BOROUGH COUNCIL

**Statement of Principles
for
Unlicensed Family Entertainment
Centres,
Gaming Machine Permits
&
Prize Gaming Permits**

Gambling Act 2005

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The Gambling Act 2005

The Gambling Act 2005 (the Act) reforms the law on all commercial gambling in the United Kingdom other than the National Lottery and spread betting.

Ashford Borough Council is the relevant licensing authority for the licensing of premises for gambling such as bookmakers, casinos and bingo halls as well as issuing various other gambling permits.

The Act requires the council, as the licensing authority, to aim to permit the use of premises for gambling in so far as the authority thinks it:

- In accordance with a relevant code of practice
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the licensing authority policy issued under the Act.

The licensing objectives are:

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

Purpose of this document

This document has been prepared to assist persons considering making an application for either an unlicensed family entertainment centre (UFEC) gaming machine permit or a prize gaming under the Gambling Act 2005.

Ashford Borough Council expects all applicants to work in partnership to promote the above objectives through clear and effective management of each gambling operation whether in respect of a permit or premises licence.

In respect of UFEC gaming machine permits it has been prepared in accordance with Paragraph 7 of Schedule 10 of the Act and in respect of prize gaming permits it has been prepared in accordance with paragraph 8 of Schedule 14 of the Act. The document should be read in conjunction with Ashford Borough Council Statement of Licensing Policy and Principles. – Gambling Act 2005.

The purpose of the document is to clarify measures that the council will expect applicants to demonstrate when applying for either of these permits so

the council can determine the suitability of the applicant and the premises for a permit.

Within this process the council will aim to grant the permit where the applicant is able to demonstrate that:

- They are a fit and proper person to hold the permit
- They have considered and are proposing suitable measures to promote the licensing objectives and they have a legal right to occupy the premises to which the permit is sought.

The measures suggested in this document should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

Unlicensed family entertainment centres

The term ‘unlicensed family entertainment centre’ is one defined in the Act and refers to a premises which provides category D gaming machines together with various other amusements such as computer games and “penny-pushers”.

The premises is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a ‘licensed family entertainment centre’ that does require a premises licence because it contains both category C and D gaming machines.

Unlicensed family entertainment centres (UFECs) will be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. The council will only grant a UFEC gaming machine permit where it is satisfied that the premises will be operated as a bona fide unlicensed family entertainment centre.

In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.

Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time. (Permits are granted for a period of ten years.)

Prize gaming permits

Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where bingo is offered and the prizes are displayed.

A prize gaming permit is a permit issued by the council to authorise the provision of facilities for gaming with prizes on specified premises.

Applicants should be aware of the conditions in the Gambling Act 2005 by which prize gaming permits holders must comply. The conditions in the Act are:

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

In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.

Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time. Permits are granted for a period of ten years.

Supporting documents

The council will require the following supporting documents to be served with all UFEC gaming machine permit and prize gaming permit applications:

- Proof of age (a certified copy or sight of an original birth certificate, driving licence, or passport – all applicants for these permits must be aged 18 or over)
- Proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property’s deeds or a similar document

- An enhanced criminal record certificate. (this should be no greater than one month old.) This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.)

In the case of applications for a UFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling operator who holds a valid gaming machine technical operating licence issued by the Gambling Commission a plan of the premises to which the permit is sought showing the following items:

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

(The plan should be drawn to a scale with a key showing the items mentioned above)

Child protection issues

The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

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

- Maintain contact details for any local schools and or the education authority so that any truant children can be reported
- Employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school.

- Employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- Maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
- Display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets
- Maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.)
- Ensure all young children are accompanied by a responsible adult
- Maintain policies to deal with any young children who enter the premises unaccompanied
- Enhanced criminal records checks for all staff who will be working closely with children

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

Protection of vulnerable persons.

The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons.

The council will assess these policies and procedures on their merits; however they may (depending on the particular permit being applied for) include appropriate measures / training for staff as regards the following:

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

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

Other miscellaneous issues

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

- Maintain an effective CCTV system to monitor the interior and exterior of the premises
- Keep the interior and exterior of the premises clean and tidy
- Ensure the external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring and adjoining premises
- Consider the design and layout of the outside of the premises to deter the congregation of children and youths.
- Restrict normal opening hours to 8.45am to midnight daily.
- Not permit any person who is drunk and disorderly or under the influence of drugs, to enter or remain on the premises.
- Take such steps as are reasonably practicable to eliminate the escape of noise from the premises.
- Ensure, where possible the external doors to the premises remain closed, except when in use, by fitting them with a device for automatic closure or by similar means.
- Ensure that the premises are under the supervision of at least one responsible, adequately trained person at all times the premises are open

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

Applicants may obtain an enhanced Criminal Records Bureau disclosure on application to Disclosure Scotland on 0870 609 6006 or online at www.disclosurescotland.co.uk

Authority's Details

Applications should be submitted to:

Ashford Borough Council, Licensing Authority, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL.

Cheques should be made payable to:

Ashford Borough Council.